

AGENDA

PLANNING COMMITTEE MEETING



Date: Thursday 26 January 2012
Time: 6.00 p.m.
Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Ash, Collins, Cox, English, Harwood,
Hinder, Lusty (Chairman), Nelson-
Gracie, Newton, Paine, Paterson,
Mrs Robertson and J.A. Wilson

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1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 2 February 2012

Continued Over/:

Issued on 18 January 2012

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEBBIE SNOOK on 01622 602030**. To find out more about the work of the Committee, please visit www.maidstone.gov.uk

Alison Broom

**Alison Broom, Chief Executive, Maidstone Borough Council,
Maidstone House, King Street, Maidstone, Kent ME15 6JQ**

6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
10. Minutes of the meeting held on 12 January 2012 - to follow
11. Presentation of Petitions (if any)
12. MA/11/0592 - LAND AT WEST STREET AND HOOK LANE, HARRIETSHAM 1 - 61
13. MA/11/0675 - LAND WEST OF HORSESHOES Paddock, LUCKS LANE, CHART SUTTON, MAIDSTONE 62 - 78
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16. MA/11/2068 - HARRIETSHAM HIGHWAYS DEPOT, MARLEY ROAD, HARRIETSHAM 108 - 132
17. MA/11/2100 - CHIPPENDAYLE LODGE RESIDENTIAL CARE HOME, 10 CHIPPENDAYLE DRIVE, HARRIETSHAM 133 - 147
18. MA/11/2127 - 34 DOWNS VIEW ROAD, MAIDSTONE 148 - 154
19. Chairman's Announcements
20. Update on Matters Referred to the Leader of the Council and Cabinet Members for Environment/Economic Development and Transport

PLEASE NOTE

The order in which items are taken at the meeting may be subject to change.

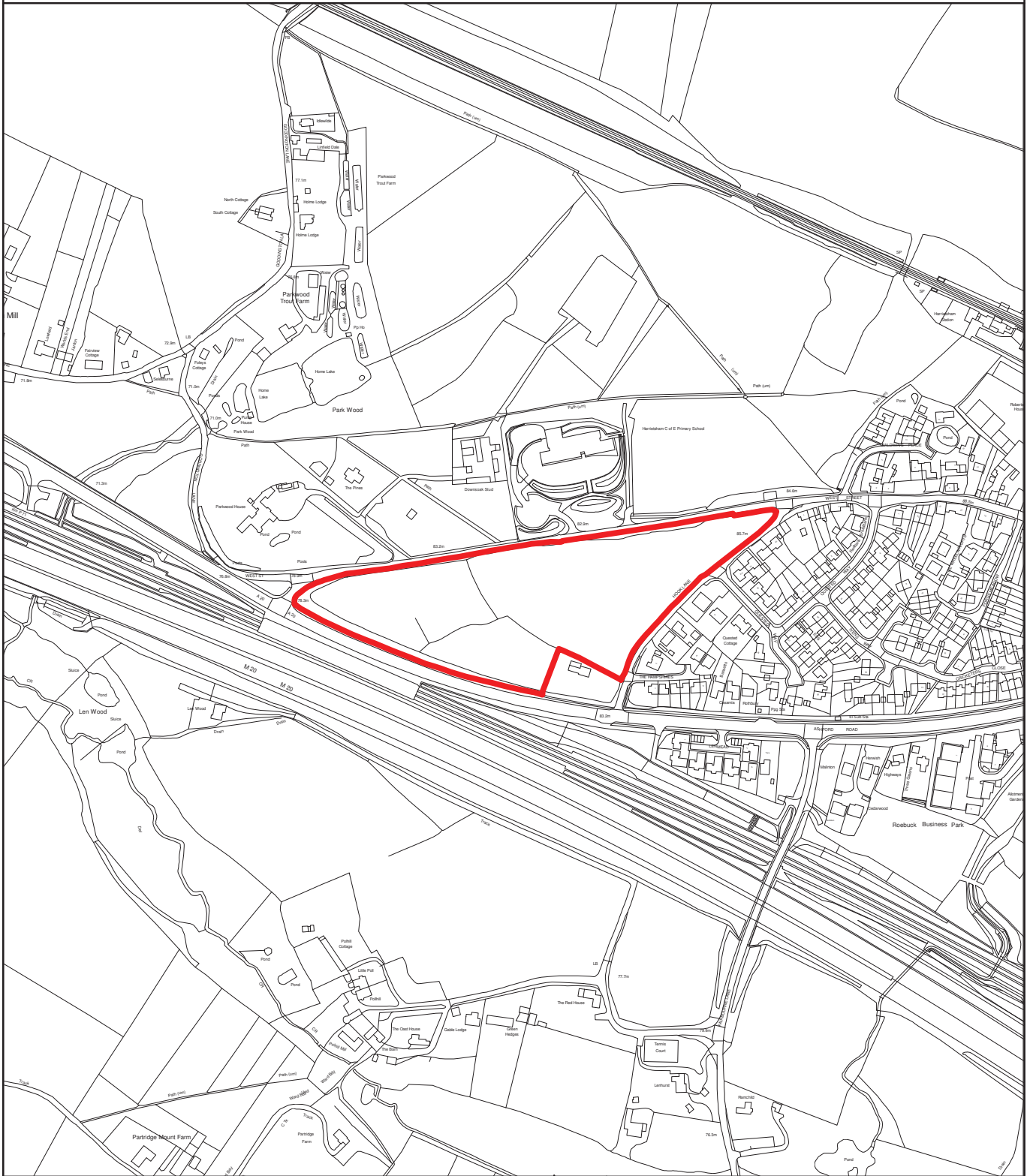
The public proceedings of the meeting will be broadcast live, and recorded for playback, on the Maidstone Borough Council website.

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/11/0592

GRID REF: TQ8652

LAND AT WEST STREET AND HOOK LANE,
HARRIETSHAM.



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Rob Jarman
Head of Planning

APPLICATION: MA/11/0592 Date: 14 April 2011 Received: 15 April 2011

APPLICANT: Crest Nicholson Eastern

LOCATION: LAND AT WEST STREET AND, HOOK LANE, HARRIETSHAM, KENT

PARISH: Harrietsham

PROPOSAL: Erection of 80 dwellings (including 40% affordable homes), area of public open space, provision of children's play area and associated landscaping, together with the provision of a new access from West Street in accordance with the renewable energy statement; Code for Sustainable Homes pre-assessment; Highways, Traffic and Accessibility Statement; planning statement; ecological report; arboricultural report; residential travel plan; statement of community involvement; accommodation schedule; draft heads of terms; archaeological desk based assessment; design and access statement; Air Quality Assessment Report; PPS25 Flood Risk Assessment; Phase I Geo-Environmental Assessment; Landscape Character and Visual Impact Assessment; Noise Assessment received on the 15 April 2011 and plans numbered CN37-301 Rev K; CN037 302 C; CN037 303 C; CN037 304 C; CN307 305 C; 2609/ATR/004 A; 2609/ATR/004 B (1 August 2011); 2609/SK/023 E; 2609/SK/001 F; 2609/SK/003 D; CN37 301 J (1 August 2011); CN037 307 C; CN037 308 C; CN037 309 C received on the 28 July 2011; the Landscape Strategy plan; CN037 CP 12 00; CN037 CP 11 00; CP037 CP 10 00; CP037 CP 09 00; CP037 CP 08 00; CP037 CP 07 00; CP037 CP 06 00; CP037 CP 05 00; CP037 CP 04 00; CP037 CP 03 00; CP037 CP 02 00; CP037 CP 01 A; CN037 CHE 01A; CN037 CB 01 A; CN037 APA 04 00; CN037 APA 03 00; CN037 APA 02 A; CN037 APA 01 A; CN037 4BHa 04 00; CN037 4BHa 03 00; CN037 4BHa 02 00; CN037 4BHa 01 00; CN037 3BHB 02 00; CN037 3BHB 01 00; CN037 3BHA 02 00; Cn037 3BHA 01 00; CN037 KTA 02 00; CN037 KTA 01 00; CN037 KEN 03 00; CN037 KEN 02 00; CN037 KEN 01 00; CN037 HAD 01 A; CN037 KTA 03 00; CN037 KTA 02 00; CN037 KTA 01 00; CN037 WAL 01 00; CN037 SUS 03 A; CN037 SUS 02 A; CN037 SUS 01 A; CN037 STO 02 00; Cn037 STO 01 00; Open Space Plan; Site Location Plan; and CN037 2Bab 0100 received on 15 April 2011.

AGENDA DATE: 26th January 2012

CASE OFFICER: Chris Hawkins

The recommendation for this application is being reported to Committee for decision because:

- It is contrary to views expressed by the Parish Council
- Councillor Barned and Councillor Sams have requested it be reported for the reason set out within the report.

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: H1, H11, ENV6, ENV22, ENV27, ENV34, T1, T13, T21, T23
South East Plan 2009: CC1, CC6, CC8, H1, H5, T4, T7, NRM4, NRM11, AORS6, AORS7, BE1, BE4,
Government Policy: PPS1, PPS3, PPS9, PPG13, PPG17, PPG24, PPS25, Draft National Planning Policy Framework, 'Planning for Growth' letter.

2. HISTORY

MA/01/0068 - Land at Hook Lane, Harrietsham. Outline Planning permission for residential redevelopment of the site. Refused.

The application was refused on 11 February 2003, on the following grounds:

- 1. The proposal involves the development of a Greenfield site for housing. Maidstone Borough Council has, by an Urban Capacity Study, demonstrated that there is sufficient previously developed land within the Borough to meet Structure Plan requirements for the period 2001 – 2006. There is no need for further release of Greenfield sites before this time, and in the absence of any demonstrated need to develop this site for housing, the proposal would be contrary to the advice contained in Planning Policy Guidance Note 3 – Housing.*
- 2. In the absence of any other overriding material considerations, the proposal would result in an unjustified extension to the built-up area of Harrietsham into the open countryside detrimental to the rural character and appearance of the settlement and its surrounds and contrary to the provisions of Policy ENV1 of the Kent Structure Plan 1996 and Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000.*

- 2.1 The site has been allocated for residential development by virtue of Policy H11 of the Maidstone Borough Wide Local Plan 2000. However, following the publication of Planning Policy Guidance Note 3 – Housing (PPG3) in 2000, a much stronger emphasis was placed upon the need to develop existing urban, and Brownfield sites. This introduced a sequential test that placed sustainable urban sites first, then periphery urban sites and then Greenfield sites. In order

to assess the availability of such land, the Council undertook an Urban Capacity Study (UCS), which identified a five year supply of Brownfield sites within the urban area. This study identified that there was in excess of 5 years of housing land within the Borough, and as such the Council took the view that the allocated sites did not need to come forward at that point in time, to ensure the regeneration of the 'brownfield' sites within the Borough.

3. CONSULTATIONS

3.1 Maidstone Borough Council Parks and Open Space Officer was consulted (on 28 April 2011 and 3 August 2011) and made the following comments:

3.1.1 'The development proposes to provide public open space, children's play area and associated landscaping

3.1.2 The Parks and Leisure team would not want to adopt any of this associated land upon completion and would note that we have concerns over the planting regimes and play area provision. There is also concern regarding the relocation of the wild orchids as listed in the scheme.'

3.1.3 No contributions are sought as a play space and open space is to be provided within the application site which is to adoptable standards. This site will not however, be adopted by the Authority, and will remain the responsibility of the applicant, unless the Parish Council adopt at a later date.

3.2 Maidstone Borough Council Environmental Health Officer was consulted (on 28 April 2011 and 3 August 2011) and raised no objections subject to the imposition of safeguarding conditions that address the matters of noise from the A20, M20 and Channel Tunnel Rail Line (CTRL), contamination and air quality. These conditions are set out at the end of this report.

3.3 Maidstone Borough Council Housing Officer was consulted (on 28 April 2011 and 3 August 2011) and have raised no objections to the proposal.

3.4 Maidstone Borough Council Landscape Officer was consulted (on 28 April 2011 and 3 August 2011) and made the following comments:

3.4.1 'I have visited the site and looked at the submitted plans and documents.

3.4.2 The Archaeological Desk Based Assessment makes little reference to the vegetation on the site. However, it should be noted that the northern boundary and also the hedgerows within the site are probably quite old, as they are shown as field boundaries on the old OS map records. This indicates that they may be of some historical importance, although I find no reference to this in the correspondence included within the archaeological report.

- 3.4.3 Removal of hedgerows such as those on this site would normally require notice under the hedgerow regulations (planning consent overrides this requirement) and if a hedgerow is found to be 'important' following receipt of a hedgerow removal notice, the Council *may* issue a Hedgerow retention notice, preventing its removal. As some of the criteria determining the 'importance' of a hedgerow are if it marks a pre-1850 parish or township boundary, or incorporates an archaeological feature, or is part of/associated with an archaeological site, or marks the boundary of/is associated with a pre-1600 estate or Manor, the Council would normally seek the view of the county archaeologist before determining a hedgerow removal notice.
- 3.4.4 Similarly, the hedgerow regulations determine 'importance' based on the species found within and associated with the hedge, including certain species of birds, animals or plants, an ecological view is also usually sought before determining a hedgerow removal notice. The submitted ecology report includes such an assessment (at 4.7) and suggests (in ecological terms) that at least one of the hedges present is likely to be considered 'important'. Note that those classed as possibly or unlikely to be important in ecological terms may still be considered important for other reasons.
- 3.4.5 It is therefore disappointing to see that the scheme proposed has developed from retaining the internal hedgerows virtually intact, to a scheme where they are only partially retained, significantly fragmented and in a lesser form than exists currently. However, their visual importance is not that great when viewed from outside of the site and the hedge around the proposed public open space is largely retained intact, albeit in a reduced, more 'managed' form. Bringing the hedgerows back into management as a hedge is generally encouraged in ecological/biodiversity terms, but has obvious landscape character implications, due to the visual loss of what has become a line of trees. However, if the ecological and archaeological/historic views do not raise objections to the proposal in respect of the hedgerows, I do not consider that refusal of the application on the grounds of the impact on the internal hedgerows would be appropriate.
- 3.4.6 The scheme clearly seeks to retain mature trees where possible. These are located mainly on the site boundaries, particularly the northern boundary. In most cases, the large trees present are probably former hedgerow trees and are generally of lesser quality as a result. There are a few that achieve a B grading under the BS5837 classification, and I have looked more closely at the relationship of these to the proposed dwellings. I have some concerns that there is potential for some future pressure for inappropriate work or felling, resulting from the proximity of some of the proposed dwellings to large trees. In particular, the relationship between T44 and plot 71 and T49 to plots 7 and 8. Scaling the site layout plans, I estimate that the main stem of T44 Oak is

growing approximately 6m from the proposed dwelling at plot 71, so there is potential for physical conflict with the new building as well as indirect, 'perceived' conflict, litter and loss of light issues. Plots 7 and 8 have a better separation distance from T49 Ash, at 9–10m, but I note that the crown of that tree is significantly biased to the site side, so there is still potential for physical conflict with plot 8 as well as the indirect issues relating to both plots 7 and 8.

- 3.4.7 In general terms, the scheme is of a density that allows a good spatial relationship between trees and buildings, which reduces the future occupants' perception of the impact of trees on their property. The properties are well spaced, allowing for good sized gardens and a high level of landscaping opportunities around properties.
- 3.4.8 The Landscape Character and Visual Impact Assessment document appears to be thorough and has been completed in accordance with current guidance, and raises no significant issues. The views from the south have clearly been carefully considered and a significant depth of 'green' visual buffer is proposed on the south and west parts of the site.
- 3.4.9 On balance, the scheme is acceptable in landscape and arboricultural grounds and I therefore raise no objection, subject to conditions as detailed below.'

3.5 Maidstone Borough Council Spatial Policy Department were consulted (on 28 April 2011 and 3 August 2011) and made the following comments on 24 November 2011:

3.5.1 Relevant Policies

The application site is subject to the following specific saved policies in the Maidstone Borough-Wide Local Plan 2000 (MBWLP):

Policy H1(xvi) allocates the application site for housing along with the former garage site to the south east.

Policy H11 sets out specific requirements for the development of the site relating to the retention and enhancement of hedgerows and trees, on and off-site highways works and access and pedestrian/cycle links.

Policy H28 identifies the site as a location where new residential development will be permitted. The application site falls wholly within the village boundary for Harrietsham as shown on the Proposals Map.

These policies establish that residential development on the application site is acceptable in principle.

- 3.5.2 The Council reconfirmed its moratorium on the release of the greenfield housing sites allocated under Policy H1, of which the application site is one, at its meeting on 27th February 2008. By virtue of this decision there is a presumption against the release of this greenfield site. As at 1 April 2011, the Council can demonstrate it has 6.2 years of housing land so there is no overriding need at this point that would necessitate the release of the application site.
- 3.5.3 The provisions of the Affordable Housing Development Plan Document (2006) also apply to this application. Developments of 15+ houses are required to deliver at least 40% affordable housing. At least 24% of the total provision should be affordable rent with the balance to be shared ownership, shared equity or discounted market rent properties. The application submission indicates that of the 80 dwellings proposed, 32 (40%) will be affordable which accords with the policy requirement. In terms of tenure the Section 106 Heads of Terms propose that 25% (20 dwellings) will be a mixture of affordable rent and shared ownership units. 15% will be equity percentage units. As it stands the proposals would provide for a lesser amount of affordable rented units than the Council's adopted policy requires.
- 3.5.4 The Open Space DPD (2006) seeks the provision of on-site open space on residential development of 10+ dwellings. The submission indicates that the scheme will provide some 0.92ha of landscaped open space and 0.3ha of equipped play space.
- 3.5.5 The government is currently consulting on the environmental effects of laying an order to revoke regional spatial strategies (RSS) under the Localism Act, so the South East Plan still forms part of the Development Plan. However, the government's intention to revoke RSS can be taken into account in establishing the weight to be afforded to RSS policies in the determination of planning applications.
- 3.5.6 Policy H2 of the South East Plan directs Local Planning Authorities to take account of a number of considerations in planning for housing delivery, one of which is 'vi) providing a sufficient quantity and mix of housing including affordable housing in rural areas to ensure the long term sustainability of rural communities'.
- 3.5.7 I note there is an outstanding objection from Harrietsham Parish Council on the point of access to the application site.

Local Need at Rural Service Centres

- 3.5.8 Harrietsham village is defined as a rural settlement with potential for new residential development under the saved policies of the Maidstone Borough-

Wide Local Plan 2000, and designated a Rural Service Centre in the public participation draft of the Core Strategy 2011. The Council has received representations on the Core Strategy that both support and object to this designated status, which will be considered in due course.

- 3.5.9 On 9 February 2011, Cabinet received a report on the Council's emerging Core Strategy that sought decisions on local housing and employment targets as well as the revised programme for producing the Core Strategy. Paragraph 1.2.7 of the report formed part of the reasoning for the recommendation:
- 3.5.10 *"However, the Core Strategy will need to be flexible and deliverable. The majority of development in recent years has been located on brownfield sites within the urban area, so it is important to focus a proportion of development at Rural Service Centres to support the continuing viability aspirations of these settlements. Therefore, where there is firm evidence to demonstrate a local need at a Rural Service Centre that cannot be met through a local needs housing site, a proportion of suitable greenfield housing development may be permitted before 2014, in advance of allocating specific sites in site allocations documents that will follow the Core Strategy. Any such proposals will need to cater for the physical and social infrastructure needed in the Rural Service Centre area."*
- 3.5.11 The local housing target was agreed by Cabinet as the basis for the initial consultation on the Core Strategy. Although paragraph 1.2.7 did not form part of the formal recommendation, Cabinet accepted this as part of the justification for the local housing target and did not single out the paragraph as being unacceptable. The paragraph was not included in the public participation consultation draft of the Core Strategy because it was considered to be too detailed for a strategic document. The Council has received representations on this issue, which will be formally considered in due course.
- 3.5.12 Statistical analysis of 2009/10 housing data demonstrates that of all dwellings completed between 2006 and 2010, 19% were in the rural area, and 12% of dwellings in the pipeline were on rural sites (averaging 15%). The emerging Core Strategy seeks to redress this balance by directing 20% of all development over the plan period (2006 to 2026) to the rural area, and land allocation documents that follow the Core Strategy will be a means of achieving this. It is acknowledged that at this point the target has not been met.
- 3.5.13 The Strategic Housing Market Assessment 2010 (SHMA) recommends that **74.9%** of all new market housing in the rural area should provide for 3 or 4 bedroom dwellings (paragraph A4.14). Data for 2009/10 demonstrates that, of the pipeline supply of new dwellings on rural sites (i.e. outstanding planning permissions and dwellings under construction), **43%** are 3/4 bedroom

properties (i.e. 166 3/4 bed properties out of a total of 387). The market housing element of the planning application proposes almost **100%** 3 and 4 bedroom houses.

- 3.5.14 Since 2006, only **8%** of affordable homes that have been completed or are in the pipeline are located in the rural area (i.e. 123 dwellings out of a total of 1605 affordable units).
- 3.5.15 The SHMA explains that the affordable requirement in rural areas is substantially different from market housing, and that **92.1%** of new dwellings should provide 2 or 3 bedroom properties (paragraph A4.15). Of the 32 affordable dwellings proposed on the application site, **78%** are 2/3 bedroom properties.
- 3.5.16 The proposal therefore provides much needed affordable housing in the rural area and also assists in meeting the recommended distribution of both market and affordable housing set out in the SHMA.

Recommendation

- 3.5.17 The principle of residential development on the application site is acceptable, but the moratorium on the release of greenfield allocations from saved local plan policies remains and there is no overriding need to release additional housing land at this time.
- 3.5.18 However, although not part of the formal recommendation on 9 February 2011, Cabinet did not reject the reasoning in the report that set the draft housing target for the Core Strategy consultation. It is therefore reasonable to accept that a proportion of suitable greenfield housing development can be permitted in advance of LDF land allocations documents at Rural Service Centres where a local need can be proven. The Council's current balance of rural housing land supply does not meet the recommendations contained in the SHMA and the proposal would assist in redressing the imbalance.
- 3.5.19 Subject to the resolution of access and affordable housing tenure, I raise no objection to the proposal or to the release of the application site for housing development.

3.6 Natural England were consulted (on 28 April 2011 and 3 August 2011) and their comments are summarised below:

- 3.6.1 Bats: According to the application the majority of trees will be retained and that it will only be necessary to remove smaller areas of scrub. As such, Natural England is satisfied that no bats will be impacted upon as a result of the development due to loss of foraging habitat.

- 3.6.2 Great Crested Newts: Natural England is satisfied that the survey results show that it is unlikely that great crested newts (GCN) are using the site, however there is still the possibility that they may be found on the site and therefore, should the Council be minded to grant permission for this application, Natural England would request that an informative be placed upon any consent which would require the developer to stop works should any be found.
- 3.6.3 Dormice: Natural England is satisfied that the survey information provided by the applicants demonstrates that no dormice are found within the application site.
- 3.6.4 Widespread Reptiles and Badgers: Natural England refers the Council to their standing advice on this matter.*
- 3.6.5 * On this matter, the Council has sought the specialist advice of Kent County Council Ecology, whose comments are set out below.

3.7 Kent County Council Highway Services were consulted (on 28 April 2011 and 3 August 2011) and have not objected to the proposal. They have made the following observations on the planning application:

- 3.7.1 'Whilst Kent County Council, as local highway authority, does not object to the application as amended, it is considered likely that on-street parking problems will occur at certain locations within the site, especially on the main access of West Street. This is because of the way that the parking spaces are to be provided (i.e. tandem spaces), along with morning and afternoon waiting associated with the school.
- 3.7.2 The likelihood of such problems occurring could be reduced through the provision of additional on-street parking in the form of bays clear of the main traffic route.
- 3.7.3 The applicant has indicated that controls would be imposed to prevent on-street parking that might hinder moving traffic. Even if such controls are introduced while streets remain private, it is not clear how these would be carried forward if or when the streets become highways.' It is proposed that the roads would be formally adopted by Kent County Council.
- 3.7.4 A number of conditions are then suggested to be imposed. These are summarised below:
- A section 278 agreement to secure street lighting along the A20;
 - Traffic islands are required at the junction of A20/West Street;
 - Traffic calming along West Street as indicated on the submitted plans;

- The applicant is required to make best endeavours to prepare and implement a traffic Regulation Order (TRO) to provide parking restrictions along West Street, each side of the junction with the new site access, and within the site access;
- A travel plan is required to be provided, with £5000 to cover the costs associated with monitoring the travel plan;
- Removal of pd rights to place garage doors on the car barns;
- A plan showing the phasing of the development would be required;
- Details of parking for personnel/operatives/visitors during construction;
- Provision shall be made for the suitable disposal of surface water;
- Precautions shall be made to prevent the spread of mud onto the road during construction;
- There shall be no pd rights to change the parking arrangements;
- Cycle storage to be provided;
- Details shall be provided of the estate roads;
- The streets shall be fully completed prior to the occupation of units;
- Suitable visibility splays shall be provided at the point of access;

3.8 Kent County Council Ecology were consulted (on 28 April 2011 and 3 August 2011) and have made the following comments:

- 3.8.1 'We are satisfied that the revised reptile mitigation strategy incorporates information that addresses our previous concerns and is sufficient to enable Maidstone BC to determine the application.
- 3.8.2 We are satisfied with the principles of the translocation methodology, but have recommended to the ecologist that the timing of receptor site enhancements as it affects the suitability of a site for receiving animals could also be included at this stage to ensure there is clarity for the applicant and the Council. We recommend that the submission and implementation of a detailed mitigation strategy is required as a condition of planning permission, if granted.
- 3.8.3 We have advised the ecologist that paragraph 4.4.1 needs revising to reflect the survey results from Isles Quarry, in particular the change in the viviparous lizard population estimate.
- 3.8.4 We recommend that, if the Isles Quarry site is required as a receptor area, it will be necessary to liaise with Tonbridge and Malling Council over the potential for overlapping planning requirements. The implementation of long-term management will need to be assured through a section 106 agreement.'
- 3.8.5 No objections are therefore raised to this proposal with regards to ecology, as the applicant has demonstrated that adequate mitigation can now be provided, within the Borough.

3.9 Kent County Council Archaeology were consulted and have made the following comments:

3.9.1 No objections subject to the imposition of a suitable condition requiring a watching brief to be undertaken.

3.10 The West Kent Primary Care Trust (PCT) were consulted on this application (on 28 April 2011 and 3 August 2011) and raised no objections subject to a contribution of £54,396.00 being sought to address the additional demand placed upon the existing surgery within Harrietsham by this development. It has been requested that the money be spent on enhancements to the existing surgery within Harrietsham either through physical improvements, or additional staff (or if all new additional patients cannot be accommodated here – as there may be limited scope to extend due to the limitations of the building – money would be re-directed to the nearest other surgery to accommodate the patients).

3.11 The Environment Agency were consulted (on 28 April 2011 and 3 August 2011) and raised no objections to the proposal subject to the imposition of suitable safeguarding conditions which address the matter of drainage and contamination.

3.12 Southern Water were consulted (on 28 April 2011 and 3 August 2011) and raised no objection to the proposal subject to the imposition of safeguarding conditions that secure the provision of suitable drainage.

3.13 EDF Energy were consulted (on 28 April 2011 and 3 August 2011) and raised no objection to this proposal.

3.14 Southern Gas Networks were consulted (on 28 April 2011 and 3 August 2011) and raised no objections to this proposal.

3.15 Harrietsham Parish Council were consulted and their comments are summarised below:

- The Parish Council have no objection in principle to the residential development of the application site;
- They raise concern with regards to the position of the access road into the development;
- The plans previously submitted (and used as part of the public consultation) were misleading in terms of the location of the access road;
- The Parish Council would prefer to see the access road formed from the A20, as they consider this the most suitable location for such an access;

- It is solely the Borough Council that wish to see the access point opposite the primary school;
- The proposal would be contrary to Policy H11 insofar as it would result in the loss of some hedgerow;
- The proposal would be contrary to Policy T23 of the Maidstone Borough Wide Local Plan (2000);
- There is a lack of mechanism to ensure that the provision of the affordable housing would be for local needs housing;
- The Parish Council wish for the affordable housing to be set aside for local needs first;
- There are concerns with the details of the S106 agreement, in particular the trigger point for much of the off-site works to commence;
- The Parish Council wish to ensure that the play areas are available for all, not just the residents of the development;
- The Parish are concerned about the lack of contributions for community facilities within the village that would be placed under greater strain as a result of this development;
- There is a shortfall of parking spaces within the development;
- The parking spaces are in tandem which would necessitate owners reversing into roads to allow other cars to move;
- There could be car parking taking place on the A20, Hook Lane and West Street by virtue of this shortfall;
- There is only one access in and out of the site, leading to 'tortuous' journeys from each end of the site;
- Parents picking up/dropping off children are likely to park within the development, to the detriment of highway safety;
- It is unclear whether there is adequate cycle parking within the development;
- At present no cycleway links have been provided;
- The impact upon sewers and drainage needs to be fully considered;
- The proposal would be premature, and 'jump the queue' ahead of other developments within the rural area.

Following on from these, a further round of consultation has taken place due to the submission of amended plans, and the following comments have now been received:

- The Parish still would prefer the access to be sited away from the school, and notes that it has been agreed that the construction traffic would be entering and leaving the site from the A20;
- There is still insufficient parking within the development;
- The proposed traffic calming would have a detrimental impact upon the parents who currently park along this road;
- The existing footway should be converted into a path and cycle path;

- PD rights should be removed, preventing garage doors being fitted to the car barns if permission is granted.

Following on from these comments, the Parish have written in once more, and made the following comment:

- Following discussions with the applicant, the Parish Council are requesting contributions for youth and community facilities. They are requesting £36,690 for the provision of enhances youth and in particular teenage facilities within the village.

The Parish Council continue to maintain their objection to the proposal on the grounds given above, irrespective of the latest set of comments received.

3.16 Kent Police were consulted and requested that contributions be made to assist with the additional strains placed upon the police force by virtue of this application.

4. REPRESENTATIONS

4.1 Cllr Sams was notified of the application and commented that:

4.1.1 The access is in the wrong location, and that there are two other, more suitable access options (which are unspecified).

4.2 **Neighbouring occupiers** were consulted and to date 23 letters of objection have been received. The concerns raised within these letters are summarised below:

- The impact upon highway safety – an additional 80 houses would result in a significant increase in vehicular movements;
- The loss of the open field would be to the detriment of the character of the area;
- The impact upon the existing school from the proposed access would be unacceptable;
- Vehicular access should be off the A20;
- The traffic assessment is flawed;
- The development is too large for the village of Harrietsham;
- The development would be premature, particularly when considering the policy 'situation' at present, and the lack of a Core Strategy, and an allocations DPD;
- The development would have severe implications upon biodiversity/ecology;
- Greenfield land should come forward after 2015/2016;
- There is a lack of a footpath to the front of the site;

- There should be greater contributions made to help accommodate the development within the local community;
- There is a need for affordable housing for local people;
- The risk of the bus service being re-routed along the A20 out of the village centre;
- The hedges should be retained rather than removed;
- The school is over subscribed, and this will make the situation worse;
- Concerned about the affordable housing – particularly if 100% social rented;
- The development will re-classify Harrietsham from a village to a town;
- The development will make the noise situation worse;
- Insufficient facilities to cope with additional housing;
- The 'landmark' building is out of character with the village;
- Loss of privacy due to proximity of properties to those in Hook Lane;
- Insufficient parking within the site;
- What is planned to stop the foxes raiding the bins of existing residents;
- The proposal is too dense.

4.3 Stagecoach have made the following representation on this planning application:

4.3.1 'Stagecoach welcomes the Developer's proposals set out in Paragraphs 6.1.37 and 6.1.38 of the Traffic, Transportation and Accessibility Statement to provide two new bus stops with shelters and carriageway markings as part of the proposed development (6.1.37) and that the exact location of the stops will be agreed with the Highway Authority and bus operator and will be implemented before the first occupation of the new dwellings (6.1.38). The delivery of the new bus stops before first occupation is essential in order to discourage car use in the early stages of the development (and subsequently by those who will have become used to using a car in preference to public transport during any absence of proper access to the bus service). *We therefore wish to see the provisions of these statements enshrined in an enforceable condition of any planning permission granted. The carriageway markings referred to 6.1.37 need to be adequate length to allow a full size bus to pull in around any parked vehicle, stop close to, straight and parallel to the kerb, and to be able to pull round any parked vehicle on the exit. Bus stop clearways 31 metres long are required to achieve this.*

4.3.2 The existing bus stops in Harrietsham Village Centre (Adjacent to The Roebuck Public House, and adjacent to the Post Office) are of poor quality. Neither stop is DDA compliant given the low kerbs. The lack of enforceable Bus Stop Clearways at these stops results in them often being obstructed by parked vehicles. Whilst there is a shelter at the Maidstone-bound stop, there is not one at the Ashford-bound stop. The bus stop poles are also of poor quality (The stop flag on the Maidstone-bound stop is actually fitted to a speed limit

signpost). *Stagecoach therefore considers that these stops should also be upgraded to full DDA standards, with shelters and with full length (31 metre) bus stop clearways. We consider that these improvements can be justified in order to encourage bus use and to mitigate the impact of extra traffic from the development using Section 106 funds.'*

4.4 **CPRE** have made the following comments (summarised):

- Recognise that the site is allocated within the Local Plan;
- Would add a further 10% on to Harrietsham's population;
- The S106 contributions should stretch further – improve other facilities;
- The landscaping of the site is important;
- Should respond to the natural surroundings;
- Impact upon the school by virtue of the proposed access needs full consideration;
- The proposal will need to address the noise issues;
- Supports the principle of development but wishes to see the Parish Council involved in discussions throughout the application process.

5 CONSIDERATIONS

5.1 Site Description and Background

5.1.1 The application site is located at the western end of Harrietsham, sited within an irregular triangle of land positioned between the A20 (Ashford Road), Hook Lane, and West Street. The site is 3.36 hectares in size, and is 'allocated' within the Maidstone Borough Wide Local Plan (2000) for housing provision by virtue of policies H1 and H11. Policy H11 (the site specific policy) states that:

Housing development will be permitted on land at Hook Lane, Harrietsham, as shown on the proposals map, provided that the following requirements are satisfied:

- (1) *The hedgerow and tree screen along the site's northern boundary is retained and reinforced where appropriate. It is important that no new breaches are created in the line of this hedge where none currently exist. Consideration should also be given to the retention and enhancement of other hedgerow features within and around the boundaries of the allocated site; and*
- (2) *Proposals for vehicular access, together with off site improvements involving road widening and the provision of footways and lighting, will be determined in the light of detailed landscape and highway safety considerations; and*

- (3) *The provision of pedestrian/cycle links to both West Street and Ashford Road; and*
- (4) *Off site highway improvements at the junctions of Hook Lane/Ashford Road and Ashford Road/West Street.*

- 5.1.2 This policy was 'saved' in 2007 by the Secretary of State and as such the allocation remains.
- 5.1.3 The site is 'Greenfield' land, with a significant level of open vegetation within the core, and hedges, and trees along the northern and eastern boundary. There are two internal strips of hedging that dissect the site, which have now grown to a significant height (approximately 6 – 8 metres). There is sporadic tree planting along the southern boundary, although much of this planting lies upon highway land, outside of the applicant's control.
- 5.1.4 There is a development currently under construction on adjoining land, which was permitted under planning permission MA/06/2057 which is for the erection of ten dwellings, and associated highway and landscape works. These dwellings are laid out within two terraces set at 90° to one another, and an area of car parking located centrally. It should be noted that this development has not been built in accordance with the approved plans, and a fresh application has been submitted to address this inconsistency (MA/11/2154). As part of the previous application relating to this site a Grampian condition was imposed, requiring tree planting to be provided within the road verge (highway land).
- 5.1.5 To the south of the site, and beyond the A20 is the Channel Tunnel Rail Link (CTRL) which at this point is covered with a concrete structure. Beyond this, the M20 motorway, which at this point is 6 lanes, running from Folkestone to London. This motorway generates a significant level of noise, 24 hours a day. Beyond the M20, there is sporadic development, mainly agricultural and residential, as the land opens out into open countryside. The land immediately to the south of the site is designated as being of Special Landscape Importance (SLA) to the south of the North Downs, within the Local Plan.
- 5.1.6 To the west of the application site is open countryside, with again, sporadic residential development, woodland and open fields, designated as a SLA.
- 5.1.7 To the north of the application site is part open countryside (to the north of the western end of the development) and Harrietsham primary school, and its grounds. This two form entry primary school is approximately 40 metres back from the edge of the highway, with an access road that rises from West Street, to a parking area to the front. The school has a wildlife area and grasslands to the rear and to the east of the main building. This land is also designated as being within an SLA. Approximately 150metres to the north of the site is the London to Ashford mainline, which acts as the delineation of the southern most

point of the nationally designated Kent Downs Area of Outstanding Natural Beauty (AONB)

- 5.1.8 The village of Harrietsham is to the east of the application site, with residential properties located upon the eastern side of Hook Lane – a highway with further residential streets running off it. Nevertheless, Hook Lane does maintain a relatively rural character, with the large hedgerows located upon its western side.
- 5.1.9 Harrietsham is a village with a population of approximately 1,500 residents (2001 census). As stated, the village has a primary school, and also a doctor’s surgery, small shop, public house, restaurant, Church and train station that serves the Ashford to London mainline. Bus services also serve the village, and currently run along West Street to the north of the application site, and these run approximately every 1 hour during the day, between Ashford and Maidstone. It takes approximately 40 minutes to get from Harrietsham to Maidstone by bus and approximately 15 minutes by train.

5.2 Proposal

- 5.2.1 This is a full planning application for the erection of 80 houses together with associated open space, on land to the west of the village of Harrietsham. The development would have a density of approximately 24 dwellings per hectare. The units proposed are broken down as follows:

Private Sale	No.
1 Bed Flats	0
2 Bed Flats	0
2 Bed Houses	1
3 Bed Houses	22
4 Bed Houses	25
Affordable Units	
1 Bed Flats	3
2 Bed Flats	5
2 Bed Houses	1
3 Bed Houses	19
4 Bed Houses	4

- 5.2.2 As can be seen from the above, a total of 32 affordable units are proposed to be provided within the development, constituting 40% of the units, in

accordance with the Council's adopted Development Plan Document minimum requirement of 40%. The affordable housing would be split in 25% affordable rents and shared ownership units (being 3 x 1 bedroom apartments, 3 x 2 bedroom apartments, 2 x coach houses, 8 x 3 bedroom houses, and 4 x 4 bedroom houses), with 15% equity percentage units (being 2 x 2 bedroom houses and 10 x 3 bedroom houses) - totalling 40% of all units.

- 5.2.3 The proposal would see a new access created on to West Street, close to the existing access with the school. There is an existing break in the hedging at this point, which would be utilised, however, there would still be some hedge that would be required to be removed as a result of this puncture into the application site.
- 5.2.4 It is proposed that a raised table be provided at the point of access, which would stretch down to, and incorporate the access of the school. This raised table (constructed of brick pavers) would be approximately 48metres in length, and would incorporate the access of the site, and the access of the school opposite. A new footpath is also proposed at this point linking the development to the footpath into the primary school opposite.
- 5.2.5 On entering the application site, a 'tree lined avenue' is proposed to be created along the West Street entrance, with the dwellings set back approximately 6metres from the highway, with a grass verge to the front. A traffic calming table is also proposed at the mid-point within the highway.
- 5.2.6 A T-junction ends this access road, and runs off to the east and west of the application site. At the point of the junction, there would be an open space, with tree planting provided that would provide a visual 'end-stop.' Properties to the rear of this small area of open space would be provided with a private drive to the front that would be constructed of block paving. These properties would be predominantly detached and would all have an independent garage, some linking the properties centrally.
- 5.2.7 Heading eastwards, the road is constructed of permeable paving, with predominantly detached properties upon either side. Soft landscaping is proposed to the front of each property, although each property would be set back a varying amount from the highway. At this point, the path would only be provided upon the northern side of the highway, and would subsequently link in to the proposed pedestrian links to the surrounding area. An area of informal open space is proposed within the north-eastern corner of the application site, which would be approximately 600m² in size. At present, this land raises up, and is higher than the road on either side – and this topography would be retained. Two pedestrian paths are proposed at this point, one which would run northwards to West Lane, and the other (which can also

accommodate cyclists) running south into Hook Lane. Unfortunately there is no cycle network for this link to connect into at present.

- 5.2.8 All of the properties along the south-eastern boundary (with Hook Lane) turn their back upon this highway, with the high hedge line to the rear of the properties maintained.
- 5.2.9 Moving westwards within the site, the central spine road would spur off both to the north and the south, providing small cul-de-sacs upon either side. The majority of the properties within these cul-de-sacs are detached, and provided with detached or linked garages. Again, landscaping is proposed to the front of each property.
- 5.2.10 The spine road runs to the north of the large open space proposed, which itself would be located immediately north of the A20. This area would seek to provide a gully, which would run to the south of the hedge, that is proposed to be retained. This gully would run beneath a cul-de-sac running towards the A20. The open space would be approximately 3500m² in size, and would contain a children's play area, located centrally within the site. There would however, be no direct link from the A20 to the play area – this was removed from the scheme to improve safety. Tree planting and visitor parking spaces are proposed to the north of the open space.
- 5.2.11 Further westwards, the development has a higher density, with the majority of the affordable units located within this segment of the site. Here, a number of semi-detached properties front on to the A20, with properties to their rear facing on to the spine road. A turning head would be provided within this area, that would enable the safe turning of refuse vehicles and fire appliances. At the further point to the west a three storey block of flats is proposed (that would accommodate 6units) and be of a fairly traditional design – being constructed of brick at ground floor with weatherboarding above. This property is set back from the corner by approximately 35-40metres, and from the A20 by 20metres – enabling some landscaped grounds to be provided, and for the exiting, large trees on the junction of the A20 and West Street to be protected.
- 5.2.12 The house types proposed are relatively traditional in form, with materials of brick, timber effect cladding, and tile hanging proposed. Roof materials are proposed to be clay effect tiles, and slate. Surfaces for the highways will vary and include tarmac, and block paving.
- 5.2.13 The applicant has demonstrated that the majority of the hedge along West Street, and all of the hedge along Hook Lane can be maintained by virtue of the design of the layout. In addition, the trees planted along the highway verge adjacent to the A20 can also be maintained.

- 5.2.14 In terms of affordable housing, the applicant is proposing that 40% of the units be 'affordable,' with the majority located within the southern part of the application site. The breakdown of affordable units is given above, but this shows that the majority of these (24) would be dwellings. 20 of the affordable units are proposed to be shared ownership and rented affordable housing, with 12 units being proposed as shared equity.
- 5.2.15 In terms of the code for sustainable homes, the applicant has agreed that all units would be constructed to level 4 of the code for sustainable homes. Full details of the method of construction, and the sustainable methods incorporated is address later within the report.
- 5.2.16 The site is currently rich in ecology, and as such, a number of measures have been proposed, both within the application site, and certain receptor sites within the Borough. Within the site, this includes the provision of water features, and a management plan to see the retention of long/meadow grasslands, as well as the provision of cordwood piles, and wildlife friendly corridors. Again, this matter is addressed fully, later within the report.
- 5.2.17 In terms of contributions being sought, the applicant is proposing to make a contribution of £350,000 to Kent County Council, to enable the enlargement of the local primary school, to address the impact that this proposal would have upon the demand on places within this school. The applicant has also agreed to make contributions towards other Kent County Council departments, Primary Health Care, and for highway improvements, that include additional street lighting, new traffic islands, bus stops and traffic calming measures. A full breakdown of the contributions sought is set out later within the report. Whilst the draft Core Strategy refers to development requiring developers to make contributions towards off site gypsy provision, by virtue of the level of contributions being provided by the developer, and the emerging nature of the policy, it was not considered appropriate to request such a payment at this point in time.
- 5.2.18 The applicant has confirmed that the site will be provided with a sustainable urban drainage scheme (SUDs), as part of the flood risk assessment that was undertaken due to the site falling within Flood Zone 1. Details of the SUDs will be required to be submitted by condition.
- 5.2.19 An illustrative landscaping plan has been submitted with the application that shows that the highways within the development would have a good level of tree planting, and that where possible grass verges would be provided. In addition, the existing hedge within the development is sought, where possible, to be retained, although reduced in scale significantly. Areas of open space, with wildflower planting are proposed, as well as areas suitable for the retention of some of the ecology within the site.

5.2.20 Within the scheme, car parking provision is providing for each residential dwelling, at a ratio of approximately 1.8 spaces per dwelling – with the larger properties (i.e. those of three bedrooms or more) being provided with a minimum of two spaces each. Whilst much of the car parking is tandem, and does take into account the use of the car barns, I do not consider that this is an unacceptable approach.

5.3 Principle of Development

5.3.1 The site is allocated within Policies H1, H11 and H28 of the Maidstone Borough Wide Local Plan 2000 for housing development. Policy H1 is the quantitative housing policy that allocates the sites within the Local Plan and provides an indicative level of provision within each site (a notional figure of 70 is given for this site based on a density of approximately 21 dwellings per hectare).

5.3.2 Policy H11 is a site specific policy (and policy H28 refers to this allocation) and reads:

'Housing development will be permitted on land at Hook Lane, Harrietsham, as shown on the proposals map, provided that the following requirements are satisfied:

- (1) The hedgerow and tree screen along the site's northern boundary is retained and reinforced where appropriate. It is important that no new breaches are created in the line of this hedge where none currently exist. Consideration should also be given to the retention and enhancement of other hedgerow features within and around the boundaries of the allocated site; and*
- (2) Proposals for vehicular access, together with off-site improvements involving road widening and the provision of footways and lighting, will be determined in the light of detailed landscape and highway safety considerations; and*
- (3) The provision of pedestrian/cycle links to both West Street and Ashford Road; and*
- (4) Off-Site Highway Improvements at the junctions of Hook Lane/Ashford Road and Ashford Road/West Street.'*

5.3.3 In addition to the policy, I consider that much of the explanatory text to be of significance. The text is summarised below, and appended in full to this report.

- Landscaping is a key consideration in the determination of this application;

- The hedgerows along the northern and eastern boundaries of the application site are an important feature of the locality;
- The northern boundary should be retained, and where possible, enhanced;
- The central hawthorn/blackthorn hedge is also an important feature that should to be retained;
- The hedgerow along Hook Lane is of lesser importance, but nonetheless could provide a good buffer between development and existing residential properties;
- The development will need to provide suitable noise mitigation from the CTRL and A20/M20.

5.3.4 Policy H24 which related to the provision of affordable housing *was* also relevant to this site however, this policy was not 'saved' and as such no longer forms part of the Development Plan. However, the Council's development plan document (DPD) regarding affordable housing does seek a minimum provision of 40% affordable housing within application sites of more than 14 units.

5.3.5 The explanatory text to Policy H11 outlines that Harrietsham is a sustainable village hence the allocation of land at Hook Lane for further housing in the Local Plan. The village has the population to support key services with employment, shops, education, community and healthcare facilities. Importantly it has excellent public transport links connecting the village with Maidstone and other retail and employment centres.

5.3.6 However, in 2000, following the publication of 'PPG3: Housing' (now 'PPS3: Housing') which was a step change in the choice of location for new housing development by introducing a sequential test, the Council agreed that there should be a 'freeze' on all allocated Greenfield sites, as government guidance placed greater emphasis upon the redevelopment of brownfield sites, within urban areas, as part of the *urban renaissance* that formed their policy landscape at that time. This sequential test required all previously developed land (PDL) sites to be developed before 'Greenfield' sites provided that they were in more sustainable locations. This required PDL sites within the town centre to be looked at first, then PDL on the periphery, and only then were Greenfield sites considered. As a result of this, in order to demonstrate Brownfield capacity within the Borough, the Urban Capacity Study was produced and found that Maidstone's housing supply for a 5 year period could be accommodated within the urban area together with the larger villages within the Borough. This Urban Capacity Study was tested at appeal following the refusal of an application by Croudace PLC for residential development on land at the east of Hermatige Lane, Allington (a 'Greenfield' housing allocation within the Local Plan). The appeal was dismissed by the Secretary of State in 2002 finding that the Urban Capacity Study was 'robust.'

5.3.7 Following this moratorium to 'freeze' all allocated Greenfield sites (the majority of allocated sites being of this status) within the Borough, applications have been submitted and all either refused, or withdrawn prior to determination (with the exception of the Furfield Quarry site, where there was considered to be overriding justification to approve the development). There have been no applications on Greenfield sites within the recent past (within the past 5 years) due in part to the downturn in economic activity and also the moratorium. There has, however, been no update to the Urban Capacity Study since it lapsed in 2008, with the Council relying upon the Annual Monitoring Report to confirm the required 5 year housing supply. This 5 year supply is made up of granted planning permissions, and developments currently under construction. It should also be noted that PPS3 does require a 6-11 year housing supply to be identified by the Local Authority. However, at this stage, this Authority has not identified such sites (beyond the 6.2years).

5.3.8 Through the development of the emerging Core Strategy, it was acknowledged within a Maidstone Borough Council Cabinet Report on the 9 February 2011, that there has been a shortfall in development within the rural service centres, and in particular for affordable housing (as any infill development at these sites has generally been minor and therefore not reached the necessary threshold). The Core Strategy has chosen a 'dispersed' model for housing provision, with the rural service centres expected to take 1,130 units – split five ways this would mean Harrietsham taking 260 units. Only 25 units were completed in Harrietsham in the past five years. If there is likely to be a requirement to deliver this number of houses in 2015, the question would be 'why wait?' particularly as this development would not be likely to be completed prior to 2014. This may be especially prevalent given that the emerging National Planning Policy Framework is very much about delivery and offering a range of housing.

5.3.9 This Cabinet report confirmed that there was an adequate housing supply within the Borough to see allocated sites (or new sites not yet identified) not to be brought forward for development until at least 2014. However, within this report it was noted that:

'However, the Core Strategy will need to be flexible and deliverable. The majority of development in recent years has been located on brownfield sites within the urban area, so it is important to focus a proportion of development at Rural Service Centres to support the continuing viability aspirations of these settlements. Therefore, where there is firm evidence to demonstrate a local need at a Rural Service Centre that cannot be met through a local needs housing site, a proportion of Greenfield housing development may be permitted before 2014, in advance of allocating specific sites in site allocations documents that follow the Core Strategy.' (para.1.2.7)

5.3.10 This report was agreed by the Cabinet Members, with this paragraph quoted within the printed decision.

5.3.11 Whilst the applicants had been undertaking pre-application discussions for a significant period of time prior to this meeting, following the formal approval of the report, the applicants submitted the planning application, with an understanding that the Council had acknowledged (through this decision) that there had been, within the recent past, a shortfall in housing provision within the rural areas, and in particular affordable housing within the RSCs.

5.3.12 Subsequent to this decision being made, further work was undertaken upon the draft Core Strategy (CS) with the public consultation draft released on 2 September 2011. Clearly some weight must be given to the emerging Core Strategy, as this sets out the Council's objections for the next 15 years (although the weight should be limited due to its current status) which indicates the direction of the Council in respect of housing dispersal in the Borough. One of the 'Spatial Objectives' of the Council (page 24) is to achieve:

"80% of new housing built within and adjacent to the urban area of Maidstone with appropriate sustainable greenfield development being well located in relation to existing services in the urban area."

5.3.13 The Spatial Policy section have confirmed in their comments that the emerging Core Strategy therefore seeks to direct 20% of all housing development over the plan period to the rural area. This is because most housing completions have been focussed on the urban area. Draft policy CS1 (Borough Wide Strategy) outlines that,

"Appropriate Greenfield sites will be located at the edges of Rural Service Centres of Harrietsham, Headcorn, Lenham, Marden and Staplehurst"

5.3.14 Furthermore, the CS identifies Harrietsham as a 'Rural Service Centre' (RSC) and within the 'Spatial Distribution' section of the document (page 29) outlines that these centres,

"provide an appropriate level of services to serve the surrounding villages and rural hinterland. It is important that these centres are allowed to continue to serve their local area by retaining vital services thereby reducing the need to travel. Provision for some limited development which supports the role of the RSCs to provide for a choice of deliverable housing location should be made."

5.3.15 Whilst this is an emerging document and may be subject to change, it indicates the Council's direction, which is to seek 20% of all housing development in the rural area, identify Harrietsham as a 'Rural Service Centre' and allow

appropriate housing development at such centres. However, the reference to allowing the release of these sites early (i.e. before 2014) does not form part of the Core Strategy in its current guise. The explanation for it not forming part of this consultation draft is that it would be 'too site specific' for an overarching document of this type, and not that there has been a shift in policy of this Authority to the early release of such sites adjacent to RSCs.

5.3.16 A number of figures are set out below, that show the level of planning approvals/housing completions within the Borough since April 2006 until April 2011. These figures show a clear imbalance in the granting of planning permission, and the completion of development to the urban area and the urban fringe. A total of 532 houses have been completed within the rural area, compared with 2,649 within the urban area.

Planning permissions for housing granted since April 2006 until April 2011:

	Houses	Flats	Total Units
Urban & Urban Fringe Areas	1381	1517	2898
Rural Areas	418	87	505

Completed permissions for housing since April 2006:

	Houses	Flats	Total Units
Urban & Urban Fringe Areas	1037	1612	2649
Rural Areas	452	80	532

5.3.17 This data shows that 14.8% of permissions have been in the rural area and 16.7% of completions. It should be noted that a significant number of these completions within the 'rural area' were within the former Linton hospital site within Coxheath. Whilst this is classified as a rural area, due to the fact it is not adjacent to the urban boundary of Maidstone, it should be noted that one of the key considerations for not allocating Coxheath as a Rural Service Centre was its proximity to the services within the urban area.

5.3.18 In addition to this information, data has been provided that sets out the number of planning permissions and completions within the individual service centres. This information identifies that Harrietsham has had the lowest number of completions within the past 5 years of all RSCs, with none of these

developments providing any affordable housing, as the threshold has been too low for each (the largest development being for 10 houses).

Planning permissions for housing granted since April 2006:

	No. of Residential Units
Harrietsham	51
Lenham	28
Staplehurst	40
Headcorn	107
Marden	12

Completed permissions for housing since April 2006:

	No. of Residential Units
Harrietsham	25
Lenham	35
Staplehurst	37
Headcorn	39
Marden	34

5.3.19 I am satisfied that this information demonstrates that there has not be significant growth, or the provision of affordable housing within rural service centre, and in particular Harrietsham. This is consistent with the advice provided by Officers within the Cabinet report of the 9 February 2011.

5.3.20 The Strategic Housing Market Assessment 2010 (SHMA) recommends that **74.9%** of all new market housing in the rural area should provide for 3 or 4 bedroom dwellings. Data for 2009/10 demonstrates that, of the pipeline supply of new dwellings on rural sites (i.e. outstanding planning permissions and dwellings under construction), **43%** are 3/4 bedroom properties. The market housing element of this application proposes almost **100%** 3 and 4 bedroom houses. Also of note is that since 2006, only **8%** of affordable homes that have been completed or are in the pipeline are located in the rural area. This proposal would see the majority of the affordable units providing family accommodation (2, 3 and 4 bedroom dwellings). The proposal therefore provides much needed affordable housing in the rural area and also assists in

meeting the recommended distribution of both market and affordable housing set out in the SHMA.

5.3.21 To summarise, in a balancing exercise, to my mind the factors that are against the principle of development of this site, at this point in time are:

- It is not needed to meet the five year housing supply;
- It is a Greenfield site;
- It is not specifically allocated within an emerging DPD;
- The Core Strategy is in line to identify strategic sites – however the allocations document is unlikely to be completed and adopted within the next two/three years.

5.3.22 However, broad factors in favour are:

- The site is allocated for housing in the Local Plan under policy H11.
- The emerging Core Strategy indicates the direction of the Council in providing 20% of housing development in rural areas and recognising Harrietsham as a Rural Service Centre that should be maintained with the potential for appropriate housing development. Currently permissions and completions in the rural areas and RSC's are below this target.
- Harrietsham is a sustainable village with appropriate facilities and the proposals would contribute to providing rural housing.
- The application would provide family size and affordable housing units for Harrietsham.

5.3.23 I will return to the balancing of these factors and all other material considerations in the overall Conclusion following my full assessment of the all other issues below.

5.3.24 Whether the Proposal Would Prejudice the DPD or Strategic Housing Policy Objectives

5.3.25 There is a key question set out in paragraph 70 of PPS3: to what extent would it undermine the policy framework by being premature? "*The Planning System: General Principles*" indicates that in some circumstances it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared. Those circumstances are:

- Where the proposal is so large on its own or would have cumulative effects that granting it would prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which is being addressed in the DPD.

5.3.26 Counsel's advice has been sought on whether the proposal would have an adverse impact upon the Council's strategic housing policy, and it is advised that there is not a strong case to object to the proposal on these grounds. I summarise the reasons for this as follows –

- The scale of the development is not considered to be so great, and the fact that it would be in a Rural Service Centre is not considered to prejudice policy objectives.
- One objective of the Core Strategy is to have a housing supply which encourages, as a priority, housing on brownfield sites. However, looking at the objectives of the Core Strategy as a whole, the view is that the prejudice would not be severe and there is nothing to prevent those brownfield sites coming forward.
- The draft National Planning Policy Framework is currently suggesting two changes in national policy that would dilute any prejudice. First, it is suggesting removal of the brownfield target for housing development which is currently 60% of completions. The second factor is the additional frontloading of the 5 year supply whereby in the first five years, local councils should identify sites to meet at least 120% of the annual housing requirement. This is not land over and above the local authorities' housing target or 15 year supply of developable sites or broad locations but rather a frontloading of supply, i.e the trajectory changes but not the overall total.
- It is not considered that there is any supportable argument that the preparation of the Land Allocations DPD (or similar) would be prejudiced by the grant of permission on the Hook Lane site. This DPD is not yet in any draft form and PPS1 paragraphs 17-19 envisage a DPD being in, at least, consultation draft form.

5.3.27 To conclude, I consider that the lack of new housing, and in particular affordable housing delivered within the rural areas, (and the Council has agreed that there is a shortfall in this respect), the fact that the site remains allocated, and the fact that the proposal is of such a scale that would not result in a precedent for future development elsewhere within the Borough (and in particular around the urban fringe), I consider there to be grounds to recommend this application for approval, subject to all material planning considerations being met. This is, however, a balanced decision, and as such, all further matters need to be fully considered, and given appropriate weight within the determination of the proposal.

5.4 Layout

- 5.4.1 The internal layout of the development has been subject to much negotiation, both at pre-application stage, and after the application was submitted. This is a site at the edge of a village, and as such the form of the development was sought to reflect this, and to retain its soft edge where possible. Policy H11 provides a framework for development within the site, in particular emphasising the need for retaining the hedges that bound the site, and that run within it.
- 5.4.2 Of particular concern throughout the application process has been the siting of the point of access opposite the primary school access within West Street. This site was chosen as at present there is a significant gap within the vegetation at this point, and its location here would ensure that there would be suitable visibility on either side of the access road. However, the concern has been noted and an amended plan has been submitted that shows the provision of a raised table at the point of access, together with additional traffic calming measures along West Street (consisting of two build outs, to be provided with 'village gateways' with give way signs provided on each). The raised surface would stretch from the point of access into the site to approximately 30metres westwards (incorporating the main access of the school), and approximately 7metres eastwards. It would be constructed of brick pavers, to assist with traffic calming.
- 5.4.3 As one enters the site from West Street, the main access road has been designed to be a tree lined 'avenue' with detached properties located within a formal manner on each side. A grass verge, with footpath behind, is to be provided on either side, preventing car parking taking place (with cars 'bumped up' onto the kerb) and providing a soft entrance point to the development. Four trees are proposed to be planted on either side of the street within this access point. The end properties to the north and south of the avenue have been designed to have double frontages, to ensure that an active frontage is provided on either side of the building.
- 5.4.4 At the end of this access road the development opens up with an area of open space provided approximately 600m² in size, with tree planting, and long grass, wild flowers at low level. This area would provide a soft visual end stop to the development, and would respond to the rural character of the locality, in that the first view of the application site would be of tree and low level planting, rather than of housing built up to the edge of the pavement.
- 5.4.5 The buildings that back on to Hook Lane would be positioned within a relatively informal building line, and would be a mixture of property types. I am of the opinion that this reinforces the informal nature of the layout, and addresses the character of the locality. The use of differing materials within the highway

will also assist in breaking down the hard surfaces, providing a softer character.

- 5.4.6 The development is relatively linear in form, with the majority of the houses along the northern section of the application site, and a large area given over to public open space to the south. Approximately 3500m² (0.35 hectares) in size, the open space gives a useable area for recreation, as well as providing a visual break in the development from the A20 to the south. This open space would be provided with a good level of soft landscaping (this is addressed later in the report) which would provide a visual break in the development as one moves along the A20, and also, as one moves through the application site.
- 5.4.7 From this point, the development becomes slightly more dense in character, with the provision of more linked, and semi-detached properties (these would form part of the affordable housing provision). This subtle change in character would not detract from the overall character of the locality, or from the appearance of the development itself. The properties would still be well designed, and there would be sufficient space for suitable landscaping, and amenity space around the properties.
- 5.4.8 An important part of the application site, and the proposal, is the impact upon the hedges that both surround the site, and intersect it. This is highlighted within the site specific policy H11. This proposal would see the retention of the majority of the hedges that surround the site (with the exception of allowing for suitable visibility splays on either side of the access). The applicant has also indicated that the existing hedges within the site could be, in part, retained, although reduced significantly in scale.
- 5.4.9 At the western end of the application site, there would be a number of residential properties fronting on to the A20 that would have pedestrian access only to their front. It is noted that many of the properties along the A20 (outside of the application site) turn their backs to the highway, with high walls/fences creating a rather unpleasant streetscape at this point. I consider that fronting the dwellings onto the highway is a more appropriate way to address this well used thoroughfare. The fronting of the dwellings (behind tree planting) would create a positive entry point into the village, which currently has more of a 'tunnel effect' at its western end (due to the high walls/fences). I consider this an enhancement to the character of the village.
- 5.4.10 I consider the layout of the proposal to be well designed, and to respond positively to the features of importance in and around the site. The hedges are retained around the edges, with a feature created of the internal hedge that dissects the site. The density of the site, at 24 dwellings per hectare responds to the character of the village, and the fact that it sits to the edge of the village. The buildings are of varying scale within the site, again responding to

its surroundings, with the density falling away to the edge of the site. I therefore consider the proposed layout to be of a high quality, that responds positively to the characteristics of the locality.

5.5 House Design

- 5.5.1 The applicant has demonstrated that there would be a number of differing house designs within the development. Again, through the pre-application discussions that have taken place, significant emphasis has been placed upon ensuring that the character of Harrietsham is reflected within the proposed houses, and that there is enough variation to ensure that the development would not appear as rather monotonous. This variation was sought through the design of the properties, and also within the materials used. As there is significant variation in terms of building type, I will not analyse each property, but rather discuss the key buildings, and provide an overview of the other properties proposed.
- 5.5.2 One of the more prominent buildings within the application site would be the block of flats within the western tip of the site. This would consist of six flats and would have a maximum width of 19metres, a depth of 10metres, and a maximum height (to ridge) of 12.4metres. This block would be constructed of brick at the ground floor level (with a plinth) and weatherboarding at first and second floor level. There would also be projecting square bay windows provided at first and second floor level, with an overhanging roof (projecting approximately 500mm) with exposed rafter feet above. The roof would be constructed of tile, with a relatively steep (approximately 45°) pitch. Whilst the building would be 19metres in width, this elevation would be broken in three key parts, two projecting and a recessed element. This would ensure that there would be a suitable level of articulation, and that the building would not appear as monolithic. Nonetheless, I consider it important at the building at this point have some scale, to create somewhat of a focal point, and strong entrance to the development – albeit one set back from the junction due to the landscaping provision. I consider the design of the building, and the materials proposed would be of a high standard and would respond positively to the character and the context of the locality, and would therefore be acceptable.
- 5.5.3 The other buildings that would be highly visible from the A20 are those that front immediately on to it. This would be a series of semi-detached properties that would again be of brick construction at ground floor level, but with tile hanging at first floor. Again the dwellings would be provided with a good level of detailing, with brick plinths and exposed rafter feet provided, as well as chimneys on each dwelling (which aids with providing a 'rhythm' along the road frontage. These buildings, with a height of approximately 8.4metres would not appear too dominant from the highway, which would be aided by the set back of approximately 16metres from the highway edge. Again, I consider

that these buildings would be of a suitable standard of design, and would respond positively to the local character.

- 5.5.4 The only other properties that would be highly visible from the A20 are those that run at 90° to the highway, and face onto the open space. These properties would be part two and part three storey (within the three storey element within a gable projection), and would be predominantly of brick construction. Again, the detailing of the properties would be of a high standard that would respond positively to the character of the area.
- 5.5.5 The other prominent dwellings would be those sited on either side of the access road into the application site. A number of these properties would be double fronted, and again, with a mixture of brick construction and tile hanging, together with weatherboarding to the rear projections. Whilst these buildings would be of a significant width (approximately 10.3metres), I do not consider that these would appear as unduly bulky, or of a scale that would appear as overtly dominant. This is assisted, in part by the set back from the highway of approximately 6metres, the landscaping in front and the layering within the front façade of the buildings, i.e. the provision of a porch, recessed windows, and roof overhang.
- 5.5.6 At pre-application stage, it was agreed that it would be necessary for the dwellings to have a variety of height within the properties to create a more interesting roofscape. The applicants have provided plans that show properties with some variation in the roofs, both in terms of height and pitch. Due to the topography of the site, this height and pitch variation would result in a more interesting roofscape, that would assist in generating a character within the application site. Likewise the pallet of materials was requested to be varied but to draw reference from the local vernacular , which is consider has been taken on board, and has been brought forward through the detailed design.
- 5.5.7 All properties would be constructed to level 4 of the code for sustainable homes. This matter is covered in greater detail later within the report.
- 5.5.8 I am satisfied that the design of the dwellings/buildings within the application site would be of a high standard of design, that would respond positively to the character and appearance of the locality, and would draw reference from some of the more historic and high quality buildings from within the centre of the village. I do not consider the buildings to be 'standard boxes,' but rather designed in such a way to draw reference to the semi-rural nature of much of the sites surroundings. I therefore consider that the proposal accords with the requirements of PPS1, and policy BE5 of the South East Plan.

5.6 Highways

- 5.6.1 Significant discussions have taken place between the applicant, the Council and Kent Highway Services with regards to the access into and out of the application site. Concern has been raised by the headmaster of the school and local residents with regards to the proximity of the site access to that of the school, and the implications that this would have upon highway safety, and the safety of the children of the school, due to its proximity to the existing access and where parents park when collecting/dropping off children. However, Kent County Council Highways Services have fully considered the submitted plans, and the stage 1 safety audit of the proposal, and are satisfied that the proposed access is safe, and complies with Manual for Streets.
- 5.6.2 In addition, policy H11 of the Local Plan requires that no new breaches be made in the hedgerow to gain access to the site – this is one of the few locations that would comply with this policy.
- 5.6.3 Significant work has subsequently been undertaken by the Highways Authority to assess the safety concerns of Members and residents, with alternative access points assessed. These include accesses further to the west of the site (but still within West Street), and from Hook Lane. However, following a full assessment upon these locations, it was acknowledged that they would have had a significant impact upon the hedgerows within the site, and this, together with the fact that there are no highway safety objections to the proposed access point, as it is considered a safe location, there would be an overall detrimental impact to re-position it.
- 5.6.4 The applicant has submitted a traffic and accessibility statement that includes data from a traffic study undertaken. This demonstrates that at peak hours (AM and PM) there was a traffic flow of 99 vehicles within the morning, and 103 within the evening. This is not considered to be close to the capacity of the highway, and as such it is suggested that the additional vehicles that the proposal would generate would not be to the detriment of highway safety.
- 5.6.5 The negotiations that have taken place have seen the introduction of a raised table at the point of access that would stretch a total of 48metres within West Street, and incorporate the access into the school. The raised table would project approximately 7metres into the application site, and 8metres into the school site. The existing parking restrictions would be maintained across this surface. Visibility splays on either side of the access are considered acceptable.
- 5.6.6 This feature was proposed in order to address the concerns of the school, the Parish Council and a number of the neighbouring residents, who felt that an access at this point would be to the detriment of the safety of school children. This measure would emphasis the point of access (both of the site and of the school) visually, and would also reduce the speeds of traffic travelling along West Street. I consider that this surface treatment would be an appropriate

form of traffic calming at this point, and would also provide a high quality entrance to the development – rather than the continuation of tarmac into the site. I note that concerns are still raised irrespective of this provision, however, it is noted that the highway engineer from Kent County Council has been involved in the negotiation process that has seen the formulation of this ‘solution,’ and is satisfied that this proposal would not be to the detriment of highway safety.

- 5.6.7 In addition to the raised table, two ‘village gateway’ features (built outs within the highway with sign posts, and timber gates) are proposed to be provided to either side of the access. One, approximately 95 metres to the west of the access, with the other approximately 75 metres to the east. These would act as further traffic calming measures, that would reduce the width of the road to approximately 3.2 metres, creating two pinch points (with the right of way given to those leaving the school/application site. This should also reduce the speed of traffic travelling along this stretch of highway. I am satisfied that these measures are of a suitable form, and would be appropriate within this location – again, the Kent Highway Services concur with this view.
- 5.6.8 Whilst Kent Highway Services do not object to the proposal, they do express concern that the location of the access might result in parents from the school parking within the main access road into the site, and have suggested that the provision of parking bays along this stretch might alleviate this concern. However, whilst this concern is understood, I am of the opinion that the provision of parking bays along this stretch of highway, would result in an unacceptable level of hardstanding, that would compromise the quality of the development. In addition, the provision of parking bays would also, I consider, encourage parents to enter the site, and use these spaces – if they are full, they would be more likely to park elsewhere within the development. At present the majority of parents either park within the school car park, or along the highway (West Street), which appears to generate no highway safety issues (indeed there is no indication that there is a significant record of accidents at this point). As such, I am of the opinion that parents should in fact be encouraged to maintain the ‘*status quo*’ where possible. As such, I have not requested that these bays be provided.
- 5.6.9 Kent Highway Services have requested that further works be carried out to the highways, in particular the provision of additional street lighting along the A20 to the point of the junction with West Lane (the lights currently end approximately halfway along the site frontage), as well as the provision of additional traffic islands within the A20 to compliment the works currently underway. The applicant has agreed that these be subject to a S278 agreement; secured by condition. Kent Highway Services are happy with this approach. It should also be noted that highway improvements are required within policy H11 of the Local Plan.

- 5.6.10 With regards to the parking provision within the site, each property would be provided with a minimum of 1 space per unit (with an average of 1.8 spaces per unit), with the majority of the properties being provided with two spaces – all 'family homes' (i.e. those of three bedrooms or more) are to be provided with a minimum of two spaces. I consider that this provision would be at a suitable level, and would ensure that there would be no necessity for the future occupiers to park elsewhere within the vicinity that might have an adverse impact upon highway safety – along the A20 for example. As such, I raise no objection to the level of parking provision within the development. In any event, should parking 'spill' out on to the surrounding road network, I consider it more likely that residents would park within West Street rather than along the A20, which would be unlikely to give rise to a highway safety concern.
- 5.6.11 Internally, tracking diagrams have been submitted to demonstrate that refuse trucks and fire appliances would be able to access all necessary parts of the application site.
- 5.6.12 An emergency access point has been positioned upon the southern side of the application site, that would be served from the A20. As this would be for emergency vehicles only (and cycles/pedestrians at other times), I do not consider that this would have a significantly detrimental impact upon highway safety.
- 5.6.13 Kent Highway Services have requested a number of conditions and informatives be imposed upon any permission granted. One such condition requires the provision of suitable cycle storage facilities to be provided, which I consider to be necessary, in order to promote more sustainable modes of transport into and out of the site, and reduce the reliance upon the private motor car.
- 5.6.14 It is proposed that two additional 'real time' bus stops (with electronic bus times) be provided to the north of the application site. This would ensure that the future residents of the development would have ready access to public transport, with the bus service running between Maidstone and Ashford able to utilise these stops. In addition, as stated previously, the site is within walking distance of the train station.
- 5.6.15 With regards to the other conditions requested, many are not considered to meet the tests of Circular 11/95, insofar as they are covered by other legislation, for example, mud being deposited upon the highway. I therefore recommend that these be imposed as informatives rather than conditions.
- 5.6.16 To conclude, I am satisfied that the proposal has been designed in such a way as to ensure that there would be no detrimental impact upon highway safety,

either in terms of the future residents, or those that would utilise the highway. The traffic calming measures proposed to West Street would ensure that speeds are reduced around the site access, and that of the school. I don't consider that the point of access would therefore create a highway safety problem – and Kent Highway Services concur with this view. Internally, the site would provide a suitable level of car parking provision, and turning facilities, and as such, I see no reason to object to this proposal on highway safety grounds.

5.7 Ecology

- 5.7.1 The applicants have submitted a full ecological assessment of the application site, and have also suggested mitigation to address the loss of habitat from this proposal. These matters have been fully appraised by Kent County Council Ecology, who are satisfied with the findings and the recommendations within the submitted reports.
- 5.7.2 The site itself is basically an 'island,' with roads on all sides that separate it from the surrounding countryside (indeed to the south there is the A20, CTRL and M20 that separate it from the open countryside). As such its impact upon biodiversity outside of the site, particularly for non-airborne wildlife would be limited. Nonetheless, the report does address the context of the application site fully. To this effect it is noted that there are ponds within 140metres of the application site, which would be likely to support Great Crested Newts (GCN). Natural England has generic advice as to how to assess the likely impact of development upon such ponds. Taking into account this advice, it is considered unlikely that GCN would utilise the application site.
- 5.7.3 The site has been identified as having a relatively high concentration of slow worms, many of which, due to the high concentration, would have to be re-located to other sites around the Borough. It is noted however, that habitat will be created within the application site for a number of the slow works and reptiles to be retained within. Two sites have been identified within the Borough that are suitable to trans-locate - a site within Boxley for the reptiles, and the River Len Nature Reserve for slow worms. The site within Boxley is of a significant scale, and would be able to accommodate a significant number of the reptiles, which would therefore see their retention within the Borough. It has also been agreed that the applicants will made commuted payments to allow for qualitative improvements of the nature reserve, to address the additional ecology that would be contained within the site. These payments would allow for the enhancement of habitat, and to ensure their management. The River Len Nature Reserve is also considered to be an adequate site to trans-locate the slow worms. A detailed methodology for this trans-location would be provided prior to the works taking part.

- 5.7.4 Grass Snakes were found within the site, although in relatively small numbers. However, this species are know to travel significant distances, and due to the small numbers, it is not considered that they are likely to be significantly impacted by the proposal, and need to be trans-located.
- 5.7.5 Due to the overgrown nature of the site, and the large amount of hedgerow, it is considered that much of the site would be suitable for bird nesting and foraging. It should be noted however, that the majority of hedgerows upon the boundary are to be retained, and there would be a significant amount of tree planting introduced within the site should permission be granted. This tree planting would consist of native species together with Willow trees, and Buckthorn. I consider this, together with the provision of bird boxes within the site, to be adequate mitigation.
- 5.7.6 The proposal will also incorporate bat boxes/bricks/tiles within the development. A plan has been submitted showing the locations of these features, which would see them predominantly upon garages, bin stores or within the substations, to reduce the conflict with residents. It is also proposed that both bird boxes and swift bricks are incorporated within the development, to aid with nesting.
- 5.7.7 A pond is proposed to be created within the application site, providing opportunities for a range of wildlife including beetles, dragonflies and amphibians. The pond would be required to be designed to incorporate microhabitats, including shallows and shelves that would warm up quickly in the morning, as well as deeper 'cooler' areas of water within the pond centre. It is recommended within the ecological report that this pond be provided with native species. In addition to this a swale is proposed running broadly east-west through the site. It is noted that the site currently appears to have a (dry) ditch that runs up to the A20. It is proposed that the swale be planted with species such as sweet-grass, creeping bent, soft rush, hard rush and other suitable species. Consideration was given to extending this swale to the proposed pond, however, due to the topography of the site this was unfortunately, not possible.
- 5.7.8 Within parts of the open space, it is proposed to incorporate wildflower planting. A suggested mixture of species has been provided by the applicant which is considered acceptable by Kent County Council Ecology.
- 5.7.9 I consider that the applicant has identified the protected species within the site, and have demonstrated that suitable mitigation can be provided. It is acknowledged that some of the existing wildlife will need to be removed from the site to alternative locations, which is regrettable, but that suitable alternatives how now been found. It is also acknowledged that there will be a number of ecological mitigation measures incorporated within the development

that would see the retention of existing biodiversity, and possibly, in some instances an enhancement. I therefore consider that the proposal does comply with the requirements of PPS9, insofar as the opportunities for maximising ecological enhancement measures have been considered, and where possible proposed. I therefore raise no objections to the proposal on ecological grounds.

5.8 Landscaping

- 5.8.1 The applicant has submitted a landscaping plan of the application site, which demonstrates that a good level of landscaping is to be provided. The landscape officer has commented upon the application, and has raised no objection to the proposal, although has raised concern about the impact upon the hedges within the application site.
- 5.8.2 As set out above, the application site lies to the south of the Kent Downs Area of Outstanding Natural Duty, and is surrounded by land designated as being of special landscape quality. As such, the landscape surrounding the site, and how this proposal *responds* to it, is of the utmost importance. The applicants have submitted a landscape character and visual impact assessment that looks at key views to, and across the site. Views have been assessed from close to the site, from the A20, the school, Fairbourne Lane bridge (that spans the M20) and from within West Street and Hook Lane. In addition, the views from the North Downs have been assessed and submitted.
- 5.8.3 The site lies within an area identified as the 'Leeds Transport Corridor' within the adopted Landscape Character Assessment and Landscape Guidelines (adopted in 2000) which has the key characteristics of undulating land, mixed farmland with a few orchards, scattered settlements and farmsteads, historic parkland, views of the North Downs. The guidelines also highlight that the character of the area has been significantly altered by the M20, A20 and CTRL that run through it.
- 5.8.3 I have also viewed the application site from long and medium distance views – from upon the North Downs and from the south of the M20. Whilst clearly, built development upon this land would change the character of the land, I do not consider that the proposal would have a significant impact upon the wider, rural character of the area.
- 5.8.4 Much of the site is surrounded by high hedges, and tree planting. Policy H11 of the Local Plan requires that the hedges that surround the site are maintained as these form a fundamental part of the character of the locality. These hedges are sought to be retained within the development, with no houses proposed to be located within such close proximity that they might not survive the construction of the properties, or have future pressure to remove once occupied. These hedges have not only a visual benefit to the locality, but are

also likely to have a strong ecological interest, and as such, their retention is considered to be of the utmost importance. Likewise a number of the trees within the hedgerow, and adjacent to the application site are considered to contribute significantly to the character of the locality. A full arboricultural report has been submitted with the application that identifies that only one tree would need to be removed as a result of this proposal (a 'Whitebeam' located adjacent to the boundary along the A20).

- 5.8.5 Within the site, there are two banks of hedging that converge within a relatively central point. These hedges contain a mixture of hazel with an occasional field maple and blackthorn. These hedges are now of a significant height, and create a strong barrier through the centre of the site. As set out within the Landscape Officer's comments, the loss of this hedge is regrettable insofar as it would change the character, but a more managed approach to the retention of this hedge is encouraged, for biodiversity reasons. Nonetheless, concern is raised at the amount of the hedgerow lost as a result of this development. This matter was fully discussed through the evolution of this scheme at pre-application stage. Whilst mindful of the wording of Policy H11 (which seeks the hedgerow's retention), officers were also mindful of the physical barrier that the retention of a hedge of this height would create within what would otherwise be a permeable development. In particular, as the hedge would have separated the dwellings from the play area, it was considered particularly important to have good visibility to this area, and as such, it would be necessary to reduce the hedge to achieve this.
- 5.8.6 In order to mitigate the pruning of this hedge, a significant level of additional planting has been proposed. This includes a significant number of street trees, as well as tree planting within the rear gardens of properties. It is also proposed to extend the hedge to the front of the properties facing the A20, which would create a habitat corridor between the existing hedge and the grassed area and pond.
- 5.8.7 Areas of flower rich grassland are also proposed within the site, which would see the inclusion of crested dogstail, common knapweed, common bent, slender creeping red-fenscue, meadow buttercup, oxeye daisy amongst others.
- 5.8.8 A plan has been submitted showing the tree planting proposed within the development. This would see the creation of a tree lined avenue at the access point, with the main link through the site being lined (albeit more sporadically) with tree planting. Species proposed include silver birch, hawthorn, rowan, cherry, lime, and maple. A number of these are suggested species within the landscape guidelines, whilst others, including lime and silver birch, are seen regularly within other village, and urban developments. I therefore raise no objection to the species proposed within the development.

- 5.8.9 It is proposed that approximately 100 new trees would be planted within the application site, with approximately 40 of these adjacent to the highways proposed – the remainder being within the rear gardens, or the public open space.
- 5.8.10 I am therefore satisfied that the landscaping scheme shown would result in a development that would positively respond, not only to the rural character of the area, but the village to which is would be adjoined. I consider that the landscaping would be of a high quality, and as such it would comply with the policies of the Development Plan.

5.9 Noise

- 5.9.1 The application site is located in close proximity to the A20, the Channel Tunnel Rail Link (CTRL) and the M20 motorway. As such, the applicant site is within an area subject to significant levels of noise, 24 hours a day. The applicant has therefore submitted an acoustic assessment within the application. This report demonstrates that the houses closest to the A20 would fall within Category C, (as set out within PPG24: Noise) but the majority of the application site falling within Category B. Category C is defined within PPG24 as being where 'planning permission should not normally be granted. Where it is considered that permission should be given, for example because no quieter sites are available, conditions should be imposed to ensure a commensurate level of protection against noise.
- 5.9.2 During pre-application discussions, it was agreed that it would not be acceptable to provide a physical acoustic barrier along the A20, as the fences and walls seen further into the village are a demonstration of how unattractive this feature can provide to be. It was also explained that in terms of providing 'good design,' it would be important for some of the properties to front on to the highway, to generate a sense of place, and to signify the entrance into the village (it was also hoped that this would help reduce speeds at this point, as the character of the highway and surroundings would change). As such, at this point, it was accepted that a small number of properties would be located within Category C, however, these would be in the mid point of this category. We accepted at this stage, that subject to appropriate house design, i.e. the majority of the habitable rooms located to the rear, and mechanical ventilation, it would be acceptable to locate properties at this point within the development.
- 5.9.3 Further to the submission of the application, the Council's Environmental Health Officer has reviewed the information, and has agreed that this is an acceptable stance, and as such, he raises no objections to the proposal on noise grounds.

5.9.4 It is accepted that this is a site that is subjected to a significant level of noise, generated in the main by the A20, although exacerbated by the CTRL and M20 motorway. However, the applicant has demonstrated that suitable mitigation can be achieved, through the design of the properties, and the ventilation proposed, and as such, I do not consider that the proposal would prove contrary to the requirements of PPG24. I therefore do not consider that there are grounds to object to the proposal on the basis of noise and disturbance to future occupiers.

5.10 Planning Obligations

5.10.1 For a scheme of this scale, it is important to ensure that the development can be assimilated within the local community without any adverse impact upon the existing services, and facilities within the village and wider area. As such,

5.10.2 Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Act. This has strict criterion that sets out that any obligation must meet the following requirements: -

It is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

5.10.3 The applicants have submitted draft heads of terms with the application that sets out that they are proposing to make the following contributions:

- Open Space provision and maintenance on site.
- The provision of 40% affordable residential units within the application site.
- A contribution of £350,000 towards improvements to Harrietsham Primary School – which will be spent upon additional classroom space and teaching facilities (to be made to KCC).
- A contribution of £227 per dwelling as a contribution to improving the library book stock for the local community (to be made to KCC).
- A contribution of £827 per house and £206 per flat for youth services (to be made to KCC).
- A contribution of £1,201 per dwelling for adult social services (to be made to KCC).
- A contribution of £54,396.00 for the Primary Care Trust towards the improvements of the existing healthcare facilities within the locality.
- The provision of a pedestrian crossing within West Street prior to the occupation of the first dwelling.*
- A traffic island to be incorporated as part of the proposal for works of a new ghost lane at the junction of the A20 and West Street.*

- The street lighting along the A2-0 to be extended to the junction of the A20 and West Street. *
- The provision of two new bus shelters (with real time bus information) within West Street.

*It is now proposed that these matters be provided through a Grampian planning conditions rather than through a legal agreement.

5.10.4 The Council's adopted Development Plan Document (DPD) that relates to affordable housing requires that developers provide 40% of affordable housing within sites of 15 or more units. This DPD was adopted in 2007, and remains in force. Whilst Government guidance requires a minimum of 30% affordable housing within such proposals, due to the high housing costs, and relatively low incomes (by south east standards) of many of the residents of Maidstone, there was an identified requirement to set the threshold at a higher figure. As previously set out within the report, the Council acknowledges that there is a shortfall of affordable housing that has recently been provided within the rural areas, and within Rural Service Centres. The provision of 40% of affordable housing within this location, is therefore an important consideration in the determination of the planning application. The affordable housing would be split in 25% affordable rents and shared ownership units (being 3 x 1 bedroom apartments, 3 x 2 bedroom apartments, 2 x coach houses, 8 x 3 bedroom houses, and 4 x 4 bedroom houses), with 15% equity percentage units (being 2 x 2 bedroom houses and 10 x 3 bedroom houses) - totalling 40% of all units. I consider that the provision of this level of affordable housing to be necessary to make the development acceptable. I also consider it of an appropriate level, and directly related to the development itself. I therefore consider that it complies with the three tests as set out above.

5.10.5 The contribution of £350,000 towards the improvement of the existing school facilities opposite the site, has been requested by Kent County Council. It is acknowledged that the existing school is at capacity, and the erection of 80 additional dwellings would lead to further pressure upon school places at this location (and due to the proximity of the site, it is likely that residents living there would receive favourable consideration when applying for the school). This additional pressure on school places may result in those further from the site no longer being able to place their children at this local school, and as such, I consider that there is a demonstrable need to enhance the existing facilities at this school, and as such the contribution sought is necessary to make this application acceptable. Likewise, the contribution is directly linked with the development, being directly opposite the application site, and the proposal comprising of 'family' housing. I consider that the contribution sought would be reasonable, in that it would address the funding gap to provide the additional classroom space that would be required by virtue of this proposal.

- 5.10.6 The contributions towards library book-stock has been requested in order to ensure that the additional strain placed upon local facilities (the nearest library being in Lenham) can be accommodated by the additional residents from within this development. I consider that the request is necessary to ensure that existing occupiers are not adversely impacted by this proposal, and it is related to the development. I also consider that the proposal is of a level that would be of a scale unrelated to the scale of the development. I therefore consider this request to be acceptable, and note that the applicant has agreed to provide this contribution.
- 5.10.7 The request for youth and community contributions has been fully justified by Kent County Council. This would ensure that the family housing provided within the development would be provided with suitable facilities, to ensure that the additional strain placed upon the existing infrastructure would be accommodated by this proposal.
- 5.10.8 With regards to the contribution towards the Primary Care Trust (PCT), it has been requested that £54,396 be provided to see the expansion of the existing facilities within the village. Again, I consider that this request meets the tests set out above, insofar as they are necessary to make the development acceptable, as the addition of 80 additional families within the village would place an additional strain upon the existing facilities (and it should be borne in mind that the existing surgery serves existing patients within rural areas that would be further from the surgery than these new houses). The request for contributions is considered to be fair, and directly related to the development, and as such, I recommend that the contributions be made should planning permission be granted.
- 5.10.9 The highway improvements as set out above, have been fully considered within the 'highways' section of this report. I consider that these improvements are necessary to make the development acceptable, however, I am satisfied that these are able to be dealt with as Grampian conditions to any permission granted. I am satisfied that these requirements meet the tests as set out within Circular 11/95.
- 5.10.10 Within the draft Core Strategy, which has limited weight, Policy CS10 would require developers to provide a financial contribution (rate yet to be confirmed) towards the provision of affordable pitches for gypsies and travellers. The developer is not proposing to provide such a contribution, and whilst this is only a draft policy, as weight has been given to the emerging Core Strategy in the determination of this application, consideration should be given as to whether such contributions would be appropriate in this instance. Whilst there is a significant demand for affordable pitches to be provided within the Borough, due to the level of contributions being paid by the applicant towards improvements to the school, the level of affordable housing provided on site,

and the fact that the properties are achieving level 4 of the Code for Sustainable Homes, together with fact that this is an emerging policy has resulted in no contributions of this nature being sought.

5.10.11 Whilst concern has been raised with regards to the lack of traffic regulations at the point of access into the site, these would be subject to a separate consultation process prior to being fully adopted. In any event, with the raised table proposed, and the driveways proposed within the access road, I do not consider these necessary, and the request does not therefore comply with the S106 tests as set out above.

5.10.12 A contribution of £1,500 for qualitative enhancements to, and future management of, any receptor site for wildlife trans-located from the application site is also requested. I consider that it is appropriate to request this sum, on the basis that qualitative enhancements would be required to 'accommodate' additional wildlife once translocation takes place. Whilst both the sites within the Borough are considered acceptable receptor sites, such enhancements would be required to ensure that the existing biodiversity within the locality is not adversely impacted. I consider the sum reasonable and directly linked with the proposed development, and as such the contribution should be sought.

5.10.13 I consider that this proposal would provide a significant level of contributions, as well as providing a high level of affordable housing. Whilst these contributions are *necessary* to make the development acceptable, it should also be noted that many of the recently permitted schemes have demonstrated a lack of 'viability' if all contributions are paid alongside the provision of 40% affordable housing. As such, I consider the provision of these S106 contributions to be a positive factor in the balancing of this planning application, at this time.

5.11 Residential Amenity

5.11.1 The application site is relatively self-contained with no residential properties to immediately to the north, west, or south of the application site. There are new residential properties currently under construction to the south-east of the application site (which are not occupied at present). The only occupied properties within close proximity to the site are to the east, however, these are all on the eastern side of Hook Lane, with a large hedge provided along this lane (upon its western side).

5.11.2 The properties within the eastern most part of the application would back on to Hook Lane, which has a large, mature hedge running its full length. This hedge, together with the separation distances (of approximately 20-25metres), would ensure that there would be no significant overlooking of the neighbouring properties. In addition, the public domain of Hook Lane runs

between these properties, affording greater views into the existing properties that those proposed within the application site.

- 5.11.3 With regards to the potential for noise and disturbance to be generated, clearly, the use of the land for housing would be more noisy than the existing use, however, I don't consider that it is likely to be to an unacceptable level.
- 5.11.4 The site does front on to the A20, with both the M20 and the CTRL in close proximity to the application site. As such, there were considerable concerns raised with regards to the noise experienced by any future residents of the application site.
- 5.11.5 The applicants have submitted a full acoustic assessment that demonstrates that the properties that would front on to the A20 would fall within category C, which is defined within Annex A of PPG24 as being an area where planning permission should not normally be granted, unless a commensurate level of protection can be provided against the noise.
- 5.11.6 The acoustic report submitted followed significant negotiation with both Planning and Environmental Health Officers. This discussion set out that the Council would not consider it appropriate to place acoustic fencing or any other barrier along the A20 frontage, as this would have a significant impact upon the character and appearance of the locality (indeed, it is considered that the boundary treatments that are currently in situ along the A20 do little to enhance the area's character).
- 5.11.7 Following this advice it was agreed that it would be acceptable to have the houses located within the area that fell within the lower half of category C, as long as the garden areas were shielded from the noise.
- 5.11.8 The scheme has been designed in such a way so that the habitable rooms within the proposed dwellings closest to the A20 would be to the rear with, where possible, the bathrooms and kitchens to the front. These properties would also be fitted with mechanical forms of ventilation, so that the owners/occupiers would have the option of not opening doors windows for fresh/cooling air to enter the building. It is considered that the measures suggested within the WSP report would ensure that a suitable level of mitigation would be provided, and that there would be no detrimental impact upon the future residents of these properties by virtue of road and rail noise.

5.12 Sustainability

- 5.12.1 The applicants have submitted a Code for Sustainable Homes (CSH) pre-assessment that identifies that all properties within the development will achieve a minimum rating of level 4 of this code. For a development of this

scale this would be the first time that this has been achieved within the Borough. Sustainable construction is a fundamental part of good design, and I consider this level of sustainable construction to represent a high standard of design at this point in time.

5.12.2 Within the pre-assessment the applicants have indicated that the following features are suitable to be incorporated within the development:

- PV Cells to be used within the roofslopes;
- Solar thermal cells to be used within the roofslopes;
- Ground source heat pumps and ground cooling;
- Air source heat pumps;
- Improved thermal insulation.

5.12.3 Other features considered, but subsequently dismissed are:

- Biomass boilers;
- Biomass CHP;
- Wind turbines (small or large)

5.12.4 I consider that these features proposed within the development, would ensure that it would be delivered to a high standard, and would ensure that the proposal would be constructed, and thereafter operated as sustainable dwellings. The proposal would therefore comply with the requirements of PPS1: Design.

5.12.5 In addition to the sustainable construction methods proposed, the location of the site is considered to be relatively sustainable. Whilst on the edge of the village, it is relatively well served by public transport, with bus stops proposed to the north of the site, and the railway station within a short walk from the site. Furthermore, there is a small shop, and other facilities within the village, as well as a school opposite the application site.

5.12.6 Whilst the National Planning Policy Framework (NPPF) is currently only in a consultation draft, nonetheless, it signals the intention of central government, and on a development of this scale, should be given some weight in the determination of this planning application. Within the NPPF, there is a clear and consistent steer towards the delivery of sustainable development, and whilst no definition of 'sustainable' has been provided within this document, to my mind its location, and the manner in which it is constructed, and thereafter maintained, forms a crucial part of this consideration. I therefore consider this proposal to comply with the objectives of this document, for the reasons set out above. Similarly, the Ministerial Statement 'Planning for Growth' of 23 March 2011 indicates that an application should be given favourable weight if it does not compromise key sustainable development principles set out in

national policy. My view is that it does not and therefore it attracts further favourable weight in bringing positive investment and growth to Harrietsham.

5.13 Other Matters

- 5.13.1 The proposal is also to include the provision of electrical charging points for cars powered by electricity. Whilst it has not been confirmed the precise location of these, the applicant has agreed to the imposition of a suitable condition to ensure the delivery of such a facility.
- 5.13.2 The applicant has also agreed to seek to incorporate high speed broadband within the development. Discussions are ongoing with broadband providers, to assess the possibility to providing high speed broadband to every dwelling within the development.

6. CONCLUSION

- 6.1 There are a number of factors to bear in mind, that need to be balanced against one another. Looking at the strategic picture, there are clear disadvantages with this proposal, namely, that it is a 'greenfield' site for which there is no need to release at this point in time, given that there is a 6.2year housing supply (untested). Balanced against this is the likelihood that the site will be needed in 2015 and if it was granted planning permission in 2012, it would probably be completed not too long before 2015 in any event. The key question is whether or not this Council should wait for this Greenfield site to be developed in 2015 or after, in circumstances where the scheme can be delivered beforehand with the following factors weighing in its favour:
- i) The site is within the adopted Local Plan as a housing site. Furthermore these policies (H1 and H11) were 'saved' in 2007.
 - ii) Harrietsham is a designated Rural Service Centre in the draft Core Strategy, but was classified as a rural settlement capable of accommodating growth, within the Local Plan and Urban Capacity Study.
 - iii) It is an acceptable SHLAA site with high development potential.
 - iv) The application complies with the policy criteria set out within Local Plan Policy H11.
 - v) 40% affordable housing is proposed.
 - vi) The pipeline supply of new dwellings on rural sites that are 3/4 bedroom properties has been lagging behind the recommendation in the SHMA. The market housing element of this application proposes almost 100% 3/4 bedroom houses, helping to redress that imbalance.
 - vii) The percentage of affordable homes completed (or in the pipeline) that are in the rural area is very low. This proposal would see the majority of the affordable units providing family accommodation(2/3/4 bedroom

dwellings) and it would help address the acute need for affordable housing in the rural area.

- viii) It would be a development within a sustainable location that would bring investment and growth, particularly needed at this point in time.
- ix) It would help maintain the viability of the rural settlement of Harrietsham. The lion's share of new housing development has been granted within the urban area, particularly in the form of flatted development, and the urban area does not need the release of greenfield sites on its edge to support it at this time.

- 6.2 I consider that the balance, of this specific application, favours the early release of this site. The early release of RSC sites was favourably considered in the 9 February 2011 Cabinet report upon the draft Core Strategy.
- 6.3 I am also conscious of the lack of major housing scheme 'starting' over the past 12 months and the lack of permitted schemes with a S106 contributions deficit. The vast majority of housing completions in the period 2006-2010 have been within the urban area (with over two thirds having been apartments). The RSCs have clearly been 'missing out' on a 20% proportion of these completions.
- 6.4 Lastly, there is concern that a precedent would be set with the approval of this planning application and that the 'floodgates' would open on other 'greenfield' housing allocations. The scale of the proposal (being for 80 houses) is not great enough for it to create a precedent to change the alignment of the Core Strategy. Secondly, each case has to be considered and determined on its own planning merits and on the basis of the planning considerations pertaining at that particular time. There are a number of current factors which, when viewed in combination, tip the scales towards the grant of planning permission in this case. One particular factor at this point in time is the distinction that can be made between the urban fringe locations, and those within the emerging Rural Service Centres.
- 6.5 As such, given the particular circumstances of this planning application, and the lack, overall, of unacceptable harm to any local planning interests, I recommend that Members give favourable consideration to the proposal, and give delegated powers to the Head of Planning and approve the application, subject to the receipt of an appropriate S106 legal agreement and the imposition of the conditions set out below.

7. RECOMMENDATION

Subject to the prior completion of a legal agreement, in such terms as the Borough Solicitor may advise, to provide the following;

- The provision of 40% affordable residential units within the application site.
- A contribution of £350,000 towards improvements to Harrietsham Primary School – which will be spent upon additional classroom space and teaching facilities (to be made to KCC).
- A contribution of £227 per dwelling as a contribution to improving the library book stock for the local community (to be made to KCC).
- A contribution of £827 per house and £206 per flat for youth services (to be made to KCC).
- A contribution of £1,201 per dwelling for adult social services (to be made to KCC).
- A contribution of £54,396.00 for the Primary Care Trust towards the improvements of the existing healthcare facilities within the locality.
- The provision of two new bus shelters (with real time bus information) within West Street.
- A contribution of £1,500 for the management of the receptor sites for any translocation of wildlife from the application site.

The Head of Planning BE DELEGATED POWERS TO GRANT subject to the imposition of the conditions set out below.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No development shall take place until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site in accordance with PPS1.

3. The dwellings shall achieve at least Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.

Reason: to ensure a sustainable and energy efficient form of development in accordance with Kent Design 2000 and PPS1.

4. The development shall not commence until, written details and samples of the materials, which shall include stock brick, clay tiles, render, and timber effect weatherboarding to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development in accordance with PPS1 and Policy BE1 of the South East Plan 2009.

5. The development shall not commence until, details of the colour of the render to be used upon the buildings have been submitted to and approved in writing by the Local Planning Authority. The approved colour scheme shall be fully implemented before the first occupation of the buildings and thereafter maintained;

Reason: To ensure a high quality finish to the development in accordance with PPS1.

6. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

7. No development shall take place until the applicant has secured and had implemented a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority;

Reason: To enable the recording of any items of historical or archaeological interest pursuant to PPS5.

8. The development shall not commence until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, and the design of kerb-stones/crossing points which shall be of a

wildlife friendly design, have been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a high quality external appearance to the development pursuant to PPS1.

9. The development shall not commence until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To prevent light pollution in the interests of the character and amenity of the area in general pursuant to Policy ENV49 of the Maidstone-Wide Local Plan 2000.

10. No development shall take place until details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority;
 - i) Details of the roof overhangs and eaves.
 - ii) Details of windows and doors and recesses/reveals (which shall be a minimum of 70mm).
 - iii) Details of the soldier courses.
 - iv) Details of the balcony railings.

The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a satisfactory external appearance to the development in the interests of the visual amenity and character of the surrounding area in accordance with PPS1.

11. The development shall not commence until details of foul and surface water drainage have been submitted to and approved by the local planning authority. The submitted details shall incorporate inter-alia wildlife friendly drainage gullies and design features. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of pollution and flood prevention pursuant to PPS23.

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

Reason: To ensure a satisfactory setting and external appearance to the development pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000.

13. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction-Recommendations'. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development pursuant to PPS1 and PPS9.

14. No development shall take place until details of the location and design of the external electrical charging points have been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of delivering a sustainable form of development in accordance with PPS1.

15. No development shall take place until precise details of the proposed pond have been submitted to and approved in writing by the Local Planning Authority. The details shall include the provision of shallow areas, and deeper, cooler areas, as well as the planting regime for the pond.

Reason: In the interests of biodiversity in accordance with PPS9.

16. No development shall take place until precise details of the SUDs system has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable design, in accordance with PPS1.

17. The development shall not commence until, details of all fencing, walling and other boundary treatments (which shall include the erection of a dwarf ragstone wall along the western part of the A20 frontage) have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the buildings or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers in accordance with PPS1.

18. No development shall take place until a scheme of landscaping using indigenous species has been submitted. This scheme shall include indications of all existing trees and hedgerows on the land, and details of any to be retained. The development shall also include:-

- i) The extension of the existing hedge along the A20 frontage;
- ii) The provision of suitable tree planting as shown on plan number CN37-301 revj;
- iii) The retention of the trees shown within the arboricultural report (unless otherwise agreed in writing).
- iv) The provision of a wildflower grassland (with a mix as set out within the submitted report)

Details of the measures for their protection in the course of development, together with and a programme for the scheme's implementation and long term management shall also be submitted. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted and in the interests of visual amenity in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan (2000) and PPS1.

19. Prior to the commencement of the development, details of the proposed slab levels of the buildings and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site in accordance with PPS1.

20. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety in accordance with PPG13.

21. No development shall take place until details of the method of construction and external surfacing of the proposed emergency access route to the A20 has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with these approved details.

Reason: To ensure that the development positively responds to the character and appearance of the locality, in accordance with PPS1.

22. Prior to the commencement of the development hereby permitted, details of the proposed materials to be used in the surfacing of all access road, parking, turning areas, and pathways within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter undertaken in accordance with the subsequently approved details.

Reason: To ensure that the development positively responds to the character and appearance of the locality, in accordance with PPS1.

23. The development hereby permitted shall be carried out in accordance with the noise assessment submitted with the application on the 15 April 2011.

Reason: In order to safeguard the amenity of the future occupiers of the dwellings hereby permitted in accordance with PPS1 and PPS3.

24. The details of the landscaping of the site required to be submitted by Condition 6 shall include details of a scheme for the preparation, laying out and equipping of a play/amenity area and the land shall be laid out in accordance with the approved details.

Reason: To ensure a satisfactory external appearance to the development and the provision of adequate facilities to meet the recreational needs of prospective occupiers in accordance with Policy OS1 of the Development Plan.

25. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development for its permitted use and the landscape management shall be carried out in accordance with the approved plan over the period specified;

Reason: To ensure satisfactory maintenance and management of the landscaped area in accordance with Policy ENV6 of the Maidstone-Wide Local Plan 2000.

26. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reasons: To protect vulnerable groundwater resources and ensure compliance with Planning Policy Statement 23.

27. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reasons: To protect vulnerable groundwater resources and ensure compliance with Planning Policy Statement 23.

28. There shall be no occupation of the development hereby permitted until the provision of a pedestrian crossing within West Street has been made. Full details of the proposed crossing shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of pedestrian permeability, and sustainable design, in accordance with PPS1 and PPG13.

29. There shall be no occupation of the development hereby permitted until the provision of a new traffic island to be incorporated as part of the proposal of works for a new ghost lane at the junction of the A20 and West Street has been made. Full details of the proposed traffic island shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of pedestrian permeability, and sustainable design, in accordance with PPS1 and PPG13.

30. There shall be no occupation of the development hereby permitted until the provision of additional street lighting along the A20 to the junction of West Street and the A20 has been made. Full details of the proposed lighting shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and good design, in accordance with PPS1 and PPG13.

31. The development shall be carried out in accordance with the ecological report submitted on the 15 April 2011.

Reason: To ensure that suitable mitigation is provided for the ecology within the application site, in accordance with PPS9.

32. No occupation of the development hereby permitted shall take place until the raised table at the point of access has been provided. The raised table shall be designed and constructed to a specification approved by the Highways Authority.

Reason: In the interests of highway safety in accordance with PPG13.

33. No development shall take place until a detailed mitigation strategy for the translocation of any animals (wildlife) within the site has been submitted to and approved in writing by the Local Planning Authority. Such details as are agreed shall be fully implemented before development takes place.

Reason: In order to secure a satisfactory treatment of wildlife within the application site in accordance with PPS9.

Informatives set out below

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside of the normal working hours is advisable.

The developer shall implement a scheme for the use of wheel cleaning, dust laying and road sweeping, to ensure that vehicles do not deposit mud and other materials on the public highway in the vicinity of the site or create a dust nuisance.

You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in

accordance with the Scheme. Further information can be found at www.considerateconstructorsscheme.org.uk

No vehicles may arrive, depart, be loaded or unloaded within the general site, and plant and machinery shall not be operated, that would generate noise beyond the boundary of the site, except between the hours of 0800 hours and 1800 Mondays to Fridays and 0800 and 1300 hours on Saturdays (and at no time on Sundays or Bank or Public Holidays).

Removal of existing trees or hedgerows containing nesting birds shall take place outside of the bird-breeding season (generally March to August).

Where it is proposed to store more than 200 litres (45 gallon drum = 205 litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (Oil Storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials are stored (for example in bunded areas secured from public access) so as to prevent accidental/ unauthorised discharge to ground. The area's for storage should not drain to any surface water system.

The Phase 1 Geo-Environmental Assessment, dated March 2011, has identified that the site poses a low risk to the underlying groundwater environment. However, due to the sensitive nature of the groundwater in this area it is necessary to ensure that any contamination which may be encountered will still be investigated properly.

The site is underlain by a principal aquifer and is within a Source Protection Zone 3 for a nearby public water supply. As such, whilst there is no objection in principle to the proposed surface water drainage scheme, the following will need to be adhered to in order to protect the groundwater environment:

- a) only clean, uncontaminated surface water should be discharged to ground.
- b) run-off from access roads and parking areas will need to discharge via appropriate pollution prevention measures, such as interceptors and trapped gullies.
- c) there must be no direct discharge to groundwater.
- d) there must be no discharge to land impacted by contamination.

REASON FOR APPROVAL

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and South East Plan 2009) and there are no overriding material consideration to indicate a refusal of planning consent. Whilst the proposal would see the release of a 'greenfield' site at a time when the Council continues to have an agreement to freeze such sites, it is considered that there is overriding justification to see this site brought

forward at this point in time, due in part, to the lack of development within the rural area within the recent past.

Appendix A

Policy Extract from Maidstone Borough Wide Local Plan (2000)

Hook Lane, Harrietsham

4.112. Land at Hook Lane is a fresh land site adjacent to the North Downs Special Landscape Area, which provides the foreground to the Kent Downs Area of Outstanding Natural Beauty. However, Harrietsham is a sustainable village and the topography of the allocated site limits the impact of development in the wider context of the SLA. Landscaping is obviously a key issue in the sites development and the Borough Council will require the submission of a landscape scheme in accordance with policy ENV6.

4.113. An unmanaged mature hedgerow with trees marks the northern boundary of the site along West Street, the latter principally concentrated over the western section of the boundary. The hedgerow species mainly comprise hazel and blackthorn, and the trees include field maple, ash and oak. In places along the length of this boundary, areas of young blackthorn scrub have grown up adjacent to the hedgerow and have encroached into the field areas. The eastern boundary of the site, adjoining Hook Lane itself, is formed by a less well-defined intermittent hedgerow, mainly of hawthorn and blackthorn, with occasional ash trees.

4.114. Topographically, the site slopes generally downhill from east to west, such that the land over the north-eastern section of the site is at an elevated level with respect to both West Street and to Hook Lane. Development of this part of the site would, if carried out on existing levels, be generally more prominent from local viewpoints. Development on the lower parts of the site, however, would be closer to both the A20 and the Channel Tunnel Rail Link.

4.115. It is important that the hedgerow and tree screen along the site's northern boundary is retained, and reinforced where appropriate with new planting or the retention of parts of the naturally generated areas of Blackthorn scrub. The benefit of this feature is that it serves to separate the site from the open land to the north within the SLA, and will also screen the development from viewpoints in this direction.

4.116. The central mature hawthorn/blackthorn hedgerow is another feature of the site which contributes to its existing character, and it could be incorporated into the layout of a proposed development. However, it is likely that at least part of this would necessarily be lost to enable any practical development proposal to be formulated. It might be possible for this part of the hedgerow to be retained as part of the open space element of a development scheme.

4.117. The hedgerow along Hook Lane is of lesser importance, but could be enhanced by its restoration and appropriate management, together with the replanting of the extensive gaps which currently exist. If combined with appropriate hedgerow tree planting, this feature would assist in providing suitable screening between properties within, or served from, Hook Lane and those to be developed on this site.

4.118. It has been established that the Channel Tunnel Rail Link will not involve any land take from the allocated site. Noise from the CTRL and A20/M20 roads is not a constraint to development, although proposals will need to be accompanied by a supporting acoustic report and appropriate mitigation measures, in accordance with policy ENV4.

4.119. Proposals for vehicular access, together with off-site improvements involving road widening and the provision of footways and lighting, will be determined in the light of detailed landscape and highway safety considerations. Pedestrian/cycle links onto both West Street and Ashford Road will also be required. Off-site improvements will be sought at the junctions of Hook Lane/Ashford Road and Ashford Road/West Street.

4.120. Development will also need to comply with other policies of this Local Plan. Principally, ENV2 which seeks to achieve quality in new development schemes, H24 regarding the provision of affordable housing, ENV18 where an archaeological watching brief is required, and CF1 relating to the provision of education facilities.

POLICY H11 HOUSING DEVELOPMENT WILL BE PERMITTED ON LAND AT HOOK LANE, HARRIETSHAM, AS SHOWN ON THE PROPOSALS MAP, PROVIDED THAT THE FOLLOWING REQUIREMENTS ARE SATISFIED:

(1) THE HEDGEROW AND TREE SCREEN ALONG THE SITE'S NORTHERN BOUNDARY IS RETAINED AND REINFORCED WHERE APPROPRIATE. IT IS IMPORTANT THAT NO NEW BREACHES ARE CREATED IN THE LINE OF THIS HEDGE WHERE NONE CURRENTLY EXIST. CONSIDERATION SHOULD ALSO BE GIVEN TO THE RETENTION AND ENHANCEMENT OF OTHER HEDGEROW FEATURES WITHIN AND AROUND THE BOUNDARIES OF THE ALLOCATED SITE; AND

(2) PROPOSALS FOR VEHICULAR ACCESS, TOGETHER WITH OFF-SITE IMPROVEMENTS INVOLVING ROAD WIDENING AND THE PROVISION OF FOOTWAYS AND LIGHTING, WILL BE DETERMINED IN THE LIGHT OF DETAILED LANDSCAPE AND HIGHWAY SAFETY CONSIDERATIONS; AND

(3) THE PROVISION OF PEDESTRIAN/CYCLE LINKS TO BOTH WEST STREET AND ASHFORD ROAD; AND

(4) OFF-SITE HIGHWAY IMPROVEMENTS AT THE JUNCTIONS OF HOOK LANE/ASHFORD ROAD AND ASHFORD ROAD/WEST STREET.

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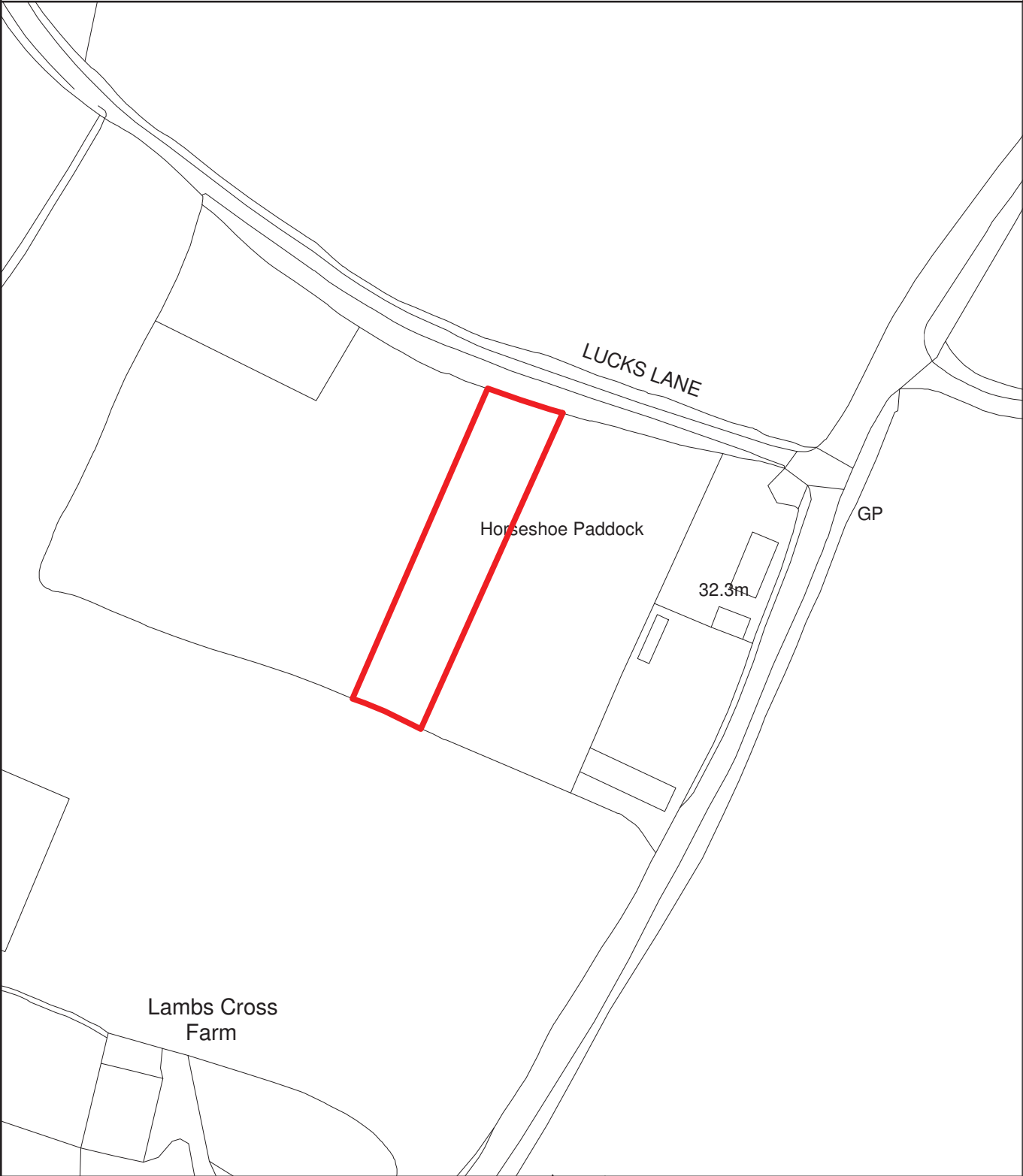
19.01.2012

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/11/0675

GRID REF: TQ7948

**LAND WEST OF HORSESHOES PADDOCK,
LUCKS LANE, CHART SUTTON.**



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**Rob Jarman
Head of Planning**

APPLICATION: MA/11/0675 Date: 16 May 2011 Received: 20 December 2011

APPLICANT: Mr J Smith

LOCATION: LAND WEST OF HORSESHOES PADDOCK, LUCKS LANE, CHART SUTTON, MAIDSTONE, KENT

PARISH: Chart Sutton

PROPOSAL: Retrospective application for the change of use of land from agriculture to residential for a gypsy family with the stationing of three mobile homes, two touring caravans and the erection of two timber sheds as shown on A1 site location plan received on 24th May 2011 and A1 site layout plan received on 20th December 2011.

AGENDA DATE: 26th January 2012

CASE OFFICER: Richard Timms

The recommendation for this application is being reported to Committee for decision because:

- It is a controversial development due to the receipt of a petition of approximately 1200 signatures referring to the application.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV28
- The South East Plan 2009: CC6, H4, C4
- Government Policy: PPS1, PPS3, PPS4, PPS7, PPS9, PPS23
- Circular 01/2006: Planning for Gypsy & Traveller Caravan Sites

2. HISTORY

MA/91/1161 - Section 64 determination for the erection of a field shelter – REFUSED

MA/90/1655 - Hardstanding for the tending loading and unloading of livestock (cattle) and also siting of shelter and feed store – REFUSED

MA/79/0970 - Stationing of caravan to provide shelter and meals, garden shed for storage of tools etc – REFUSED

3. CONSULTATIONS

Chart Sutton Parish Council: Wishes to see the application REFUSED but do not wish the application to be reported to Planning Committee.

"Wishes to see the application REFUSED because: it is an agricultural field in greenfield site in open countryside; is outside any area of development; there are no mains services available and the demand has already been met for Gypsy/Traveller sites in Maidstone."

KCC Biodiversity Projects Officer: No objections

"No ecological information has been submitted in support of this application. We have reviewed the desk top information available (OS maps, aerial photographs, site photographs, biological records) and consider that there is minimal potential for ecological impacts as a result of the proposals.

The site itself does not appear to have had particular ecological interest, comprising short grassland. Of greatest potential value are the hedgerows to the northern and southern boundaries. The 1993 Kent Wildlife Habitat Survey found that these hedgerows were species-rich (at least five 'woody species' and 'associated features' in a 30m stretch – see the Hedgerows Regulations 1997 for full details), and this is very unlikely to have changed. From the site photographs, it appears that the creation of the entrance has required approximately 4-5 metres of hedgerow to be removed.

There are no woodland areas linked to the site so we do not consider there to be a 'reasonable likelihood' of dormouse presence in the hedgerow. Had we been consulted prior to the development taking place, we would have advised that works affecting the trees/vegetation be undertaken outside of the bird nesting season in order to minimise potential for damage/destruction of active bird nests. We do not consider an ecological survey to be necessary.

The key principles of Planning Policy Statement 9 are not only to avoid, mitigate or compensate for harm to biodiversity but also to incorporate ways to enhance and restore it. We note the intention to plant trees around the perimeter of the site and advise that the planting should be of a native species mix in order to achieve the maximum ecological benefit."

MBC Environmental Health Manager: Grant approval subject to a condition requiring more specific drainage details and any caravan sites licence conditions being met.

Kent Highway Services: No objections

4. REPRESENTATIONS

Neighbours: Five representations received raising the following points:

- Visually intrusive and harmful to the countryside.
- Change of use of agricultural land.
- Access has been created by destroying part of a hedge.

- Large quantity of similar sites in the area and there seems to be no limit on the numbers.
- We understood there was a cap on the number of mobile homes in relation to private houses.
- Totally illegal.
- Does not appear to be a planning notice at the site.
- Any native of the Parish would be unsuccessful in getting planning permission.
- Any consent should be conditional upon adequate screening.

Petition:

A petition of approximately 1200 signatures in relation to the open countryside around Wierton, Chart Sutton, Boughton Monchelsea and the Greensand Way has been received which makes references to a number of gypsy sites, including the application site and also to a proposed residential conversion. To summarise it states that the Council has the highest number of authorised and unauthorised sites in Kent, considers that the Council has a lack of rigour concerning process and enforcement and that checks and procedures have not been followed and that it has not planned sufficiently to meet the needs of travellers with the result that many have had to resort to unlawful developments which is harming community cohesion and is not fair on the residents, nor on the travellers.

(The Council agreed that the petition be referred to the Cabinet at a future date (to be considered as a representation on the Core Strategy), the Planning Committee (in so far as it relates to "live" planning applications and enforcement generally) (considered on 12th January 2012) and the Regeneration and Economic Development Overview and Scrutiny Committee (to consider the policy implications and make recommendations to the Cabinet as appropriate) (considered on 25th October 2011). The petition therefore has/will be fully considered by the Council and as such, no specific comments relating to it are made in this report)

Weald of Kent Protection Society: *"Not only are the proposed buildings etc in open countryside where such building is normally not permitted, but the site also seems particularly "unsustainable", since it is on an open agricultural field, not well located as regards transport access or proximity to facilities, and likely to have negative visual impact on countryside. We recognise that there may be genuine shortage of sites, but this one is surely particularly unsuitable."*

5. CONSIDERATIONS

5.1 Introduction & Site Description

- 5.1.1 This is a retrospective application for the change of use of land to residential for a gypsy family with the stationing of three mobile homes, two touring caravans, two timber sheds and associated works at 'Little Appleby', Land West of Horseshoes Paddock, Lucks Lane, Chart Sutton.
- 5.1.2 The site is located within the open countryside with no special landscape designation, although the Greensand Ridge Special Landscape Area is immediately to the north. The site is a rectangular parcel of land located on the south side of Lucks Lane, approximately 1700m² in area. It is located within the centre of a grassed field with a road frontage width of around 23m where hedging and trees have been removed to provide vehicular access. It extends back from the road southwards for around 74m where it meets a hedge boundary here.
- 5.1.3 At the time of my site visit there were two static mobile homes and three touring caravans but the applicant intends to replace one of the touring caravans with a static mobile home (total of 3 static and 2 tourers). One mobile is sited towards the front, north of the site on the west side. This is occupied by the applicant Mr John Smith snr. and his wife Louisa. The other mobile is at the rear of the site and is occupied by Mr John Smith jnr., his wife Mary and their son John (18 yrs). One of the tourers is being lived in by John jnr's daughter Ellen Smith and her partner Henry and their 2 children (both under 2yrs) and this is to be replaced with a static mobile home within the middle and on the west side of the site. Ellen is also expecting another child. The two tourers are for the family when travelling.
- 5.1.4 There is hard surfacing at the site entrance and around the mobile homes. There are grass areas retained on the east and west sides and at the rear. There is a timber shed (to be retained) and temporary toilet (to be removed) in the northwest corner and temporary toilet within a shed (to be removed) near to the rear boundary. There is also a small moveable storage container here. There is stock proof fencing along both sides of the site.
- 5.1.5 Either side of the site are grassed fields grazed by horses owned by the applicant's nephew who lives at the gypsy site 'Horseshoe Paddock' around 55m to the east. This site has a personal permission for 2 mobile homes and 2 tourers allowed at appeal in 2000 and 2004. To the rear, south is an established hedge around 3m in height with an open grassed field in different ownership beyond. The site frontage with Lucks Lane is formed by an established deciduous hedge with trees and there is a short section of 2m high timber fencing (to be

removed) on the west side of the access which has timber gates set back from the road.

- 5.1.6 Apart from the 'Horsehoes Paddock' site, the nearest dwellings are 'Lambs Cross Farm' around 90m south of the site and 'Noons Farm' around 130m to the northeast.

5.2 Proposal

- 5.2.1 This application proposes a retrospective change of use of agricultural land to a residential caravan site for occupation by a gypsy family. As outlined above there would be 7 adults and 2 children living on the site. The family previously lived at a site in the AONB in Wealden District, East Sussex but had to move off following a dismissed appeal which will be discussed in more detail below.
- 5.2.2 This involves three mobile homes and two touring caravans with the layout as currently on site and set out above but with new native hedge and tree landscaping. The shed (5m x 2.5m and approx. 2m in height) at the front of the site would be retained and the temporary toilet removed. A new shed would be erected at the rear of the site to replace the temporary toilet. Two septic tanks would provide foul drainage and one has already been installed at the front.

5.3 Principle of Development

- 5.3.1 There are no saved Local Plan policies that relate directly to this type of development. Policy ENV28 of the Local Plan relates to development in the countryside stating that:

"Planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers"

- 5.3.2 ENV28 then outlines the types of development that can be permitted. This does not include gypsy development: this was previously formally covered under housing Policy H36 but this is not a 'saved' policy.
- 5.3.3 There is no specific gypsy accommodation policy in The South East Plan 2009 although Policy H4 makes reference to providing accommodation for gypsies and therefore there is no need to advertise this application as a departure from the Development Plan. Policy CC1 concerns sustainable development and ensuring the physical and natural environment of the South East is conserved and enhanced. Policy CC6 outlines that actions and decisions associated with the development and use of land should respect, and where appropriate enhance, the character and distinctiveness of settlements and landscapes. Policy C4 concerns landscape and countryside management, essentially outlining that outside nationally designated landscapes, positive and high quality management

of the region's open countryside will be encouraged, protected and enhanced, securing appropriate mitigation where damage to local landscape character cannot be avoided.

5.3.4 PPS7: Sustainable Development in Rural Areas outlines at paragraph 15 that:

"Planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced."

5.3.5 PPS4 is also considered relevant, as whilst it relates to economic development, it provides the Government's most recent stance on the protection of the countryside at Policy EC6 –

"Local Planning Authorities should ensure that the countryside is protected for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all."

5.3.6 Also key in the determination of this appeal is Central Government Guidance contained within Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites. This places a firm emphasis on the need to provide more gypsy sites, supporting self-provision and acknowledging that sites will need to be found in rural areas. The Government has carried out consultation on a Planning Policy Statement for traveller sites but this guidance has not yet been finalised or formally adopted so I attach it little weight.

5.3.7 Work on the Local Development Framework is progressing; however there is, as yet, no adopted Core Strategy. Now that the Government intends to abolish the South East Plan, local authorities have the responsibility for setting their own target for the number of pitches to be provided in their areas. The Core Strategy will set the target pitch figure for the Borough for the period 2006 to 2016. The Core Strategy will contain a gypsy and traveller policy to assess any windfall sites. The initial Core Strategy public consultation has recently ended, which includes the agreed Cabinet target of 71 pitches for the period 2006 to 2016.

5.3.8 The Local Development Scheme Priority Documents were considered by Cabinet on 8th June 2011. In relation to the Gypsy and Traveller Pitch Allocations DPD, Cabinet agreed to no longer pursue this as a specific DPD but instead to merge it with, and allocate pitches within the overall Land Allocations DPD (under a new title of Development Delivery DPD). (The Land Allocations DPD will allocate the specific sites for residential and non-residential development, as well as dealing with landscape designations and village boundaries). A revised Local Development Scheme was reported to the Task and Finish Panel on the 20 September 2011 with a revised timescale for the adoption of documents. This indicates that the Development Delivery DPD is scheduled for adoption in March

2015. This Council, in partnership with Sevenoaks District Council, has procured Salford University Housing Unit to carry out a revised Gypsy and Traveller Accommodation Assessment and work on that continues.

5.3.9 Issues of need are dealt with below but, in terms of broad principles, Development Plan Policy and Central Government Guidance clearly allow for gypsy sites to be located in the countryside as an exception to the general theme of restraint.

5.4 Gypsy Status

5.4.1 Circular 01/06 defines gypsies and travellers as: "*Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such.*"

5.4.2 I have reviewed a recently dismissed hearing appeal decision (Ref. APP/C1435/A/09/2116465 - 16th March 2010) within Wealden district where the Inspector was satisfied that the Smith family are gypsies for the purpose of the Circular. They are of Romany Gypsy origin. They lived in Australia for over 30 years where they had an itinerant lifestyle and travelled for work purposes. The family returned to England in the early part of 2006 following a tragic incident where one family member died and another was injured. The family have various health issues, that will be discussed below and therefore have stopped travelling. They are related to the Smiths at Horseshoe Paddock who's gypsy status has been accepted. I am satisfied they comply with the Circular definition.

5.5 Need for Gypsy Sites

5.5.1 Planning Policy Statement 3: Housing makes specific reference to the need to accommodate Gypsies and Travellers. Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites gives guidance on how this should be achieved, including the need to start the process with a clear assessment of needs through Gypsy and Traveller Accommodation Assessments.

5.5.2 A Gypsy and Traveller Accommodation Assessment (GTAA) was conducted previously to assess the level of need for gypsy accommodation over the five year period from April 2006 to April 2011 and resulted in the overall pitch requirement being identified of 44 pitches for the whole 5 year period.

5.5.3 Since April 2006 the following permissions for pitches have been granted (net):

50 permanent non-personal permissions

15 permanent personal permissions
8 temporary non-personal permissions
27 temporary personal permissions

- 5.5.4 Therefore a net total of 65 permanent planning permissions have been granted since April 2006.
- 5.5.5 The Council has agreed its public consultation draft pitch requirement for the period 2006 to 2016 for inclusion in the draft Core Strategy as 71 pitches so there is currently a shortfall of 6 pitches. This target is currently being updated as a revised Gypsy and Traveller Accommodation Assessment is being carried out.
- 5.5.6 In terms of unauthorised pitches, based on the most recent July 2011 count and according to the Council's database at the time of writing this report, there are 51 unauthorised mobile homes and 72 touring caravans.
- 5.5.7 Numerous Inspectors at appeal consider that the level of unauthorised mobiles is an indication of general need; however, I do not consider this to be currently overriding.
- 5.5.8 It is considered that the Council has met the identified need for the period 2006 to April 2011 through the Development Management process. However, the need for pitches continues beyond April 2011.

5.6 Visual Impact

- 5.6.1 Whilst there is no criteria-based policy for the determination of gypsy caravan applications (Circular 01/06 is the key document), the impact of such developments on the character and appearance of the countryside is a key consideration.
- 5.6.2 The application site is not located in an area designated for its landscape value. I have visited the site in both the summer and winter and the site is generally well screened from Lucks Lane by the established hedgerow along the lane's south side in the summer. In the winter it is more easily seen but any views are still broken by the hedging. The site is clearly visible when standing at the entrance to the site and there are some limited views through an access around 60m to the northwest on the lane. Whilst easier to see in winter, I consider the roadside hedgerow provides a good natural screening of the site.
- 5.6.3 Further from the site, the hedgerows bounding both sides of Lucks Lane screen any views from Chart Hill Road further to the northeast. There are glimpses of the caravans through the existing Horseshoe Paddock site at the junction of Chart Hill Road and Lucks Lane but the site is not prominent from here.

Otherwise the site is not clearly visible from Chart Hill Road. From public footpath KH558 between 180m and 320m to the west there are broken views of some caravans between established hedging, although again I would not suggest the site is prominent or overly intrusive from here. Following this path to the east the site is generally well screened by intervening hedgerows and there are only broken glimpses from the footpath around 85m south of the site.

- 5.6.4 Overall, I consider the visual impact of the site is low in the wider landscape but there are short range views from Lucks Lane and glimpses from the public footpath and limited points on Chart Hill Road. The site is more visible during the winter months but additional landscaping could further screen the site and reduce its visual impact. The applicant has proposed native hedge planting with trees along both flanks of the site, by the access and a line of trees within the centre of the site. Existing hedging and trees at the front and rear would be retained. In time this landscaping would help the site assimilate into its setting and reduce the impact of the development. I also consider the amount of hard surfacing could be reduced and landscaped which would be beneficial. My view is that whilst the site causes some impact upon character and appearance of the countryside here, it is not a significant impact.
- 5.6.5 There is the nearby traveller site to the east but I consider the separation distance of 55m is such that they do not result in a significant harmful impact when seen together and the proposed landscaping would reduce any impact. There are other traveller sites on Chart Hill Road but I do not consider that a granting of permission here would lead to an unacceptable over-concentration in terms of visual impact, given the spacing between the respective sites.

5.7 Personal Circumstances

- 5.7.1 The applicant has put forward various personal circumstances as part of their submission, many of which were fully considered under the dismissed appeal at Wealden, East Sussex. (This appeal was dismissed due to the visual impact of the development, however, this site was located within an AONB, a national landscape designation that benefits from the highest level of landscape protection)
- 5.7.2 I consider it important to review the Inspector's discussion of the applicant's accommodation needs and personal circumstances as they are still much the same. He stated as follows:

"The appellants consider that a settled site is needed as a base for their extended family. Given their traumatic experience stemming from the incident in Australia where a family member died and another was injured, mutual support from relatives is valued. With regard to mutual support, I am also aware that the appellants are of pension age and that Ellen Smith gave birth to a daughter last November, and she is now pregnant again. The family therefore consider it important that they stay together as a group. The

appellants consider that permanent dwellings would not provide appropriate accommodation for the family because it would be alien to their gypsy lifestyle and culture.

There are material personal circumstances relating to health and education. Doctor's letters dated 7 September and 9 November 2009 have been submitted in support of the appeal. The letters indicate that the family are under a great deal of stress which is having an adverse impact on their health and that the stress is related to the issues regarding the family living on the site, and also to the longer term issues related to the incident in Australia. One family member, who has had a stroke, now has a heart condition and serious health problems, whilst another has a condition where the body rejects its kidneys. Other family members suffer from hypertension, depression, insomnia, and psoriasis. At the hearing it was mentioned on behalf of the appellants that the family member who has the heart condition has deteriorated over the last two years and has become a registered disabled person during this time. However, there is no detailed medical evidence before me to support the contention that there has been deterioration.

However, it is my opinion that there has not been a significant change in personal circumstances since February 2008 when the previous Inspector mentioned those before him in his decision letter. I can only concur with the previous Inspector and find that none of the personal circumstances currently before me demonstrate a need for the appellants to be on the appeal site. The medical conditions referred to also occur in the settled population. Nevertheless, I consider it likely that access to education and health facilities would suffer if the family members were unable to live on a settled site. I therefore conclude that there are material personal circumstances which weigh in favour of the appeal."

5.7.3 Since that decision, the applicant outlines that the family had to move from the Wealden site and had nowhere to go so lived on the roadside for a short period. Because of the applicant's ill health and their grand daughter's two young babies it was not considered suitable and so they moved on to this proposed site. Many of the same people are who were living on the Wealden site are also living on this site. Those at the application site have put forward the following health and general issues.

5.7.4 A letter from the Cobtree Medical Practice (June 2011) outlines that the applicant's both suffer with serious long term medical conditions. Dr Michale Hever states that,

"John Smith Snr. has Ischaemic Heart Disease causaign chest pain and breathlessness on minima exertion, Cerebrovasculr Disease (stroke) causing arm and leg weakness, and depression and post-traumatic stress disorder having witnessed the brutal and tragic murder of their son in Australia. Louisa suffers from Hypertension (high blood pressure) and likewise chronic depression and post-traumatic stress disorder. Having to move yet again would be very likely to cause you both further stress and upset."

- 5.7.5 Various doctor's letters from 2006 to 2009 have also been submitted which state the same. Doctor's letters have been submitted from the previous Wealden site (7th September 2009) stating that their son John Smith jnr. suffers from hypertension.
- 5.7.6 Since submission of the application John Smith Snr. has been diagnosed with lung cancer which is confirmed by letters from the Cobtree Medical Practice and Heart of Kent Hospice (November 2011) and is due to be treated with radiotherapy. Ellen Smith is pregnant and expecting a baby in May 2012, which is confirmed by correspondence from the Cobtree Medical Practice.
- 5.7.7 The applicant's wife states that she and her husband need their family with them to provide support and I note that this was referred to in the previous appeal decision where the Inspector states that, *"with regard to mutual support, I am also aware that the appellants are of pension age and that Ellen Smith gave birth to a daughter last November (2009), and she is now pregnant again. The family therefore consider it important that they stay together as a group."* She outlines that it is a gypsy tradition to live together as one extended family unit.
- 5.7.8 The Inspector considered there to be material personal circumstances relating to health issues and living together as one unit but felt that none of the personal circumstances demonstrated a need for the appellants to specifically live on the Wealden site. Nevertheless, he considered it likely that access to education and health facilities would suffer if the family members were unable to live on a settled site and so concluded that these were material personal circumstances.
- 5.7.9 The personal circumstance of the applicant's have changed since that April 2010 decision with John Smith Snr. now being diagnosed with lung cancer, Ellen Smith and her partner having another baby and expecting another. In my view the personal circumstances now attract greater weight in favour of the development than before. I consider that the applicant and his wife benefit greatly from other family members living on site both for support and for practical reasons (e.g. providing lifts to their GP and hospital) and that they all provide valuable support for one another. I agree with the previous Inspector that although the personal circumstances do not necessitate the family to live at this particular site, it would provide a settled base to provide access to essential health facilities. I consider that these are material personal circumstances that weigh in favour of the proposal.

5.8 Residential Amenity

- 5.8.1 The nearest dwellings are 'Lambs Cross Farm' around 90m south of the site and 'Noons Farm' around 130m to the northeast. At this distance I do not consider any adverse impacts upon residential amenity would occur in terms of privacy

and disturbance. I consider the site is a sufficient distance (55m) from Horseshoe Paddocks such that the amenity of both sites is acceptable.

5.9 Highways & Sustainability

- 5.9.1 There is good visibility onto Lucks Lane from the access and traffic is unlikely to be travelling at high speeds on this narrow lane. I consider that the use of the site would not result in any significant highway safety issues, and no objections have been raised by the KCC Highways Engineer. I also consider the local highway network is capable of accommodating the relatively low level of vehicle movements involved.
- 5.9.2 It is inevitable that gypsy traveller sites will be located beyond the bounds of settlements and within the rural area. In my view this site is not so remote from basic services and public transport opportunities as to warrant objection on the basis that this is not a sustainable location being under 2km from Chart Sutton and 2.5km from Sutton Valence. The site will provide easier access to GP and other health services and prevent potential unauthorised roadside stopping so in the context of Circular 01/06, I consider the site is not so unsustainable so as to warrant an objection.

5.10 Ecology

- 5.10.1 The site was part of a grass field which was partly grazed by horses. No objections have been raised by the KCC Biodiversity Projects Officer who does not consider an ecological survey is necessary as the site does not appear to have had particular ecological interest. The hedgerows to the north and south are considered important and these would be retained, obviously apart from that lost to create the access. New native hedge and tree planting would provide benefits and overall I consider there to be no grounds to object in relation to ecology.

5.11 Drainage

- 5.11.1 Two septic tanks would be provided (one is installed) both 3080 litres capacity. I have discussed this with the Environmental Health section and they have confirmed that this capacity should be sufficient for the number of people on site but the applicants will need to contact the Environment Agency to establish/obtain a consent to discharge. This could potentially be refused and an alternative solution required so I consider a condition to ensure any arrangement is agreed and finalised is reasonable to prevent any pollution of the environment.

5.12 Other Matters

5.12.1 Other issues raised on the application not considered above relate to the change of agricultural land, a cap on the number of mobile homes in relation to private houses, that a native of the Parish would be unsuccessful in getting planning permission and no planning notice at the site. The proposals would not result in the loss of the best and most versatile agricultural land. There is no 'cap' on the number of mobile homes allowed in relation to houses but I do not consider the proposals would lead to unacceptable over-concentration of sites or any harmful impact upon residential amenity. The applicant's fall within the definition of gypsies and travellers and so in principle can be allowed to live at rural locations under current planning policy and law. A site notice was attached to the telegraph pole outside the site on Lucks Lane on 17th June allowing 21 days for any comments and I note it is still in place.

6. CONCLUSION

6.1.1 I consider there is some harm to the countryside here but it is localised mainly to a short section of Lucks Lane and the site is not prominent or unduly harmful in any medium to long range views both in the summer and winter. The site is also not located in an area designated for its landscape value. My view is that the harm is not significant and could be reduced through new landscaping at the site. Nonetheless there is some harm to the countryside.

6.1.2 I consider there are strong material personal circumstances that weigh in favour of the development for the applicants, mainly relating to issues of health but also the benefits of the family living together to provide support for one another and having a settled base that provides regular access to health services. In balancing this against the level of harm, which I do not consider to be significant, and the fact that the site can be further landscaped, I consider that the applicant's personal circumstances outweigh this level of harm. On this basis, I consider a permanent permission is justified but that it should be personal to the applicant's family as this has been a determining factor in my decision.

7. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. No more than 5 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 3 shall be a static caravan or mobile home) shall be stationed on the site at any one time. The static caravans shall only be sited in the positions as shown on the site layout plan (1:200 scale) received on 20th December 2011;

Reason: To safeguard the character and appearance of the countryside in accordance with policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and policy C4 of The South East Plan 2009.

2. The occupation of the site hereby permitted shall be carried on only by the applicant Mr John Smith Senior and his wife Louisa Smith, their son Mr John Smith Junior and his resident dependents, and their granddaughter Ellen Smith and her resident dependants;

Reason: The personal circumstances of the applicant are considered to represent overriding grounds to allow planning permission and in order to protect the character and appearance of the countryside in accordance with policies ENV28 of the Maidstone Borough-Wide Local Plan (2000) and policy C4 of the South East Plan (2009) and guidance in Circular 01/2006.

3. When the land ceases to be occupied by those named in condition 2 above the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place.

Reason: To safeguard the amenity, character and appearance of the countryside in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and policy C4 of the South East Plan (2009).

4. No commercial or business activities shall take place on the land;

Reason: To prevent inappropriate development and safeguard the amenity, character and appearance of the countryside in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and policy C4 of the South East Plan (2009).

5. Within 2 months of the date of this decision details of existing and any proposed external lighting within the site shall be submitted to the Local Planning Authority for approval in writing. No further external lighting shall be installed at the site beyond that approved under this condition;

Reason: To safeguard the character and appearance of the countryside in accordance with Policy ENV28 of The Maidstone Borough-Wide Local Plan 2000 and policy C4 of the South East Plan (2009).

6. Within 2 months of the date of this decision specific details of the landscaping scheme as shown on the site layout plan (1:200 scale) received on 20th December 2011, outlining indigenous species, details of hedges and trees to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and

long term management plan shall be submitted to the Local Planning Authority for approval in writing. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall also include the reduction in the amount of hard surfacing and its replacement with soft landscaping.

Reason: No such details have been submitted and to ensure an appropriate setting to the site in the interests of visual amenity in accordance with Policies ENV6 and ENV28 of the Maidstone Borough-Wide Local Plan 2000, Policy C4 of the South East Plan 2009.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the next planting and seeding season following their approval and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure an appropriate setting to the site in the interests of visual amenity in accordance with Policies ENV6 and ENV28 of the Maidstone Borough-Wide Local Plan 2000, Policies CC1 and C4 of the South East Plan 2009 and PPS7.

8. Within 2 months of the date of this decision details of all fencing and boundary treatments shall be submitted to the Local Planning Authority for approval in writing. The details shall include retention of the post and wire fencing along the sides of the site and a reduction in the amount of close-boarded fencing at the front of the site.

Reason: No such details have been submitted and to ensure an appropriate setting to the site in the interests of visual amenity in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and Policy C4 of the South East Plan 2009.

9. Within 3 months of the date of this decision full details of the proposed means of foul water disposal shall be submitted to the Local Planning Authority for approval in writing. If septic tanks are to be used you will need to provide evidence of approval or consent from the Environment Agency. The development shall thereafter be undertaken in accordance with the approved details;

Reason: In the interests of proper drainage and prevention of pollution in accordance with PPS23.

10. Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gate or walls shall be erected at the site beyond those approved under condition 8;

Reason: To ensure an appropriate setting to the site in the interests of visual amenity in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and Policy C4 of the South East Plan 2009.

11. The development hereby permitted shall be carried out in accordance with the following approved plans: A1 site location plan received on 24th May 2011 and A1 site layout plan received on 20th December 2011.

Reason: To safeguard the character and appearance of the countryside in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan (2000) and Policy C4 of The South East Plan 2009.

Informatives set out below

The applicant is advised that it will be necessary to make an application for a Caravan Site Licence under the Caravan Sites and the Control of Development Act 1960 within 21 days of planning consent having been granted. Failure to do so could result in action by the Council under the act as caravan sites cannot operate without a licence. The applicant is advised to contact the Environmental Health Manager on 01622 602145 in respect of a licence.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.

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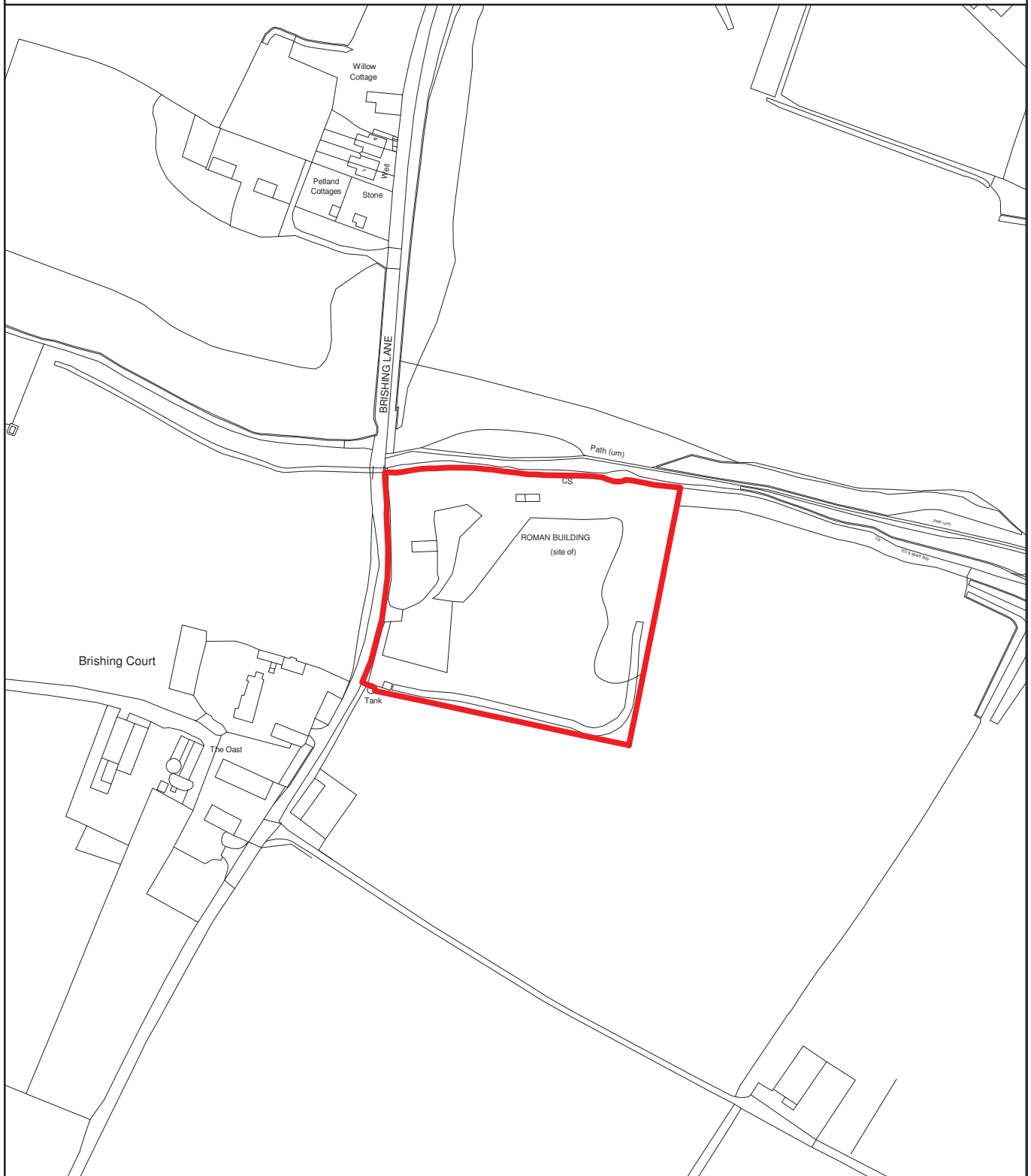
Agenda Item 14

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/11/1891

GRID REF: TQ7751

CHIEF GLEN K9 TRAINING SCHOOL LTD,
BRISHING LANE, BOUGHTON MONCHELSEA.



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Rob Jarman
Head of Planning

APPLICATION: MA/11/1891 Date: 3 November 2011 Received: 4 November 2011

APPLICANT: Mr Waller

LOCATION: CHIEFGLEN K9 TRAINING SCHOOL LTD, BRISHING LANE,
BOUGHTON MONCHELSEA, MAIDSTONE, KENT, ME17 4NF

PARISH: Boughton Monchelsea

PROPOSAL: Erection of a polytunnel for a dog training school as shown on drawing number PL-02 received 4th November 2011, email dated 22nd December 2011, and drawing number PL-01 rev A and design and access statement received 13th January 2012.

AGENDA DATE: 26th January 2012

CASE OFFICER: Catherine Slade

The recommendation for this application is being reported to Committee for decision because:

- it is contrary to views expressed by Boughton Monchelsea Parish Council.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV32
- South East Plan 2009: CC1, CC4, CC6, C4, BE6
- Village Design Statement: Not applicable
- Government Policy: PPS1 Delivering Sustainable Development, PPS4 Planning for Sustainable Economic Development, PPS5 Planning and the Historic Environment, PPS7 Sustainable Development in Rural Areas

2. HISTORY

2.1 The relevant parts of the site history are summarised below.

- MA/10/0433 - Retrospective application for the retention of existing boundary fence and gate – APPROVED
- MA/07/2307 - Retrospective application for the retention of mobile home, Portacabin and kennels associated with use of land for specialist dog training - APPROVED WITH CONDITIONS
- MA/03/2186 - Retrospective application for laying of hard surface to create car park and creation of access – APPROVED WITH CONDITIONS

- MA/94/1127 - Retrospective application for the change of use of land from agriculture to a mixed use comprising a dog training area and the stationing of a steel storage contained and the erection of various obstacles and jumps used in association with dog training - APPROVED WITH CONDITIONS

2.2 As detailed above, the land has a lawful use for the training of dogs and associated activities.

3. CONSULTATIONS

3.1 A site notice was posted at the site on 25th November 2011, and a press advertisement was published which expired on 11th December 2011.

3.2 **Boughton Monchelsea Parish Council:** Wish the application to be reported to Planning Committee in the event of a recommendation to grant planning permission. The Parish Council made the following detailed comments:

"The Parish Council is concerned that development is becoming intensified on this piece of land, which is designated only for agricultural use. If the Borough Council are mindful to approve the application then the Parish Council would like to see temporary permission only given. The proposed structure is temporary therefore it would be reasonable to give temporary permission."

The wish to see the application reported to Planning Committee has been confirmed in writing.

3.3 **Maidstone Borough Council Landscape Officer:** Raises no objection and makes the following detailed comments:

"Following your site assessment at Chief Glen K9 training school, and having viewed your photographs, it is clear that the area of what appeared to be trees adjacent to the proposed polytunnel type structure is in fact brambles and shrub species and there are no trees of significant size in the vicinity. As such, I agree with your assessment that a tree survey is not required before determining this application and raise no objection to the proposal on arboricultural grounds."

3.4 **Maidstone Borough Council Conservation Officer:** Raises no objection.

3.5 **Kent County Council Archaeological Officer:** Raises no objection to the proposal subject to the imposition of a condition requiring a programme of archaeological work to be undertaken, and made the following detailed comments:

"The site of the application is extremely sensitive archaeologically in view of the discovery of a Roman Villa complex and a possible mill on this site. Remains associated with this Roman occupation may survive here and it would be

important to ensure that the polytunnel does not disturb any remains. This site has been quarried historically but the extent and depth of ground disturbance is not well documented. Further more I note that the proposed ground disturbance with the polytunnel is minimal, probably just the spikes holding the plastic covers up. However, in view of the sensitivity of the site, I recommend the following condition is placed on any forthcoming consent:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

I would be pleased to discuss any of the above further and discuss an appropriate strategy to address archaeological concerns.”

3.6 **Kent County Council Biodiversity Officer:** Raises no objection to the proposal.

3.7 **Environment Agency:** Raise no objection to the proposal.

4. REPRESENTATIONS

4.1 No representations were received as a result of the publicity procedure.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The proposal site is located in open countryside designated as being within the Southern Anti-Coalescence Gap. The site has no other policy designations in the Local Plan, however much of the site is within Zone 2/3 flood risk areas as recorded by the Environment Agency and part of the site is an area of archaeological potential, being recorded as the site of a Roman building. Two listed buildings, Brishing Court (Grade II*) and Brishing Barn (Grade II) are located approximately 125m to the south west of the site of the proposed structure, on the opposite side of the highway and further up the valley side.

5.1.2 The site comprises a roughly rectangular parcel of land of 1.4Ha, which has a lawful use for the training of dogs and their handlers for security and search purposes (including training for narcotics and explosives operations), as well as general obedience training. Associated with the use is various operational development on the land, including hard surfaces, fencing and other boundary

treatments, and training structures, as well as the stationing of a mobile home, Portacabin and kennels on the land for purposes in connection with Chief Glen K9 Training School. Planning permission for the existing uses and structures was granted retrospectively, as set out above. The current application is not retrospective.

5.1.3 The site is relatively level, and comprises open areas used for training of animals in the south and central parts of the land, with a hard surfaced car park area associated with the access located in the south west corner of the site. The mobile structures granted planning permission under the scope of MA/07/2307 are located in the west of the site. The north of the site is wooded, and wooded "fingers" extend southwards from this area along the east and west site boundaries, screening the commercial structures on the site. In addition, there is mature hedging to the site boundaries.

5.1.4 The site is located on the eastern side of Brishing Lane, an unclassified rural highway extending southwards from the urban area of Maidstone. The site has an existing vehicular access to the public highway, which was granted retrospective planning permission under the scope of MA/03/2186. A public footpath, the KM110, is located in close proximity to the north boundary of the site, adjacent to the River Loose on the far bank.

5.2 Proposal

5.2.1 The erection of a detached polytunnel style structure to provide a facility for all year round dog training regardless of weather conditions. The proposed structure would have a curved profile, and comprise a 50mm steel frame which would support a polythene membrane, over which camouflage netting would be laid. The covering material will be trenched into the ground in order to provide stability, but no foundations or base would be required.

5.2.2 The structure would have a maximum height of 2.59m, and a footprint of approximately 70m², having a width of 5.49m and a length of 12.8m.

5.2.3 The structure would be sited within the central part of the site which is currently laid to grass, adjacent to an area of woodland. The structure would be positioned along a north east-south west axis.

5.3 Site History and Principle of Development

5.3.1 There are no specific policies in the Development Plan which relate to the specific character of the development, however development in the open countryside is subject to general policies of restraint, as set out in ENV28 of the Maidstone Borough-Wide Local Plan 2000. In addition, Local Plan policy ENV32 seeks to prevent consolidation or extension of existing areas of development in the

Southern Anti-Coalescence Belt. The requirement to achieve the protection and enhancement of the natural environment through the control of new development is set out in policies CC1, CC6 and C4 of the South East Plan 2009. These Development Plan policies are supported by guidance in PPS1 Delivering Sustainable Development and PPS7 Sustainable Development in Rural Areas.

- 5.3.2 Notwithstanding the above, the use of the land for a dog training school is lawful subject to conditions restricting the hours of operation of the use, and the number of animals that can receive training at any one time. The current application would not increase either the intensity of the use, or the area over which it can take place. The lawfulness of the existing use and its appropriateness to a rural setting are material considerations in the determination of the current application.
- 5.3.3 Furthermore, PPS4 Planning for Sustainable Economic Development provides support for small scale economic development in rural areas in appropriate locations.
- 5.3.4 Given the lawfulness of the current use of the land, the location and principle of the proposed development is considered to be acceptable.

5.4 Planning Considerations

- 5.4.1 The key considerations in the determination of the application are therefore considered to be the impact of the proposal on the character and appearance of the open countryside and the area of archaeological potential.

5.5 Impact on the character and appearance of the open countryside

- 5.5.1 Policy ENV28 of the Local Plan seeks to prevent development which, notwithstanding its acceptability in principle, would result in harm to the character and appearance of the area.
- 5.5.2 In this case, the scale of the proposed development is modest, having a maximum height of 2.59m, and whilst the design of the structure is of little merit, it is appropriate in the context, and the use of camouflage netting would provide an element of visual continuity with the surrounding vegetation in terms of the texture and colour of the surface of the structure.
- 5.5.3 The structure would be located centrally within the site, and would be screened by existing landscaping, comprising mainly deciduous mature trees and hedging, to views from public vantage points including from Brishing Lane and the KM100 public footpath.

5.5.4 For these reasons it is considered that the proposal would have a limited visual impact upon character and appearance of the open countryside, and would not be detrimental to the overall openness of the rural setting.

5.6 Impact on the area of archaeological potential

5.6.1 The site is located in an area of archaeological potential, and is recorded as being the site of a Roman building. I note the comments of the Kent County Council Archaeological Officer, however given the limited scope for excavations and the scale and character of the proposed development, it is my view, in the circumstances of this case, that the proposed condition is unduly onerous on the developer.

5.6.2 I instead propose the imposition of a condition requiring an archaeological watching brief to be undertaken in the event of any excavations taking place in order to record any finding of interest and significance.

5.7 Other Matters

5.7.1 The Parish Council have requested that a condition be imposed requiring the development to be conditioned to be temporary, however in the circumstances of this case, the land having permanent planning permission for the use which the proposal would facilitate and the limited impact that would result from the development, it is considered that a temporary grant of planning permission, rather than the permanent permission sought in the application, would be both unreasonable and unnecessary, and would therefore fail the tests for conditions, as set out in Circular 11 of 1995 (Use of Conditions in Planning Permission). Notwithstanding this, it is considered appropriate in the circumstances of this case to impose a condition requiring the structure to be removed once the use of the land as Chief Glen K9 training school ceases, which would be in accordance with the condition attached to MA/07/2307.

5.7.2 It is not considered that the proposal would have any impact upon the residential amenity of occupiers of neighbouring dwellings, or the setting of the nearby listed buildings, by virtue of the separation distances involved.

5.7.3 The Kent County Council Biodiversity Officer has confirmed that the proposal would have a limited impact upon the ecology of the site and surroundings, and require no specific mitigation or enhancement measures to be undertaken.

5.7.4 The use of the proposed structure is such that it is considered to be of low environmental risk in respect of flooding, and the Environment Agency have raised no objection to the proposal.

5.7.5 The use of the land is controlled by conditions attached to the previous permissions, and as such it is not considered that the proposal would result in any significant additional traffic generation, prejudicial to highway safety, and the site has an existing vehicular access and on site car parking. There is therefore not considered to be any objection to the proposal on highway grounds.

6. CONCLUSION

6.1 For the reasons set out above and having regard to the policies of the Development Plan and any other material considerations, the proposed development is considered to be in accordance with the policies of the Maidstone Borough-Wide Local Plan 2000, the South East Plan 2010 and central government policy, guidance and advice, and I therefore recommend to Members that planning permission be granted subject to conditions.

7. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall not commence until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by a suitably qualified archaeologist so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority:

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with policy BE6 of the South East Plan 2009 and central government planning policy and guidance in PPS5 Planning and the Historic Environment.

3. This permission is granted for the installation of a polytunnel for so long as it is required and used in connection with the Chief Glen K9 Training School. Within one month from the date on which the polytunnel ceases to be so required and used, it shall be removed and the site or the relevant part thereof be reinstated to the approval of the Local Planning Authority;

Reason: To maintain the character and appearance of the open countryside in accordance with policies ENV28 of the Maidstone Borough-Wide Local Plan 2000, and CC6 and C4 of the South East Plan 2009.

4. The development hereby permitted shall be carried out in accordance with the following approved documents:

drawing numbers PL-01 and PL-02, supported by a design and access statement, all received 4th November 2011, and email dated 22nd December 2011;

Reason: To ensure the quality of the development is maintained and to prevent harm to an area of archaeological potential in accordance with policies ENV28 of the Maidstone Borough-Wide Local Plan 2000 and CC6, C4 and BE6 of the South East Plan 2009, and central government planning policy and guidance in PPS1 Delivering Sustainable Development, PPS5 Planning and the Historic Environment and PPS7 Sustainable Development in Rural Areas.

Informatives set out below

Please note that restrictive conditions relating to the use of the land are attached to planning permissions MA/94/1127 and MA/07/2307. The use of the land should be carried out in compliance with said conditions, which relate to hours of operation, intensity of the use in terms of numbers of animals and occupation of the mobile home.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.

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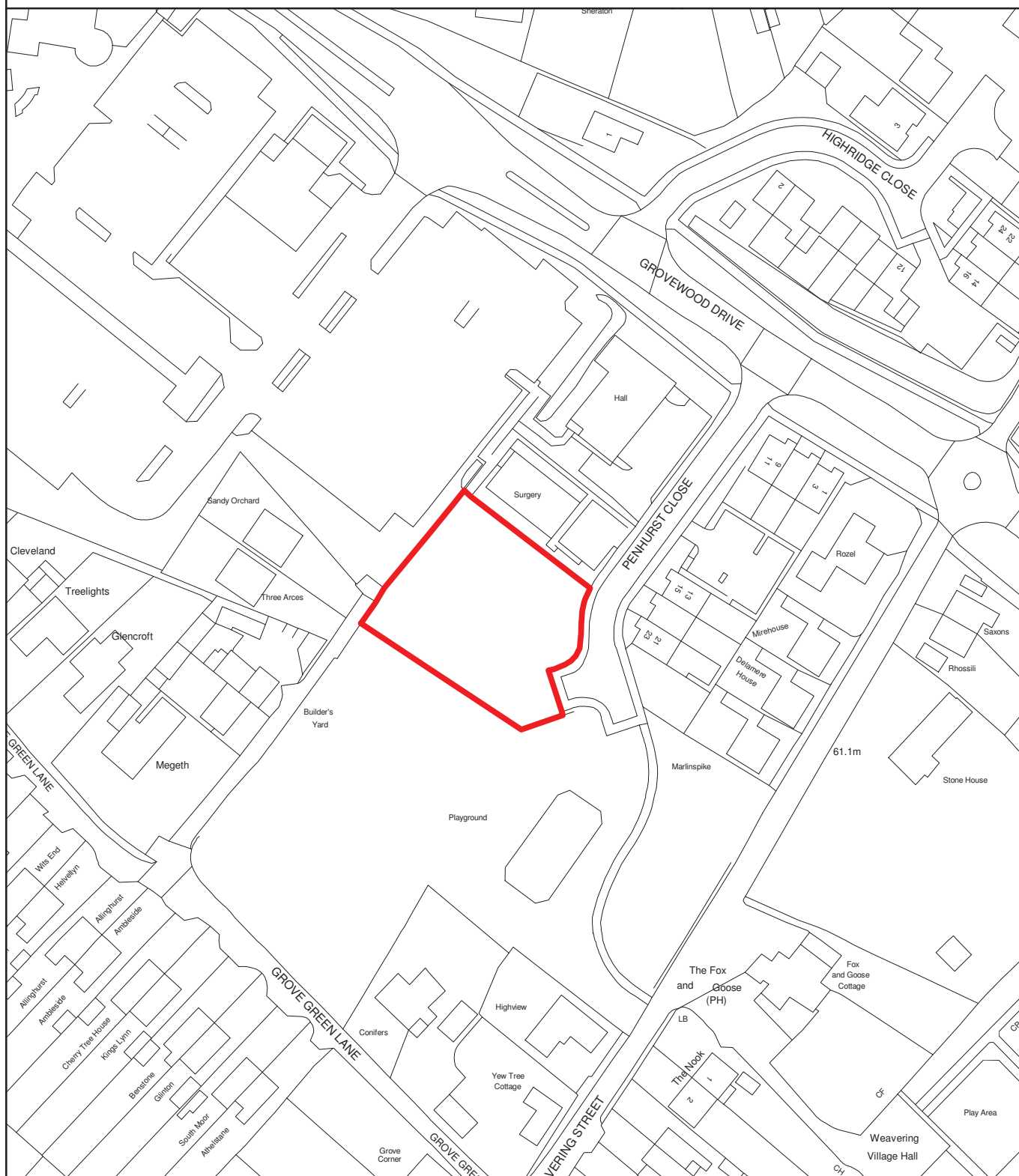
Agenda Item 15

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/11/1965

GRID REF: TQ7856

LAND AT PENHURST CLOSE,
GROVE GREEN.



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Rob Jarman
Head of Planning

APPLICATION: MA/11/1965 Date: 14 November 2011 Received: 17 November 2011

APPLICANT: Ms R. Taylor, Ward Homes Ltd.

LOCATION: LAND AT, PENHURST CLOSE, GROVE GREEN, KENT

PARISH: Boxley

PROPOSAL: Erection of seven dwellings, comprising three 3 bed dwellings and four 2 bed houses with 11 car parking spaces (including 1 visitor) as shown on drawing numbers 111102-WARD-01, 111102-WARD-02, 111102-WARD-03, 111102/WARD/E1, 111102/WARD/E2, 111102-WARD-P1, 111102-WARD-P2 and 111102-WARD-P3, supported by a Design and Access Statement dated 4th November 2011, Updated Ecological Walkover Survey dated 28th October 2011, Reptile Report dated May 2010 and Planning Statement dated November 2011, all received 14th November 2011.

AGENDA DATE: 26th January 2012

CASE OFFICER: Catherine Slade

The recommendation for this application is being reported to Committee for decision because:

- Councillor Mrs Parvin has called the application in on the grounds set out in the report.
- it is contrary to views expressed by Boxley Parish Council.
- it is a departure from the Development Plan.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV24, T13, CF1, CF3
- South East Plan 2009: SP2, SP3, CC1, CC4, CC6, H1, H4, H5, T4, NRM1, NRM10, BE1, S6, AOSR6, AOSR7
- Village Design Statement: Not applicable
- Government Policy: PPS1 Delivering Sustainable Development, PPS3 Housing, PPS9 Biodiversity and Geological Conservation, PPG13 Transport, PPG24 Planning and Noise

2. HISTORY

2.1.1 The site has an extensive and complicated site history, the relevant parts of which are summarised below.

- MA/10/1028 - Erection of 4 no. 3 bedroom houses, 7 no. 2 bedroom flats and 3 no. 1 bedroom flats with associated parking and landscaping – REFUSED (NON DETERMINED), DISMISSED AT APPEAL
- MA/04/0440 - Renewal of planning permission MA/01/0069, being an outline application for the erection of a building to be used for a mixed use for assembly and leisure purposes (D2) and for library facilities (D1) with all matters reserved for future consideration, by variation of condition 1 (outline time condition) – APPROVED WITH CONDITIONS
- MA/01/0069 - Renewal of planning permission MA/97/1370N, being an outline application for the erection of a building to be used for a mixed use for assembly and leisure purposes (use class D2) and for library facilities (use class D1), with all matters reserved for future consideration, by variation of condition 01 (outline time condition) - APPROVED WITH CONDITIONS
- MA/97/1370 - An outline application for the erection of a building to be used for a mixed use for assembly and leisure purposes (use class D2) and for library facilities (use class D1) with all matters reserved for future consideration - APPROVED WITH CONDITIONS
- MA/97/1024 - Erection of four 3 bed houses - REFUSED
- MA/96/0856 - Erection of 4No. detached three bedroom houses with attached single garages – REFUSED, DISMISSED AT APPEAL
- MA/90/1558 - Erection of two storey detached building to provide a dental centre together with ancillary parking - APPROVED WITH CONDITIONS

3. CONSULTATIONS

3.1 **Boxley Parish Council:** Wish to see refused (and reported to the Planning Committee) on the following grounds:

- Loss of designated open space.
- No identified housing need.
- This is a Greenfield site which, contrary to the ecological report, does have reptiles living on it.
- The height of the proposed development would be detrimental to the street scene.
- Failure to supply adequate off street car parking (there is only one visitor car parking space for 7 dwellings would result in on street car parking which would be a safety issue for pedestrians.

The Parish Council also raised the following concern:

"The provision of the small green area planted with crab apple trees would have no benefit to the community as the site is fenced in."

3.2 Councillor Mrs Hinder made the following comments on the application:

"I wish to strongly object to this application for the following reasons.

1 One of the reasons for the Inspectors Decision for dismissing the precious application was there is no current need for development on open space land or Green Field as Maidstone already has a five years supply of Brownfield sites. Because Grove Green already has green spaces and recreational areas does not mean that this land should be built on when there is not a current need. This land should be retained as an open space for future generations.

2 It is against the wishes of local residents who have raised the following points:

- (a) Although the number of dwelling has been reduced, this is still a three storey building with the height only being marginally reduced.*
- (a) This is not in keeping with other buildings in the area.*
- (b) Side dwellings facing South West would overlook properties.*
- (c) Not two parking spaces per dwelling therefore has the potential to encourage on street parking*

I would request that these reasons for refusal are taken into consideration when making your decision.

I understand that Boxley Parish Council has already asked that this be reported to the Planning Committee, and I support that request."

3.3 **Kent County Council Communities (Libraries):** Confirmed by letter dated 11 November 2010 and email dated 28th December 2011 that KCC do not require a library on this site as described in the s52 Legal Agreement completed in 1982, and are seeking to have the agreement deleted.

3.4 **KCC Kent Highway Services:** No objections subject to conditions/informatives securing areas shown as vehicle parking spaces or garaging space for those purposes and requiring the provision of adequate precautions to guard against the deposit of mud and similar substances on the public highway, including wheel, chassis and bodywork washing facilities.

3.5 **KCC Biodiversity Services:** Raise no objections to the proposal subject to the imposition of a condition requiring the implementation of a reptile mitigation briefing for contractors (as set out in paragraph 4.2 of the Reptile Report) and

an informative requiring removal of scrub and trees to be undertaken outside of the bird nesting season, unless preceded by an ecological inspection for active bird nests.

- 3.6 **Southern Water:** Wish to see a condition imposed on any planning consent requiring details of surface water drainage to be submitted, together with an informative regarding the need to formally apply for a connection to the public sewerage system. They note that there is no public surface water sewer in the vicinity of the site and that therefore another appropriate means of surface water disposal should be considered, which should not involve disposal to a foul water sewer.
- 3.7 **Southern Gas Networks:** Have provided a plan showing that a low pressure gas main passes along the frontage of the site to Penhurst Close.
- 3.8 **UK Power Networks:** Raise no objections to the proposal.
- 3.9 **MBC Environmental Health:** Raise no objection, and make the following detailed comments:

'The site is in a mixed residential area and traffic noise is not a problem. However, the site is adjacent to a superstore plus a pub and with regard to the previous application for this site, MA/10/1028, my colleague recommended an acoustic assessment in order to determine how disturbing night time activities in the area might be in particular. [This earlier application was refused on the grounds of scale and density plus the fact that it would result in the loss of a public space.]

The site is within the Maidstone Town Air Quality Management Area but is not close to a known air quality hotspot, and I do not consider the scale of this development and/or its site position warrant an air quality assessment. Any demolition or construction activities will definitely have an impact on local residents and so the usual informatives should apply in this respect.

There is no indication of land contamination based on information from the Maidstone Borough Council's contaminated land database and historic maps databases, and no indication from the latest British Geological Survey maps that there is a significant chance of high radon concentrations.

The Clean Neighbourhoods and Environment Act 2005 requires the developer to produce a site waste management plan for any development which is over £300,000. The plan must be held on site and be freely available for view by the local Authority at any time.'

No objections are raised subject to a condition requiring an acoustic assessment and informatives governing conduct and hours of operation on site during construction and storage of waste.

- 3.10 **MBC Spatial Policy:** raise no objection to the proposal, and make the following detailed comments:

"This proposal has been made following dismissal of the appeal numbered APP/U2235/A/11/2149108, relating to the previous application 10/1028 (for 14 dwellings).

The primary reason for the dismissal of the appeal was that the proposal, if it had been permitted, would have resulted in the overdevelopment of the site and would have been harmful to the overall character and appearance of the area.

The council's view that the site should contribute to public open space was not agreed with on the basis of:

- *The site's smaller scale (in relation to the overall need for natural/semi-natural)*
- *The proximity of amenity green space (and other natural/semi-natural green space)*
- *The previous permitted use for the site, which was for a library/assembly and leisure, and not open space.*

Comments

The physical and visual impact of this proposal would be less than of that resulting from application 10/1028 had it been permitted. In relation to the inspector's comments regarding public open space in the decision notice for APP/U2235/A/11/2149108, Spatial Policy has nothing further to add."

- 3.11 **MBC Parks & Leisure:** Have confirmed that the scale of the development is such that it falls below the threshold number of dwellings that makes a development eligible for an off-site contribution, and therefore that no contribution will be requested from the developer.

4. REPRESENTATIONS

- 4.1 One representation was received from a local community group, which raised the following concerns:

- The site was reserved for a community facility, being a public library, by way of a legal agreement entered into in 1982, and although Kent County Council consider that such a facility is no longer appropriate, the land should be retained

for community uses, in accordance with the "Big Society" ethos at central government level.

- Need for a church in the vicinity.
- The development would be contrary to Local Plan policy CF3 which seeks to prevent the loss of community facilities.
- Housing represents an inappropriate use of the site.

4.2 One representation was received from a neighbouring resident, which raised the following concerns:

- The scale of the proposed dwellings, in particular in relation to the height and massing
- The level of on site parking provision.
- Harm to residential amenity in regard to loss of privacy and overlooking of the properties to the south west of the site.
- Inadequacy of the submitted landscaping plan.
- Support for the concept of the development of land for the provision of a religious facility.

5. CONSIDERATIONS

5.1 Background

5.1.1 As set out above, the proposal site has an extensive planning history. Of particular note is MA/10/1028, which was for the erection of fourteen residential units (four 3 bedroom houses, seven 2 bedroom flats and three 3 bedroom flats) arranged in a inverted L shape block which would project forward of the established building line and leave little scope for the softening of the development through the landscaping.

5.1.2 An appeal against non-determination of MA/10/1028 was dismissed on the grounds that the scale, form, layout and extent of the development proposed represented overdevelopment of the site. The Inspector's decision is a material consideration in the determination of the current application, and a copy of the Inspector's decision is attached as Appendix A.

5.1.3 The current application has been submitted following extensive pre-application discussions between the applicant and the Local Planning Authority, and is designed in order to overcome the reason of the dismissal of the previous scheme at appeal, as set out in the design and access statement.

5.1.4 The key differences between the dismissed scheme and the current application are set out in section 5.3 (Proposal) below.

5.2 Site Description

5.2.1 The proposal site comprises an irregularly shaped parcel of land with an area of approximately 0.14Ha designated as public open space in the Maidstone Borough-Wide Local Plan 2000 in the Grove Green area of Maidstone. The site comprises an undeveloped plot of land enclosed by fencing which at the time of the site visit was overgrown with rough grassland, brambles and silver birch saplings. The site is roughly level, however the adjacent land levels fall towards the south.

5.2.2 The site is located within the defined urban area of Maidstone in the parish of Boxley, and comprises the northern part of a larger parcel of land which is allocated in the Local Plan for public open space under policy ENV24 (ii). The land to the south of the site is included in this designation, and has been landscaped to provide an enclosed children's play area and pedestrian access from Penhurst Close to Weaving Street.

5.2.3 The site is located on the western side of the apex of Penhurst Close, an unclassified highway extending southwards from Grovewood Drive. The site is approximately 60m to the south of the junction of the two highways.

5.2.4 Penhurst Close is characterised by residential development along its eastern side comprising two storey blocks of flats arranged around a parking area accessed from Penhurst Close. To the west of Penhurst Close, immediately north of the proposal site, is a single storey detached building used as an orthodontic surgery. To the north of this building, on the junction with Grovewood Drive, is a larger detached building which serves as a community hall. Both these buildings are set back from the highway by approximately 12m from the public highway, with off road parking provided to the front of both establishments. Immediately adjacent to the rear (west) of the site is a large supermarket and associated infrastructure including car parking and a petrol station, which is designated in the Local Plan as being a district retail centre under the provisions of policy R10 (vi), and two detached dwellings granted planning permission in the late 1980's which face the site.

5.3 Proposal

5.3.1 The development currently under consideration is the erection of seven dwellings, comprising four 2 bedroom properties with accommodation arranged over two floors and three 3 bedroom dwellings with living accommodation arranged over three floors, including within the roof space, together with

associated off road car parking provision and landscaping. The proposal previously dismissed at appeal was for fourteen residential units; the current application therefore represents a reduction of 50% in terms of the number of units proposed.

- 5.3.2 The application documentation shows the dwellings to be arranged in a symmetrical two storey block arranged in an H shaped footprint. The building would be formed of a central terrace of three 3 bedroom town houses terminated with north and south wings located at either end of the central terrace. These wings would present gable ends to both front and rear aspects. Each of these wings would be formed of two 2 bedroom dwellings. The use of the roof space for additional accommodation would be facilitated by the incorporation of pitched roof dormers on the front elevations and roof lights to the rear elevations of the central terrace. The building would have a width of 24m, and a depth of 9m (the central townhouses) and 11.4m (the north and south wings). The form of the central terrace would take a dual pitch with a flat roof between, which would have a maximum height of 8.7m. The form of the end wings would be a more conventional multipitched arrangement with a similar maximum height. The eaves heights of all parts of the building would be 5.2m.
- 5.3.3 The scale of the proposed dwellings has been significantly reduced in comparison with the dismissed scheme. Although the proposed buildings would remain as two storey dwellings with additional living accommodation in the roof space, the maximum heights of the buildings would be 8.7m, and the eaves heights 5.2m, in comparison with the heights of 10m and 5.3m which were proposed for the previous housing block. The flatted accommodation proposed in the previous scheme would have been larger still, with maximum ridge heights of 11.4m and maximum eaves heights of 6.5m. The building currently proposed is therefore clearly substantially lesser in terms of both height and overall bulk in relation to the scheme which was previously refused.
- 5.3.4 The layout of the current application would have the main building to be arranged along a north east south west axis, set back from the highway by approximately 18m, in line with the existing building line to the west of Penhurst Close. Private amenity space would be located to the rear of the properties, whilst the land to the front of the building would be utilised for 10 off road car parking spaces and shared landscaped areas, including a crab apple orchard in the south corner of the site. A hedge is proposed to the south west boundary of the site.
- 5.3.5 In comparison, the previous scheme would have taken the form of an inverted 'L'-shaped block, with the main part of the building housing the flats located along the northern boundary of the site adjacent to the orthodontic centre with the four houses returning southwards backing onto the western site boundary. The apartment block element of the development would have projected forward

of the existing building line established by the dental centre and village hall by 11m. Much of the remainder of the site would have provided 16 car parking spaces, which would have primarily been provided in the southern corner of the site.

- 5.3.6 The footprint of the building as currently proposed has been significantly modified in comparison to that previously considered, and all parts of the proposed building are now sited in such a way as to respect the strong building line established by the existing buildings to the north west of Penhurst Close. In itself, this amendment to the scheme substantially reduces the visual impact of the development by distancing it from the public highway, and increasing the land available for soft landscaping within the site, thereby softening the appearance of the development in the streetscene and providing a visual link to the built development to the north east and the open space to the south. The removal from the scheme of elements forward of the building line would also significantly reduce the visibility of the development when viewed from Grove Green Road.
- 5.3.7 The application shows the materials to be utilised to include red brick to the front and rear elevations, with the projecting gables to the north and south wings and the side elevations to be faced with white timber horizontal weatherboarding with a red brick plinth. The roofing materials are specified as natural grey slate. The materials proposed, and the overall design of the proposed development is traditional in form and appearance, and reflects both the local Kentish vernacular and the surrounding pattern and form of development in the Grove Green area.
- 5.3.8 The detail of the scheme is intended to provide articulation and elevational interest and, in addition to the variety of traditional materials proposed to the external surfaces and the projecting gables to the front and rear elevations, includes the incorporation of design details including exposed rafters, white soffits and timber porch canopies, and the use of narrow sash windows recessed from the front façade by 100mm, and arched headers and timber frames to the fenestration, as detailed in the Design and Access Statement.

5.4 Site History and Principle of Development

- 5.4.1 As set out above, the proposal site has an extensive planning history. Of particular note is MA/10/1028, which was for the erection of fourteen residential units, which was dismissed at appeal on the grounds that the development would "be in stark contrast to ... (the) overall characteristic of the form and scale of existing development", and that the "intensity of the development would not respond to its context". The Inspector also found that the scale of built development on the site was such that "there would be limited opportunity for adequate soft landscaping on the appeal site, uncharacteristic of the amount of landscaping generally within the estate".

- 5.4.2 For these reasons the Inspector concluded that “the proposal would appear as an overdevelopment of the site and be harmful to the overall character and appearance of the area” and “would not result in any improvement to the built environment”, and on these grounds found that the proposal was unacceptable.
- 5.4.3 In determining the appeal, the Inspector took the view that, although the site was designated as public open space in the Local Plan, it’s relationship to the adjacent Penhurst Close Play Area adjacent to the site which shares the open space designation in the Local Plan, the limited size of the site, the role that the space currently plays in providing open space, the fact of its long term enclosure, the absence of any identified deficiency in public amenity green space and the previous history of the site which included permissions for the development of the land under MA/97/1370N, and subsequent renewals under MA/01/0069 and MA/04/0440, were material considerations. The Inspector concluded that a grant of planning permission would cause “limited harm if any from the conflict with Local Plan policy ENV24(vii)”. In reaching this conclusion, the decision chimed with that of the Inspector’s decision pertaining to MA/96/0856.
- 5.4.4 It is noted that a legal agreement exists securing the land for the provision of a public library, however this agreement predates the adoption of the Local Plan, and in any case Kent County Council have confirmed by letter dated 11 November 2010 and email dated 28th December 2011 that KCC do not require a library on this site as described in the S52 Legal Agreement completed in 1982, and are seeking to have the agreement deleted. It is therefore considered that the legal agreement is of limited weight in the determination of the current application.
- 5.4.5 The site is considered to constitute Greenfield land, however the development control history of the site, which includes a planning permission for the development of the site for leisure and community facilities, which was subsequently renewed on two occasions, is a material consideration in the assessment of the current application. Furthermore, the Inspector noted the Greenfield status of the site, but this was not cited as a reason for the refusal of the scheme, indeed the Inspector stated in the decision that “the appeal site is in a sustainable location both in terms of facilities and accessibility” and concluded that this would weigh in favour of the development.
- 5.4.6 For these reasons it is considered that, notwithstanding the absence of an identified housing need and the clear conflict with Local Plan policy ENV24(vii), in accordance with the recent appeal decision, the principle of the development of the land for residential purposes is acceptable and would not result in significant harm as a result of the loss of the designated space or development of a Greenfield site.

5.5 Design and Visual Impact

- 5.5.1 As detailed above in sections 5.1 and 5.3, the Inspector dismissed the previous appeal on the grounds of scale and design alone, and the resultant character and appearance of the proposed development, and its relationship to the surrounding pattern of development, including the public open space to the south. Therefore the design and visual impact of the current proposal is the key issue in the determination of the application.
- 5.5.2 In terms of the number of units, the current scheme has been reduced by 50% in comparison to the previous proposal. This has a significant impact upon the scale and overall appearance of the proposed development, which is substantially lesser in height and overall bulk in relation to the scheme which was previously refused, as set out in paragraph 5.4.3 above.
- 5.5.3 Although concerns have been raised with regard to the scale, in particular the height, of the proposed development, in my view although the height of the building would be greater than that of the surrounding dwellings, in the context of the surrounding development, which includes a substantial village hall and a supermarket to the rear of the site, this is acceptable in the setting.
- 5.5.4 Furthermore, the footprint of the building has been significantly modified, and all parts of the proposed building now being sited in such a way as to respect the strong building line established by the existing buildings to the north west of Penhurst Close. In itself, this amendment to the scheme substantially reduces the visual impact of the development by distancing it from the public highway, and increasing the land available for soft landscaping within the site, thereby softening the appearance of the development in the streetscene and providing a visual link to the built development to the north east and the open space to the south. The removal from the scheme of elements forward of the building line would also significantly reduce the visibility of the development when viewed from Grove Green Road. The position of the building within the site, being set back by from the highway by approximately 15m and in line with the established building line, is also considered to mitigate against the building appearing dominant and out of keeping with the overall character of the streetscene.
- 5.5.5 In addition, the modification and reduction of the footprint of the building and the arrangement of the development within the site are such that extensive landscaping of the site is possible, as indicated on the landscape plan. The proposed landscaping of the south east boundary of the site is considered to provide a suitable visual buffer between the proposed development, whilst the planting of a crab apple orchard in the south east corner of the site adjacent to the existing open space, which has recently been planted as an orchard, is considered to provide an element of visual continuity between the adjacent land uses. The landscaping scheme submitted is indicative, and as such a condition is

suggested requiring the submission and approval of a detailed landscape scheme which should include orchard planting in the south corner of the site and native hedges to the site boundaries, and implementation of the approved scheme. It is also considered that the reduction in the scale of the proposed development, and its arrangement within the site, resolves the issues of the extent of built development and landscaping within the site, and its relationship to the surroundings.

5.5.6 The detail of the design of the proposed development is considered to be superior of that of the refused scheme. The appearance of the proposed dwellings seeks to reflect local and Kentish vernacular, through both the overall scale and design and the detail of the materials to be use, which includes weatherboarding and brick and details such as porches and soffits, as detailed above. In order to secure the high quality of the proposal it is considered in the circumstances of this case to be necessary to require the submission and written approval of details of materials, joinery and the design details listed above.

5.5.7 For the reasons set out above, it is considered that the scale and layout of the proposed development have been substantially improved when assessed in relation to the previously dismissed scheme, and satisfactorily address the concerns of the Inspector in regard to the form and extent of the development and its relationship to the surrounding pattern of development and open space. The proposal is considered to be acceptable in terms of both the quality of the design of the development, and the visual impact of the proposed development in the context of the streetscene and the adjacent open space.

5.6 Other Matters

5.6.1 Concerns have been raised in respect of the impact of the development on the occupiers of neighbouring dwellings, in particular those to the west of the proposal site. In this case, it is considered that the separation distances between the proposed and existing dwellings are such that it is not considered that any loss of privacy would result from the development. It is not considered that any harm to the residential amenity of neighbouring occupiers would result from the development in regard to loss of light or outlook. The Maidstone Borough Council Environmental Health Officer has raised concern over the residential amenity of future occupiers of the proposed units as a result of the close proximity of the site to the car park of the supermarket located to the rear, as set out in the comments above. In light of the comments it is considered that a condition be attached to the permission requiring the submission of an acoustic assessment prior to the commencement of the development and the implementation of any necessary mitigation measures identified.

5.6.2 The proposed development includes the provisions of 11 parking spaces (including 1 visitor space) which would be located to the front of the proposed

building in the east corner of the site Concern has been raised in respect of the level of car parking proposed, however given the sustainable location and the availability of alternatives to the private car, it is considered that the proposed level is acceptable. Kent County Council Highway Services have raised no objection to the proposal subject to the imposition of conditions, including the securing of the parking spaces for this purpose, which is considered to be reasonable in the circumstances of this case. For these reasons it is not considered that there is any objection to the proposal on highway grounds.

- 5.6.3 The applicants have submitted a Reptile Survey dated May 2010 which found no reptiles on the site, and an update ecological walkover site survey dated October 2011. The Kent County Council Biodiversity Officer has assessed the documentation submitted, and found it to be valid, and raises no objection to the proposal on ecological grounds, subject to a mitigation briefing for contractors being undertaken in accordance with the recommendations of the report.
- 5.6.4 The scale of the proposed development falls under the relevant thresholds for contributions for social and infrastructure contributions, and therefore none are sought in respect of the current application.
- 5.6.5 The design and access statement states that the development will achieve level 3 of the Code for Sustainable Homes, which is considered to be acceptable. A condition requiring the attainment of the appropriate certification prior to the occupation of the units is considered an appropriate mechanism to secure this.
- 5.6.6 The comments of Southern Water and Southern Gas Networks are noted, and an appropriate condition requiring the submission of details of drainage and the informatives set out above should be attached to the permission.
- 5.6.7 Although objection has been raised on the grounds that the land could be used for alternative community facilities, such as a church, no such development proposals have been put forward, and there is no realistic prospect of any such proposals being submitted. Kent County Council and Maidstone Borough Council have confirmed that there are no plans to develop the land for alternative community purposes, and therefore I consider this objection to be of limited weight. Objection has also been raised in respect of the loss of a community facility, however although planning permission existed for such a use the land was never developed for that purpose. Therefore a community facility cannot be considered to be lost as a result of the current application.

6. CONCLUSION

- 6.1 Whilst the proposed development of the site for residential use does not comply with Local Plan policy ENV24(vii), on the grounds set out above, and constitutes the development of a Greenfield site, I do not consider, in the context of all

material considerations including the site history, this to represent sufficient grounds for the refusal of the application. The amended scheme, which addresses the main reason for the Inspector's dismissal of the previous appeal for residential development on the site, being overdevelopment, and no significant harm would result from the development of this sustainable, accessible and available site as proposed. I therefore recommend permission subject to the following conditions.

7. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

drawing numbers 111102-WARD-01, 111102-WARD-02, 111102-WARD-03, 111102/WARD/E1, 111102/WARD/E2, 111102-WARD-P1, 111102-WARD-P2 and 111102-WARD-P3, supported by a Design and Access Statement dated 4th November 2011 and Planning Statement dated November 2011, all received 14th November 2011;

Reason: To ensure the quality of the development is maintained and in the interests of visual amenity and ensuring a satisfactory setting and external appearance to the development in accordance with policies ENV6 of the Maidstone Borough-Wide Local Plan 2000 and CC1, CC6 and BE1 of the South East Plan 2009, Kent Design Guide 2009 and central government planning policy and guidance in PPS1 Delivering Sustainable Development.

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development shall not commence until written details and samples of the materials (which shall include multi stock red bricks, natural slate and timber weather boarding) to be used in the construction of the external surfaces of the development and areas of hard surfacing hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development in accordance with policies CC1, CC6 and BE1 of the South East Plan 2009, Kent Design Guide

2009 and central government planning policy and guidance in PPS1 Delivering Sustainable Development.

4. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety in accordance with policies T13 of the Maidstone Borough-Wide Local Plan 2000 and T4 of the South East Plan 2009, and central government planning policy and guidance in PPG13 Transport.

5. The development shall not commence until details of all fencing, walling and other boundary treatments have been submitted to the Local Planning Authority and approved in writing. The development shall be carried out in accordance with the approved details before the first occupation of the building and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development in accordance with policies CC1, CC6 and BE1 of the South East Plan 2009, Kent Design Guide 2009 and central government planning policy and guidance in PPS1 Delivering Sustainable Development.

6. The development shall not commence until details in the form of drawings (at a scale of 1:50 or 1:100) of cycle storage areas have been submitted to the Local Planning Authority and approved in writing. The approved details of the cycle storage areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use;

Reason: To ensure a satisfactory appearance to the development and provide alternatives to use of the private motor car in accordance with policies CC1, CC6 and BE1 of the South East Plan 2009, Kent Design Guide 2009 and central government planning policy and guidance in PPS1 Delivering Sustainable Development and PPG13 Transport.

7. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping using indigenous species shall include indications of all existing trees and hedgerows on the land, and details of any to be retained. The development shall also include:-
- i) The provision of native hedges along the south west and north east boundaries of the site;
 - ii) The provision of a landscaped buffer along the south east frontage of the site to Penhurst Close, which shall be at least 2metres in depth, and should include a hedge, and trees as well as low planting;
 - iii) The provision of suitable tree planting in the car parking areas; and
 - iv) The provision of a crab apple orchard in the southern corner of the site.
- Details of a programme for the scheme's implementation (to include the planting of the boundary landscaping in the first planting season following commencement of the development and the scheme's long term management) and long term management shall also be submitted. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted and in the interests of visual amenity and ensuring a satisfactory setting and external appearance to the development in accordance with policies ENV6 of the Maidstone Borough-Wide Local Plan 2000 and CC1, CC6 and BE1 of the South East Plan 2009, Kent Design Guide 2009 and central government planning policy and guidance in PPS1 Delivering Sustainable Development.

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

Reason: No such details have been submitted and in the interests of visual amenity and ensuring a satisfactory setting and external appearance to the development in accordance with policies ENV6 of the Maidstone Borough-Wide Local Plan 2000 and CC1, CC6 and BE1 of the South East Plan 2009, Kent Design Guide 2009 and central government planning policy and guidance in PPS1 Delivering Sustainable Development.

9. The development shall not commence until details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority;

- i) Details of the exposed rafters, white soffits.
 - ii) Details of external joinery (to be recessed by 100mm).
- The development shall be undertaken in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development in accordance with policies CC1, CC6 and BE1 of the South East Plan 2009, Kent Design Guide 2009 and central government planning policy and guidance in PPS1 Delivering Sustainable Development.

10. Where habitable rooms will be exposed to noise levels that are in excess of NEC A, mitigation should include a scheme of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 30 dB in bedrooms and living rooms with windows closed. Where the internal noise levels (LAeq,T) will exceed 35 dB in bedrooms (night-time) and 45dB in living rooms (daytime) with windows open, the scheme of acoustic protection should incorporate appropriate acoustically screened mechanical ventilation.

Within gardens and amenity areas, the daytime 07.00-23.00 hours level of noise should not exceed 55dB (LAeq) free field. This excludes front gardens;

Reason: to protect residential amenity in accordance with policy NRM10 of the South East Plan 2009 and central government planning policy and guidance in PPG24 Planning and Noise.

11. The dwellings shall achieve at least Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

Reason: to ensure a sustainable and energy efficient form of development in accordance with Kent Design 2000 and central government planning policy and guidance in PPS1 Delivering Sustainable Development.

12. The recommendations contained in the Reptile Report dated May 2010 undertaken by Keystone Environmental shall be fully implemented and complied with at all times until the completion of the development;

Reason: To ensure that no damage occurs to protected species in accordance with policy NRM5 of the South East Plan 2009 and central government planning policy and guidance in PPS9 Biodiversity and Geological Conservation.

13. Before development commences details of the means of surface water drainage shall be submitted to and approved by the Local Planning Authority;

Reason: No such details have been submitted in accordance with policies CC1,

CC6 and BE1 of the South East Plan 2009 and central government planning policy and guidance in PPS1 Delivering Sustainable Development.

Informatives set out below

As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing by the Local Planning Authority. Such proposals shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances.

Southern Gas Networks have provided documentation which shows the position of a low pressure gas main to the front (east) of the site. Please see the attached drawing for details.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside the normal working hours, can not be highly stressed.

Where possible, the developer shall provide the Council and residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work, for example scaffolding alarm misfiring late in the night/early hours of the morning, any over-run of any kind.

Attention is drawn to Approved Document E Building Regulations 2003 'Resistance to the Passage of Sound'. It is recommended that the applicant adheres to the standards set out in this document in order to reduce the transmission of excessive airborne and impact noise between the separate units in this development and other dwellings.

Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the EHM regarding noise control requirements.

Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

Vehicles may only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

Provision should be made for the separate storage of recyclables from household waste. Advice on recycling can be obtained from the Environmental Services Manager.

The developer may be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. This should be available for inspection by the Local Authority at any time prior to and during the development.

Removal of scrub and trees to be undertaken outside of the bird nesting season, unless preceded by an ecological inspection for active bird nests

Please note that there is no public surface water sewer in the vicinity of the site and that therefore another appropriate means of surface water disposal should be considered in relation to the details submitted pursuant to condition 12, which should not involve disposal to a foul water sewer.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.

Item 15, Page 106

Address

**LAND AT, PENHURST CLOSE, GROVE
GREEN, KENT**

MA/11/1965:

Councillor comment:

The Local Member is referred to on page 107 as Councillor Mrs Parvin. This should read Councillor Mrs Hinder.

Councillor Mrs Hinder has also asked for it to be made clear that, whilst she supports the wishes of the Parish Council for the application to be reported to Planning Committee, she did not wish to call it in as a Member.

Recommendation:

My recommendation remains unchanged.

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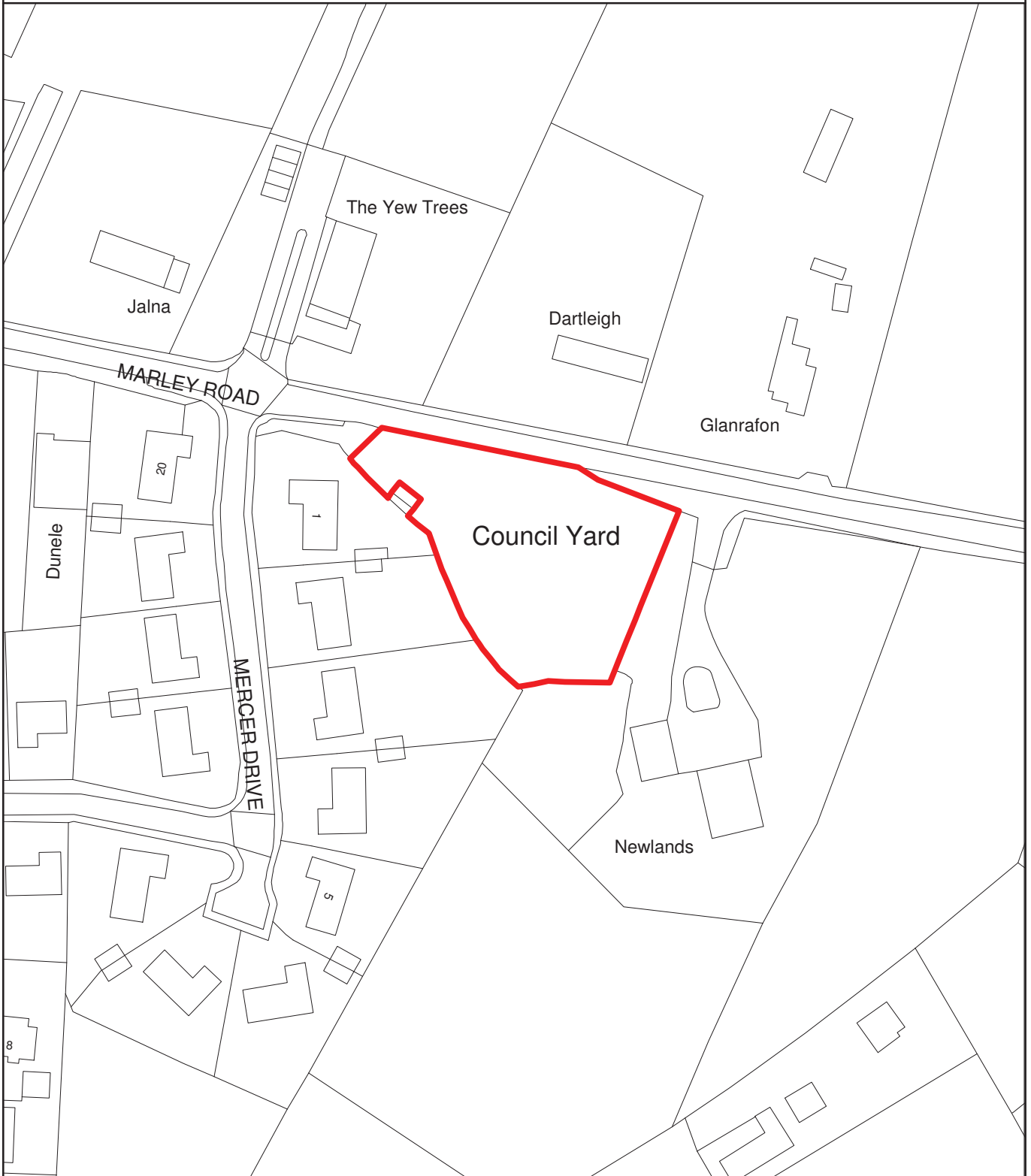
16.12.2011

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/11/2068

GRID REF: TQ8752

**HARRIETSHAM HIGHWAYS DEPOT,
MARLEY ROAD, HARRIETSHAM.**



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**Rob Jarman
Head of Planning**

APPLICATION: MA/11/2068 Date: 1 December 2011 Received: 2 December 2011
APPLICANT: Paynes Stores Ltd
LOCATION: HARRIETSHAM HIGHWAYS DEPOT, MARLEY ROAD, HARRIETSHAM, KENT
PARISH: Harrietsham
PROPOSAL: Renewal of permission MA/09/0351 for the erection of nine, one, two and three bedroom dwellings with amenity space, parking, access and landscaping.
AGENDA DATE: 26th January 2012
CASE OFFICER: Peter Hockney

The recommendation for this application is being reported to Committee for decision because:

- it is contrary to views expressed by the Parish Council

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, H27
- South East Plan 2009: CC1, CC4, CC6, H1, H2, H4, H5, T4, NRM4, NRM5, NRM11, M1, BE5
- Government Policy: PPS1, PPS3, PPS9, PPG13, PPG23, PPS25

2. HISTORY

- MA/09/0351 – Erection of nine, one, two and three bedroom dwellings with amenity space, parking, access and landscaping (Resubmission of MA/07/2389) – APPROVED WITH CONDITIONS.
- MA/07/2389 – Erection of nine, one, two and three bedroom dwellings – REFUSED.

3. CONSULTATIONS

Harrietsham Parish Council wish to see the above application REFUSED for reasons given on the original application:

- “There is insufficient refuse bin capacity

- Having paths leading up to the development will encourage parking along Marley Road
- Emergency vehicles will have difficulty turning in the area provided
- The height of the dwellings is still of concern for the location
- Inappropriate size and density
- Width of site entrance prevents 2 way traffic
- There is concern over access to the sub station
- There is no apparent sound audit
- No schedule for services
- The proposed development by virtue of the amount of hard standing would result in an incongruous form of urban development for this part of Harrietsham

The Parish Council would ask that the Planning Officer revisits this application and that, if their view differs to the Parish Council's, the application be reported to the Planning Committee."

Kent Highway Services raise no objections to the application stating:-

"The current planning application for this site is for a renewal of a previously approved scheme and no changes are proposed. Kent County Council Highways raised no objection to the previous scheme and there have been no material changes which would lead to a recommendation of refusal to the current application."

4. REPRESENTATIONS

6 letters of objection have been received from residents on the following grounds:-

- The development is out of character with the area.
- Inadequate parking and turning facilities including garages.
- Inadequate access for emergency vehicles.
- Loss of privacy.
- Concern regarding access to substation.
- Concern regarding drainage.
- Future preservation of landscaping.
- Inadequate space to store waste and recycling bins.
- Surface water flooding.

5. BACKGROUND

- 5.1 This application is a renewal of permission ref. MA/09/0351, which was for nine residential units. Members approved the previous application on 21 May 2009

and the permission remains extant until May 2012 and therefore the permission could be implemented. There are no changes proposed to the previously approved scheme.

- 5.2 The application site is the same as it was when the application was considered in 2009. The dwellings in Mercer Drive have not altered significantly and the dwellings in Marley Road have also not altered significantly.

6. CONSIDERATIONS

- 6.1 The Development Plan is the saved policies of the Maidstone Borough-Wide Local Plan (2000) and the South East Plan (2009). This is the same as when the application was considered in 2009.
- 6.2 I attach the previous report at Appendix 1 for the main considerations of this application as the determining issues have not changed.

7. CONCLUSION

- 7.1 The application is a renewal of MA/09/0351 for 9 residential units. This permission remains extant and the fallback position is that development could be commenced prior to 20 May 2012, subject to the discharge of conditions.
- 7.2 The characteristics of the site and surrounding area are as before and the South East Plan (2009) and Maidstone Borough-Wide Local Plan (2000) form the Development Plan and do not indicate refusal for this application.
- 7.3 The objections raised by neighbours and the Parish are the same as those previously considered when permission was granted and I consider the development to remain to be acceptable and recommend permission subject to the same conditions imposed previously.

8. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. 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 including plain clay roof tiles to plots 1-6 and 8 and natural slate for the roofs to plots 7 and 9 have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development in accordance with Policy BE5 of the South East Plan (2009).

3. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping including a double staggered hedgerow to the Marley Road frontage, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained including detailed tree protection plans, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted and to ensure a satisfactory appearance to the development in accordance with policies ENV6 of the Maidstone Borough-Wide Local Plan (2000) and BE5 of the South East Plan (2009).

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

Reason: To ensure a satisfactory setting and external appearance to the development in accordance with policies ENV6 of the Maidstone Borough-Wide Local Plan (2000) and BE5 of the South East Plan (2009).

5. The recommendations and protection measures contained within the Tree Survey carried out by Philip Wilson Arboriculture dated 18 February 2009 shall be fully adhered to prior to any machinery being brought onto the site or the commencement of any works on the site, including clearance, and shall be kept in place until the completion of the development;

Reason: To safeguard existing trees on the site and maintain the character and

appearance of the area in accordance with policies ENV6 of the Maidstone Borough-Wide Local Plan (2000) and BE5 of the South East Plan (2009).

6. The dwelling shall achieve Level 2 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 2 has been achieved;

Reason: To ensure a sustainable and energy efficient form of development in accordance with Policies CC4 and M1 of the South East Plan (2009), Kent Design Guide 2000 and PPS1.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended 2008 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A, B and C and Part 2 Class A to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character, appearance and functioning of the surrounding area in accordance with policies H27 in Maidstone Borough-Wide Local Plan (2000) and BE5 of the South East Plan (2009).

8. No development shall commence until:

1. The application site has been subjected to a detailed scheme for the investigation and recording of site contamination and a report has been submitted to and approved by the Local planning authority. The investigation strategy shall be based upon relevant information discovered by a desk study. The report shall include a risk assessment and detail how site monitoring during decontamination shall be carried out. The site investigation shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology and these details recorded.
2. Detailed proposals in line with current best practice for removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') have been submitted to and approved by the Local Planning Authority. The Contamination Proposals shall detail sources of best practice employed.
3. Approved remediation works shall be carried out in full on site under a Quality Assurance scheme to demonstrate compliance with the proposed methodology. If, during any works, contamination is identified which has not previously been identified additional Contamination Proposals shall be submitted to and approved by, the local planning authority.

4. Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the local planning authority. The closure report shall include full details of the works and certification that the works have been carried out in accordance with the approved methodology. The closure report shall 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;

Reason: To prevent harm to human health and pollution of the environment pursuant to guidance contained in PPG23: Planning and Pollution Control.

9. There shall be a minimum distance of 21 metres maintained between habitable room window and habitable room window from any dwelling hereby permitted to any existing dwelling;

Reason: To maintain the existing levels of privacy for neighbouring occupiers in accordance with Policy BE5 of the South East Plan (2009).

10. In conjunction with the details submitted pursuant to condition 2 above details in the form of large-scale drawings (Scale 1:20 or 1:50) of the following matters shall be submitted to and approved by the local planning authority
 - i) Details showing the extent of the projection of the oversailing roofs and eaves
 - ii) Details showing the doors and windows to be recessed
 - iii) Details of the junction between the areas of render and brickwork
 - iv) Details of the dwarf wall adjacent to plot 1 parking spaceThe development shall thereafter be completed in accordance with the subsequently approved details;

Reason: To ensure a satisfactory appearance to the development pursuant to policy BE5 of the South East Plan (2009).

11. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority an arboricultural method statement to ensure that the trees are not affected during the regarding of the bank, this will include reference to what action will be undertaken if roots are encountered;

Reason: To ensure the protection of surrounding trees and to safeguard the character and appearance of the area in accordance with policies ENV6 of the Maidstone Borough-Wide Local Plan 2000 and BE5 of the South East Plan (2009).

12. All site clearance works shall take place outside of the bird-breeding season (generally March to August);

Reason: To ensure that nesting birds are not disturbed in accordance with Policy NRM5 of the South East Plan (2009).

13. The development shall not be commenced until details of a scheme of foul and surface water drainage for the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure satisfactory drainage arrangements and prevent flooding pursuant to policy NRM4 of the South East Plan (2009) and PPS25 Planning and Flood Risk.

14. Notwithstanding the details of hard landscaping as shown on drawing number DHA/6104/20 rev B received 20th May 2009, the development hereby permitted shall not be commenced until details of the construction and materials of all areas of hardstanding have been submitted to and approved in writing by the Local Planning Authority. The submitted details should include permeable surfaces and sustainable drainage and the development shall thereafter be carried out in accordance with the approved details;

Reason: To ensure satisfactory sustainable drainage arrangements and to reduce flood risk pursuant to policy NRM4 of the South East Plan (2009) and PPS25 Planning and Flood Risk.

Informatives set out below

Provision should be made for the separate storage of recyclables from household waste. Advice on recycling can be obtained from the Environmental Services Manager.

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

Clearance and subsequent burning of existing woodland or rubbish must be carried out without nuisance from smoke, etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

No vehicles may arrive, depart, be loaded or unloaded within the general site except between the hours of 0800 and 1900 Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.

Reasonable and practicable steps should be used during any demolition or removal of existing structure and fixtures, to dampen down, using suitable water or liquid spray system, the general site area, to prevent dust and dirt being blown about so as to cause a nuisance to occupiers of nearby premises.

Where practicable, cover all loose material on the site during the demolition process so as to prevent dust and dirt being blown about so as to cause a nuisance to occupiers of nearby premises.

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside the normal working hours is advisable.

Where possible, the developer shall provide the Council and residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work, for example scaffolding alarm misfiring late in the night/early hours of the morning, any over-run of any kind.

It is strongly recommended that building control be consulted about the means necessary to reduce the transmission of excessive airborne and impact noise between the separate units in this development and other dwellings in accordance with Approved Document E Building Regulations 2003 'Resistance to the Passage of Sound'. I further recommend you seek building control advice on the Vibration Dose Values (VDV's) as defined in BS 6472.

The developer should advise all future occupants that the Local Planning Authority expects that all landscaping should be maintained and protected.

The Applicant should consult Kent County Council Highways with regard to the footway proposed and its adoption and its maintenance by the Highway Authority. With regard to the extension to the 30 mph speed limit along Marley Road, this will be subject to a Traffic Regulation Order which the applicant will be required to process.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.

APPLICATION: MA/09/0351 Date: 25 February 2009 Received: 2 March 2009

APPLICANT: Paynes Stores Ltd

LOCATION: HARRIETSHAM HIGHWAYS DEPOT, MARLEY ROAD, HARRIETSHAM, KENT

PROPOSAL: Erection of nine, one, two and three bedroom dwellings with amenity space, parking, access and landscaping (Resubmission of MA/07/2389) as shown on drawing numbers DHA/6104/19, DHA/6104/20, DHA/6104/21, DHA/6104/22, DHA/6104/23, DHA/6104/24, DHA/6104/25, DHA/6104/26, DHA/6104/27, DHA/6104/28, DHA/6104/29, DHA/6104/30, D7941/S1A , Planning Statement, Code for Sustainable Homes statement, Remediation Strategy and Tree Survey and Constraints received on 2/3/09.

AGENDA DATE: 21st May 2009

CASE OFFICER: Peter Hockney

The recommendation for this application is being reported to Committee for decision because:

- It is contrary to views expressed by the Parish Council
- Councillor Tom Sams has requested it be reported for the reason set out in the report

POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, H27
Kent and Medway Structure Plan 2006: HP2, HP4, EN9, QL1, NR1, NR6, NR9
South East Plan 2009: H1, H2, H5, NRM11
Government Policy: PPS1, PPS3, PPG13

HISTORY

MA/07/2389 – Erection of nine, one, two and three bedroom dwellings – REFUSED.

CONSULTATIONS

Harrietsham Parish Council wishes to see the application REFUSED on the following grounds:-

- "There is insufficient refuse bin capacity. Due to the new MBC refuse collection system there will be twice as many bins as the amount shown in the plans and the space provided will be inadequate.

- It is unclear how the refuse will be collected from each property.
- Having paths leading up to the development will encourage parking along Marley Road
- Emergency vehicles will have difficulty turning in the area provided.
- The height of the dwellings is still of concern for the location.
- Inappropriate size and density.
- The width of the site entry prevents 2 way traffic.
- How do they propose access for servicing the sub station?
- No apparent sound audit.
- No schedule for services - are street lights required?
- The proposed development by virtue of the amount of hardstanding would result an incongruous form of urban development for this part of Harrietsham contrary to policy QL1 of the Kent and Medway Structure Plan 2006."

Kent Highway Services have assessed the application in terms of the level of parking and the adequacy of the access and visibility and raise no objections to the application on any highway matters.

MBC Environmental Health Manager has assessed the application and concludes that the contamination report submitted, which includes a desk study that has been carried out, as well as some preliminary on site investigation, is adequate. A contamination condition to cover remediation works and the submission of a closure report. He does not consider that a noise assessment is required due to the low level of traffic noise from Marley Road and the absence of any nearby noise generators.

REPRESENTATIONS

Cllr Tom Sams has called the application to committee stating:-

"This application is of significant interest to the community. It is on a prominent site within the village and any decision will have a major impact on this part of Harrietsham. Bearing in mind an application on this site has already been before members, I would appreciate the planning committee seeing this amended application."

19 letters of objection have been received on the following grounds:-

- Insufficient car parking resulting in additional on street parking on unlit roads causing a highway hazard.
- The development would be out of character with the properties in Marley Road and Mercer Drive and the rural surroundings.
- The development would be intrusive in the street scene.

- Loss of privacy.
- Noise disturbance and smells from the use.
- The proposed density of the development is too high with too many dwellings proposed.
- Concern regarding potential flooding due to the lower slab levels.
- The site is not previously developed land.
- Concern that approval of this scheme would set a precedent for other sites.
- Concern that contaminated land is not sufficiently dealt with.

SITE LOCATION

The application site relates to a former KCC Highways Depot on the south side of Marley Road. There is no planning history relating to its previous Highway Depot use, however, this is likely to have been permitted development. The site is at the western edge of the village of Harrietsham but is within the village boundary. The site is outside both the North Downs Area of Outstanding Natural Beauty and the Special Landscape Area, which ends at the northern side of Marley Road and does not cover any part of the village envelope. The site is a transitional site from the residential part of Harrietsham to the open countryside and relates more to the countryside location than the built up area of Harrietsham. The transitional nature of the site means that it needs to be developed in a sensitive way.

There is an existing access onto Marley Road and the majority of the site is covered by hardstanding with an existing electricity sub station at the western boundary of the site. There is a slope to the site which rises southwards away from the road (approximately 3 metres) and from slopes down from east to west with a drop of approximately 5 metres. There are a number of trees surrounding the site along the eastern, southern and western boundaries, including horse chestnut, ash, sycamore and hawthorn. On the Marley Road frontage incorporates a chain link fence, approximately 1.8 metres in height and some scrub vegetation.

PROPOSED DEVELOPMENT

The application is a full application for the erection of nine dwellings in the form of 6 three bedroom houses, a single two bedroom house, a single two bedroom flat and a single one bedroom flat. There would be garages and parking provided totalling 16 spaces and the development would include a vehicular access by upgrading the existing access onto Marley Road without increasing its width but by resurfacing with a resin bonded gravel finish. A footpath linking the development with the existing footpath that runs into Mercer Drive would be created to allow pedestrian access into the site.

The layout of the proposed would include a terrace of three dwellings facing Marley road on the eastern side of the site. Adjacent to plot 3, approximately central in the frontage, would be the access road at a width of approximately 3.5 metres. The eaves height of this block would range from 3.7 metres to 5 metres with ridges ranging in height from 7 to 9 metres. A second terrace of three properties would be located in the western portion of the site facing the new access road, although plot 4 would have a double frontage that also would face Marley Road the eaves facing Marley Road would range from 2.2 to 4.8 metres, this would be cut into land by approximately 1 metre.

Adjacent to plot 6 to the south would be a triple width garage and parking in front with a two bedroom flat located above it would be approximately 4.6 metres to the eaves and 7.8 metres to the ridge. In the most southerly part of the site would be a detached two bedroom house with the first floor partially within the roofspace. It would have an eaves height of 5 metres and a ridge height of 9.2 metres. Finally another triple width garage with a one bedroom flat above would be located north east of the detached property and adjacent to the rear gardens of plots 1, 2 and 3 that would front Marley Road. It would measure approximately 3.8 metres to the eaves and 7.4 metres to the ridge the flat accommodation at first floor would be set into the roof and served by modest dormer windows.

There would be a total of 16 parking spaces for the nine proposed units, which is an acceptable standard for this village location. There have been no objections from Kent Highway Services regarding the level of parking provision. The hard surfaced areas would be a resin bonded gravel finish with parking bays demarked with granite setts.

The materials would be a combination of brick, render and tile hanging for the walls. The houses would be roofed in plain clay tiles with the garages with flats above roofed in slate. The units would incorporate such details as overhanging eaves and first floor windows breaking the eaves line. These aspects would assist in improving the design quality of the development and ensuring that the mass of the development is kept to a minimum. The mix of these materials and the design would result in a traditional style of development that would complement the village location and not appear incongruous in the surrounding area.

The boundaries of the site would be treated sympathetically in the context of the surroundings. The boundary fronting Marley Road would be a 1.2 metre high double staggered hedgerow with a 1 metre high post and rail fence located behind. There is an existing 1.8 metre high chain link fence that forms the boundary with the edge of the village. It is proposed to retain this boundary to maintain the visually permeable treatment to this edge and to prevent a harsh appearance to the development.

The dwellings that are proposed would meet a code level 2 in the Code for Sustainable Homes and this would be secured by way of a condition.

BACKGROUND

A previous application MA/07/2389 for nine dwellings came before Members on 26 June 2008, the Maidstone Borough-Wide Local Plan (2000) and the Kent and Medway Structure Plan (2006) remain in force, and with the recent adoption of the South East Plan form the Development Plan. The site has remained unaltered and therefore this decision is a strong material consideration in determining this application. The previous application was refused on the following two grounds:-

- (i) The proposed development by virtue of its height, mass, design and layout fails to respond positively to the rural character of this site and surrounding area thereby proving detrimental to the character and appearance of this part of Harrietsham which is a transitional site which relates more to the open countryside when approached from the east along Marley Road and Dickley Lane contrary to policy QL1 of the Kent and Medway Structure Plan 2006.**

- (i) The proposed development by virtue of the amount of hardstanding, width of access, two metre close boarded fence and lack of soft landscaping, particularly along the road frontage, would result an incongruous form of urban development for this part of Harrietsham contrary to policy QL1 of the Kent and Medway Structure Plan 2006.**

Following this refusal the agent has been in contact with the Development Control Section with a view to creating a scheme that would overcome Members' concerns. There has also been a site meeting with representatives of the Parish Council and Local Members.

PRINCIPLE OF DEVELOPMENT

Although there is no planning history for the site, it is clear that it is previously developed land by virtue of the extent of hardstanding across the site. Whilst there are no buildings on site the extent of hardstanding makes it clear that the site is previously developed land. The site is within the village envelope of Harrietsham and therefore the principle of residential development on the site conforms to national and local policies and is considered acceptable. The principle of residential development was not a ground for refusal.

The site was identified in the 2002 Urban Capacity Study as suitable for residential development. It was identified within the Urban Capacity Study for between 9 and 14 dwellings.

The site area is approximately 0.23 hectares, policy H5 of the South East Plan 2009 encourages higher density residential development and with an overall regional target

of 40 dwellings per hectare. The proposed scheme equates to 39 dwellings per hectare and is slightly below the target in the South East Plan, however, is acceptable for this edge of village location. The proposal for 9 units fits in with this requirement and the identification in the Urban Capacity Study.

The principle of the development is acceptable and Members were not against the principle of residential development on the site during the last application.

DESIGN AND VISUAL IMPACT

This is the key issue when considering this application as both the previous reasons for refusal centred around the visual impact of the development.

The mass of this development has subsequently been significantly reduced, in particular along the front elevation, facing Marley Road. The previous application had an eaves line that was 4.7 metres adjacent to the boundary of the village with the countryside (plot 4). The current proposal reduces this level to approximately 2.2 metres. Along the frontage of plot 4 the eaves line is approximately 4.2 metres as opposed to a gable frontage with a barn hip 7.5 metres in height. The frontages of plots 1, 2 and 3 onto Marley Road have been reduced to between 3.6 metres and 4.6 metres from approximately 5.6 metres.

This reduction is considered to have three-fold benefits. Firstly, all the eaves lines have been reduced, the higher eaves are located adjacent to the built up area of Harrietsham, with the lower eaves line adjacent to the countryside. This would aid in how the development would sit within the context of this transition site and would respect the sensitive nature of the site. Secondly, the development sits more comfortably within the site, appearing more squat, and as one would expect within a relatively stand alone site, within such a location, and thirdly, it dictates that the design of the buildings are more rural in appearance, with low slung eaves heights, larger roofslopes, and with an overall reduction of massing. This is a more traditional Kentish character, and one which is considered more appropriate for such a sensitive site.

The elevation now fronting Marley Road would see plot 4 with a large catslide roof to the western elevation, which is again a traditional Kentish feature, not uncommon to this locality. The design of this plot has been altered significantly and includes a low eaves line of approximately 2.2 metres reducing the potentially dominating impact that the dwelling could have on the views from the countryside along Marley Road. Whereas the previously refused scheme had an eaves height of approximately 4.7 metres facing the boundary with the countryside. This building would have timber cladding and tile hanging upon the front elevation at first floor level, with a gabled fronted porch. Such a form of building is quite common within the locality, and is considered to address both the street frontage, and also the open countryside to which it adjoins. This property is cut into the ground by approximately 1 metre to further reduce its bulk. This plot is not

a single dwelling however, but rather a row of terraced dwellings, the remain two facing into a courtyard within the centre of the site. As such, this building effectively has a double frontage, which works particularly well in this instance, as this then addresses the access into the site. This further front elevation (facing into the centre of the site) again sees good variation of the eaves height, and the good use of a variety of different materials (tile hanging, timber boarding, render, brickwork). To the rear of these properties, (facing eastwards) the properties would be set well of the boundary, with the mature trees retained, which would ensure a good level of screening of these properties, and a good sized garden. This distance should also ensure that there would not be pressure to see these trees chopped back or removed, once the properties are occupied.

Plots 1, 2 and 3 face onto Marley Road, and are considered to be of a good standard of design. These properties are well articulated, with the natural slope of the main street taken into account, with a step in the buildings introduced. Again, the bulk of these buildings have been significantly reduced from the previous application (an overall reduction of some 2.9metres), with the eaves line also again significantly reduced. The variation of the design, and materials of these properties is again considered to be suitable for this location. Once more, the use of clay tile hanging, and clay tiles on the roof would reflect the traditional appearance of such buildings within the County, and the immediate area, and as such is considered appropriate. Furthermore, the applicant has demonstrated that there would be a good roof overhang on each elevation, certainly a detail upon many buildings within this rural area. There would be a good level of landscaping provided to the front of these properties, further integrating the scheme into the surrounding area.

The internal layout of the development proposals to create a small courtyard, as one might expect to see, for example, within a farmstead. An informal cluster of buildings is proposed which would have an area of hardstanding in front of all properties. Two of the units proposed would be garages with residential accommodation above (plots 7 and 9) with the most southerly property (plot 8) appearing as the most dominant, and largest within the development. Again, this is a form of development that would be expected within this location. The detailing on these buildings are again, considered appropriate with the use of suitable materials, good proportions on the fenestration details, and each building designed in such a way to appear in keeping with the rural surroundings of the site.

Overall, whilst the bulk of the properties 4, 5 and 6 have been reduced, plots 7, 8 and 9 are to remain as before. However, as these are set within the site, and are screened by the frontage development this is not considered to be to the detriment of the character of the area. On balance therefore, it is considered that this proposal does overcome the previous reason for refusal as it has been significantly reduced in terms of bulk, and is also of a significantly improved design. It is considered important however to ensure a good quality finish to the development, and as such a condition is suggested requiring details of the roof overhangs, and recessed windows and doors, as

well as precise details of materials to be submitted to the Local Planning Authority prior to the commencement of works on site.

Greater care being has also been taken with the boundaries with increased landscaping to provide a soft edge to the development. The significant changes relate to the eaves height of the development, which overall have been considerably reduced with the first floor windows now cutting the eaves line of the properties reducing the overall mass of the development.

Along the Marley Road frontage there would be significant improvements in landscaping with a double staggered native hedge that would provide a soft edge to the development. This planting combined with the 1 metre high post and rail fence would ensure that the rural character of the area is maintained. This is in stark contrast to the previous submission which saw the proposal to erect a 2metre high close boarded fence for along part of this front elevation, which formed part of the previous ground for refusal. As such, it is considered that this part of the ground has been overcome. Likewise, previously concern was raised over the level of hardstanding within the development, and in particular at the point of access. The refused scheme had an access width of 4.8metres, which this scheme proposing an access of 3.5metres in width. This allows for additional landscaping at this important part of the site, and therefore overcomes one of the previous grounds of refusal in reason 2 of the aforementioned decision. Furthermore, within the site, the level of hardstanding has been reduced with the creation of a pinch point within the site, which creates a feature of greater interest, as well as reduces the level of hardstanding, to the schemes benefit.

In terms of the dwellings in the immediate area in Marley Road and Mercer Drive, the proposed dwellings would be different to the bungalows in Mercer Drive and the detached properties in Marley Road. However, the fact that the dwellings would be different to those in the vicinity is not in itself a reason for refusal there has to be demonstrable harm to the character and appearance of the area. The Development has been reduced in scale from the previous application, cut into the land and increased landscaping surrounding the site.

The layout of the development has changed to move the refuse collection area further into the site in order to allow for greater landscaping around the access point minimising the area of proposed hardstanding at the entrance and that visible from Marley Road. The layout of the properties at plots 4 to 6 have altered to take greater account of their location adjacent to the boundary of the village with the countryside.

It is therefore considered that this proposal would overcome the two previous grounds for refusal, by virtue of the loss of bulk, the reduction in the level of hardstanding, the improvement to the landscaping, and the improved design of the buildings proposed. It is therefore considered that in respect of these matters, this application is now

acceptable in the context of this transitional site from the village to the open countryside.

IMPACT ON RESIDENTIAL AMENITY

The properties in Mercer Drive, located to the east of the site, are bungalows and would back onto the site, in particular 1, 2 and 3 Mercer Drive.

The dwelling at plot 1 would be approximately 19 metres from the rear of 1 Mercer Drive. This distance would ensure that there would be no loss of light or an overwhelming impact on the occupiers of 1 Mercer Drive. The orientation of plot 1 would mean that there would be an acute angle of approximately 40 degrees. This angle would ensure that there would be no direct overlooking of 1 Mercer Drive and that the level of privacy of the occupiers would be maintained.

The bungalows of 2 and 3 Mercer Drive would be approximately 26.5 and 27.5 metres away respectively from the garage with flat above at plot 9. This distance would ensure that there would be no loss of light or an overwhelming impact on the occupiers of these bungalows. The two rear facing windows to this flat serving a bathroom and kitchen area would be in excess of previous guideline of 21 metres that was contained in the Kent Design Guide 2000 and therefore the development would not result in a loss of privacy to the occupiers.

The dwellings in Marley Road are separated by Marley Road and a minimum of 25 metres from the proposed development. This distance and the fact that the resultant development would be a front to front relationship where privacy is not a significant issue. The distance would ensure there would be no loss of light to the existing occupiers and there would be no overwhelming impact.

HIGHWAY CONSIDERATIONS

The existing vehicular access would be improved to provide access to the new development, the access width is approximately 3.5 metres with no footway providing for additional landscaping. Kent Highway Services raise no objections to the proposed access to the development in terms of highway matters.

The proposed development would include 16 parking spaces for the nine residential units. This level of provision is acceptable and accords with guidance in PPS3. There are no objections raised by Kent Highway Services to the level of car parking proposed.

A number of objectors have raised issues regarding the level of car parking and the additional pressure for on street parking. I do not consider that the level of parking is inadequate and in the absence of any objections from Kent Highway Services there is no highway safety reason for refusal that could be justified. Furthermore, the level of

proposed hardstanding was one of the issues picked out by Members in the reason for refusal on the previous application.

The provision of a footpath linking up with that on the corner of Mercer Drive would provide a pedestrian route into the village that would encourage residents to walk to the various amenities on offer in Harrietsham. The Parish Council have concerns that this would encourage on street car parking, however, I do not consider that this concern would justify a reason for refusal.

In terms of access for emergency vehicles, this would be a requirement of the Building Regulations application. Notwithstanding this, the access point is sufficiently wide to afford access to emergency vehicles and Kent Highway Services have not raised an objection to the access arrangements.

OTHER CONSIDERATIONS

The arboricultural report submitted has resulted in the reduction of the numbers of units from 10 to 9 to protect the identified trees. The Root Protection Areas have been drawn and a no dig surface as recommended in BS 5837, 2005 has been recommended for the proposed footpath. No comments have been received from the landscape department, however, the report has been carried out by a competent professional, the layout has been revised and recommendations relating to no dig methods of construction included. Therefore I consider that there would be no unacceptable impact on the trees on or around the site.

The site is currently covered in hardstanding and does not offer any suitable habitat for protected wildlife. There are no ponds or rivers in the vicinity and the site is not in or near any SSSIs or SNCIs. There are a number of mature trees surrounding the site that could provide habitats for a variety of species. It is proposed to retain all these trees and therefore I do not consider that there would be a significant impact on any protected species.

Details of the construction of the development have been submitted to show how level 2 of the Code for Sustainable Homes will be met. The delivery of this will be secured by way of a condition.

Harrietsham Parish Council raise concern regarding the provision of refuse storage and collection points. There is sufficient space within the site at the property frontages to provide adequate bin storage space and to enable collection.

The Parish raise concern regarding the servicing of the electricity sub station. This would be a private matter for arrangement between the developer and EDF Energy.

There are no street lights proposed as part of this application and the scale of the development is such that none would be required.

CONCLUSION

Residential development on this site is acceptable in principle and accords with national and local policies, the identification of the site for development in the Urban Capacity Study and the lack of a reason for refusal on principle on the last application.

The scheme has been altered following the previous refusal to take into account Members concerns and the resultant scheme of development would result in a development that would sit well in this edge of village location and would complement the rural character of the area.

The development would incorporate a high level of detailing with traditional materials to maintain the rural character of this edge of village site.

RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policy QL1 of the Kent and Medway Structure Plan 2006.

3. The development shall not commencement until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape

Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted and to ensure a satisfactory appearance to the development in accordance with policies ENV6 of the Maidstone Borough-Wide Local Plan (2000) and QL1 of the Kent & Medway Structure Plan 2006.

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

Reason: To ensure a satisfactory setting and external appearance to the development in accordance with policies ENV6 of the Maidstone Borough-Wide Local Plan (2000) and QL1 of the Kent & Medway Structure Plan 2006.

5. The recommendations and protection measures contained within the Tree Survey carried out by Philip Wilson Arboriculture dated 18 February 2009 shall be fully adhered to prior to any machinery being brought onto the site or the commencement of any works on the site, including clearance, and shall be kept in place until the completion of the development;

Reason: To safeguard existing trees on the site and maintain the character and appearance of the area in accordance with policies ENV6 of the Maidstone Borough-Wide Local Plan (2000) and QL1 of the Kent and Medway Structure Plan (2006).

6. The dwelling shall achieve Level 2 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 2 has been achieved;

Reason: To ensure a sustainable and energy efficient form of development in accordance with policy NR1 of the Kent and Medway Structure Plan (2006) and Kent Design 2000 and PPS1.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended 2008 (or any order revoking and re-enacting that Order with or without modification) no development within

Schedule 2, Part 1, Classes A, B and C and Part 2 Class A to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character, appearance and functioning of the surrounding area in accordance with policies H27 in Maidstone Borough-Wide Local Plan (2000) and QL1 of the Kent and Medway Structure Plan (2006).

8. No development shall commence until:

1. The application site has been subjected to a detailed scheme for the investigation and recording of site contamination and a report has been submitted to and approved by the Local planning authority. The investigation strategy shall be based upon relevant information discovered by a desk study. The report shall include a risk assessment and detail how site monitoring during decontamination shall be carried out. The site investigation shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology and these details recorded.

2. Detailed proposals in line with current best practice for removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') have been submitted to and approved by the Local Planning Authority. The Contamination Proposals shall detail sources of best practice employed.

3. Approved remediation works shall be carried out in full on site under a Quality Assurance scheme to demonstrate compliance with the proposed methodology. If, during any works, contamination is identified which has not previously been identified additional Contamination Proposals shall be submitted to and approved by, the local planning authority.

4. Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the local planning authority. The closure report shall include full details of the works and certification that the works have been carried out in accordance with the approved methodology. The closure report shall 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;

Reason: To prevent harm to human health and pollution of the environment pursuant to policy NR6 of the Kent and Medway Structure Plan (2006).

Informatives set out below

Provision should be made for the separate storage of recyclables from household waste. Advice on recycling can be obtained from the Environmental Services Manager.

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

Clearance and subsequent burning of existing woodland or rubbish must be carried out without nuisance from smoke, etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

No vehicles may arrive, depart, be loaded or unloaded within the general site except between the hours of 0800 and 1900 Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.

Reasonable and practicable steps should be used during any demolition or removal of existing structure and fixtures, to dampen down, using suitable water or liquid spray system, the general site area, to prevent dust and dirt being blown about so as to cause a nuisance to occupiers of nearby premises.

Where practicable, cover all loose material on the site during the demolition process so as to prevent dust and dirt being blown about so as to cause a nuisance to occupiers of nearby premises.

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside the normal working hours is advisable.

Where possible, the developer shall provide the Council and residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or

queries about the work, for example scaffolding alarm misfiring late in the night/early hours of the morning, any over-run of any kind.

It is strongly recommended that building control be consulted about the means necessary to reduce the transmission of excessive airborne and impact noise between the separate units in this development and other dwellings in accordance with Approved Document E Building Regulations 2003 'Resistance to the Passage of Sound'. I further recommend you seek building control advice on the Vibration Dose Values (VDV's) as defined in BS 6472.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and Kent and Medway Structure Plan 2006) and there are no overriding material considerations to indicate a refusal of planning consent.

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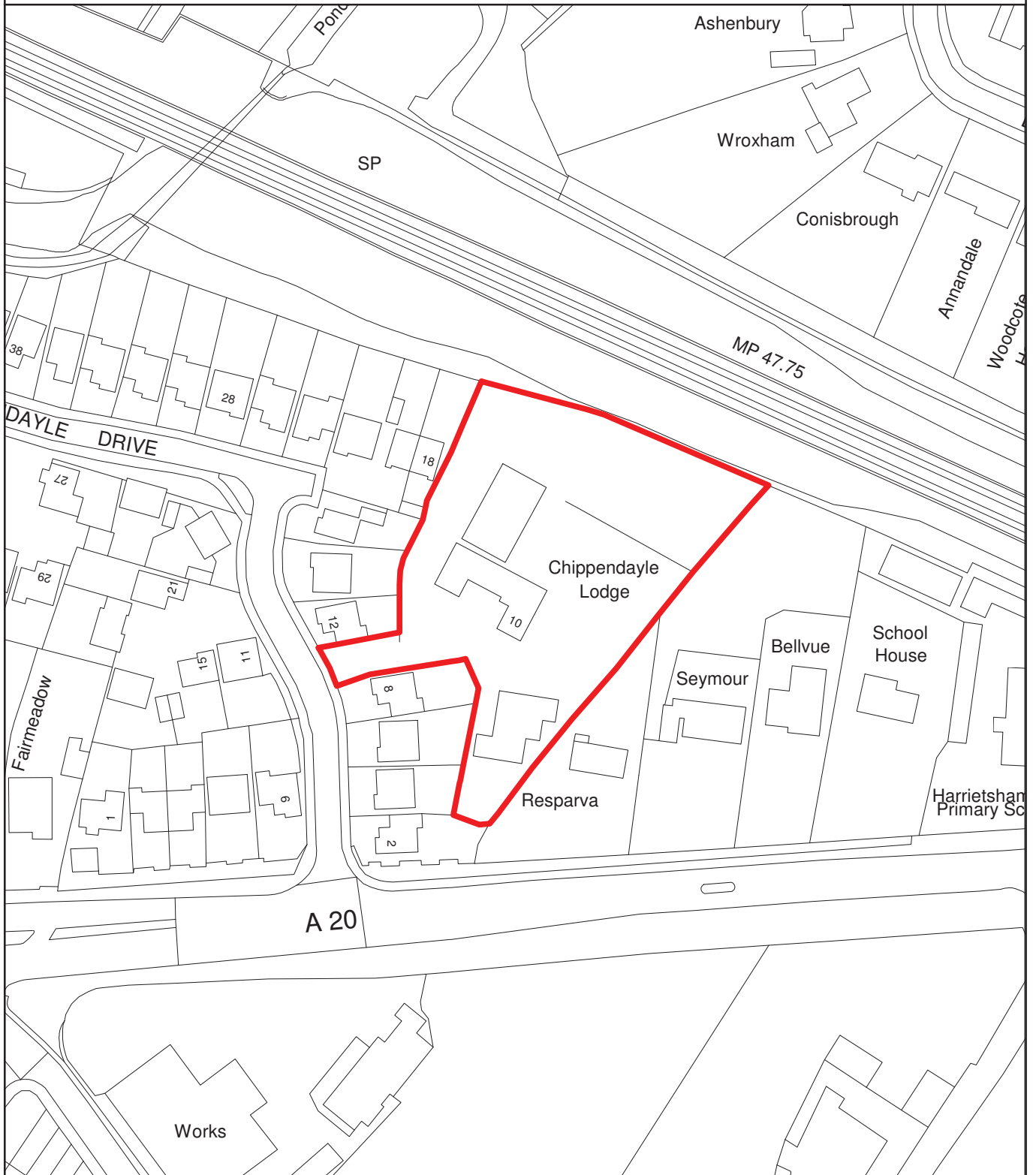
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Agenda Item 17

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/11/2100 GRID REF: TQ8652/8752

CHIPPENDAYLE LODGE RESIDENTIAL CARE HOME,
10 CHIPPENDAYLE DRIVE, HARRIETSHAM.



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Rob Jarman
Head of Planning

APPLICATION: MA/11/2100 Date: 5 December 2011 Received: 8 December 2011

APPLICANT: Charing Healthcare Ltd

LOCATION: CHIPPENDAYLE LODGE RESIDENTIAL CARE HOME, 10
CHIPPENDAYLE DRIVE, HARRIETSHAM, MAIDSTONE, KENT, ME17
1AD

PARISH: Harrietsham

PROPOSAL: Part single-storey, part two-storey extension to form 23 bedroom extension to existing residential care home as shown on site location plan, drawing nos. 2114/50, 2114/51, 2114/52, 2114/53revX, 2114/54, Design and Access Statement, Planning Statement and Acoustic Survey received 08/12/2011.

AGENDA DATE: 26th January 2012

CASE OFFICER: Steve Clarke

The recommendation for this application is being reported to Committee for decision because:

- It is contrary to views expressed by Harrietsham Parish Council

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, H26, T13
- South East Plan 2009: SP2, SP3, CC1, CC6, H4, T4, BE4, BE5, NRM10, AOSR7
- Village Design Statement: N/A
- Government Policy: PPS1, PPG13, PPG24

2. HISTORY

2.1 Previous relevant planning history relating to the site is as follows:

- MA/09/0574: An application to discharge condition 3-materials; condition 4-landscaping; condition 8-waste management relating to MA/08/2030: APPROVED 24/06/2009
- MA/08/2034: Erection of refuse storage: WITHDRAWN 15/12/2008
- MA/08/2030: Amendments to planning permission MA/07/1572 for part single storey, part two storey rear extension to form twenty three additional bedrooms for use in conjunction with Residential Care Home: APPROVED 08/01/2009

- MA/07/1572: Erection of a part single, part two storey rear extension to provide twenty additional bedrooms for use in conjunction with residential care home: APPROVED 21/02/2008
- MA/07/1526: Proposed link and conversion of bungalow into six bedroom care home unit - APPROVED.
- MA/06/1938: Conversion of existing bungalow to three self contained units to be used in connection with the residential care home with external alterations and extension and alterations to the main entrance - APPROVED.
- MA/05/0454: Removal of condition 3 of planning permission MA/01/1460 to enable unrestricted occupation of bungalow - REFUSED - APPEAL DISMISSED.
- MA/04/1125: Removal of condition 3 of original planning permission MA/01/1460 to enable unrestricted occupation of the bungalow - REFUSED.
- MA/01/1460: Erection of 1 no. bungalow for use by the proprietor of the residential home (revised scheme to that permitted under MA/00/1272) - APPROVED.
- MA/00/1272: Erection of 1 No. bungalow for use by the proprietor of the residential home - APPROVED.
- MA/86/1938: Change of use to residential care home for the elderly and erection of first floor side extension over existing garage and two storey side extension - APPROVED.

2.2 In March 2008, planning permission was granted under reference MA/07/1572 for the erection of a part single-storey, part two-storey rear extension to provide 20 additional bedrooms, (giving a total of 46). That proposal included the extension of the existing car park to provide a total of 16 spaces. As a result of the development, it was anticipated that staffing levels would have increased from 1 part-time and 3 full-time, to 2 part-time and 6 full-time members of staff.

2.3 That scheme was amended under application MA/08/2030 and approved in January 2009. This showed a revised internal layout and created an additional 3 bedrooms (that would result in a total on site of 49 bedrooms) and the provision of two additional car parking spaces giving a total of 18 on site. Precedent conditions relating to the application were subsequently discharged under application MA/09/0574 on the 24 June 2009.

2.4 The currently proposed extension is very similar in plan form and elevational treatment to that permitted under application MA/08/2030. The number of

proposed additional bedrooms (23) also remains the same, but changes have been made to the internal layout.

3. CONSULTATIONS

3.1 Harrietsham Parish Council:

'Wish to see the above application **refused** for the following reasons:

- There are concerns with the practical aspects of the parking, deliveries & collections and also the refuse collection. These do not appear to have been addressed in the application, and there is no mention of whether there would be any medical waste in the refuse.
- The access for emergency vehicles appears to be restricted.
- The application requires a current sound audit as the report submitted from 2006 is unacceptable.

The Parish Council would also request that the application be reported to the Planning Committee, if the Planning Officer's view differs.'

3.2 Kent Highway Services: Have no objections and have commented as follows:

'I refer to the above planning application for the extension of this residential care home. Use is to be made of the existing access which is considered adequate to serve this development. A total of 18 parking spaces are proposed which is in line with the guidance given in the Kent & Medway Vehicle Parking Standards.

I confirm that I have no objections to the proposals in respect of highway matters'

Conditions requiring the provision of the indicated parking spaces before first use of the development and their subsequent maintenance, the provision of cycle parking and requiring wheel washing measures to prevent deposition of mud etc. onto the highway, have also been recommended.

3.3 MBC Landscape Officer: Raises no objections and has commented as follows:

'The proposed site plan, drawing no. 2114/52 dated July 2010, indicates the removal of a few trees which are internal to the site and to which I raise no objection.

The trees to the north are outside of the site boundary and I would assume are in the ownership of Network Rail. Whilst they appear in close proximity to the proposed extension it would not be expedient to protect them because vegetation management, including tree removal, could be undertaken without the LPA's consent, making it difficult to sustain an objection on arboricultural grounds. It should be noted though, that shading by trees may be an issue in future which would not be in the control of the applicant. I would also add that the proposed tree and hedge planting specification is currently unclear, necessitating further details.

Recommendation: The recommendation is, therefore, to raise no objection on arboricultural grounds.

Conditions: If minded to grant consent the following conditions should be included:-

-standard landscape conditions

-provision of a tree protection plan and arboricultural method statement in accordance with BS5837:2005.'

3.4 **MBC Environmental Health:**

'I have nothing to add to my comments made previously for MA/08/2030 on 6th January 2009.

Recommendations: As before, i.e. The acoustic report submitted for that application was, and remains, adequate for purpose, provided nothing substantial has changed in the interim.'

4. **REPRESENTATIONS**

- 4.1 **One** neighbour letter from a resident of Chippendayle Drive has been received. This raises concerns regarding parking and states that due to the increase bedrooms there will be more staff and visitors and parking is likely to overspill onto an already congested Chippendayle Drive worsening existing problems. Delivery vehicles to the site already have problems.

5. **BACKGROUND**

- 5.1 Planning permission reference MA/08/2030 was never implemented and has now lapsed. This application is very similar. It proposes a development of a broadly similar external design and appearance and also the same proposed number of additional bedrooms at 23 and parking provision on at site 18 spaces.

6. **CONSIDERATIONS**

6.1 **Site Description**

- 6.1.1 This application relates to an existing residential care home located within the defined village envelope of Harrietsham. It stands to the east of the dwellings within the Chippendayle Drive residential estate, and to the north-west of some rather more loose-knit dwellings on larger plots which front the A20 Ashford Road.

- 6.1.2 Since the last permission on the site (application MA/08/2030), two additional dwellings have been constructed on land to the rear of and formerly part of the rear garden of 'Seymour' which fronts onto Ashford Road. These are located to the north east of the existing care home and adjacent to the railway-line. They were approved under application MA/07/1356 on 11/10/2007. They are known as 1 and 2 The Friars.

- 6.1.3 The northern boundary of the site adjoins the Maidstone East – Ashford railway line embankment, which is covered with mixed deciduous trees.
- 6.1.4 The main care home building is two storeys with a rear single-storey projection. A previous consent, under reference MA/07/1526, to link and convert the bungalow formerly occupied by the proprietor that lies to the south of the main building, to form a 6 bedroom extension has been implemented. There are currently a total of 26 bedrooms within the Care Home.
- 6.1.5 There are a number of trees within the site. None are protected by Tree Preservation Order.

6.2 Proposal

- 6.2.1 The application is a full application and seeks permission for a part single-storey and part two-storey extension to the existing care home on the site to provide for an additional 23 bedrooms. This would result in a total of 49 bedrooms on site.

(Changes in the current scheme to that approved under planning application MA/08/2030 are highlighted in bold text within the report.)

- 6.2.2 A total of 18 car parking spaces are shown to be provided within the site, an increase from the current 8-10 spaces. These would be provided by extending the existing car park northwards adjacent to 18 Chippendayle Drive onto an area where a metal container is sited and which is currently grassed. Three spaces are also shown to be provided to the southern side of the existing access from Chippendayle Drive. Refuse storage is indicated to be provided in an area adjacent to the former manager's dwelling on an existing area of hardstanding.
- 6.2.3 **The single story element would provide 5 bedrooms with en-suite facilities and a sluice as well as a store cupboard. This is a change from the previous permission which proposed the use of this area of the building as a day-room, kitchen, office and a disabled WC.** This extension would be located on the western side of the site immediately to the north of and linked to the existing single-storey rear extension at the Care Home. It would be approximately 14.5m deep and 14m wide and 3m to the eaves and 6m to the ridge. **The roof of this element is now fully hipped on four sides.**
- 6.2.4 The two-storey element would run in an easterly direction from the side of the day room parallel with the railway line to the north and would be sited a minimum of 2m and a maximum of 6m from the eastern site boundary adjacent to no.1 The Friars, the westernmost of the new dwellings constructed to the rear of 'Seymour' in Ashford Road. This new property has a ground floor doorway

serving a utility room and a first floor window to an en-suite bathroom facing the Care Home site.

- 6.2.5 The two-storey element would be approximately 17m deep at its maximum and 32m in width extending towards the eastern site boundary. The overall ridge height would be approximately 7.8m. Eaves height along the eastern and southern elevations would be 5.8m and on the northern elevation would be a combination of 5.8m dropping to 2.6m along a section of the roof incorporating a form of cat-slide roof with three dormer windows inserted. Two serve bedrooms and one serves the stair and lift core. The two storey element would be no closer to the eastern boundary than previously approved. Two previously approved external fire escapes are again shown on the north elevation facing the railway embankment. These will not be visible from outside the site or from adjoining properties.
- 6.2.6 **The day room has been relocated to the southern side of the two-storey extension at ground floor level and now faces onto the central garden area at the heart of the site. It is partially within the main building and partially in the form of projecting bay extension with false pitched roof that projects some 3.6m from the building's main façade at ground floor level.**
- 6.2.7 External materials are indicated to be a mixture of brick at ground floor level and white painted render at first floor level. Roof tiles would be interlocking concrete tiles to match the existing building. These materials are as previously approved.
- 6.2.8 Landscaping details have been submitted and indicate the provision of a Privet hedge along the western boundary of the site with the properties in Chippendale Drive. This would be planted in double staggered rows with plants at 450mm centres and 300mm between rows. The plants would be 450-600mm in height when planted.
- 6.2.9 In addition, 3 Silver Birch trees would be planted, one at either end of the new privet hedge on the western boundary and one in the north east corner of the site. These would be Standard Nursery Size.
- 6.2.10 A new Heavy Standard size Oak Tree would be planted in the courtyard garden at the centre of the site.
- 6.2.11 Tree protection measures in accordance with BS5837:2005 'Trees in Relation to Construction-Recommendations' for the existing railway embankment trees and a retained tree in the central garden are also shown on the submitted drawings. These tree protection details also show details of the proposed scaffolding method within the Root Protection Areas.

6.2.12 The submitted landscaping and tree protection details are as previously submitted and approved.

6.3 Principle of Development

6.3.1 This proposed extension is very similar in plan form and elevational treatment to that permitted under application MA/08/2030. The number of additional bedrooms remains the same at 23, resulting in the same potential total of 49 on the site, but some changes have been made to the internal layout. Planning permission MA/08/2030 only lapsed on 8 January 2012 and is therefore a material consideration of some weight in the determination of the current application.

6.3.2 Development Plan policy in respect of the Maidstone Borough-wide Local Plan 2000 has not changed since the earlier permission. Policy H26 relating to Nursing Homes and Care Homes remains relevant as a key consideration.

6.3.3 The South East Plan 2009 has replaced the Kent & Medway Structure Plan and although it is scheduled to be revoked as part of the measures in the Localism Act 2011, there are no enabling Orders in place for this as yet. As such it remains part of the Development Plan.

6.3.4 There are no specific policies relating to care home provision in the South East Plan. However, Policy H4 (Type and Size of New Housing) states that local authorities should identify the full range of housing needs including those with particular housing needs such as older and disabled people.

6.3.5 Policy BE4 (The role of small rural towns ('Market' towns)) advises that local planning authorities should support and reinforce the role of small rural towns as local hubs for employment, retailing and community facilities and services.

6.3.6 Policy BE5 (Village Management) encourages local planning authorities to positively plan to meet the defined local needs of their rural communities for small scale affordable housing, business and service development.

6.3.7 Given the previous planning history and the fact that Harrietsham is classified as a rural service centre, I consider the principle of the development proposed is acceptable.

6.3.8 In considering the details of the application, it is necessary to have regard to the criteria of Policy H26 of the Borough-wide Local Plan 2000. The policy states as follows:

'POLICY H26:

IN CONSIDERING PROPOSALS FOR THE PROVISION AND EXTENSIONS OF NURSING HOMES AND RESIDENTIAL CARE HOMES, THE BOROUGH COUNCIL WILL TAKE INTO ACCOUNT THE FOLLOWING FACTORS:

- (1) THE EXTENT TO WHICH THE PROPOSAL INCLUDES ADEQUATE AMENITY SPACE FOR RESIDENTS AND SUFFICIENT CAR PARKING TO ADOPTED STANDARDS; AND
- (2) THE EFFECT ON THE CHARACTER OF THE AREA AND THE AMENITIES OF NEIGHBOURING PROPERTIES; AND
- (3) IN THE CASE OF PROPOSALS INVOLVING THE EXTENSION OF EXISTING PROPERTIES, THE EFFECT ON THE CHARACTER OF THE BUILDING AND ITS SETTING; AND
- (4) IN THE CASE OF RESIDENTIAL CARE HOMES, THE DEVELOPMENT IS WELL RELATED TO PUBLIC TRANSPORT, SHOPPING AND COMMUNITY FACILITIES.'

6.3.9 In assessing the application I deal with each criterion separately below.

6.4 (1) Amenity space for residents and car parking issues

Amenity space

6.4.1 The development will leave a substantial garden area of approximately 0.1ha within the site. The new location of the day room now overlooks this area directly rather than the railway embankment as previously approved. In addition, the location of the extension in shielding the garden from the adjacent railway line will provide a sense of enclosure and reduce any impact from the railway further.

6.4.2 Car parking and highway issues

There are no highway objections to the proposals. There will be no adverse impact on local roads and the level of car parking provision is considered acceptable. The internal layout of the site is also considered to be acceptable.

6.5 (2) Effect on the character of the area and the amenities of neighbouring properties

Impact on the character of the area

6.5.1 The application site is well contained and being located behind frontage development on Ashford Road and more recent development on Chippendale Drive has limited impact from public vantage points, which are limited to the access road off Chippendale Drive and between gaps along that road. I consider therefore that the development would not have an adverse visual impact on the overall character of the area. The relationship between the development and the overall character of the surrounding area has not changed from the previous approval.

Impact on neighbouring properties

- 6.5.2 The two-storey section of the proposed extension is sited away from the properties in Chippendayle Drive towards the eastern boundary running parallel to the railway-line.
- 6.5.3 The car park area is to be extended alongside the boundary with 18 Chippendayle Drive into an area currently grassed and which has metal containers stored on it. There is therefore the potential for use of this area to increase. However, I do not consider that additional activity on this area would in itself be sufficient to warrant refusal. The boundary is formed by a close-boarded fence, but there is currently no planting along the common boundary. This currently exists alongside the existing car park adjacent to the Chippendayle Drive properties. Additional hedge planting and two new trees are proposed for this boundary.
- 6.5.4 The closest section of the additional development at the care home to the properties to the west is single-storey and will not result in any loss of light or privacy to the occupiers of these dwellings. The closest two-storey section of the development is located approximately 25m from the flank boundary of 18 Chippendayle Drive. As this section has no flank windows, I consider this to be an acceptable separation distance that will not result in any unacceptable loss of privacy to either nos.16 or 18 Chippendayle Drive. A single west facing first floor level window (serving a corridor) and the door to a fire escape are located some 55m from the western site boundary and as such are at an acceptable separation distance that will result in no loss of privacy.
- 6.5.5 The most significant change since the previous approval is the completion of the development at the rear of Seymour. The house at no.1 The Friars is located close to site's eastern boundary. As stated earlier in the report, this has a ground floor utility room door and a (conditioned) first floor obscure glazed ensuite bathroom window at first floor level facing the site.
- 6.5.6 On the originally approved scheme within the current application site, three windows (two serving bedrooms and one serving a corridor) were approved at first floor level. There are still three windows but all now serve bedrooms. The windows face largely onto the flank of the adjacent dwelling and I do not consider that the development would unacceptably overlook the private amenity space of the dwelling at no.1 The Friars.
- 6.5.7 The development would not in my view have an unacceptable impact on the amenities of adjoining residential occupiers.

6.6 (3) Effect on the character of the building and its setting

- 6.6.1 The existing building dates from the late 1950s and has no particular character. It has been extended in the past in a variety of styles. The currently proposed addition will not adversely affect the character of the building.
- 6.6.2 It is acknowledged that the number of bedrooms on the site would approximately double and that the proposed floorspace within the extension is also larger than the current floorspace within the site.
- 6.6.3 I am of the view however, that the site is capable of accommodating the proposed extension. There will still be space around the building and separation from the site boundaries. The proposed extension will leave an acceptable and well landscaped amenity area around the building for the occupiers. The remaining garden/landscaping area amounts to approximately 0.1ha in area.
- 6.6.4 There are existing trees within the site close to the proposed extension and also within the railway embankment to the north. Two small trees on the northern site boundary and a Leyland Cypress within the garden south of the proposed extension are not capable of retention. Tree protection measures in accordance with BS5837:2005 'Trees in Relation to Construction-Recommendations' for the existing railway embankment trees and a retained tree in the central garden are also shown on the submitted drawings. These tree protection details also show details of the proposed scaffolding method within the Root Protection Areas.
- 6.6.5 Landscaping details have also been submitted and indicate the provision of a Privet hedge along the western boundary of the site with the properties in Chippendale Drive. This would be planted in double staggered rows with plants at 450mm centres and 300mm between rows. The plants would be 450-600mm in height when planted.
- 6.6.6 In addition, 3 Silver Birch trees would be planted, one at either end of the new privet hedge on the western boundary and one in the north east corner of the site. These would be Standard Nursery Size.
- 6.6.7 A new Heavy Standard size Oak Tree would be planted in the courtyard garden at the centre of the site.
- 6.6.8 Notwithstanding the comments of the Landscape Officer, I consider that there is sufficient detail submitted with the application to identify the tree protection measures and the planting specifications.
- 6.6.9 I consider that the setting of the building will not be harmed by the proposals.

6.7 (4) In the case of residential care homes, the development is well related to public transport, shopping and community facilities.

6.7.1 The site is located within a defined settlement that is classified as a Rural Service Centre, which is served by a railway station and is on a 'bus route. Harrietsham also has a doctors' surgery and a community centre and retains a post office, a local convenience store and a public house and other community facilities.

6.8 Other Matters

6.8.1 The issue of waste has been raised by the Parish Council. A suitable area for the siting of six 1100litre capacity 'Euro' waste bins has been indicated. The submitted details indicate that 2 of the 6 bins will be for general refuse, 2 for recycling and 2 for medical waste. The management of the care home will have a waste contract to manage the waste on the site.

6.8.2 The relationship of the building to the railway line and the internal layout of the development facing the railway have not significantly changed since the previous permission. The recommendations within the acoustic assessment remain relevant and can be subject to an appropriate condition as previously imposed. The Environmental Health Section has no objections provided that this condition is imposed.

6.8.3 The recommended conditions suggested by Kent Highway Services have also been considered. The condition requiring wheel washing measures to prevent the deposition of mud on the highway does not meet the tests of Circular 11/95 and should instead be applied as an informative. The other two recommended conditions do meet the tests and appropriate conditions can be imposed.

7 CONCLUSION

7.1 The currently proposed scheme remains largely of the form as permitted under the previous approvals particularly in terms of the overall site layout, design and footprint of the building.

7.2 The scheme as now proposed would result in no unacceptable impact on the properties in Chippendayle Drive to the west of the site or the new dwelling at no.1 The Friars, located to the east of the site.

7.3 There are no objections raised by Kent Highway Services to the development in terms of highway safety or the level of parking provision. The Council's Environmental Health section has also raised no objections to the development, subject to the acoustic report's recommendations being implemented. I concur with these views.

7.4 Subject to appropriate safeguarding conditions the scheme is acceptable and the following recommendation appropriate.

8. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety pursuant to policy T13 of the Maidstone Borough-wide Local Plan 2000.

3. 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 building(s) hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development pursuant to the advice in PPS1.

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

any variation;

Reason: To ensure a satisfactory setting and external appearance to the development pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000.

5. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction-Recommendations'. No work shall take place and no equipment, machinery or materials shall be brought onto the site on site until the details of protection shown on drawing no. 2114/52 received 08/12/2011 have been erected. The protection measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000.

6. The proposed development shall be constructed and glazed in accordance with the details recommended in sections 8.1 to 8.4 (inclusive) of the acoustic assessment prepared by Adnitt Acoustics dated 1710/2011 received 08/12/2011, unless otherwise agreed in writing by the local planning authority, and evidence that all recommendations have been implemented shall be provided to and agreed in writing by the Local Planning Authority prior to first occupation of the additional accommodation hereby approved;

Reason: To ensure a satisfactory internal environment for the occupiers in accordance with policy NRM10 of the South East Plan 2009 and the advice in PPG24 Planning and Noise.

7. The development shall not commence until details of cycle parking spaces to be provided within the site have been submitted to and approved by the local planning authority. The subsequently approved details shall be implemented prior to the first occupation of any part of the development hereby permitted and maintained thereafter.

Reason: In the interests of promoting alternatives to the of the private car as a means of transport pursuant to the advice in PPG13.

8. The development hereby permitted shall be carried out in accordance with the following approved plans:

2114/52, 2114/53revX and 2114/54 received 08/12/2011;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers in accordance with policy CC6 of the South East Plan 2009 and the advice in PPS1.

Informatives set out below

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

No vehicles in connection with the construction of the development may arrive, depart, be loaded or unloaded within the general site except between the hours of 0800 and 1900 Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.

Adequate and suitable provision in the form of water sprays should be used to reduce dust from demolition work.

The developer shall implement a scheme for the use of wheel cleaning, dust laying and road sweeping, to ensure that vehicles do not deposit mud and other materials on the public highway in the vicinity of the site or create a dust nuisance.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.

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Agenda Item 18

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/11/2127

GRID REF: TQ7657

34 DOWNS VIEW ROAD,
MAIDSTONE.



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Rob Jarman
Head of Planning

APPLICATION: MA/11/2127 Date: 12 December 2011 Received: 12 December 2011

APPLICANT: Mr John Thwaites

LOCATION: 34, DOWNS VIEW ROAD, MAIDSTONE, KENT, ME14 2JF

PARISH: Maidstone

PROPOSAL: Two storey side extension and loft conversion with front and rear dormers as shown on drawing numbers 31.126.1., 31.126.2.B & 31.126.3. received on 12/12/11

AGENDA DATE: 26th January 2012

CASE OFFICER: Angela Welsford

The recommendation for this application is being reported to Committee for decision because:

- the applicant is an officer of the Council.

1. **POLICIES**

- Maidstone Borough-Wide Local Plan 2000: H18, ENV6
- The South East Plan RSS 2009: BE1
- Government Policy: PPS1, PPS9
- Other: Maidstone Local Development Framework, Residential Extensions Supplementary Planning Document 2009.

2. **PLANNING HISTORY**

- 2.1 MA/11/1164 Erection of a two storey side extension and loft conversion to existing dwelling WITHDRAWN
- MA/04/2396 Erection of a single storey side extension including new garage APPROVED
- 2.2 Planning permission MA/04/2396 was never implemented and has now lapsed.
- 2.3 MA/11/1164 was for a similar proposal to the current application, but that scheme showed a wider extension featuring a gable end and two front dormers, and was withdrawn before determination as it was considered unacceptable by officers. The applicant has subsequently engaged in extensive pre-application

discussions/written advice to design the scheme now proposed in the current application.

3. CONSULTATIONS

3.1 PARISH COUNCIL: Not applicable.

3.2 LANDSCAPE OFFICER: (verbal comments) The development would take place outside of the crown spreads of the trees, on a hard-surfaced area which is unlikely to contain any significant roots, so is unlikely to compromise their health. Trees are not worthy of a TPO, but contribute to amenity of the street so a standard tree protection condition should be attached to prevent storage of materials etc beneath them.

4. REPRESENTATIONS

4.1 None received to date.

5. CONSIDERATIONS

5.1 The Site

5.1.1 The application site is located within the urban area of Maidstone and is not covered by any other special designations on the Local Plan proposals map.

5.1.2 It is a triangular-shaped corner plot located at the head of a cul-de-sac, and contains the right-hand one of a pair of semi-detached bungalows. Some ash and hawthorn trees mark the front part of the side boundary with the neighbour to the south-west, No. 32 Downs View Road. The land within the site slopes from south to north, following the natural incline of the road, such that the rear garden is set considerably higher than the front.

5.1.3 The bungalow has brick elevations beneath a fully-hipped, plain-tiled roof, and features a hipped bay window to its front elevation and a small projection to the rear which forms the kitchen. These are both elements of the original building, which has never been extended. There is a detached single garage to the right-hand side (west) of the bungalow.

5.2 The Proposal

5.2.1 The application seeks planning permission for the erection of a side extension and a loft conversion with front and rear dormers. These works would result in the removal of the garage.

- 5.2.2 The extension would have a footprint of approximately 4.3m wide by 8.3m deep, with eaves and ridge lines to match those of the existing building. It would feature a barn-hipped roof to create enough head-height for a very small upstairs w.c./shower room. All materials would match existing.
- 5.2.3 Both dormers would have flat roofs, in keeping with those on the chalet bungalows directly opposite. That to the front would be approximately 4.8m wide, and that to the rear 8.8m wide.

5.3 **Assessment**

- 5.3.1 As the site is a residential property located within the urban area, and is not covered by any other special environmental designations, the main relevant Local Plan policy to assess the proposal is H18. This policy permits extensions and additions to residential properties subject to a number of criteria intended to ensure that no harm is caused to the character of the host building or the area, the amenity of neighbouring occupiers, or highway safety. Although not specifically listed under the criteria of Policy H18, any landscaping or ecological impacts also need to be considered.

5.4 **Visual Impact**

- 5.4.1 The existing bungalow is not considered to be of any particular architectural merit. It is set within a street-scene which is typically made up of semi-detached pairs of both conventional and chalet bungalows of broadly similar basic original designs, but a number of which have subsequently been extended. All the chalet bungalows directly opposite feature flat-roofed dormers to their front and side elevations, as does the adjacent pair to the east, (No.s 38-40 Downs View Road).
- 5.4.2 In these circumstances, I do not consider that the proposed extension or addition of flat-roofed dormers to this building would look out of place or cause any harm to the character of the street-scene. The front dormer would measure 4.8m in width as compared to the extended roof width of 10.9m. As such, it would only take up 44% of the roof width, plus would be set back 1.6m from the eaves and dropped 0.7m from the ridge. In my view, therefore, it would appear clearly subordinate on the roof slope, as required by the Council's adopted residential extensions guidelines. It would also be in keeping with those opposite in design terms. The rear dormer, whilst somewhat larger, would not be readily visible from public vantage points due to the configuration of adjoining buildings and vegetation. Nevertheless, it has been designed to retain a sufficient area of roof slope above, below and upon both sides of it to avoid an over-dominant appearance.

- 5.4.3 The width of the extension has been reduced in line with pre-application advice, such that its proportions are now considered acceptable. Although the roof design incorporates a barn-hip, rather than a full hip as found on the attached property, in this particular location I consider that to be acceptable. There would not be any loss of important space between buildings as this is a corner plot, nor would there be any significant loss of openness as the flank of the extended building would still be set in approximately 14m from the pavement and would not protrude forward of the front building line of the west-facing bungalows just around the corner. Furthermore, I noted during my site visit that a similar barn-hipped side extension had been permitted and constructed at No 37 Downs View Road (MA/09/0393); and that a number of properties had had their fully-hipped roofs converted to full gables, an alteration that can often be carried out as permitted development without the need for planning permission.
- 5.4.4 In summary, therefore, I do not consider that the proposal would cause any material harm to the character of the host dwelling or the character or appearance of the street-scene and surrounding area.

5.5 Residential Amenity

- 5.5.1 The application building is set both down from, and at right angles to, No 32 Downs View Road, (non-attached neighbour to south-west). In view of this location and orientation, I do not consider that the proposal would result in any significantly detrimental impact on the daylight, sunlight or outlook enjoyed by that property. Similarly, for these same reasons, and due to the angled nature of both rear gardens, plus the fact that the closest two of the three proposed rear-facing first-floor windows are shown on the drawings as obscure-glazed, I do not consider that there would be a significantly harmful increase in overlooking. (It is already possible to see into No 32's rear garden in any case through the trellis on the boundary fence, which is understood to be owned by No 32.)
- 5.5.2 The extension would be shielded from No 36 Downs View Road, (attached neighbour to east), by the application building, and the dormers would create a relatively small amount of additional bulk when viewed in side profile, such that I do not consider that there would be any significant impact on the daylight, sunlight or outlook enjoyed by that property. The first-floor rear window closest to the common boundary is the one shown as not being obscure-glazed. However, No 36 has a flat-roofed rear extension that would partially obstruct views into that property's garden, (which again is already currently clearly visible over the boundary fence), plus any views from the dormer would be at an oblique angle in any case, so on balance I do not consider that the impact of the proposal on the privacy of No 36 would be significantly harmful to justify a refusal of planning permission that could be sustained at appeal.

5.5.3 I note that no objections have been received from neighbours.

5.6 **Highway Safety/Parking**

5.6.1 Downs View Road is a cul-de-sac within a residential area (30 mph speed limit). Although the garage would be removed, sufficient space would remain within the property boundary to park one vehicle, and in this location I do not consider that parking on the road is likely to be prejudicial to highway safety. I also note that the extension does include a store, which would be capable of taking bicycles and thus providing a more sustainable means of transport. I therefore consider the highways impacts of the proposal to be acceptable.

5.7 **Trees**

5.7.1 As the development would not come beneath the canopy spread of any of the trees on the side boundary, and would take place on a hard-surfaced driveway/site of the garage, which is unlikely to contain any significant tree roots, the Landscape Officer has advised that it would be unlikely to compromise their health and is therefore acceptable. He has also advised that although the trees are not worthy of a TPO, they do contribute to the amenity of the street-scene and so a tree protection condition should be attached to any approval to prevent storage of materials and equipment beneath them.

5.8 **Ecology**

5.8.1 Neither the trees nor the false-pitched/flat-roofed garage appeared from my site visit to have any potential as a habitat for bats. The development area is a hard-surfaced driveway/site of the garage, and therefore is unlikely to provide valuable habitat for protected species. In these circumstances, I do not consider any ecological measures to be necessary.

6. **CONCLUSION**

6.1 Taking all of the above into account, I conclude that the proposal complies with Development Plan Policy, the aims of the Council's adopted residential extensions guidelines and Central Government Guidance, and that consequently the application should be approved with conditions as set out below.

7. **RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2005.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
31.126.1., 31.126.2.B & 31.126.3 received on 12/12/11;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers in accordance with Policy H18 of the Maidstone Borough Wide Local Plan 2000.

3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building;

Reason: To ensure a satisfactory appearance to the development in accordance with Policy H18 of the Maidstone Borough-Wide Local Plan 2000.

4. No work shall take place on site until full details of tree protection by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction - Recommendations', have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the prior written consent of the local planning authority;

Reason: To safeguard existing trees, which are considered to contribute to the visual amenity of the street-scene, in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan 2000.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.

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