

AGENDA

PLANNING COMMITTEE MEETING



Date: Thursday 18 December 2014
Time: 6.00 p.m.
Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Ash, Collins, Cox, Edwards-Daem,
English (Chairman), Greer, Harwood,
Hogg, Moriarty, Paine, Paterson,
Mrs Robertson and J.A. Wilson

Page No.

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 Items withdrawn from the Agenda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 - Monday 22 December 2014

Continued Over/:

Issued on 10 December 2014

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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 27 November 2014 1 - 6
11. Presentation of Petitions (if any)
12. Report of the Head of Planning and Development - Deferred Item 7
13. 13/1979 - Land North of Heath Road, Coxheath, Maidstone 8 - 30
14. 13/1999 - Land South of Pleasant Valley Lane, Pleasant Valley Lane, East Farleigh 31 - 37
15. 14/0095 - Land at Church Road, Harrietsham 38 - 57
16. 14/500606 - Greentops, Headcorn Road, Sutton Valence 58 - 76
17. 14/502009 - Court Lodge, Court Lodge Road, Harrietsham 77 - 98
18. 14/502411 - The Orchards, Snowey Track, Off Park Lane, Boughton Monchelsea 99 - 107
19. 14/504318 - 47 Bryant Close, Nettlestead, Kent 108 - 112
20. Appeal Decisions 113
21. Update on Matters Referred to Cabinet Members
22. Chairman's Announcements

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.

BACKGROUND DOCUMENTS:

The background documents for the items on the agenda are to be found on the respective planning files for each application and on the files for those applications referred to in the history section of each report. Background documents are available for inspection during normal office hours at the Maidstone Borough Council Gateway Reception, King Street, Maidstone, Kent, ME15 6JQ.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 27 NOVEMBER 2014

Present: Councillor English (Chairman) and
Councillors Ash, Chittenden, Cox, Ells, Greer,
Harwood, Hogg, Moriarty, Mrs Robertson and
J.A. Wilson

Also Present: Councillor Willis

176. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Collins, Edwards-Daem, Paine and Paterson.

177. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Chittenden for Councillor Paterson
Councillor Ells for Councillor Edwards-Daem

178. NOTIFICATION OF VISITING MEMBERS

Councillor Willis indicated his wish to speak on the report of the Head of Planning and Development relating to application MA/13/2079.

179. ITEMS WITHDRAWN FROM THE AGENDA

MA/14/0668 - RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE OF LAND FROM AGRICULTURAL TO RESIDENTIAL INVOLVING THE STATIONING OF ONE MOBILE HOME AND THE LAYING OF HARD SURFACING - OAKLANDS, GRAVELLY BOTTOM ROAD, KINGSWOOD, MAIDSTONE

The Committee considered the urgent update report of the Head of Planning and Development recommending that this application be withdrawn from the agenda. It was noted that the Officers needed to investigate information received late the previous day relating to the applicant's submissions on gypsy status.

RESOLVED: That agreement be given to the withdrawal of application MA/14/0668 from the agenda to enable the Officers to investigate information received relating to the applicant's submissions on gypsy status.

180. URGENT ITEM

The Chairman stated that, in his opinion, the update report of the Head of Planning and Development should be taken as an urgent item as it contained further information relating to the applications to be considered at the meeting.

181. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

182. EXEMPT ITEMS

RESOLVED: That the items on the agenda be taken in public as proposed.

183. MINUTES OF THE MEETING HELD ON 6 NOVEMBER 2014

RESOLVED: That the Minutes of the meeting held on 6 November 2014 be approved as a correct record and signed.

184. MATTERS ARISING FROM THE MINUTES OF THE MEETING HELD ON 6 NOVEMBER 2014

MINUTE 165 - 14/501209 - THE DEVELOPMENT OF THE SITE FOR 140 TWO, THREE, FOUR AND FIVE BED DWELLINGS, NEW ACCESS ROAD OFF A20, NEW ESTATE ROADS, CAR PARKING, LANDSCAPING AND AMENITY OPEN SPACE - BRIDGE NURSERY, LONDON ROAD, MAIDSTONE, KENT

The Chairman advised the Committee that the proposed establishment of a Monitoring Committee comprising the local Ward Members and Councillor Harwood to monitor the discharge of conditions should be progressed as a decision of the Committee, and not by way of a condition.

RESOLVED: That the proposed establishment of a Monitoring Committee comprising the local Ward Members and Councillor Harwood to monitor the discharge of conditions should be progressed as a decision of the Committee, and not by way of a condition.

Voting: 11 – For 0 – Against 0 - Abstentions

185. PRESENTATION OF PETITIONS

There were no petitions.

186. DEFERRED ITEM

MA/07/2133 - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A FIVE STOREY RESIDENTIAL DEVELOPMENT COMPRISING OF 52 STUDIO APARTMENTS AND 24 ONE-BED FLATS WITH 38 UNDERCROFT PARKING SPACES AND 22 EXTERNAL PARKING SPACES WITH VEHICULAR AND PEDESTRIAN ACCESS FROM HART STREET TOGETHER WITH

LANDSCAPING - LAGUNA MOTORCYCLES SITE, HART STREET, MAIDSTONE

The Development Manager advised Members that a revised viability assessment was still awaited.

187. MA/13/2079 - OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED FOR THE DEMOLITION OF EXISTING STRUCTURES AND ERECTION OF UP TO 80 DWELLINGS WITH ASSOCIATED WORKS FOR ACCESS, PARKING, INFRASTRUCTURE, OPEN SPACE AND LANDSCAPING - LAND SOUTH WEST OF OAKAPPLE LANE, MAIDSTONE, KENT

The Chairman and Councillor Harwood stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning and Development. The Development Manager advised the Committee that he wished to further amend proposed condition 1 relating to approval of the reserved matters to specify that the open space provision should be located in the northwest corner of the site.

Mr Collins, for the applicant, and Councillor Willis (Visiting Member) addressed the meeting.

RESOLVED: That subject to the prior completion of a Section 106 legal agreement in such terms as the Head of Legal Partnership may advise to secure the following:

- The provision of 40% affordable residential units within the application site;
- A contribution for Kent County Council of £4,000 per 'applicable' house and £1,000 per 'applicable' flat on the assumption that land will be transferred to KCC for a nominal sum for the provision of a primary school on land to the east of Hermitage Lane. Should this not be the case, to secure an additional £2,701.63 per 'applicable' house and £675 per 'applicable' flat ('applicable' meaning all dwellings, excluding 1 bed units of less than 56sqm GIA, and sheltered accommodation) towards the provision of a new primary school in west Maidstone;
- A contribution for Kent County Council of £106.37 per dwelling to be used to address the demand from the development towards additional book stock and services at Maidstone Library;
- A contribution for Kent County Council of £47.44 per dwelling to be used to address the demand from the development towards the provision of adult social care facilities within 3 miles of the application site;
- A contribution for Kent County Council of £30.70 per dwelling to be used to address the demand from the development towards the provision of new/expanded facilities and services both through

dedicated adult education centres and through outreach community learning facilities within 3 miles of the application site;

- A contribution for Kent County Council of £8.44 per dwelling to be used to address the demand from the development towards youth services within 2 miles of the application site;
- A contribution for the NHS of £67,392 towards extensions and works to Barming Surgery, Blackthorn Medical Centre, Aylesford Medical Practice and Allington Park Surgery;
- A contribution of £400 per dwelling towards off site highway improvement works to the A26/Fountain Lane junction;
- A contribution to be negotiated towards off site highway improvement works to the A20/Coldharbour Lane junction;
- A contribution of £86 per dwelling towards off site highway improvement works to junction 5 of the M20; and
- A contribution to be used towards the improvement and maintenance of open space within 1km of the application site or to be offset against the complementary enhancement of the unmade section of Oakapple Lane, retaining the features that are integral to its character, to provide a secondary access used by emergency vehicles, pedestrians and cyclists (to be negotiated),

the Head of Planning and Development be given delegated powers to grant outline permission subject to the conditions and informatives set out in the report, as amended by the urgent update report, and the additional condition set out in the urgent update report, with the amendment of conditions 1, 9 and 19 and the third informative and an additional informative as follows:

Condition 1 (amended)

The development shall not commence until approval of the following reserved matters has been obtained, in writing, from the Local Planning Authority:

- a. Layout; b. Scale; c. Appearance; d. Landscaping; e. Access

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. Such details shall be based on a master plan which shall show a density of no more than 25 dwellings per hectare in the southern half of the site and open space provision shall be located in the northwest corner of the site.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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.

Condition 9 (amended)

A landscape and ecological 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 first occupation of the development for its permitted use. The landscape and ecological management plan shall include measures to protect and enhance the sylvan and rural character of the north western extent of Oakapple Lane. 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 areas.

Condition 19 (amended)

No development shall take place until details of the proposed dormice mitigation has been submitted to, and approved in writing by, the Local Planning Authority. Mitigation will be carried out in accordance with the approved details, and include utilisation of planting and other landscape features within the proposed open space to deter access by cats and other domestic pets into the ancient woodland.

Reason: To ensure that adequate mitigation for dormice is provided on site.

Informative 3 (amended)

The Council wishes to see no burning on site.

Additional Informative

The applicant is advised to ensure that parking space is provided within the site for all vehicles associated with the construction of the development including operatives and delivery vehicles.

Voting: 11 – For 0 – Against 0 – Abstentions

FURTHER RESOLVED: That the Head of Planning and Development be given delegated powers to explore whether it would be appropriate for a Section 106 contribution to be sought for cycle lane provision.

Voting: 11 – For 0 – Against 0 – Abstentions

188. MA/14/0668 - RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE OF LAND FROM AGRICULTURAL TO RESIDENTIAL INVOLVING THE STATIONING OF ONE MOBILE HOME AND THE LAYING OF HARD

SURFACING - OAKLANDS, GRAVELLY BOTTOM ROAD, KINGSWOOD, MAIDSTONE, KENT

See Minute 179 above.

189. MA/14/0799 - RETENTION OF A TIMBER CLAD CHALET - INTERNATIONAL GRASSTRACK CIRCUIT, LONGEND LANE, MARDEN, KENT

The Committee considered the report and the urgent update report of the Head of Planning and Development.

RESOLVED: That permission be granted subject to the conditions and informative set out in the report, as amended by the urgent update report, and the additional condition set out in the urgent update report.

Voting: 11 – For 0 – Against 0 – Abstentions

190. APPEAL DECISIONS

The Committee considered the report of the Head of Planning and Development setting out details of appeal decisions received since the last meeting.

RESOLVED: That the report be noted.

191. UPDATE ON MATTERS REFERRED TO CABINET MEMBERS

It was noted that there was nothing to report at present other than that the Leader and the Cabinet Member for Planning, Transport and Development were aware of issues raised by Members about the Planning Portal.

192. CHAIRMAN'S ANNOUNCEMENTS

The Chairman said that he would be meeting with Officers to discuss matters relating to the Planning Support shared service and would welcome Members' input. A Member expressed concern that he was no longer being invited to attend pre-application discussions. The Chairman said that this issue would be included on the agenda for the next meeting of the Planning Committee Political Group Spokespersons, which would take place in January, as participation in pre-application discussions was beneficial to all parties and should be encouraged.

193. DURATION OF MEETING

6.00 p.m. to 7.05 p.m.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

18 DECEMBER 2014

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

DEFERRED ITEM

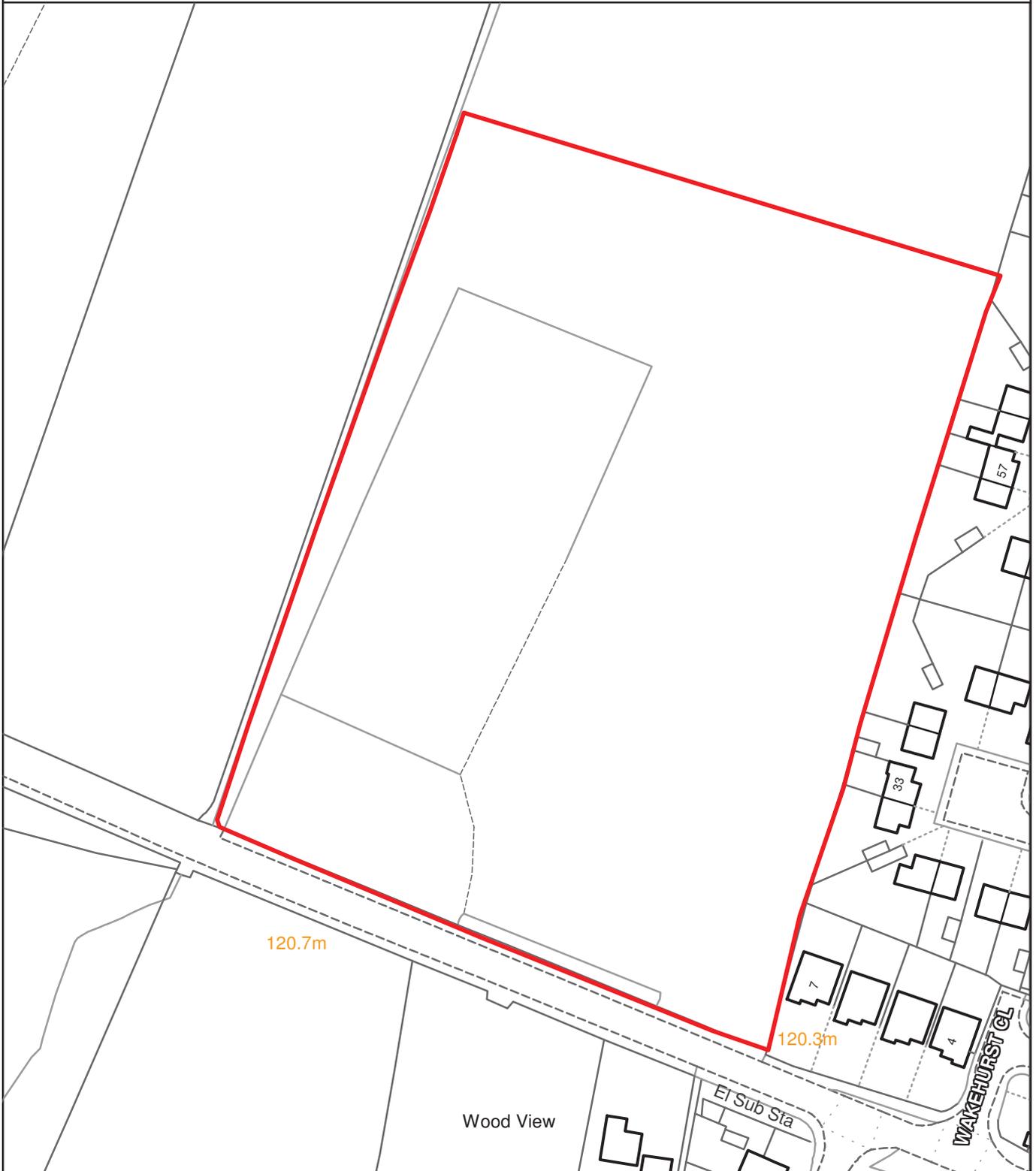
- 1.1. The following application stands deferred from a previous meeting of the Planning Committee. The Head of Planning and Development will report orally at the meeting on the latest situation.
- 1.2. MA/07/2133 - DEMOLITION OF EXISTING BUILDINGS, ERECTION OF A FIVE STOREY RESIDENTIAL DEVELOPMENT COMPRISING OF 52 STUDIO APARTMENTS AND 24 ONE-BED FLATS WITH 38 UNDERCROFT PARKING SPACES AND 22 EXTERNAL PARKING SPACES WITH VEHICULAR AND PEDESTRIAN ACCESS FROM HART STREET TOGETHER WITH LANDSCAPING - LAGUNA MOTORCYCLES SITE, HART STREET, MAIDSTONE Date Deferred
10 April 2014
- 1.2.1. Deferred for the submission of a revised viability assessment which contains up-to-date figures and which is based on current market conditions to inform Members' discussions on matters including the provision of affordable housing, the achievement of Level 4 of the Code for Sustainable Homes, the provision of landscaping to the footpath to the west of the site and possible improvements to the design.

Agenda Item 13

THE MAIDSTONE BOROUGH COUNCIL

Land North of,
Heath Road, Coxheath,
Maidstone, Kent,
ME17 4TB

MBC Ref: 13/1979



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 13/1979		
APPLICATION PROPOSAL Outline planning application for up to 55 residential dwellings with means of access. All other matters reserved.		
ADDRESS Land North Of Heath Road, Coxheath, Maidstone, Kent, ME17 4TB		
RECOMMENDATION: Permission Refused		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL Contrary to relevant saved policies in adopted Local Plan (2000) and emerging Draft Maidstone Borough Local Plan (2014)		
REASON FOR REFERRAL TO COMMITTEE Contrary to the views of Coxheath Parish Council		
WARD Coxheath And Hunton Ward	PARISH COUNCIL Coxheath	APPLICANT Mr M J Older AGENT Christopher Atkinson
DECISION DUE DATE 17/02/14	PUBLICITY EXPIRY DATE 17/02/14	OFFICER SITE VISIT DATE 3/6/2014 and 15/10/14
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		
<p>13/1999 Land south of Pleasant Valley Lane, East Farleigh: Change of use to public open space – UNDETERMINED</p> <p>Previous planning history is as follows:</p> <p>Planning permission was granted in 1972 (MK/3/71/385) for a petrol filling station and showroom with caretaker’s flat on a site fronting Heath Road. The development was commenced and an application for a lawful development certificate, demonstrating that the permission remained valid, was granted in 1999 (99/0771).</p> <p>96/0233 - Outline application for residential development with all details reserved for subsequent approval except means of access involving new access was refused on 2/5/1996.</p> <p>88/2135 - Discontinuance of scrap yard use and erection of small industrial/warehousing units was refused on 25/4/1989.</p> <p>79/1745 - Residential development with public playing fields and other community facilities was refused on 18/12/1979.</p> <p>75/1182 - Petrol filling station, showrooms and workshops, ancillary offices and managers flat was refused in April 1976.</p>		

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MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The site lies on the western side of Coxheath beyond the existing built-up extent of the settlement. It adjoins the built-up areas of Adbert Drive to the west and Whitebeam Drive to the east. The area to the north, beyond the coppice woodland is open countryside in agricultural use.
- 1.2 The site has a frontage to the B2163 Heath Road of 130m and an area of 2.15 ha. The village centre is situated approx. 600m to the east. It is generally flat with no major topographical features but slopes gently northwards from Heath Road.
- 1.3 There is an extant permission for a petrol filling station and car showroom on the front part of the site which was granted in 1972. A Lawful Development Certificate was subsequently granted in 1999 on the basis that the development had commenced although there remains little visible evidence due to the current overgrown condition of the site.
- 1.4 To the north of the site, the area is characterised by sweet chestnut woodland. The site itself is regenerating with heathland plants such as broom with sweet chestnut/silver birch trees on previously more open areas. In the centre of the site is an open grassed area beyond a bund feature. The established woodland adjacent to the site is not being actively managed as coppice woodland.
- 1.5 From much of the site the dwellings at Whitebeam Drive/Lynden Road and Wakehurst Close to the east are visible. There is a clearly defined western edge to the village. The majority of this boundary is close-boarded fencing and the houses are on slightly higher land than much of the site. The boundary edge is used for dumping of household garden waste in some cases. Approximately halfway into the site to the west, the dwellings at Adbert Drive/Fairhurst Drive are visible. These were built on the site of a former scrap metal yard.
- 1.6 Beyond the woodland located to the north of the site in its north east corner, is an existing playing field marked out as football pitches accessed from Lynden Road which is fenced by steel palisade fencing. The whole area is criss-crossed by a network of informal footpaths running north-south and east-west through the woodland. PROW KM46 runs along the western side of the site from Heath Road towards Pleasant Valley Lane which is also a PROW (KM44) part of which is surfaced and serves a number of dwellings and also grazing land.

2.0 PROPOSAL

- 2.1 The application was submitted in outline with all matters except means of access reserved for subsequent approval. An illustrative layout has been submitted showing 55 dwellings with access from a proposed new roundabout in Heath Road.
- 2.2 The details of means of access show a new roundabout in Heath Road in the mid- point of the site frontage. The application is accompanied by a detailed Transport Assessment prepared by the applicants consulting engineers.
- 2.3 A second related application (ref. 13/1999) has been submitted for change of use to public open space on land in Pleasant Valley Lane, to the north of the proposed residential development site. This application is reported elsewhere on this agenda.

3.0 PLANNING CONSTRAINTS

The site is within the Southern anti-coalescence belt under MBWLP 2000 policy ENV32.

Rights of way – PROW KM46 runs along the site's western boundary northwards from the B2163 Heath Road towards Pleasant Valley Lane

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan - Maidstone Borough-wide Local Plan (2000) – outside built up extent of Coxheath. Relevant policies -
ENV28 – resists development which harms the character and appearance of the area
ENV32 – resists development which extends the defined urban area to avoid coalescence between the southern villages and the Maidstone Urban Area.
T13 – Seeks to ensure appropriate parking provision.
Affordable Housing DPD 2006: Policy AH1
Reg. 18 Consultation draft Maidstone Borough Local Plan 2014.
The site is not proposed to be allocated for development.
SS1, SP4, DM2, DM4, DM11, DM12, DM13, DM30

5.0 LOCAL REPRESENTATIONS

There have been 14 individual objections to the application for the following main reasons:

1. Encroachment of village into open countryside.
2. Loss of trees and woodland habitat
3. Additional traffic congestion on overloaded road system
4. Overloaded local services
5. Loss of amenity – overlooking, loss of privacy, overshadowing.
6. Loss of play area, walks etc.
7. More suitable sites available elsewhere.

6.0 CONSULTATIONS

6.1 Coxheath Parish Council: Initial comments dated 4 March 2014

“Coxheath Parish Council has considered this application in considerable detail but, as you know, we were anxious to see the amended draft Section 106 agreement, before committing our views to paper. The documentation that has been presented is now generally in accord with the Coxheath Neighbourhood Plan, which was lodged with Maidstone Borough Council on 27th January 2014, in accordance with national planning procedures. This application meets a number of aspirations of the community of Coxheath and to this end the Parish Council would make the following points:-

The application is in accordance with the Coxheath Neighbourhood Plan; This application has to be considered in conjunction with Application MA/13/1999, which provides additional public open space for the village of Coxheath on the same plot of land. We are desperately short of green public open space for a village with a population of almost 4,000 residents. The combination of these applications would,

therefore, help to redress that balance. In addition they would provide anti-coalescence protection in perpetuity.

The Section 106 agreement anticipates financial contributions towards the management of public open space, health facilities and education/library services, all of which we would support, providing the benefits accrue to Coxheath;

We have encountered no major points of contention in the Transport Statement;

The access to the proposed development envisages the construction of a roundabout at the junction with Heath Road, designed to current Kent County Council standards. This, together with a projected gateway facility, would provide an additional traffic calming feature at the western approach to the village, which the Parish Council feels is of paramount importance;

These benefits are regarded as sufficient to meet many of the objectives of the Coxheath Neighbourhood Plan. We would support the argument, therefore, that it would be unnecessary to incorporate any element of affordable social housing on this site on the basis that other important community benefits are achieved and that local needs affordable housing is planned elsewhere in the village.

All in all, the Parish Council is happy to support this outline planning application, subject to seeing and approving the detailed application in due course and providing that we have the opportunity to have some input into the Section 106 agreement before it is finalised.”

Further Parish Council comments dated 12 March 2014

“Further to our letters of 4th and 6th March 2014, we are writing to confirm our total and unreserved support for the above applications.

Coxheath Parish Council has been in negotiation with the landowner for two years or more, seeking an outcome that would bring forward this parcel of land for a development to include a substantial element of community benefit. The focus of the community benefit was to achieve additional public open space given that we are considerably below the standard set for a community of our size. Furthermore, the Parish Council and the community do not want the site to be developed for commercial use.

In summary, therefore, Coxheath Parish Council supports these applications for the following reasons:-

- Commercial development is not suitable for this site, neither is it required;
- Residential development, as proposed, will provide significant acreage for amenity use to be transferred freehold and leasehold to the Parish Council;
- The additional amenity land is strategically located adjacent to other amenity land already controlled by the Parish Council;
- Acquisition of the additional land will protect the anti-coalescence belt in this part of our parish;
- The development, as proposed, will enhance this area of our community;
- The proposed roundabout, which forms part of this development, is supported and has been encouraged by the Parish Council since it provides a significant improvement in the traffic management of Heath Road;
- The site development, as proposed, is included in the Coxheath Neighbourhood Plan and is supported by the community;

- The community benefit from the proposed development is judged to be hugely significant.

Our sustainability assessment for this site is contained in the document headed 'Coxheath Neighbourhood Plan – Sustainability Appraisal'. We have assessed this site against others that have been proposed and confirm that it has high sustainability.

Hence this parcel of land, put forward in accordance with the above planning applications, is totally supported by the Parish Council and is strategically important to Coxheath

Additional comments dated 11 April 2014:

“Our stance remains unchanged The Parish Council Wishes to stress its support for these applications and re-confirms the points made In our earlier correspondence We have noted the detail contained In the ecological, flood risk and transportation/access reports We continue to support the introduction of a roundabout at the access point to the proposed site off Heath Road We feel that providing the footways are extended to the end of the proposed new 30 mph speed restriction zone a crossing point is introduced to enable residents to cross Heath Road In the vicinity of the new development and that an enhanced Village gateway is constructed to warn motorists approaching Coxheath from the west then the Introduction of a roundabout is far preferable to a standard ‘T-Junction’ at the access point.

As far as the ecological study is concerned Coxheath Parish Council is also keen to ensure that a suitable habitat is provided for the small reptiles that have been Identified as living on the site The suggested policy of constructing bespoke hlbemacula and log piles within the area is acceptable to us providing this does not adversely affect public access to the area of open space to the north of the proposed settlement.

The most Important aspect of these applications from our point of view is that we achieve a substantial area of open green space/amenity land which will remain In public ownership In perpetuity thereby Increasing the community land that falls Into this category and protecting the anti-coalescence belt between Coxheath and East Farleigh.

We stress again that these applications are In accordance with the Coxheath Neighbourhood Plan, which is currently In the process of publication. Coxheath Parish Council recommends therefore that these applications should be approved.”

6.2 **KCC Highways – No objection**

‘A safety audit has been provided for both the proposed roundabout junction to serve the site and also an alternative priority junction access. Both arrangements are found to be satisfactory in principle. The current planning application proposes the roundabout access option which was requested by the parish council in order to reduce vehicle speeds on the approach to the village.

I confirm that I do not wish to raise objection to this application subject to the following conditions:

1. The access to the site be provided in accordance with the submitted drawing number 615478_SK02 Rev B with modifications where required to incorporate the safety audit comments.
2. The existing 30mph speed limit along Heath Road to be extended to the west past the new site access.
3. A new footway to be provided along Heath Road to link the existing footway from the village centre with the site access and to extend to the new speed limit terminal signs along the northern side of Heath Road in order to emphasise the change from rural to residential environment. A link should also be provided with the existing public footpath on the northern side of Heath Road to the west of the site access. (additional improvements may be required to the public footpaths subject to consultation with our Public Rights of Way team).
4. Improvements to the existing bus stops on Heath Road and Dean Street by providing bus boarders at the stops and also a shelter at the westbound bus stop on Heath Road and the northbound bus stop on Dean Street.

All the above named highway works are required under a Section 278 Agreement and the design should encompass any necessary modifications required resulting from the implementation of the KCC highway improvements scheme along Heath Road in Coxheath which is due to be implemented during 2014.

5. Parking provision within the site to be in accordance with IGN3 for village locations.
6. Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.
7. The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.

INFORMATIVE: It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

6.3 **KCC Infrastructure contributions**

Comments dated 3 January 2014, the following requests have been made:

Primary education: A new build cost of £1000/applicable flat and £4000/applicable house and a land acquisition cost of £675.41/applicable flat and £2701.63/applicable house. To be used for the provision of a new primary school in SE Maidstone
'Applicable' means: all dwellings except 1 bedroom of less than 56sqm GIA, and sheltered accommodation.

Community Learning: £30.70/dwelling to support facilities in the locality

Youth Service: £8.44/dwelling to support facilities in the locality

Libraries: £71.83/dwelling to support facilities in the locality

Adult Social Care: £47.44/dwelling for Telecare and to support local facilities

6.4 **KCC Ecology –**

Have advised that there is insufficient information to assess the mitigation proposals as acceptable.

'The Extended Phase 1 Habitat & Protected Species Assessment and the Protected Species and Mitigation Report have been submitted in support of this application. We are satisfied that the surveys have been undertaken to an adequate standard. The proposed development has potential to impact on a range of protected species which will need to be adequately mitigated to ensure that Maidstone BC has had adequate regard to the potential harm in taking the decision and that the potential for offences against protected species has been minimised.

The bat surveys did not identify any potential roosts on the site and the level of foraging and commuting bats indicate that the site habitats are of low quality for bats. Two mature trees with potential for roosting bats are outside of the red-line boundary for this application and even though no bats were recorded roosting within these trees, we advise that these should be retained for their potential value.

The areas of the site with the most bat activity were along the road to the south of the site adjacent to the ancient woodland and along the edge of the chestnut coppice to the north of the site. We query whether the proposed creation of the new roundabout will lead to increased levels of lighting along the road adjacent to the ancient woodland and if so advise that further information is sought as to what the likely impact of this will be on bat use of the woodland edge for roosting, foraging and commuting. While we acknowledge that recommendations for bat sensitive lighting have been provided within the ecological report, Maidstone BC needs to understand that these measures are feasible and can be implemented effectively to minimise impacts where they have been identified.

Slow worms and viviparous lizards have been confirmed as being present on the site and broad mitigation proposals are provided. It is proposed to relocate reptiles from the proposed development site into the area to the north of the site.

The survey report does not provide a map of the location at which the reptiles were recorded but does state that they were recorded "*throughout the survey area*". We advise that confirmation is sought regarding the extent (i.e. hectares) of habitat loss and that proposed for creation to ensure that there is sufficient habitat retained to compensate for that lost, in terms of area and/or quality of habitat.

This area of the site was assessed as being well used by walkers with potential for disturbance and we advise that confirmation is sought to ascertain how the use of this part of the site for recreational activities will be managed to ensure that the welfare of the translocated animals can be ensured and that an adequate amount of good quality habitat will be available for reptiles.

As the proposed area for the reptile receptor site is outside of the red-line boundary for the application it will not be possible to secure the use of this area by planning condition. A planning obligation will be necessary to ensure that the receptor site is retained and managed appropriately for reptiles.

Once satisfied on the appropriateness of the proposed receptor site, we advise that the broad mitigation proposals are acceptable. Maidstone BC will need to be satisfied that the receptor site can be secured from future potential development and the submission for approval and implementation of a detailed mitigation strategy will need to be secured by planning condition, if permission is granted.

An active badger sett was identified on the site and mitigation will be required to ensure that no badgers are harmed. A licence will also be required to allow the sett to be closed. Little information is provided regarding the use of the site by foraging badgers and no other setts have been identified nearby. We advise that further information is sought to provide more context to the use of the on-site sett. There is also potential for additional setts to be created on the site and monitoring for this should be ongoing.

Notwithstanding our advice that some additional information is sought, should planning permission be granted we advise that planning conditions will be necessary to secure detailed ecological mitigation strategies, sensitive lighting, ecological enhancement measures and ensure that Maidstone BC has had adequate regard to the potential ecological impacts.'

Further information was submitted by the applicant in response to the above comments. The KCC Biodiversity team are still concerned that there is insufficient information to appropriately assess the impact of the development in the following areas.

- The appropriateness of the proposed reptile receptor site, particularly its level of use by the public and whether the proposals for controlling this use would be effective, but also its size in relation to the extent of habitat loss;
- The potential impact on bats of additional lighting along Heath Road and in relation to the proposed roundabout.

6.5 **MBC Housing:** Object in relation to the proposed level of affordable housing as being contrary to adopted policy.

Comments dated 30 December 2013:

The outline application is for up to 55 residential dwellings but with no provision for affordable housing.

This site was first identified over 5 years ago as a potential site for a local needs housing development. The need for such development was initially highlighted following an affordable housing needs survey undertaken at the time in connection with the local parish Council. I understand that the landowner of the site was keen for private housing to be included in the original development which meant that the suggested local needs housing could not progress on this site.

With this in mind, it is noted at 3.6 of the applicants planning statement that a report produced following consultation with local residents highlighted some concerns, this included; *'Concern about additional social housing.'*

Furthermore, at 3.7 the planning statement reads; *'the Parish Council would make a case for social housing to be excluded on the basis that significant community benefit would be achieved from the transfer of land into public ownership for recreation /amenity purposes.'*

We would be like to see what evidence there is in respect of these two comments. For example, what were residents concerns regarding additional social housing and how many residents expressed such concerns?

Additionally, if the Parish Council are to make a case for social housing to be excluded from this site as is stated in the planning document, we would need further details of the reasons for this and it will need to be considered against the submission of a viability appraisal which demonstrates that it is only financially viable to deliver these services and facilities with no affordable housing on the site. Therefore, at present we

would be looking for 40% affordable housing to be included in this development as stated in our current policy.

As this application is for outline planning there appears at this stage to be no details of the size and types of the dwellings on the proposed site. We therefore welcome early engagement and consultation regarding the affordable mix and the spacing of these units, as this will affect any proposed master plan layouts. I would also like to raise the issue of design and quality standards, in particular Life Time Homes which should be taken into consideration for the affordable housing provision.

At the moment, we are using the following mix as a starting point for new sites coming forward (if they are capable of providing a range of accommodation): 1-beds 35%, 2-beds 30%, 3-beds 25%, 4-beds 10%. This is based on housing need bedroom allocation priorities as identified on the Housing Register, and also reflects what the latest SHMA is recommending in terms of future affordable mix. Over 50% of applicants on the Housing Register have a current one-bed need, but we obviously need to take into account future household growth and seek to provide a range of accommodation, which also caters for families.'

Comments dated 10 March 2014:

'An offer from the applicant to consider some private rented housing on the site would not change our original response as this is not affordable housing. We would still be looking for 40% affordable housing provision on this site (22 units). If the applicant is unable to meet this requirement they would need to submit a viability appraisal which demonstrates that this is the case.

Regarding current local housing need, our current housing register has 195 households who have expressed an interest in living in Coxheath, made up as follows:
1 bed need - 106 households
2 bed need - 48 households
3 bed need - 9 households
4+ bed need - 19 households
Bed need not stated - 13 households
Please note however that these figures are only indicative as information on applicants on the housing register is only verified when they are being considered for a property'

Comments dated 12 August 2014:

I believe this is an outline application for up to 55 residential dwellings and my colleague Tony Stewart has previously commented on this application.

This site was first identified over 5 years ago as a potential site for a local needs housing development. The need for such development was initially highlighted following an affordable housing needs survey undertaken at the time in connection with the local parish Council. The landowner of the site was keen for private housing to be included in the original development which meant that the suggested local needs housing could not progress on this site due to the aspirations of the landowner over the sites value.

Local residents have been suggested as raising a concern about additional social housing. Interesting to note also that the planning statement reads; *'the Parish Council would make a case for social housing to be excluded on the basis that significant community benefit would be achieved from the transfer of land into public ownership for recreation / amenity purposes.'*

I note that Property and Procurement have looked at the viability assessment report and commented that the build costs are too high and that Harrisons have been asked to justify the build costs by providing more information showing the data from BCIS. Harrisons have responded by saying that the build costs are taken from the BCIS Quarterly Review, which are based on tender price/m².

Firstly, I would question the use of BCIS data at all in terms of assessing build costs. It is interesting to note the following comments that were put forward during recent viability training that I attended by the Executive Director at the HCA for the East and South East Operating Area.

'Most major house builders will use a standard house-type; this brings efficiencies of scale and cost. As such, the accurate costs of construction are known to the house builder. House build costs for flats are normally higher per square foot than houses, and the higher the dwelling, the higher the costs. Where affordable housing is provided at a larger floor area than open market, then the cost per square foot should be lower for affordable. I have never known a house builder to use BCIS index for house build costs; the data is too unreliable and historic.'

In terms of build costs, a quantity surveyors full schedule of costs should be provided, ideally based upon a developers standard house types.

This also directly leads to the summary of the proposed scheme, on which the viability assessment has been appraised. I note that the following statement at '5.0 SUMMARY OF PROPOSED SCHEME.'

'The application in respect of which this report relates to is an outline planning application with detailed housing mix to form part the reserved matters. However for the purposes of assessing viability we have considered an appropriate private housing mix based on a memo from Maidstone Council Housing Department to the Planning Department confirming a minimum density of 30 dwellings per hectare, which we have adopted along with having consideration of demand within the area.

We have further adopted an affordable housing mix as follows:

1 beds – 35%

2-beds – 30%

3-beds – 25%

4-beds – 10%

The overall housing mix differs depending on the level of affordable housing within the scheme since the demand/needs differ between tenures. Further information on the assumed number of units adopted for each type can be found later within the report'.

In response to this, I am not aware that Housing have provided such a memo, and if so, I would like to see a copy of this memo that they are referring to. The actual number and mix of units proposed for the site is absolutely crucial as this determines the likely sales/revenue that can be generated from the site (the Gross Development Value) and also build costs. A slight change in unit types, sizes and numbers can obviously have a big impact on costs within the appraisal. It maybe that we would like this overall mix to be revisited.

The methodology (residual land value type approach) is accepted as being a widely used and common form of approach to viability assessments, but I am not keen on the use of the HCA's Development Appraisal Tool. Common opinion is that it is flawed.

Development Costs

Please see earlier comments regarding build costs. Professional fees at 9% seems rather high to me. Where the scheme is bespoke, these normally appear as circa 4-5%

of the sales value, where they are a standard product, the 1-2% is the maximum applies.

Site abnormalities - However defined, these should normally be deducted from the land value. It is not an add-on extra. I note reference to the drainage costs not known at this stage, so this will have implications on costs.

Developers profit – Accepted that 20% is a reasonable profit that a developer would expect to make.

Planning/ S106 obligations - I would expect affordable housing to be prioritised above all other contributions. So a waiver of certain other significant s106 contributions should enable a greater % of affordable to be gained.

Part of this proposal includes the gift of land for public open space for use by the Parish Council. Is there a requirement for this? There is also a public realm cost referred to in the S106 obligations of £200k, so it's either one or the other I would have thought.

A couple of key questions to ask for me also are:

- 1) What offers (if any) have been sought from RP's? This information should be fed into the appraisal.
- 2) Does a developer have an option on the site with an option agreement in place with the landowner? If so, it will normally be based on either an agreed fixed price, or discounted price from market value. Knowing this will be key to the residual land valuation and appraisal.
- 3) Does the Parish Council expect the affordable housing to be provided as local needs housing on this site as part of any Neighbourhood Plan they maybe working on? Housing would have some reservations regarding such a proposal as we would have to be careful that a need existed for such units, and that an appropriate mix was provided in order to meet that need and the strict occupancy criteria that comes with schemes of this nature.

Based on the evidence provided and the assumptions made in the calculations, I am not convinced that only 15% affordable housing can be provided and I would suggest that we request the VOA/District Valuer to undertake an assessment of the attached report, and that the applicants agree to meet their costs.

There needs in my view to be further discussion and agreement on an appropriate private and affordable mix to base the appraisal on, with consideration given to how changes of unit types/sizes can improve things from a financial and viability perspective, if it helps to increase affordable provision. For information, the affordable mix adopted for this appraisal is acceptable, but housing are happy to be flexible on considering an alternative mix if it helps with viability.'

6.6 **UK Power Networks:** No objections

6.7 **Environment Agency:** Object to the application on the grounds that flood risk has not been satisfactorily addressed.

'We note that the site is located within an area designated as Flood Zone 1 (low risk) and therefore the submitted FRA is required to assess other sources of flooding such as surface water, sewer and ground water flooding. Given the site area is >1ha, the FRA should also provide sufficient detail to demonstrate that an appropriate Sustainable Drainage System (SuDS) can be delivered within land under client control.

The FRA prepared by MLM Consulting Engineers Ltd. reviews all sources of flooding and concludes that based on available information the flood risk from all sources is low.

The most favourable discharge point for development run-off would be to infiltrate to ground, where practical considerations allow. At present there is no information relating to soakage potential across the site, and it is noted that an infiltration rate of $1 \times 10^{-6} \text{m/s}$ has been adopted within the WinDES calculations to represent the soakage potential of the underlying Hythe Formation. We would also note that there is a long history of ground collapses associated with soakaways in the Hythe Formations. A ground investigation should be undertaken to confirm soakage rates across the site which should also consider the potential for solution features on the site. The information obtained should then be used to inform/confirm the layout and ensure that sufficient space for SuDS is available within land under client control.

The preliminary calculations indicate that a volume of attenuation of 2200cu.m will be required, based on the assumed infiltration rate. The WinDES outputs show that half drain times would be in the order of 7 days and therefore it is not apparent whether the initial proposals are viable in terms of meeting the requirements of BRE 365.

Section 4.0 within the FRA notes that should in the event that infiltration is unviable alternative outfall points will be investigated. As noted within the FRA, there are no public surface water sewers or drainage ditches within the site or its immediate environs, whilst the River Medway is located 2km to the north of the site.

Given the lack of information on soakage rates and groundwater regime, and the uncertainty over securing an alternative point of discharge, the viability of the surface water management proposals are unclear. Whilst it is noted that the outline application has all matters reserved, the principle of development in this location should be supported with enough detail to demonstrate that the site can be brought forward with a deliverable surface water scheme within land under client control.

Reason

The FRA submitted with this application does not comply with the requirements set out in paragraph 9 the Technical Guide to the National Planning Policy Framework. The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to;

1. Consider how appropriate SuDS can be integrated within the proposals in the event that soakage potential within the site is inadequate
2. Provide evidence that soakage rates are suitable for the implementation of a SuDS strategy reliant on the infiltration capacity. Given the history of collapses associated with the Hythe Formation an Site Investigation should be undertaken to define soakage rates and potential dissolution features that may impact on the viability of Soakaways
3. Following confirmation on soakage rates consider the need for making space available within the masterplan for other forms of SuDS features within the site
4. If the soakage potential of the site is deemed poor, then details should be provided to confirm on the extent of off-site works, including the need for pumped outfall, which would be required to secure a suitable discharge point for surface water from the proposed development. This is likely to require a capacity check and/or sewer requisition application to investigate the viability of making a positive piped connection to either a sewer or watercourse

Overcoming our objection

To overcome our objection an FRA must be submitted that addresses the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application. The production of an FRA will not in itself result in the removal of an objection.'

6.8 **NHS Property Services**

'In terms of this particular application, a need has been identified for contributions to support the delivery of investments highlighted within the Strategic Service Development Plan. These improvements to the primary care infrastructure will enable support in the registrations of the new population, in addition to the commissioning and delivery of health services to all. This proposed development noted above is expected to result in a need to invest in a number of local surgery premises:

- Stockett Lane surgery
- Orchard surgery at Coxheath

All of the above surgeries are within a 0.5 mile radius of the development at Heath Road, Coxheath. This contribution will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity.

The application identifies unit sizes to calculate predicted occupancy multiplied by £360 per person. When the unit sizes are not identified then an assumed occupancy of 2.34 persons will be used.

Predicted Occupancy rates

1 bed unit	@	1.4 persons
2 bed unit	@	2 persons
3 bed unit	@	2.8 persons
4 bed unit	@	3.5 persons
5 bed unit	@	4.8 persons

For this particular application the contribution has been calculated as such:
55 units x 2.34 person per unit = 128.7 assumed occupancy 128.7 @ £360 per person = £46,332

NHS Property Services Ltd therefore seeks a contribution of £46,332.'

6.9 **KCC PROW Office**

'The proposed development site is bordered to the west by Public Right of Way KM46 and to the north by Public Right of Way KM44. The location of these footpaths is indicated on the attached map extract. The existence of the right of way is a material consideration.

As a general comment, KCC's Public Rights of Way and Access Service are keen to ensure that their interests are highlighted within the local districts policy frameworks. The team is committed to working with the Borough Council to achieve the aims contained within the Countryside and Coastal Access Improvement Plan and Bold Steps for Kent. These relate to quality of life, supporting the rural economy, tackling disadvantage and safety issues and providing sustainable transport choices.

Firstly I note that this development has a direct effect on Public Right of Way KM46. As the land adjacent to the path is due to be developed, the character and usage of the path will change from a rural to an urban environment. The development will have a direct effect on increasing the usage of the footpath by pedestrians. I would suggest that the applicant would need to fund a new tarmacked surface here with a minimum width of 2.5 metres to make this path fit for the increased usage. It would also be a good opportunity to rationalise any furniture on the path such as gates, as these were originally authorised for rural land usage. The funding of more appropriate urban furniture may be necessary to prevent illegal vehicular use. The exact surface specification and furniture plan will need to be agreed with the PROW and Access service by the applicant.

Consideration should also be given at this point to upgrading the route of KM46 to a shared footway/cycle route. If the path was to become a cycle route then any surface specification, widths and legal status for this would need to be agreed with the Kent Highways Officer.

Secondly the potential for increased pedestrian usage of KM44 needs to be considered also as a major access route to the development. Currently this footpath runs along an access road with residents presumably having private vehicular access rights along here. Consideration should be given to increasing safety to pedestrians and cyclists using this route. This would include repairing potholes and perhaps delineating vehicles from walkers. Again consideration for improving cycle access along here would also be appropriate in discussion with the Kent Highways Officer.

Funding for these proposed surface and furniture improvements and any status upgrade for PROWs KM46 and KM44 should be agreed through Section 106 agreements.

Comments are made in reference to the following planning policy;

- National Policy Framework Section 75, states that planning policies should look to protect and enhance public rights of way and access.
- **NPF 35**, Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to
 - give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
 - create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones

Please also make sure that the applicant is made aware that the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.'

6.10 **Southern Gas Networks:** Have provided a plan showing a low-medium pressure gas-main connecting Adbert Drive running north from Heath Road along the west side of the coppice woodland to the west of the current site.

6.11 **Natural England:** Consider that the development will not impact on any statutory Nature Conservation Sites and have advised that in terms of protected species reference should be made to their standing advice. They have also commented as follows:

'Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006

The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.'

7.0 BACKGROUND PAPERS AND PLANS

- 7.1 The application included the following documents: Transport Statement, Flood Risk Assessment, Protected Species and Mitigation Report, Habitat Survey and protected Species Assessment, Preliminary Arboricultural Report, Draft S106 Agreement.

8.0 APPRAISAL

Principle of Development

- 8.1 This site has an extensive planning history. There have been a number of applications for residential development on the site since the 1970s and earlier which have consistently been refused.
- 8.2 There is an extant permission on the site for a petrol filling station that dates from 1972. The applicant has cited this as a fallback position for consideration in the determination of the application, but infers that this development would now be highly inappropriate in this location. Evidence of the work undertaken at the time to commence the development is being lost due to the regeneration of the site that is occurring. Furthermore, given the passage of time where no attempt has been made to fully implement the extant permission it must be questioned whether much weight can be given to the fall-back position as a material consideration.

- 8.3 The complete lack of any development on the site; and the inference contained in the application that the “fall-back” development would now be “highly inappropriate in this location”, render the prospect of the “fall-back” development ever actually occurring highly unlikely. Relevant case law would appear to back this up.
- 8.4 In *Brentwood Borough Council v Secretary of State (1996)* it was held that for a “fall-back” suggestion to be relevant there must be a finding of an actually intended use as opposed to a mere legal or theoretical entitlement.
- 8.5 In *South Buckinghamshire District Council v Secretary of State for the Environment, Transport and the Regions (1999)* it was held that unless the resumption (or, in this case, full implementation) of the “fall-back” development/use was a realistic possibility, it would be ‘*Wednesbury*’ unreasonable to treat the harm that would result from such a resumption as a reason for granting permission for the new development. The degree of probability of the “fall-back” use being resumed would, or at least could, be a material consideration.
- 8.6 I consider that the probability of the fall back development in this case being resumed is highly unlikely and that as a consequence negligible weight can be given to the 1971 permission.
- 8.7 The site was also considered at the Local Plan Inquiry in 1998 where the Inspector concluded as follows:

***“H2 - Housing Land Allocations: Land at Heath Road, Coxheath
Objections DH0549 - M J Older
DH0577 - Gleeson Homes***

Issues Whether housing on this site would:

- (a) be contrary to the aims of sustainable development and of reducing the need to travel set out in PPG13; or*
(b) harm the character and appearance of the area; and if so
(c) whether the need to meet the Structure Plan housing requirements overrides any harm which might be identified.

Conclusions

4.387 I have dealt with this objection on the basis of the reduced area shown on the plan presented by the objectors at the inquiry, and to which the Council responded (MB/PR.94).

4.388 I note the objectors’ argument about the planning permission which was granted on this site for a petrol filling station in 1972, and that the Council disputes that this is an extant permission. However, this is not a matter for me in dealing with objections to the local plan since, as the Council argued, the objectors have a remedy through the submission of an application for a Certificate of Lawful Use. Following that, any future development could be resolved as a matter of development control, taking into account the lawful use of the site, and the policies in the Plan. I have therefore dealt with this objection only as one seeking an allocation for housing on an undeveloped site.

Issue (a)

4.389 I agree that Coxheath has a range of services and shops. On the other hand, as the Council points, out there are no significant local employers and to my mind the shops and other services are at a village level only. For this reason

it seems to me that most people living in the proposed houses would travel to Maidstone and elsewhere for work, main shopping trips and recreation. I accept that there is a bus service, but I have no doubt that cars would be used for many of these trips.

4.390 I also note the advice in paragraph 1.8 of PPG13 that, to meet the aim of reducing the need to travel, local planning authorities should adopt policies to strengthen local centres in rural areas which offer a range of everyday community, shopping and employment opportunities. However, to my mind, Coxheath does not comply with this advice since there are no employers and I saw that the range of shopping is limited. I conclude on this issue that the location of new houses here would be contrary to the advice in PPG13 about reducing the need to travel, especially by car.

Issue (b)

4.391 I found that on this edge of Coxheath there is a very clear distinction between the undeveloped, rural character and appearance of land to the west and the village itself. There is largely undeveloped land on both sides of Heath Road which to my mind creates a rural setting for Coxheath even if, as the objectors argue, this particular site is not covered by any landscape designation. In these circumstances, I consider that housing on the site would be an urban intrusion into the rural setting of the village.

4.392 I note the broad landscape proposals which were submitted at the inquiry. However, I am not convinced that the proposed planting and open space around the edge of the site would prevent the houses from being seen as an intrusion in the area, even after the time necessary for the planting to mature. In addition, I have no doubt that providing an acceptable highway access would create an urban character and appearance through the urban scale and appearance of the road itself, the views it would offer into the housing area and the effect of the visibility splays which would be necessary.

4.393 In Chapter 3 I recommend modifications to ENV33, but accept its application in principle to this area. The Council will therefore have to consider the future form of this policy, but it seems to me that development on this site would contribute to the coalescence of Coxheath with houses in Dean Street.

4.394 For all these reasons I conclude that housing on the site would materially harm the character and appearance of the area.

Issue (c)

4.395 I have found in paragraph 4.238 that a further 940 dwellings are needed to meet the Structure Plan housing requirements, and in paragraph 4.700 I accept that I have been unable to recommend enough sites to meet that need. However, I do not consider that this overrides the clear harm I have found in this case to the aims of PPG13 or the character and appearance of the area. I therefore conclude that this shortfall does not justify housing on this site.

RECOMMENDATION

4.396 Do not modify the Plan in response to these objections.'

- 8.8 Clearly the previous Local Plan Inspector considered the harm that would result from the development of the site to be of overriding weight in his decision not to allocate the site.

- 8.9 Since his report was published and as Members will note from the history a lawful development certificate application has been approved on the site in relation to the development permitted in 1971. As indicated above however, any evidence of the implementation of that permission is rapidly disappearing as the site has reached such a stage in its regeneration that it is no longer readily apparent. Furthermore, no work has been undertaken on the site since the initial works undertaken shortly after the permission was originally granted.
- 8.10 This site is not identified as a housing allocation in the Reg18 consultation draft of the Maidstone Borough Local Plan. It does however feature in the emerging Coxheath Neighbourhood Plan (NP) as a proposed allocation. Whilst work on the NP is progressing, there are still key stages ahead including the Local Authority lead public consultation, independent examination and referendum. The NP is a material consideration, however, at this stage, I do not consider it is grounds in itself to approve planning permission.
- 8.11 Given the limited separation between the edge of Coxheath and the settlement in Dean Street, which remains the same as when the site was considered by the previous Local Plan Inspector, an objection is raised in principle to the development of the site. It is also considered that the visual impact of the development would be unacceptable' which is addressed in more detail below.

Visual Impact

- 8.12 From much of the site, the dwellings at Whitebeam Drive/Lynden Road and Wakehurst Close to the east are visible. The majority of the western extent of the village is mostly defined by close-boarded fencing and the adjoining houses are on slightly higher land than much of the application site. In some cases the boundary edge has been used for dumping of household garden waste.
- 8.13 Approximately half way into the site, to the west, the dwellings at Adbert Drive/Fairhurst Drive are visible. These were built on the site of a former scrap metal yard.
- 8.14 Development on this site would have a significant visual impact and would have an urbanising impact on the area, from the proposed roundabout/junction on the B2163 to the infilling with built development of this currently largely open area.
- 8.15 The site plays a significant role in the prevention of coalescence between Dean Street and Coxheath. The buffer between the two settlements would be reduced to around 28m from the current 80m+.
- 8.16 The Local Plan Inspector was concerned about the substantial reduction in the current gap between Dean Street and the western confines of Coxheath. Even with the transfer of the land proposed as part of the application it is concluded that the visual impact of the development would remain unacceptable. Development on this site would significantly urbanise the area causing harm to its character and appearance.

Impact on Residential Amenity

- 8.17 The development is unlikely to have a significant impact on the amenities of adjoining occupiers to the east of the site and the dwelling south of Heath Road, 'Wood View'. Appropriate levels of privacy would be secured through details submitted at reserved matter stage. Similarly, appropriate levels of amenity within the site would also be

secured through details submitted at reserved matters stage. No objections are therefore raised to the development on the grounds of impact on residential amenity.

Highways

- 8.18 Kent Highway Services have raised no objections to the development. The application was supported by a transport assessment, which was considered in reaching this conclusion. It is recommended that the 30mph limit on the B2163 Heath Road is moved westwards beyond the site boundary and that a footway is provided from the point where the existing footway on the north side of Heath Road ceases to the point where the new 30mph limit would start.

As with other development sites within the village, Kent Highways have requested a contribution of £1000/dwelling to be directed towards funding improvements for Linton Crossroads (the junction of the B2163 and A229). This is on the basis that likely development in Coxheath will result in the junction being at over-capacity to the extent that mitigation works will be required.

Landscaping and ecology

- 8.19 As indicated above, the site has regenerated significantly and is being re-colonised by a number of heathland plants and trees. Outright clearance of the existing vegetation would be harmful to the setting of the village and also result in reduced connectivity with the woodland areas further west and to the south of Heath Road some of which is designated as plantation ancient woodland in the 2012 inventory and designated as a Local Wildlife Site.
- 8.20 The proposals would result in the loss of 1.2ha of reptile habitat on the site with just 0.6ha retained/enhanced and some further 0.16 ha of currently unsuitable reptile habitat to be enhanced. The applicants indicate that this area would be fenced off and information boards erected to explain its sensitivity.
- 8.21 KCC Ecology do not consider that sufficient information has been submitted to demonstrate that the receptor site is adequate and free from possible public incursion. This is particularly pertinent since the site has been (and continues to be) regularly accessed by members of the public over a number of years. The proposed size of the receptor site is also not considered to be commensurate with the habitat lost.
- 8.22 It is also considered that the potential impact on bats of additional lighting along Heath Road and in relation to the proposed roundabout has also not been adequately addressed.

Other Matters

- 8.23 A flood risk assessment has been submitted to which the Environment Agency have objected on the grounds that they are not satisfied that the development would not result in increased flood risk.
- 8.24 As Members will have noted, the Council's housing section have objected to the proposals on the grounds that the now indicated provision of affordable housing at 15% is not in accordance with adopted development plan policy. The applicants have sought to address the issue by submitting some viability information but this is not a fully detailed viability assessment of the scheme. They also place great emphasis on the emerging neighbourhood plan that seeks a much reduced or no affordable

provision on its indicated development sites. In the absence of a detailed assessment I consider that the applicants have failed to clearly demonstrate why they are proposing a level of affordable housing that is not development plan policy compliant.

9.0 S106 Agreement

9.1 A development of this scale is clearly likely to place extra demand on local services and facilities and it is important to ensure that the development can be assimilated within the local community. As such suitable contributions to make the development acceptable in planning terms can be sought in line with policy CF1 of the Local Plan and the Council's Open Space DPD. Policy ID1 of the emerging plan relates to infrastructure delivery and its preamble sets out the Council's moves towards developing its Community Infrastructure Levy (CIL). Where there are competing demands for developers' contributions towards the delivery of infrastructure for new development proposals, the Council will prioritise these demands as follows – affordable housing, transport, open space, public realm, education, social services, utilities, libraries and emergency services.

9.2 However, any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criteria that sets out that any obligation must meet the following requirements:
(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

9.3 Contribution requests have been received from Kent County Council for primary education, community learning, youth, social services, libraries and also a highways contribution, NHS Property Services for expansion/improvements to the Stockett Lane and Orchard surgeries in Coxheath.

9.4 The KCC Requests are as follows

Primary education: A new build cost for school extension of £1000/applicable flat and £4000/applicable house and a land acquisition cost of £675.41/applicable flat and £2701.63/applicable house.

To be used for the provision of a new primary school in SE Maidstone. 'Applicable' means: all dwellings except 1 bedroom of less than 56sqm GIA, and sheltered accommodation.

Community Learning: £30.70/dwelling to support facilities in the locality

Youth Service: £8.44/dwelling to support facilities in the locality

Libraries: £71.83/dwelling to support facilities in the locality

Adult Social Care: £47.44/dwelling for Telecare and to support local facilities

I consider that these requests are justified and necessary to mitigate the impact on service provision likely to be generated by the development.

Kent Highway Services have requested a contribution of £1000/dwelling towards improvements at the Linton Crossroads junction of the B2163 Heath Road and the A229 Linton Road. I consider that that this is justified due to the impact that development in Coxheath will have on the junction rendering it beyond designed

capacity to the point where mitigation is necessary. The proposed contribution requested would apportion the mitigation fairly across the development sites.

- 9.5 NHS Property Services have requested a contribution of £ to be used for expansion and improved service provision at the Stockett Lane and Orchard Surgeries in Coxheath. I consider that this request does meet the required tests and will mitigate the additional impact on service provision likely to be generated by the development.

10.0 CONCLUSION

- 10.1 The application site is within the countryside and outside the presently defined extent of the built up area. The site was considered as a possible housing allocation in the Local Plan in 1998 but was rejected by the Inspector for the following reasons:

- the location of new houses here would be contrary to the advice in PPG13 about reducing the need to travel, especially by car.
- development on this site would contribute to the coalescence of Coxheath with houses in Dean Street.
- housing on the site would materially harm the character and appearance of the surrounding area.
- the housing shortfall should not override the clear harm to the aims of PPG13 or the character and appearance of the area and does not justify housing on this site.

- 10.2 It is concluded that the situation has not materially changed since 1998 and notwithstanding the lack of a 5 year housing land supply the release of this site for residential development would result in material harm to the character and appearance of the area through significant erosion of the current gap between the settlements of Coxheath and Dean Street East Farleigh, notwithstanding the site's allocation in the draft Coxheath Neighbourhood Plan.

- 10.3 The provision of only 15% affordable housing within the scheme has not been adequately justified. Lack of such provision would not meet identified housing needs in the locality.

- 10.4 I also consider that the scheme would result in an unacceptable impact on biodiversity within the site. KCC Ecology do not consider that sufficient information has been submitted to demonstrate that the receptor site is adequate and free from possible public incursion. This is particularly pertinent since the site has been (and continues to be) regularly accessed by members of the public over a number of years. The proposed size of the receptor site is also not considered to be commensurate with the habitat lost. It is also considered that the potential impact on bats of additional lighting along Heath Road and in relation to the proposed roundabout has also not been adequately addressed.

11.0 RECOMMENDATION –

REFUSE for the following reasons:

1. The proposed development would represent a major expansion of the village of Coxheath beyond the defined settlement boundary as defined in Maidstone Borough-wide Local Plan 2000 and is considered to be contrary to policies ENV28 and ENV32 in that the proposals would form an undesirable expansion of the rural settlement into the open countryside, detrimental to the visual amenities and semi-rural character of the locality.

2. The proposal if permitted would significantly erode the gap between the settlements at Coxheath and Dean Street East Farleigh and would be likely to create pressure for further development leading to further coalescence of the built development, detrimental to the character of the surrounding area thus contrary to policy ENV32 of the Maidstone Borough-wide Local Plan 2000.

3. In the opinion of the local planning authority insufficient information has been submitted to demonstrate that the impact of the proposed development on biodiversity and ecology within the site will be appropriately mitigated. In particular, it has not been demonstrated the proposed receptor site is adequate and free from possible public incursion and that its size is commensurate with the extent of habitat lost. Furthermore, it is also considered that the potential impact on bats of additional lighting along Heath Road and in relation to the proposed roundabout has also not been adequately addressed. To permit the development in the absence of such information would be contrary to the advice in the National Planning Policy Framework 2012 and National Planning Practice Guidance 2014.

4. In the opinion of the local planning authority, insufficient information has been submitted to show that the proposed development cannot accommodate affordable housing provision in accordance with adopted development plan policy. To permit the development in the absence of such justification would be contrary to the provisions of policy AH1 of the Affordable Housing Development Plan Document 2006.

5. In the absence of a legal agreement being in place to secure developer contributions in connection with education, health, community services and highway improvements, the development will place additional demands on local services and then local highway network without provision first being in place to ensure that the additional demands placed on the local services and highway network are being met. The proposal will therefore result in an intensified use of these facilities to the detriment of existing users contrary to the provisions of policies CF1 and T23 of the Maidstone Borough-wide Local plan 2000.

Case Officer: Tim Bloomfield

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.





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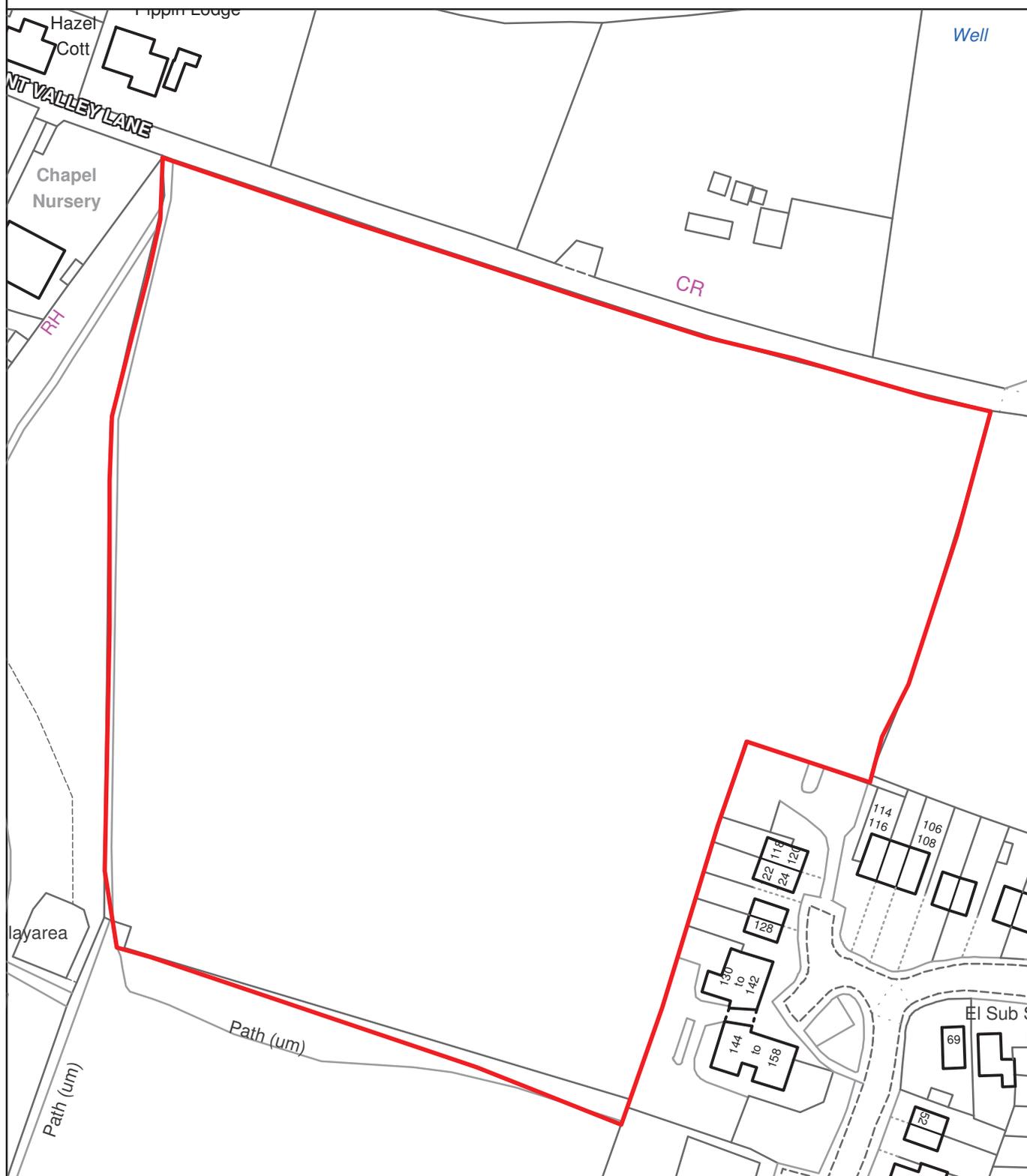
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THE MAIDSTONE BOROUGH COUNCIL

Land South of Pleasant Valley Lane,
Pleasant Valley Lane
East Farleigh
Kent

MBC Ref: 13/1999



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 13/1999			
APPLICATION PROPOSAL Change of use to public open space			
ADDRESS Land South of Pleasant Valley Lane, Pleasant Valley Lane, East Farleigh, Kent			
RECOMMENDATION Permission be granted			
SUMMARY OF REASONS FOR RECOMMENDATION The permission would allow open-air recreational use in the countryside			
REASON FOR REFERRAL TO COMMITTEE Joint report with land north of Heath Road (13/1979)			
WARD Coxheath And Hunton Ward	PARISH/TOWN COUNCIL Coxheath	APPLICANT Mr M J Older AGENT Christopher Atkinson BA MRTPI	
DECISION DUE DATE 20/01/14	PUBLICITY EXPIRY DATE 20/01/14	OFFICER SITE VISIT DATE 15/10/14	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
13/1979	Adjacent site to south Outline planning application for up to 55 residential dwellings with means of access. All other matters reserved.	UNDETERMINED	
79/1745	Residential development with public playing fields and other community facilities	REFUSED	18/12/1979

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.1 The site lies on the western side of Coxheath beyond the existing built-up extent of the settlement. It adjoins the curtilage of Chapel Nursery to the west and Linden Road to the east. It has a frontage to Pleasant Valley Lane of approx. 190m and a depth of 125m. The area to the north is open countryside mainly in agricultural use. The residential area of Fairhurst Drive/Adbert Drive lies to the south-west.

1.2 The site and adjoining land to the south has historically been unmanaged and is now overgrown, comprising mainly sweet chestnut and silver birch. The vegetation has regenerated over a period of 30-40 years and is now recognised as having some ecological value as a wildlife habitat.

1.3 There is an extant permission for a petrol filling station and car showroom on the land to the south fronting Heath Road which was granted in 1972. A LDC was subsequently granted in 1999 on the basis that the development had commenced although there remains little visible evidence due to the current overgrown condition of the site.

2.0 PROPOSAL

- 2.1 The application is for the change of use of 2.15ha of coppiced woodland to public open space. No details have been provided at this stage of the proposed nature of the use – the application relates solely to the change of use to public open space.
- 2.2 A related outline application (ref. 13/1979) has been submitted for residential development for up to 55 dwellings on adjoining land to the south between this site and Heath Road which is reported elsewhere on this agenda.

3.0 PLANNING CONSTRAINTS

The woodland is not subject to a TPO

The land to the south of Heath Rd is classified as Ancient Woodland but the application site is outside the designated area.

Rights of way – Pleasant Valley Lane is a PROW (KM44). A further PROW (KM46) runs along the western boundary of the site linking Pleasant Valley Lane and Heath Road.

Coxheath Neighbourhood/Village Centre lies approximately 700m to the SE.

4.0 POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Development Plan: MBWLP 2000 – Outside built up confines of Coxheath.

Policies ENV28 and ENV32 apply.

Supplementary Planning Documents:

5.0 LOCAL REPRESENTATIONS

A site notice was displayed from 10-12-14 to 31-12-14

No representations were received.

6.0 CONSULTATIONS

6.1 Parish Council:

“Coxheath Parish Council has considered this application in considerable detail but, as you know, we were anxious to see the amended draft Section 106 agreement relating to Application MA/13/1979, before committing our views to paper. The documentation that has been presented is now generally in accord with the Coxheath Neighbourhood Plan, which was lodged with Maidstone Borough Council on 27th January 2014, in accordance with national planning procedures.

This application helps to meet the aspirations of the Coxheath Neighbourhood Plan and provides a substantial area of public open space for the benefit of the community of Coxheath. As we have indicated in previous correspondence, the village is desperately short of green public open space according to the standards set by Maidstone Borough Council. The combination of the proposal contained in this application, together with that in Application MA/13/1979, will go some way to redressing that balance and will

provide anti-coalescence protection in perpetuity. For these reasons, Coxheath Parish Council is happy to support this application and to recommend that it should be approved”.

Further comments dated 12 March 2014:

“Coxheath Parish Council has been in negotiation with the landowner for two years or more, seeking an outcome that would bring forward this parcel of land for a development to include a substantial element of community benefit. The focus of the community benefit was to achieve additional public open space given that we are considerably below the standard set for a community of our size. Furthermore, the Parish Council and the community do not want the site to be developed for commercial use.

In summary, therefore, Coxheath Parish Council supports these applications for the following reasons:-

- Commercial development is not suitable for this site, neither is it required;
- Residential development, as proposed, will provide significant acreage for amenity use to be transferred freehold and leasehold to the Parish Council;
- The additional amenity land is strategically located adjacent to other amenity land already controlled by the Parish Council;
- Acquisition of the additional land will protect the anti-coalescence belt in this part of our parish;
- The development, as proposed, will enhance this area of our community;
- The proposed roundabout, which forms part of this development, is supported and has been encouraged by the Parish Council since it provides a significant improvement in the traffic management of Heath Road;
- The site development, as proposed, is included in the Coxheath Neighbourhood Plan and is supported by the community;
- The community benefit from the proposed development is judged to be hugely significant.

Our sustainability assessment for this site is contained in the document headed ‘Coxheath Neighbourhood Plan – Sustainability Appraisal’. We have assessed this site against others that have been proposed and confirm that it has high sustainability.

Hence this parcel of land, put forward in accordance with the above planning applications, is totally supported by the Parish Council and is strategically important to Coxheath.”

6.2 **KCC Highways**

There appears to be no associated parking or anticipated additional traffic movement related to this application and I write to confirm therefore on behalf of the Highway Authority that I have no objection to this application.

6.3 **MBC Landscape:**

“There are no protected trees or designated woodlands on the site. However it is well vegetated comprising predominantly of lapsed multi-stemmed sweet chestnut coppice. Should you be minded to grant consent a full tree condition survey should be carried out to address potential health and safety issues in terms of public access and to ensure appropriate long term management of the area.”

6.4 **Natural England:**

“Natural England’s comments in relation to this application are provided in the following sections.

Statutory nature conservation sites – no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species.

The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that ‘when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.’

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that ‘*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*’. Section 40(3) of the same Act also states that ‘*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*’.

Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.”

7.0 BACKGROUND PAPERS AND PLANS

- 7.1 Site location plan, Preliminary Arboricultural Report, Habitat Survey and Protected Species Assessment, Protected Species and Mitigation Report.

8.0 APPRAISAL

- 8.1 The site lies outside the present built up confines of Coxheath within an area of open countryside which serves an important role in preventing the coalescence of the residential areas to the east and west. The proposed use as open space will maintain the open character of the surrounding area and ensure the adjoining built up areas do not coalesce and retain their identities.
- 8.2 No details of the proposed use of the land have been provided at this stage – this is to be determined by the Parish Council in consultation with local residents. Any buildings or structures required in connection with the public open space will require planning permission. However at this stage the application seeks to establish the principle of public open space.
- 8.3 It is concluded that the proposed use is compatible with the character and appearance of the surrounding area and is in accordance with the relevant saved policies in the adopted local plan.

9.0 CONCLUSION

- 9.1 The proposed change of use to public open space is in accordance with the relevant saved local plan policies. It will assist in safeguarding the open character of the area and protect a vulnerable area of open land between the built up extent of the village and Fairhurst Drive to the west from further encroachment. Further details of any structures or equipment related to the use of the open space will be required to be submitted at a later stage.

10.0 RECOMMENDATION – GRANT 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. No buildings, structures or play equipment of any kind shall be placed or erected on the land at any time without the prior approval of the local planning authority.

Reason: To preserve the character and amenity of this section of woodland and countryside

3. No development shall take place 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 including coppicing. 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.

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.

5. The development shall not commence until details of a tree condition survey and report and recommendations carried out to the requirements and specifications of BS5837: 2012 'Trees in relation to Design, Demolition and Construction – Recommendations' has been submitted to and approved by the local planning authority. Any work within the site shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To ensure a satisfactory setting and appearance to the development and to maintain the character of the woodland

Case Officer: Tim Bloomfield

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.





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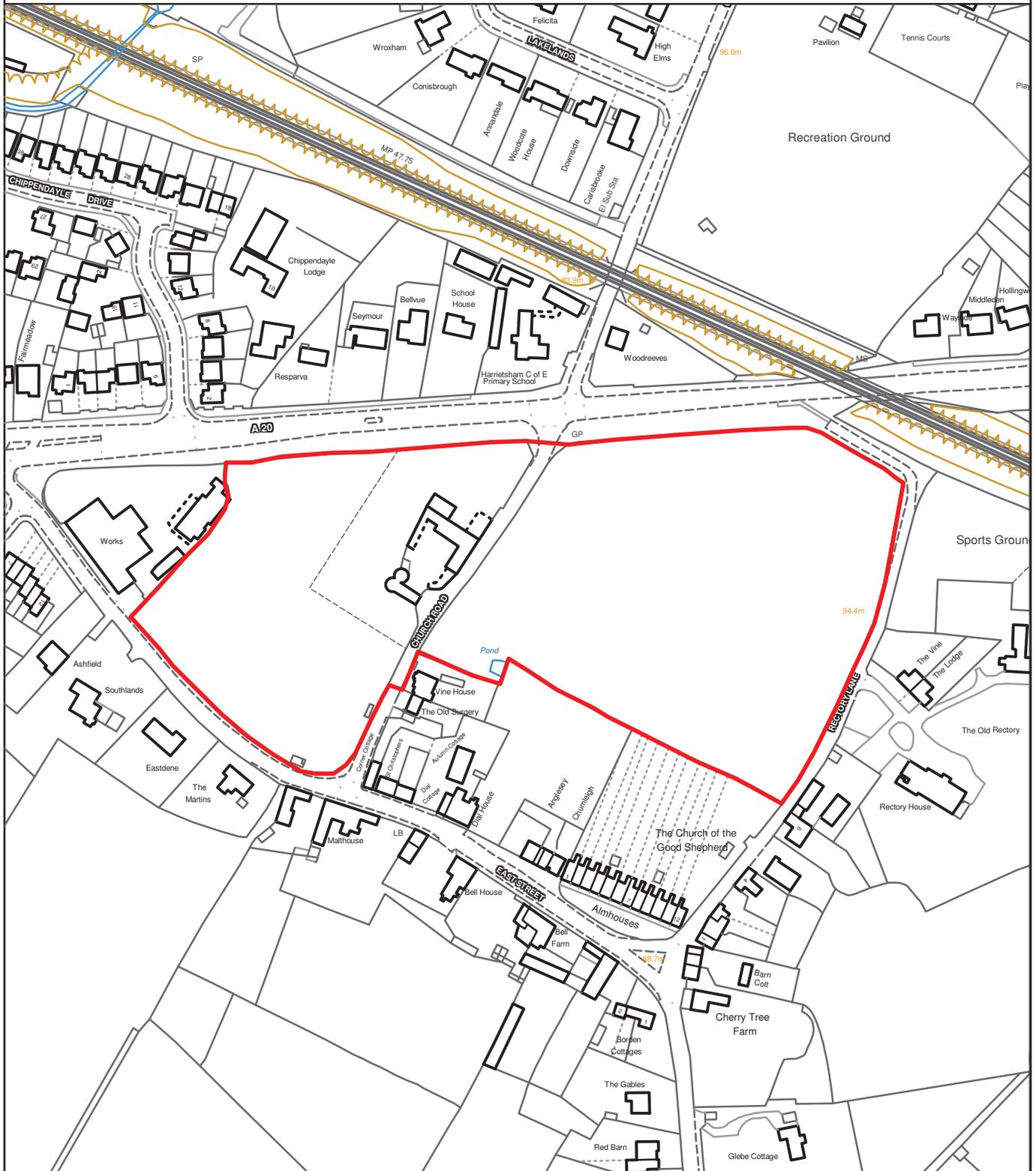


Agenda Item 15

THE MAIDSTONE BOROUGH COUNCIL

Land at Church Road
Harrietsham
Kent

MBC Ref: 14/0095



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO: MA/14/0095			
APPLICATION PROPOSAL: Outline application for residential development with access considered at this stage and all other matters reserved for future consideration. Full application for a change of use and conversion of oast house to a single dwelling with garaging.			
ADDRESS: LAND AT, CHURCH ROAD, HARRIETSHAM, KENT			
RECOMMENDATION: DELEGATED POWERS TO APPROVE SUBJECT TO CONDITIONS (see section 8 of report for full recommendation)			
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development is at a sustainable location, immediately adjoins an existing settlement, and is not considered to result in significant planning harm. Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan.			
REASON FOR REFERRAL TO COMMITTEE			
<ul style="list-style-type: none"> • Departure from the Development Plan • Harrietsham Parish Council have requested the application be reported to Committee for the reasons set out below. 			
WARD Harrietsham and Lenham	PARISH/TOWN COUNCIL Harrietsham	APPLICANT: K E Monk & Son Ltd AGENT: DHA Planning	
DECISION DUE DATE: 05/09/14	PUBLICITY EXPIRY DATE 21/05/14	OFFICER SITE VISIT DATE 10/02/14 & 04/12/14	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
MA/13/0707	Screening Opinion for proposed residential development (between 80 and 100 dwellings) including conversion of oast to a dwelling and demolition of agricultural buildings	ENVIRONMENTAL STATEMENT NOT REQUIRED	22/05/13
59/0044/MK2	The erection of dwellings	REFUSED	02/07/59
59/0043/MK2	The erection of dwellings	REFUSED	02/07/59

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site comprises two separate agricultural fields immediately south of the A20 and divided by Church Road with a total area of approximately 4 hectares. The site is near the centre of the village but falls outside the settlement boundary in the Local Plan which runs along the north side of the A20. It is therefore in the countryside for planning purposes.

- 1.02 The western field has an oast house and other dilapidated agricultural buildings on the east side, and the eastern field is undeveloped and open. The 'East Street' Conservation Area runs along the southern edge of the eastern field and extends into a small part of the southeast corner of the western field. There are numerous listed buildings within the Conservation Area. To the north beyond the A20 are houses within the settlement boundary, and to the northeast the Ashford to London railway line which is raised and runs over the A20 on a bridge. To the east are a small group of houses on Rectory Lane. To the south of the eastern field is an area of woodland and houses within the Conservation Area, and to the south of the western field are detached houses on East Street. To the west is a caravan sales business with buildings and an open sales area.
- 1.03 Boundaries are made up of a line of tall trees along most of the A20 frontage and otherwise hedge/tree lines with breaks in places. Both fields slope gently to the south from the A20.
- 1.04 The site is located within the countryside for Development Plan purposes with no special landscape designation. The edge of the North Downs AONB is just over 400m to the north with built development between.
- 1.05 Near to the site around 180m to the west on the south side of the A20 is an application under consideration for 117 dwellings and retail store (Land South of Ashford Rd) and around 250m to the east an outline application for 49 houses (Mayfield Nursery).

2.0 PROPOSAL

- 2.01 This is a hybrid application with the main part seeking outline consent for residential development across both fields with access considered at this stage and all other matters reserved for future consideration. The number of houses is not outlined in the description but illustrative plans have been provided showing 79 houses with a large area of open space at the east edge. Access would from the existing Church Road access onto the A20 but it is proposed to improve this junction to accommodate the development. This would involve alterations to the alignment of Church Road so it is perpendicular to the A20. The majority of the remainder of Church Road is not shown to be altered and would also provide access to the site from East Street to the south.
- 2.02 The illustrative plans, which have been provided to demonstrate that the site can accommodate this level of residential development, show a main road into either field with smaller roads running off these. The southern part of Church Road is shown linking with these roads.
- 2.03 Whilst the proposals are in outline with layout not being considered, the applicant wishes to establish the open space provision under this application. This is in the form of a large area on the east part of the site (1.22ha), which is also provided for heritage reasons that will be discussed below, and a play area within the developed part of the site. This will be discussed in more detail in the infrastructure section of the report. Affordable housing is proposed at 40% and Code for Sustainable Homes Level 4 is also proposed.
- 2.04 The second element of the hybrid application is detailed permission sought for a change of use and conversion of the oast house to a four bedroom dwelling with garaging.

3.0 POLICY AND OTHER CONSIDERATIONS

- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV45, T13, T21, T23, CF1
- MBC Affordable Housing DPD (2006)
- MBC Open Space DPD (2006)
- Draft Maidstone Borough Local Plan: SS1, SP1, SP3, SP5, H1, H2, DM2, DM4, DM10, DM30

4.0 LOCAL REPRESENTATIONS

Nine representations received raising the following points:

- Harm to listed buildings and Conservation Area.
- Traffic, highway safety and parking.
- Noise and disturbance from traffic.
- Drainage and flooding.
- Overshadowing.
- Loss of privacy.
- Ecology.
- Not in accordance with Neighbourhood Plan.

5.0 CONSULTATIONS

5.01 **Harrietsham Parish Council:** Wish to see the application REFUSED on the following (summarised) grounds and reported to planning committee:

- Application is premature, speculative and inconsistent with the emerging Neighbourhood Plan (NP).
- Harm to Conservation Area and listed buildings.
- The proposal only deals with the junction of Church Rd and A20 and not the wider issues of the A20 through the village.
- Links to village are poor.
- Does not integrate with pedestrian routes through village.
- Lack of drainage infrastructure.
- Need for local needs housing.
- Full survey for archaeology is needed.
- Contributions sought towards: Improvements to doctors surgery (in addition to any other health provision); improvements to village hall; village community facilities in NP; nature reserves; open space; youth facilities; former network rail footpath along A20; disabled lift for footbridge at Harrietsham station.

5.02 **MBC Housing Officer:** No objections and advice provided on potential affordable housing mix.

5.03 **MBC Landscape Officer:** No objections subject to conditions requiring an Arboricultural Method Statement in accordance with BS5837: 2012 and a landscape scheme including implementation details and a long term management plan.

5.04 **MBC Environmental Health Officer:** No objections subject to conditions regarding noise and contaminated land.

5.05 **MBC Parks & Leisure:** Based on some 1.22ha of open space and a play area being provided on site, seek an off-site contribution of £198.55 per dwelling towards repair, renewal, replacement and improvement of outdoor sports facilities and equipped areas at Booth Field and Glebe Field both within 400m of the development.

5.06 **MBC Conservation Officer:** Raises objections.

“In conclusion, I consider that the proposals would cause harm to the significance of designated heritage assets (listed buildings in East Street and the Conservation Area) by reason of its impact on their setting. It would also result in harm to the significance of the historic oast (which should be considered as a non-designated heritage asset), also by reason of its impact on its setting.

I would assess the level of harm to be less than substantial in both cases. Nevertheless, the NPPF requires that where this is the case, any public benefits accruing from the development should be weighed against the harm in accordance with paragraph 134 of the NPPF. My own view is that any public benefit would not outweigh the harm.”

5.07 **KCC Development Contributions:** *“The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.”*

Primary Education Provision: £590.24 per applicable flat and £2360.96 per applicable house sought towards the build costs of extending Harrietsham Primary School.

“We would advise that whilst the secondary phase is predicted to be able to accommodate any pupil numbers that may be generated by this development, the primary phase is not. Consequently, KCC will require development contributions for primary at extension rates towards the expansion of Harrietsham Primary School. The development has been assessed against current schools’ capacities, KCC’s latest pupil forecast data and ‘previous applications’. This development makes a demand on KCC school provision such that in its context the pupil product will exacerbate a deficit in pupil places.”

Community Learning: £30.70 per household sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both through dedicated adult education centres and through outreach community learning facilities local to the development.

“There is an assessed shortfall in provision for this service: the current adult participation in the District in both Centres and Outreach facilities is in excess of current service capacity.”

Youth Services: £8.44 per household sought to be used to address the demand from the development towards youth services locally.

“Forecasts indicate that there is sufficient capacity within the Outreach service to accommodate the increased demand generated through the development, therefore KCC will only seek to provide increased centre based youth services in the local area.”

Libraries Contribution: £148.86 per household sought to be used to address the demand from the development towards additional bookstock and services at local libraries serving the development.

“There is an assessed shortfall in provision overall borrower numbers in the local area are in excess of area service capacity, and bookstock for Maidstone Borough.”

Social Services: £15.94 per household sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both on site and local to the development including assistive technology, and enhancement of local community facilities to ensure full DDA access.

“The proposed development will result in a demand upon social services which ‘Facilities for Kent Family & Social Care’ are under a statutory obligation to meet but will have no additional funding to do so.”

- 5.08 **KCC Highways**: No objections subject to new access being secured under a Section 38 agreement and contribution towards A20 improvement scheme.
- 5.09 **KCC Ecology**: No objections subject to a landscape and ecological management plan.
- 5.10 **KCC Heritage**: No objections subject to a condition requiring a programme of building recording.
- 5.11 **Natural England**: No objections.
- 5.12 **UK Power Networks**: No objections.
- 5.13 **Rural Planning Ltd**: *“Some soils in the locality of Church Road are freely draining loams; others are slowly permeable seasonally wet, loamy and clayey. On the 1:250,000 scale former MAFF ALC map, the land lies approximately on the border between areas of Grade 2 and Grade 3. That map does not distinguish between Grades 3a (good quality) and 3b (moderate quality), and is insufficiently reliable to determine grading on a field by field basis in any event. However detailed surveys of other fields around Harrietsham do indicate a local preponderance of Grade 2 and Grade 3a land, so it is quite possible that this site falls into the “best and most versatile” category. The issue could only be resolved by a detailed land classification survey of the site itself.”*
- 5.14 **NHS**: Seek a contribution of £360 per person.

“In terms of this particular application, a need has been identified for contributions to support the delivery of investments highlighted within the Strategic Service Development Plan. These improvements to the primary care infrastructure will enable support in the registrations of the new population, in addition to the commissioning and delivery of health services to all. This proposed development noted above is expected to result in a need to invest in a number of local surgery premises:

- *The Glebe Medical Centre (branch to Len Valley Practice)*
- *Len Valley Practice*

All of the above surgeries are within a 2 mile radius of the development at Church Road. This contribution will be directly related to supporting the improvements within

primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity.”

5.15 **Environment Agency:** No objections subject to conditions relating to surface water drainage.

5.16 **English Heritage:** Not objecting.

“We do not agree with the suggestion on page 22 of the Design and Access Statement that the scheme would have no impact on the historic environment. Even where existing or proposed tree planting would screen the development from the conservation area, your Council should take into account in determining this application the extent to which the significance of the historic East Street conservation area is derived from its rural surroundings and historic separation from the modern village centre. These are the aspects of setting most affected by the current proposal. The East Street settlement would as a result of this development no longer be read or understood as a distinct historic place, but rather as part of the larger village centre.

In determining this application we therefore recommend that you seek advice from your specialist conservation officer and, having done so, give great weight to the conservation of the affected designated heritage assets in the manner required by paragraph 132 of the NPPF.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.”

5.17 **Southern Water:** Outline that their wastewater treatment works at Harrietsham is at capacity but they will be providing capacity through its prioritised Capital Programme. Condition recommended relating to surface and foul water drainage.

6.0 APPRAISAL

Principle of Development

6.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

6.02 The application site is outside but immediately south of the defined settlement boundary of Harrietsham. It is therefore upon land defined in the Local Plan as countryside.

6.03 The starting point for consideration is saved policy ENV28 of the Maidstone Borough-wide Local Plan 2000 which states as follows:-

“In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to:

*(1) That which is reasonably necessary for the purposes of agriculture and forestry;
or*

- (2) *The winning of minerals; or*
- (3) *Open air recreation and ancillary buildings providing operational uses only; or*
- (4) *The provision of public or institutional uses for which a rural location is justified;*
or
- (5) *Such other exceptions as indicated by policies elsewhere in this plan.*

Proposals should include measures for habitat restoration and creation to ensure that there is no net loss of wildlife resources.”

- 6.04 The proposed development does not fit into any of the exceptions set out in policy ENV28, which is why it has been advertised as a departure from the Development Plan.
- 6.05 It is necessary therefore to consider two main issues in relation to the proposals. Firstly, whether there are any material considerations that would indicate that a decision not in accordance with the Development Plan is justified, and secondly whether the development would cause unacceptable harm. (Detailed issues of harm will be discussed later in the report).
- 6.06 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should;
- ‘identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;’*
- 6.07 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge and Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Local Plan (2011 -31). The SHMA (January 2014) found that there is the “objectively assessed need for some 19, 600 additional new homes over this period which was agreed by Cabinet in January 2014. Following the publication of updated population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014.
- 6.08 Most recently calculated (April 2013), the Council had a 2.2 year supply of housing assessed against the objectively assessed housing need of 19,600 dwellings.
- 6.09 Taking into account housing permissions granted since April 2013 and the lower need figure, this position will have changed very marginally and would still remain well below the five year target.
- 6.10 This lack of a five year supply is a significant factor and at paragraph 49 of the NPPF it is states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of

settlements) should not be considered up-to-date if a five year supply cannot be demonstrated. The presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.

- 6.11 In terms of the location of the site, The NPPF advised that when planning for development i.e. through the Local Plan process, the focus should be on existing service centres and on land within or adjoining existing settlements. Harrietsham is a defined rural service centre (RSC), which outside of the town centre and urban area, are considered the most sustainable settlements in Maidstone's settlement hierarchy, under the draft Local Plan. The draft Local Plan outlines that, *"Rural service centres play a key part in the economic and social fabric of the borough and contribute towards its character and built form. They act as a focal point for trade and services by providing a concentration of public transport networks, employment opportunities and community facilities that minimise car journeys."* The settlement offers a good range of key services including primary school, employment, shop, post office, public house, and good public transport connections including the railway station. As such, the site is considered to be at a sustainable location and immediately adjoins the existing settlement.
- 6.12 The draft Local Plan, which has been out to Regulation 18 public consultation, is proposing 315 dwellings at Harrietsham and the application site is allocated for housing development of up to 95 dwellings (policy H1(28)).
- 6.13 In the light of the above five year supply position, bringing forward development on this sustainably located site immediately adjacent to a rural service centre would assist in helping to meet the shortfall in housing supply and I consider this to be a strong material consideration in favour of the development.
- 6.14 Representations have been received outlining that the application is premature and is not in accordance with the emerging Neighbourhood Plan (NP). (For this application site, the draft NP seeks housing development only over the west field with the east being open space due to the Conservation Area – the assessment and balancing of the impact upon the Conservation Area is considered below). Whilst work on the NP is progressing, there are still key stages ahead including the Local Authority lead public consultation (on which discussions are currently being held), independent examination and referendum. The NP is a material consideration, however, at this stage, I do not consider it grounds to refuse planning permission due to any conflict.
- 6.15 For the above reasons, I consider the policy principle of residential development at the site is acceptable. The key issue is whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole. I will now go on to consider the key planning issues which are visual impact, heritage impact, access/highway safety, residential amenity, infrastructure, ecology, and drainage.

Visual/Landscape Impact

- 6.16 The site is visible from a section of the A20 outside the site, from Church Road and parts of East Street. Development of the site would inevitably result in a visual and character change from the current agricultural fields from these close range views. In longer range views, the applicant's landscape impact assessment outlines that the site would be visible in some views from high ground within the AONB, however, it would be seen in the context of the village and would not be discordant or result in

protrusion beyond built development. Indeed, the site is located between the built-up settlement on the north side of the A20 and development on East Street, Church Road and Rectory Lane to the south. Whilst development to the south is less dense, nonetheless the proposal does represent somewhat of an infill site. The site is also contained by the railway line and bridge to the northeast which screens any medium to long range views of the site from this direction. For this reason, development of the site would not result in any protrusion into open countryside. In terms of the morphology of the settlement, most development has been on the north side of the A20, however, there is development on its south side both to the west and east, including housing and commercial buildings of varying sizes. As the site would be contained by development, the proposals would not represent an extension of development away from the main built-up areas of the settlement, or be out on a limb. Overall, it is considered that development of the site would be visually acceptable.

Heritage

- 6.17 The Harrietsham East Street Conservation Area runs alongside the boundary of the eastern field and extends slightly into the southeast corner of the western field. There are Grade II listed buildings on the north side of East Street within the Conservation Area, including the Almshouses and there is a single Grade I listed building on the south side.
- 6.18 The NPPF at paragraph 132 states that, *“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.”*
- 6.19 The Conservation Officer considers that, *“the land forming the subject of this application plays a very important role in the preservation of a rural backdrop to the conservation area, maintaining a gap between it and modern development added to the periphery of the West Street area. This setting is an important component of the conservation area’s character and development on it, as proposed, would inevitably have an adverse impact on this setting by effectively joining the East Street area to the rest of Harrietsham. English Heritage agree with this view.*
- 6.20 *Development in the manner proposed would not respect the historic linear plan form of the village and would be in the form of a modern suburban layout according to the illustrative plans submitted. It would also adversely affect views into the conservation area from the A20 – at present the open fields form an attractive foreground beyond which the roofs of buildings in the conservation area can be seen nestling in a slight depression, with open fields and woodlands again beyond. Whilst pre-application discussions have resulted in some improvement by leaving a large area behind the listed almshouses free of buildings, I do not consider that the submitted scheme fully overcomes the adverse impact on the conservation area’s setting.*
- 6.21 *I have no objection to the conversion of the oast house and welcome its re-use as the last surviving element of a historic farmyard group. However, it would lose its current rural context and be relegated to a rather incongruous survival within a modern housing development, thus adversely affecting its setting.*
- 6.22 *In conclusion, I consider that the proposals would cause harm to the significance of designated heritage assets (listed buildings in East Street and the Conservation Area) by reason of its impact on their setting. It would also result in harm to the significance of the historic oast (which should be considered as a non-designated heritage asset), also by reason of its impact on its setting.*

- 6.23 *I would assess the level of harm to be less than substantial in both cases.”*
- 6.24 The NPPF requires that when harm is considered to be ‘less than substantial’, any public benefits accruing from the development should be weighed against the harm in accordance with paragraph 134 of the NPPF.
- 6.25 Whilst layout is not currently being considered, through negotiation, a large area of open space is shown along the east edge of the eastern field to the north of the Almshouses both to provide public open space and to pay respect to the setting of the Conservation Area. To my mind this would provide an extensive open area that pays respect to the setting of the Conservation Area and listed buildings here, which can be secured by condition of outline permission. Nonetheless, the Conservation Officer considers there to be less than substantial harm and I will return to the balance of heritage impact later in the report.

Design Issues

- 6.26 Details of layout, scale and appearance are not being considered at this stage. However, development would be excluded within the open space area on the east edge of the site. Illustrative plans show 80 dwellings (including the oast) over the remainder of the site which equates to a density of around 29 dwellings per hectare, which I consider suitable for this edge of village site adjacent to the Conservation Area.
- 6.27 In terms of guiding any reserved matters application, I do not consider it necessary to place any limitations or parameters on scale or appearance as variations in both could be acceptable. Apart from providing the open space on the east side, I do not consider any layout parameters such as set-back distances are necessary. Setting houses back from the A20 will be necessary due to noise constraints. However, I do consider it appropriate to seek to retain some of the key features of the site which in this case is mainly boundary landscaping. The tree line along the northern boundary with the A20 is a positive feature of the site so I consider this landscaped edge should be retained and strengthened where appropriate. The tree/hedge line along the eastern boundary with Rectory Lane features broken lines of trees, however, this should be retained and strengthened. The tree/hedge lines along Church Road are broken but worthy of retention and strengthening in places. There is a hedge along the south boundary with East Street which again is broken and not of great quality, however, I consider this should either be improved or replaced here.
- 6.28 The development will be designed to achieve Code for Sustainable Homes Level 4 which can be secured by condition.

Highways Issues & A20 Improvements

- 6.29 Access is being considered at this stage and the primary access would be onto the A20 off Church Road utilising the existing access here. This would involve an improved junction with realignment and straightening of the northern part of Church Road. Access would also be possible via the south end of Church Road from East Street. A new footway is proposed on the south side of the A20 along the whole site frontage linking the site on foot to crossings and amenities further west. Improvements are also proposed to the existing ‘splitter island’ at the western end of the right turn lane for Church Road. A pram crossings point with tactile pavers will be provided to aid the crossing of the A20 in advance of reaching the signal controlled crossing to the west.

- 6.30 KCC Highways have assessed the application and have raised no objections to the proposed access points from a safety point of view. Nor have they raised any safety issues regarding the additional traffic from the development. As such, it is considered that there are no highway safety issues resulting from this development.
- 6.31 Parking and layout is not being considered at this stage but I consider a suitable level of parking could be provided and balanced against achieving a well designed scheme and layout.
- 6.32 Draft policy H1(28) refers to appropriate contributions towards a highways improvement scheme for the A20 as it passes through the village. The Borough Council is currently working with consultants and the County Council on an improvement scheme to redress the setting of the A20 from an outmoded and overbearing design incorporating excessive road space, to one which is more conducive to lower traffic speeds and resident user friendly conditions, thereby reducing the barrier that the A20 forms between the north and southern parts of the village. This would provide a reduction of the speed limit to 30mph with gateway features at either end, narrowing and realignment of the carriageway within the centre, shared pedestrian/cycle paths within the centre, street lighting, and a number of pedestrian crossing points. This would be designed to facilitate the access and footways proposed under this application and others to the west and east currently under consideration. Due to the proposed number of dwellings in the village both to the south and north of the A20 it is considered that this improvement is necessary to improve pedestrian links from south to north from a safety aspect, and provide a more appropriate highways environment generally, due to the increase in vehicles and pedestrians from new development in the village.
- 6.33 The cost of this has not been finalised but is likely to be in region of £3,500 per dwelling. As such delegated powers are sought to finalise the exact amount under the legal agreement.

Residential Amenity

- 6.34 Details of layout and appearance are not being considered however my view is that the development could be designed to prevent any unacceptable impact upon nearby properties in terms of privacy, light and outlook. I also consider the proposed properties could be designed to benefit from sufficient amenity.
- 6.35 A traffic noise assessment has been carried out which concludes that mitigation in the form of mechanical ventilation and enhanced glazing will be required for houses close to the A20 and gardens would need to be set back or behind houses. The Environmental Health officer raises no objections subject to the recommendations being followed.

Infrastructure

- 6.36 A development of this scale is clearly likely to place extra demands on local services and facilities and it is important to ensure that the development can be assimilated within the local community. As such suitable contributions to make the development acceptable in planning terms can be sought in line with policy CF1 of the Local Plan and the Council's Open Space DPD.
- 6.37 However, any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010. 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.

6.38 The following contributions have been sought:

6.39 For primary education provision, £590.24 per applicable flat and £2360.96 per applicable house is sought towards the build costs of extending Harrietsham Primary School.

6.40 For community learning, £30.70 per household is sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both through dedicated adult education centres and through outreach community learning facilities local to the development.

6.41 For youth services, £8.44 per household is sought to be used to address the demand from the development towards youth services locally.

6.42 For libraries, £148.86 per household is sought to be used to address the demand from the development towards additional bookstock and services at local libraries serving the development.

6.43 For social services, £15.94 per household is sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both on site and local to the development including assistive technology, and enhancement of local community facilities to ensure full DDA access.

6.44 Justification for the contributions is outlined at paragraph 5.07 and I consider that the requested contributions have been sufficiently justified to mitigate the additional strain the development would put on these services and comply with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the three CIL tests above.

6.45 In terms of open space, as outlined above, 1.22ha of open space would be provided on the east part of the site. The Council's Parks & Leisure Section have outlined that whilst this amount is above that expected for this scale of development, the village is under provided in terms of Outdoor Sports Facilities and Allotments and Community Gardens. However, it is my view that such open space types would not be appropriate within this area due to the heritage issues and that this should remain as an open amenity green space with semi-natural areas. Based on this and a play area being provided within the development, an off-site contribution of £198.55 per dwelling is sought towards repair, renewal, replacement and improvement of outdoor sports facilities and equipped areas at Booth Field and Glebe Field both within 400m of the development.

6.46 In terms of healthcare, the NHS are seeking a contribution of £360 per person. I consider that this request has been sufficiently justified (see paragraph 5.14) to mitigate the additional strain the development would put on health services and complies with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the three CIL tests above.

- 6.47 As outlined above, a contribution towards the A20 improvement scheme will also be sought with the amount to be finalised by officers.

Affordable Housing

- 6.48 Affordable housing is proposed at 40% in line with the 2006 DPD and emerging policy. MBC Housing have suggested a tenure split based on housing need bedroom allocation priorities as identified on the Housing Register, and reflecting what the latest SHMA is recommending in terms of future affordable mix. This will be finalised under the legal agreement.

Ecology

- 6.49 A phase 1 walk over survey of the site has been carried out. The site is made up of two agricultural fields with tree and hedges lines (many broken) on some of the site boundaries. The applicant's ecologist considers the site is of low nature conservation importance and that there would be no harmful impact upon protected species, to which KCC Ecology do not disagree. It is considered that there are opportunities to increase biodiversity through retention of strengthening of hedges and tree lines, new native landscaping, and bird and bat boxes. KCC Ecology have reviewed the information and are raising no objections. They are not advising any need for mitigation and recommend conditions relating to enhancements to be covered within a landscape and ecological management plan.

Drainage

- 6.50 In terms of surface water, SUDs techniques would be used so as not to increase run-off beyond the current situation. This could involve storage tanks, swales (in open space areas), and porous hard surfaces. The flood risk assessment demonstrates that these methods would be suitable and the Environment Agency have raised no objection subject to a condition to finalise such details.
- 6.51 In terms of foul drainage, Southern Water has stated that their wastewater treatment works at Harrietsham is at capacity but they will be providing capacity through its prioritised Capital Programme. I would therefore propose a condition that details of foul drainage are submitted for approval prior to commencement and no dwellings are occupied until adequate arrangements are in place.

Oast Conversion

- 6.52 Policy ENV45 of the Local Plan allows for conversion of rural buildings to dwellings. Whilst this seeks a business use first, in the context of the proposed surrounding residential development I consider this use is acceptable. The Conservation Officer raises no objections to the conversion works, but considers its current rural context would be lost. The building is not listed and I consider that this element of the proposal is acceptable.

Other Matters

- 6.53 An archaeological desk-based assessment has been carried out which has been assessed by the County Council. In view of the archaeological potential and the local heritage interest of the current farm buildings, conditions are recommended covering a programme of work and building recording.

- 6.54 According to the Council's evidence the land is Grade 3b agricultural land and therefore falls outside the best and most versatile land.

7.0 CONCLUSION

- 7.01 The proposed development is contrary to policy ENV28 in that it represents housing development outside a settlement boundary in the Local Plan. However, in the absence of a five year supply of housing the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development, and policies such as ENV28 cannot form grounds to object in principle.
- 7.02 The site is at a sustainable location adjoining the settlement boundary in the Local Plan, but essentially within the settlement of Harrietsham, which offers a good range of facilities and services. The visual impact of development at the site would be localised and would not result in any protrusion into open countryside. There are no highway objections and contributions would be secured to the A20 scheme. Appropriate infrastructure would be provided and affordable housing. There are no ecology objections or any other matters that result in an objection to the development. The Conservation Officer considers there would be 'less than substantial harm' to the setting of the Conservation Area although I consider a significant area of open space to the north of the Conservation Area would be provided.
- 7.03 I have taken into account all representations received on the application and the emerging Neighbourhood Plan. Considering the low level of harm caused by the development, in the context of a lack of 5 year housing supply, I consider that the low adverse impacts would not significantly and demonstrably outweigh the benefits of providing much needed housing, including affordable housing, at a sustainable location. This is the balancing test required under the NPPF. As such, I consider that compliance with policy within the NPPF is sufficient grounds to depart from the adopted Local Plan. Therefore I recommend permission is approved and that Members give delegated powers to the Head of Planning to approve the application, subject to the receipt of an appropriate S106 legal agreement and the following conditions.

8.0 RECOMMENDATION

Subject to the prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to provide the following;

- The provision of 40% affordable residential units within the application site.
- Contribution of £590.24 per applicable flat and £2360.96 per applicable house sought towards the build costs of extending Harrietsham Primary School.
- Contribution of £148.86 per household sought to be used to address the demand from the development towards additional bookstock and services at local libraries serving the development.
- Contribution of £30.70 per household sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both through dedicated adult education centres and through outreach community learning facilities local to the development.

- Contribution of £8.44 per household sought to be used to address the demand from the development towards youth services locally.
- Contribution of £15.94 per household sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both on site and local to the development including assistive technology, and enhancement of local community facilities to ensure full DDA access.
- Contribution of £360 per person towards extension, refurbishment and/or upgrade of the Glebe Medical Centre (branch to Len Valley Practice) and Len Valley Practice.
- Contribution towards highway improvement works to the A20 (final amount to be clarified by officers).

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the imposition of the conditions set out below:

1. The outline element of the development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

a. Layout b. Scale c. Appearance d. Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. The development being the detailed element of this application (Oast conversion and works) hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

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 details of landscaping submitted pursuant to condition 1 shall provide for the following:

(i) Retention and strengthening of the tree lines along the northern boundary of the site with the A20.

(ii) Retention and strengthening of the hedge and tree line along the eastern boundary of the site with Rectory Lane.

(iii) Retention and strengthening, or replacement of the hedge line along the southern boundary of the western field with East Street.

Reason: To ensure a satisfactory appearance and setting to the development.

4. The details of layout as required under condition 1 shall not show any housing development within the eastern part of the site as outlined in green on drawing no. DHA/7973/12 (Open Space Area Plan).

Reason: In order to protect the setting of the Conservation Area and listed buildings.

5. The reserved matters submitted pursuant to condition 1 shall show no more than 80 dwellings at the site.

Reason: To ensure an appropriate density of development at the site.

6. The details of landscaping submitted pursuant to condition 1 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.

7. The development being the detailed element of this application (Oast conversion and works) shall not commence until, full details of the following matters have been submitted to and approved in writing by the Local Planning Authority:-

- a) New external joinery in the form of large scale drawings.

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

Reason: To ensure the appearance and the character of the building are maintained.

8. 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 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. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines.

Reason: To safeguard existing trees and hedges to be retained and ensure a satisfactory external appearance to the development.

9. The development shall not commence until a landscape and ecological management plan (LEMP) for the site has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on the site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures.

The approved plan will be implemented in accordance with the approved details.

Reason: To ensure a satisfactory appearance and setting to the development and in the interests of biodiversity protection and enhancement.

10. The development shall not commence until an Arboricultural Method Statement in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory external appearance to the development.

11. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces 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.

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

13. The development shall not commence until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site. The details shall include, inter alia, a long term management and maintenance plan for the SUDS included in the approved scheme. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

14. The development shall not commence until details of foul water drainage, which shall include details of any necessary off-site improvements to the local network, have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The approved details and off-site works shall be implemented in full prior to the first occupation of the development.

Reason: In the interest of pollution and flood prevention.

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

Reason: To ensure that historic building features are properly examined and recorded.

16. 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.

17. The development shall not commence 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.

18. The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the Local Planning Authority:

1) A site investigation scheme, based on the GEA Desk Study and Ground Investigation Report reference J13245 received 7th November 2013, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (1). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

3) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 2. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented in full as approved;

Reason: To prevent pollution of the environment.

19. The approved details of the access, new footways and pedestrian crossing as shown on drawing no. T0180-02P2 within the 'Transport Assessment' at Appendix F shall be completed before the commencement of the use of the land and be maintained thereafter.

Reason: In the interests of road safety.

20. The development shall not be occupied 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.

21. 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: To ensure a satisfactory external appearance to the development.

22. 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.

23. The development shall be designed taken into account the Noise Assessment carried out by 'Grant Acoustics' dated January 2013, and shall fulfil the recommendations specified in the report.

Reason: In the interests of residential amenity.

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

With regard to the outline element and with respect to the open space provision on the east edge of the site only:

Drawing no. DHA/7973/12 (Open Space Area Plan).

With regard to the detailed element only:

Drawing nos. DHA/7973/03, DHA/7973/05, DHA/7973/07, DHA/7973/08, DHA/7973/09, and DHA/7973/10.

Reason: To ensure the quality of the development is maintained and in order to protect the setting of the Conservation Area and listed buildings.

Case Officer: Richard Timms

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

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A photograph of a wide, grassy field under an overcast sky. In the background, a line of trees is visible. The foreground shows some bare, thin branches. The number '85' is printed vertically on the left side of the image.

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THE MAIDSTONE BOROUGH COUNCIL

Greentops
Headcorn Road
Sutton Vallenge
Kent, ME17 3EH

MBC Ref: 14/500606



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Rob Jarman
Head of Planning

REFERENCE NO - 14/500606/FULL			
APPLICATION PROPOSAL Demolition of x4 existing commercial buildings and existing detached bungalow 'Greentops' and redevelopment to provide x6 detached houses and garages			
ADDRESS Greentops Headcorn Road Sutton Valence Kent ME17 3EH			
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none"> • Contrary to the policies of the Development Plan. 			
WARD Sutton Valence And Langley Ward	PARISH/TOWN COUNCIL Sutton Valence	APPLICANT Ms Leigh Chivers AGENT Mr Phil Aelen	
DECISION DUE DATE 10/09/14	PUBLICITY EXPIRY DATE 10/09/14	OFFICER SITE VISIT DATE	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
MA/13/1214	Demolition of 4 existing commercial buildings and existing bungalow, Greentops, and redevelopment to provide 8 detached dwellings and garages.	Withdrawn	17 th June 2014

1.0 DESCRIPTION OF SITE

- 1.1 The application site is located to the south of the village of Sutton Valence on the A274 Headcorn Road. It is essentially triangular in shape (its widest part fronting the road and narrowing to a point to the rear) and measures 0.4 hectares.
- 1.2 Whilst the site lies outwith any defined settlement, as defined in the Maidstone Borough Wide Local Plan 2000, it forms part of a developed frontage along Headcorn Road which includes a garage with car sales, kennels, former farm buildings and existing dwellings.
- 1.3 The site originally housed a bungalow and 4 commercial buildings together with their associated accesses and hardstandings. The bungalow however burnt down some years ago and there is currently a caravan on that part of the site, although various outbuildings and hardstandings remain within its curtilage.
- 1.4 The commercial buildings are of utilitarian construction. Unit 1 is a showroom/store and is single storey with a mono pitched roof in corrugated asbestos cement sheets. Unit 2 is a single storey Atcost building of concrete framed construction with blockwork walls and unlined asbestos roof sheeting. Unit 3 is a single storey 2 bay building which is concrete framed with masonry infill and corrugated asbestos clad walls and roof on a concrete slab. Unit 4 is of timber construction clad in blockwork with a mineralised felt roof. There is an inspection pit in the floor of unit 2 and a small outbuilding at the eastern end of the site. All of the commercial units have been vacant for a number of years and are generally in a poor state of repair.
- 1.5 Most of the external areas of the site are surfaced in asphalt with the south west corner, adjacent to the main road, being partly grassed and partly surfaced with

compacted stone as is the west end of the site. There are also a number of concrete bases to the north of unit 2.

- 1.6 The boundaries of the site are well defined with a range of Leylandii hedgerows and close boarded fencing to the north and south.
- 1.7 As set out above the site lies in the countryside for planning purposes and forms part of a Special Landscape Area.

2.0 PROPOSAL

- 2.1 This application seeks planning permission for demolition of the existing buildings and clearance of the site and the erection of 6 detached dwellings with garaging and access.
- 2.2 The development would utilise the existing access (with enhancements) leading to a central access road within the site. This access road would serve all 6 dwellings with the first half of the road being adoptable highway and the rear half less formally surfaced.
- 2.3 Four dwellings (plots 1 – 4) would be located across the wider frontage of the site (2 either side of the access road) with plots 5 and 6 to the rear of the site. All units would have a garage providing two internal car parking spaces, together with cycle storage, with space for a further two vehicles for each property externally. All of the dwellings would be served by private amenity space to their rear.
- 2.4 Units 1 and 2 would be three bed units, units 3 and 4 four bed units and units 5 and 6 larger five bed dwellings. The proposed dwellings are traditional in terms of design two storey dwellings with pitched roofs. The materials proposed are also traditional, with the drawings showing tiled roofs, brick elevations with some tile hanging.
- 2.5 It is also proposed to retain and enhance the existing planting to the site's boundaries and to provide a small element of footway into the site either side of the access road to facilitate pedestrian access.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) 2012: Chapters 1, 4, 6, 7, 11
National Planning Practice Guidance (NPPG) 2014
Maidstone Borough Wide Local Plan 2000: ENV6, ENV28, ENV49, ED2, T13
Maidstone Local Plan Regulation 18 Consultation 2014: SP5, DM1, DM2, DM4, DM6, DM10, DM13, DM16, DM18, DM30, ID1

4.0 LOCAL REPRESENTATIONS

- 4.1 **Parish Council:** *“The Parish Council wish to see this application approved and are prepared to go to committee. However, they would like to discuss this if the officer disagrees with this recommendation, before going to committee, to ascertain the reasons behind the refusal when it is currently a brownfield site and the development is close to a bus stop and a well stocked garage shop. The Parish Council would like to see the extension of the 40mph limit past this development southward.”*
- 4.2 1 letter of objection has been received from a local resident. They make the following summarised comments.

- The bungalow, Greentops, was destroyed by fire a few years ago – there are caravans there now;
- All houses built in recent years in this area have been restricted to bungalow height. It would be discriminatory to permit the proposed houses to be full height and could result in compensation claims or other civil action;
- The access is on a blind bend to the north.
- The area is becoming a collision blackspot.
- The access does not meet safety standards on what is an extremely fast and dangerous stretch of road;
- There are no mains gas or sewerage services, making it an unsustainable site for residential accommodation.
- There is just one small service station shop within walking distance – otherwise the area has no amenities.
- Car use/vehicle movements will be higher than predicted.
- The bus service is hourly, finishing early at weekends.
- The cost of the proposed housing is likely to exceed what people would be prepared to pay, in area of fast traffic, attendant road noise, no facilities, poor bus service, dangerous access/egress, pollution and noise from an adjacent landfill/crushing/quarrying type of operation which is active at most times of the day.

5.0 CONSULTATIONS

5.1 **Environment Agency:** Have assessed this application as having a low environmental risk. Therefore have no comments to make.

5.2 **KCC Highways:** The application proposes 6 new homes served from an existing established access onto the A274 Headcorn Road to the south of Sutton Valence.

Adequate space is provided within the site for parking and turning and a shared surface 4.8m in width is proposed which is in line with guidance given in Manual for Streets and is considered to be acceptable to serve this development.

The proposed use of the site is likely to generate less traffic overall than could be expected from the existing uses which comprises 1 residential dwelling and 5 commercial units. The crash database has been interrogated and there have been no injury crashes at the junction of the site access within the latest 5 year period.

The site is some distance from the village centre and the nearest facility for residents is the petrol filling station which is located some 150m to the north of the site on the A274 and includes a shop. However residents from the site may have difficulty in walking to the garage during times of inclement weather as there is a short section of grass verge with no footway. I would recommend that the applicant provides this short section of footway in order to improve accessibility for residents.

I can confirm that I do wish to raise objection subject to the following conditions:

- Provision of a new section of footway along the eastern side of the A274, to the south of the petrol filling station, to link with the existing footway. Details to be agreed with KCC Highways.
- Provision of construction vehicle loading/unloading and turning facilities prior to the commencement of work on site and for the duration of construction.
- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.

- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision of wheel washing facilities prior to the commencement of work on site and for the duration.
- Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of the turning facilities shown on the submitted plans prior to the use of the site commencing.
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
- Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.
- The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to submitted to and approved by the Local Planning Authority.

- 5.3 **Environmental Health:** A full contaminated land assessment should be carried out and be submitted to the Council, along with the proposed mitigation measures, for consideration and approval.

It is noted that there is corrugated asbestos and other asbestos based material associated with the buildings that are to be demolished. Removal of the material should only be carried out by a licensed contractor.

The area around Sutton Valence is known to experience elevated radon levels in some places. A radon survey should be carried out in order to establish if this location is susceptible and, if levels are elevated, the proposed mitigation measures, should be submitted to the Council for consideration and approval.

The submitted acoustic report has been assessed and the recommendations are considered acceptable.

Demolition and construction activities may have an impact on local residents so these should be addressed by following the standards adopted by the local authority in respect of demolition and construction sites.

No objection is raised subject to the imposition of conditions and informatives.

- 5.4 **Landscape:** The proposed development is achievable in the context of retention of existing trees/hedges subject to pre-commencement conditions requiring a detailed landscape scheme which accurately plots existing trees and hedges to be retained and an Arboricultural Method Statement (AMS) in accordance with the recommendations of BS5837:2012. The AMS should include tree protection details in relation to both demolition works as well as construction.

- 5.5 **KCC Ecology:** *“We are satisfied that sufficient information has been provided to determine the planning application.”*

Bats

We are satisfied with the results of the bat scoping survey which have assessed that all the buildings within the site have a low or negligible potential to be used by roosting bats and no emergence surveys are required.

We advise that the precautionary mitigation strategy detailed within the report must be implemented as a condition of planning permission, if granted.

Lighting can be detrimental to roosting, foraging and commuting bats. We advise that the Bat Conservation Trust's Bats and Lighting in the UK guidance is adhered to in the lighting design.

Reptiles

The ecological scoping survey has detailed that there is a low potential for reptiles to be present within the site and as such recommended that a precautionary approach is used to clear the site and push any reptiles in to the adjacent habitat.

We had concerns that there was insufficient suitable habitat within the surrounding area for reptiles to be pushed in to using the proposed precautionary approach.

However, additional information has been provided confirming it is a very low potential for reptiles to be present and the hedgerows adjacent to the site provide suitable habitat if reptiles are present.

The precautionary mitigation detailed within the ecological report must be implemented as a condition of planning permission if granted.

Breeding Birds

There are suitable habitats within the site for breeding birds, all nesting birds and their young are legally protected under the Countryside and Wildlife Act 1981 (as amended). As such we recommend if planning permission is granted, that the buildings and vegetation are removed outside of the breeding bird season (March-August). If that is not possible an ecologist must examine the site and if breeding birds are recorded all work must cease in that area until all the young have fledged.

We note that a hedgerow is proposed around the boundary of the site which will provide alternative locations for nesting birds. We advise that the hedgerow must incorporate native/local provenance species.

Enhancements

One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged."

The ecological scoping survey has made recommendations for ecological enhancements which can be incorporated in the site. We advise that if planning permission is granted a landscape plan is produced clearly showing what ecological enhancements will be incorporated in to the site."

6.0 BACKGROUND PAPERS

- 6.1 The application is supported by a Planning Statement, Design and Access Statement, Preliminary Ecology Appraisal, Preliminary Roost Assessment, Noise Assessment, Contaminated Land Assessment and a Transport Assessment.

7.0 APPRAISAL

Principle of Development

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

7.2 The application site is located in the countryside outside the defined settlement boundary of Sutton Valence. However, it lies within walking distance of the village.

7.3 The starting point for consideration is saved policy ENV29 of the Maidstone Borough Wide Local Plan 2000 which states as follows:

“In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to:

- (1) That which is reasonably necessary for the purpose of agriculture and forestry; or*
- (2) The winning of minerals; or*
- (3) Open air recreation and ancillary buildings providing operational uses only; or*
- (4) The provision of public or institutional uses for which a rural location is justified; or*
- (5) Such other exceptions as indicated by policies elsewhere in this plan.*

Proposals should include measures for habitat restoration and creation to ensure that there is no net loss of wildlife resources.”

7.4 The proposed development does not fit into any of the exceptions set out in policy ENV28 which is why it has been advertised as a departure from the Development Plan.

7.5 It is necessary, therefore to consider two main issues in relation to the proposals. Firstly, whether there are material considerations that would indicate that a decision not in accordance with the Development Plan is justified, and secondly whether the development would cause unacceptable harm (detailed issues of harm will be discussed later in the report).

7.6 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing supply. Paragraph 47 of the NPPF states that Council's should;

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.”

7.7 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge and Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Local Plan (2011 -31). The SHMA (January 2014) found there is the “objectively assessed need” for some 19,600 additional new homes over this period which was agreed by Cabinet in January 2014. Following the publication of updated

population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focussed update, is a refined objectively assessed need figure of 18,600 dwellings. The revised figure was agreed by Cabinet in September 2014.

- 7.8 Most recently calculated (April 2013), the Council had a 2.2 year supply of housing assessed against the objectively assessed housing need of 19,600 dwellings.
- 7.9 Taking into account housing permissions granted since April 2013 and the lower need figure, this position will have changed very marginally and would still remain well below the 5 year target.
- 7.10 This lack of a five year supply is a significant factor and at paragraph 49 the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a five year supply cannot be demonstrated. The presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.
- 7.11 The NPPF sets out 12 Core Planning Principles and highlights the need to “*encourage the effective use of land, reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.*”
- 7.12 The application site is considered to be previously developed/brown field land and it is, however, noted that the majority of the site was in commercial use and the residential redevelopment of the site will see this lost which would be contrary to the government’s and local authority’s commitment to securing economic growth.
- 7.13 In this instance, the commercial buildings on the site are vacant and have been for a number of years. When let they have failed to secure long term tenants. It is clear that the current buildings would have to be completely rebuilt to bring them up to the modern standards expected for commercial buildings. Whilst this is accepted, consideration must be given to whether the site could be redeveloped for commercial development, creating jobs and making a direct contribution to the economy.
- 7.14 A valuation report has been submitted in support of this application. It is based on an alternative proposal for the site of modern commercial redevelopment (12 storage/industrial premises totalling 950sqm) on a similar scale to the existing. The report concludes that the return on the capital needed to rebuild/redevelop the site to provide modern commercial units would be of a scale that would not satisfy bank lending criteria. Under these circumstances, the prospects of obtaining funding for commercial development/redevelopment are poor. It is, therefore, unlikely that there is a reasonable prospect of the site being retained in a viable employment generating use.
- 7.15 The NPPF states in paragraph 22 that “*Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.*” It goes on to state that “*land allocations should be regularly reviewed*” and “*where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of the land or buildings should be treated on their merits having regard to market signals and the*

relative need for different land uses to support sustainable local communities.” This is reflected in the policy DM18 of the Council’s emerging Local Plan.

- 7.16 The application site is not specifically allocated for employment use, it has formed part of the stock of commercial buildings within the borough for a number of years and it is considered appropriate to consider against the above policy guidance.
- 7.17 Given the current condition of the commercial units on the site, the conclusion of the submitted valuation report in relation to a modern commercial redevelopment of the site, the proximity of the site to Sutton Valence, the fact that the site is previously developed/brownfield land and that its redevelopment for six dwellings would contribute to the Council’s housing supply, I consider the policy principle of residential development at the site is acceptable.
- 7.18 The key issue is whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits of the application when assessed against the guidance of the NPPF and the policies of the Local Plan.

Density, Residential Amenity and Design

- 7.19 It is clear that using land efficiently means that each site will contribute more, so less land is needed in total. The NPPF supports such an approach and policy H2 of the Council’s emerging local plan sets out a range of densities for development within the Borough. These range from development within/close to town centres achieving densities of between 45 and 170 dwellings, sites adjacent to urban areas at 35 dwellings per hectare and sites within/adjacent to rural service centres and larger villages achieving 30 dwellings per hectare. It concludes that development proposals that fail to make efficient use of land for housing, having regard to the character and location of the area, may be refused permission.
- 7.20 This application is for 6 dwellings on the site measuring 0.4 hectares, giving a density of 15 dwellings per hectare. This density has been arrived at through a series of discussions between the applicant and the Council and given the site’s location and shape it is considered that this will allow this brownfield site to make a valuable contribution to the borough’s housing supply.
- 7.21 As set out above, development at this site was the subject of pre-application discussions with the Council and the previous scheme for 8 dwellings was considered to be an overdevelopment of the site which would have resulted in an adverse effect on the character and appearance of the surrounding area and adversely affect the residential amenity of adjoining occupiers. It was also considered that, with 8 dwellings on the site, the future occupiers of the dwellings would enjoy a reduce level of residential amenity. By reducing the number of units to 6, a more spacious layout can be achieved allowing much more of the existing boundaries to the site to be retained. I am satisfied that the development now proposed will provide a good level of residential amenity for both future occupiers and existing residents in the area.
- 7.22 This part of Headcorn Road is mixed in character, types and styles of buildings and the traditional approach proposed to be adopted here would be an acceptable additional to the street scene. Although, only limited views of the existing buildings are seen from Headcorn Road, it is considered that removal of the buildings and the erection of the proposed development will enhance the character and appearance of the site and the surrounding area.

Highways

- 7.23 A Transport Statement has been submitted to support this application. The report states that access to the site would be via the existing access to the site with enhancements visibility splays. The on site access road would allow for on site servicing and each unit would be provided with two internal car parking spaces with room for two further external spaces. It highlights that the trip generation from the proposed residential development of the site would be less than the traffic associated with the commercial and residential use that existed on the site. It also states that residents of the site would be well placed to take advantage of the regular bus services along Headcorn Road and that there are no outstanding safety concerns in relation to the site and its access.
- 7.24 KCC Highways have reviewed the proposal and the submitted transport statement. They agree that the proposal is likely to generate less traffic movements than the existing use of the site, that adequate parking and turning facilities would be provided within the site and that there are no specific highway safety issues in relation to the site and its access. They go on to raise concerns the site is some way from the village centre of Sutton Valence and that residents might have difficulty walking to the nearby petrol filling station and shop some 150m away as there is a short section of grass verge with no footway. They would recommend that the applicant provides this short section of footway to improve accessibility for residents. They raise no objections to the proposal subject to the imposition of planning conditions.
- 7.25 The applicants have confirmed that they will provide the area of footpath required by this would be secured via a planning condition.

Contamination

- 7.26 Given the commercial use of the site, the applicants have submitted a Contaminated Land Assessment Report. This concludes that there was some evidence of localised hydrocarbon contamination within the site and it is likely that some contamination of the site has occurred due its previous uses. The report recommends that a programme of soil testing is carried out to determine the extent and nature of contamination present. The results from this testing can then be used to inform a remediation strategy. It states that provided the recommendations of the remediation strategy are implemented there would be no increased risk to human health from the redevelopment of the site for residential use.
- 7.27 The Council's Environmental Health Team have reviewed the assessment and advise that they agree with the recommendations of the assessment and raise no objection subject to the imposition of planning conditions.

Noise

- 7.28 The applicants have submitted a noise assessment to support the scheme to establish the noise levels that would affect the proposed development. Internal noise predictions were undertaken for typical plots across the site to determine internal noise levels with windows open and closed and the type of glazing and ventilation required.
- 7.29 It was found that with windows open the plots 1-5 with facades facing the road would likely to experience internal noise levels exceeding the relevant WHO criteria. Alternative ventilation (acoustic or mechanical) would, therefore, be required for these plots to enable the windows to be kept closed. With the windows closed, enhanced glazing would be required for habitable rooms facing the A274 in plots 1 to 5. Triple

glazing is proposed for all plots which is considered acceptable to deal with this issue. External noise levels are predicted to fall within required levels.

- 7.30 The Council's Environmental Health Team agree with the findings of the assessment and the recommendations proposed. They advise that these should be secured via a planning condition and, subject to this, raise no objection to the application in relation to noise.

Landscaping

- 7.31 The Council's Landscaping Team initially advised that they could not form an informed view on the proposal as a Tree Survey was not submitted to support the application.
- 7.32 The applicants have subsequently provided a topographical survey of the site showing existing tree cover on the site.
- 7.33 Landscape have reviewed the submitted survey advise that they consider that the proposed development is achievable in the context of retention of existing trees/hedges subject to pre-commencement conditions requiring a detailed landscape scheme which accurately plots existing trees and hedges to be retained and an Arboricultural Method Statement (AMS) in accordance with the recommendations of BS5837:2012. The AMS should include tree protection details in relation to both demolition works as well as construction.

Ecology

- 7.34 The NPPF, Local Plan and the emerging local plan all seek to protect and enhance the natural environment. Development proposals will not be permitted where they lead to adverse impacts on natural assets for which mitigation measures appropriate to the scale and nature of the impact cannot be achieved.
- 7.35 The applicant has carried out a Preliminary Ecological Appraisal in support of the proposal.
- 7.36 KCC Ecology were satisfied with the results of the assessment which highlighted that there was the potential for bats, breeding birds and reptiles to be present within the site, but required additional information to be submitted prior to the determination of the application. They sought a detailed bat scoping survey to be carried out and clarification that there is sufficient habitat within the surrounding area for reptiles to be pushed into.
- 7.37 The applicants have provided a Preliminary Roost Assessment which assessed the bat potential of the existing buildings to be demolished. They also provided clarification about the character of the area surrounding the site and its appropriateness as reptile habitat.
- 7.38 KCC Ecology confirm that this additional information allows them to raise no objection to the application on ecology grounds, subject to the imposition of conditions and informatives.
- 7.39 The NPPF states that *"the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and delivering net gains in biodiversity where possible."*

- 7.40 Some suggestions for gains in biodiversity are put forward in the Preliminary Ecological Assessment such as bird nesting and bat roosting boxes, as planting to encourage wildlife such as green walls. These suggestions are welcomed and considered appropriate and it is considered that a condition to secure these should be imposed.

Other Matters

- 7.41 The applicants state in their Design and Access Statement that the development seeks to achieve Code for Sustainable Homes Level 4/5. Sustainable development is a key principle of the NPPF and it is considered appropriate to secure this via a planning condition.

8.0 CONCLUSION

- 8.1 The proposed development is contrary to policy ENV28 in that it represents housing development outside a settlement boundary in the Local Plan. However in the absence of a five year supply of housing the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and policies such as ENV28 cannot form grounds to object in principle.
- 8.2 One of the core planning principles of the NPPF is to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 8.3 The application site was previously developed land which housed a dwelling and 4 commercial units. The dwelling has subsequently been destroyed by fire and the commercial units are vacant and rather dated. A valuation report has been submitted which concludes it is unlikely that there is a reasonable prospect of the site being retained in a viable employment generating use.
- 8.4 There are no highway objections subject to conditions securing necessary works, no objections from the Environment Agency. The development could be designed to ensure no harmful impact upon existing amenity and future occupants would have sufficient amenity. The ecological impacts of the development can be suitably mitigated in line with the NPPF and mitigation/enhancement would be provided on site. KCC Ecology is raising no objections, subject to the imposition of conditions.
- 8.5 I have taken into account all representations received on the application and considering the low level of harm caused by the development, in the context of an objectively assessed need for 18,600 houses, and against the current housing supply, I consider that the low adverse impacts would not significantly and demonstrably outweigh the benefits of providing much needed housing on this brownfield site in a sustainable location. This is the balancing test required under the NPPF. As such, I consider that compliance with policy within the NPPF is sufficient grounds to depart from the Local Plan. Therefore, I recommend permission is approved and that Members give delegated powers to the Head of Planning to approve the application, subject to the receipt of an appropriate S106 agreement and conditions.

9.0 RECOMMENDATION – GRANT Subject to the following conditions:

1. The development hereby permitted must be begun not later than the expiration of 3 years from the date of this permission.

Reason: In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No development shall take place until an Arboricultural Method Statement (AMS) has been submitted to, and approved in writing by, the Local Planning Authority. The AMS shall be in accordance with the recommendations of BS5837:2012 and shall include tree protection details in relation to both demolition as well as construction.

Reason: To ensure that the proposed development is satisfactorily integrated with its immediate surroundings and provides for adequate protection of trees

3. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a scheme of landscaping, 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 of maintenance. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding season following commencement of the development (or such other period as may be agreed in writing by the Local Planning Authority) and any trees or plants which within a period of 5 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 that the proposed development is satisfactorily integrated with its immediate surroundings and provides for adequate protection of trees.

4. Unless otherwise agreed, in writing by, the Local Planning Authority, development other than that required to be carried out as part of the approved scheme of remediation must not commence until conditions 5 to 8 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 8 has been complied with in relation to that contamination.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

5. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates from the site. The contents of the scheme are subject to the approval, in writing, of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval, in writing, of the Local Planning Authority. The report of the findings must include:

- (i) A survey of the extent, scale and nature of any contamination;
- (ii) An assessment of the potential risks to:
 - Human health;
 - Property (existing or proposed) including buildings and crops;
 - Livestock, pets, woodland and service lines and pipes;
 - Adjoining land;
 - Groundwater and surface water;
 - Ecological systems; and
 - Archaeological sites and ancient monuments;
- (iii) An appraisal of remedial options and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

- 6. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment must be prepared and is subject to the approval, in writing, of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

- 7. The approved remediation scheme must be carried out in strict accordance with its terms prior to the commencement of any development (other than the development required to enable the remediation process to be implemented) unless otherwise agreed, in writing, with the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report) that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can

be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

8. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

9. The applicant should be aware that the site is in a radon affected area with a 3-5% probability of elevated radon concentrations. No development shall take place until a test for radon gas has been carried out and the details of the test and results, submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

10. The proposed noise mitigation measures recommended in the Grant Acoustics Report dated 4th may 2014 shall be implemented unless any variation is agreed, in writing, with the Local Planning Authority.

Reason: In the interests of amenity.

11. The development shall not commence until, written details and samples of the materials to be used in 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

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

Reason: To ensure a satisfactory appearance to the development.

13. The development shall not commence until, details of satisfactory facilities for the storage of refuse on the site have been submitted to, and approved in writing by, the Local Planning Authority. The approved facilities shall be provided before the first occupation of the buildings hereby permitted and maintained thereafter.

Reason: In the interests of amenity.

14. The development shall not commence until a detailed scheme for the parking/turning areas is submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be completed before the commencement of the use of the 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.

15. The development hereby permitted shall be built to a minimum four star rating within the Government's 'Code for Sustainable Homes' (2006). Prior to first residential occupation of the individual residential units hereby permitted a copy of the post construction review certificate produced by the relevant assessor for that dwelling (or for the totality of the development or parts thereof) verifying that the aforementioned minimum star rating has been achieved for that residential unit shall be submitted to the Local Planning Authority.

Reason: To ensure the development takes place in an environmentally friendly way.

16. 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, in writing, by the Local Planning Authority. The first 5 metres of the access from the highway should be a bound surface. The development shall thereafter be undertaken in accordance with the subsequently approved details.

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

17. 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

18. The development shall not commence until details of foul and surface water drainage have been submitted to and approved, in writing, by the Local Planning Authority in consultation with Southern Water. The submitted details shall incorporate inter alia wildlife friendly drainage gullies and design features. The approved details and off site works shall be implemented in full prior to the first occupation of the development.

Reason: In the interests of pollution and flood prevention.

19. Prior to the commencement of any development, details shall be submitted to, and agreed in writing by, the Local Planning Authority showing the existing and proposed site levels and the finished floor level of the building(s) hereby permitted. Development shall be in strict accordance with the details agreed.

Reason: In the interest of amenity.

20. No development shall take place until a scheme for the incorporation of bird nesting boxes and swift bricks has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as agreed prior to the first occupation of the residential units hereby permitted and thereafter permanently retained.

Reason: In the interests of supporting and promoting the biodiversity interests of the site.

21. The development shall be designed taking into account the Preliminary Roost Assessment by the Ecology Consultancy, dated November 2014, and shall fulfil the recommendations specified in the report.

Reason: In the interest of supporting and promoting the biodiversity interests of the site.

22. The development shall be designed taking into account the Preliminary Ecological Appraisal by the Ecology Consultancy, dated March 2013, and shall fulfil the recommendations specified in the report.

Reason: In the interest of supporting and promoting the biodiversity interests of the site.

23. If the development hereby approved does not commence (or having commenced, is suspended for more than 12 months) within 2 years from the date of the planning consent, the approved ecological measures secured shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to identify any likely new ecological impacts that might arise from any changes.

24. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: In the interests of biodiversity protection.

25. No development shall commence until the works to the access as shown on the submitted plans have been carried out. The access shall, thereafter be retained.

Reason: In the interests of highway safety.

26. No development shall commence until a scheme for the provision of a new section of footway along the eastern side of the A274, to the south of the petrol fillings station and linking with the existing footway has been submitted to, and approved in writing by the, Local Planning Authority. This section of footway should be provided prior to the first occupation of the dwellings hereby permitted.

Reason: In the interests of amenity and pedestrian safety.

INFORMATIVES

If the probability of exceeding the Action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE 1999, 2001 and 2007). If the probability rises to 10% or more, provisions for further preventative measures are required in new houses.

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during works, 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 applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21, 2SW (0330 3030119) or www.southernwater.co.uk

Attention is drawn to Sections 60 and 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 advise to contact the Environmental Health Manager regarding noise requirements.

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

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

Vehicles may only arrive, depart, be loaded or unloaded within the general site between 0800 and 1900 hours Monday to Fridays and between 0800 and 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.

The applicant should have regard to the Environmental Services guidance document "Planning Regulations for Waste Collections" which can be obtained by contacting Environmental Services. This should ensure that the facilities for the storage and disposal of waste and recycling generated by this development, as well as the site access design and arrangements for waste collection are adequate.

All nesting birds are legally protected under the Wildlife and Countryside Act 1981 (as amended), as we recommend that all suitable habitat is removed outside of the breeding bird season (March – August inclusive). If that is not possible there is a need for an ecologist to examine the site prior to works starting and if any breeding birds are recorded all works in that area must cease until all the young have fledged.

The Bat Conservation Trusts Bats and Lighting in the UK guidance is adhered to in the lighting design.

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways to progress this aspect of the works prior to commencement on site.

REASON FOR APPROVAL

The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development is previously developed land in a sustainable location which has limited prospect of a viable employment generating use. There would be no adverse ecological, landscaping or highway impacts. Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan.

Case Officer: Annabel Hemmings

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.



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A photograph of a neglected outdoor area. In the center is a large, flat concrete slab. To the left is a grey metal building. To the right is a green chain-link fence. In the background is a weathered, light-colored building with a mossy roof. The ground is covered in grass, dirt, and debris, including blue plastic bags and wood scraps.

118



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REPORT SUMMARY

REFERENCE NO - 14/502009			
APPLICATION PROPOSAL Outline application for the erection of 40 dwellings and associated works with garages/carports, public open space, access road and pedestrian links with access to be considered at this stage and appearance, landscaping, layout and scale reserved for future consideration.			
ADDRESS Land south of Court Lodge Road, Harrietsham, Kent ME17 1AS			
RECOMMENDATION: Permission be refused			
SUMMARY OF REASONS FOR RECOMMENDATION These are set out in the conclusions section of the report			
REASON FOR REFERRAL TO COMMITTEE Contrary to adopted Maidstone Boroughwide Local Plan 2000 and emerging Maidstone Borough Local Plan but identified as possible housing site in the Harrietsham Neighbourhood Plan			
WARD	PARISH COUNCIL Harrietsham	APPLICANT Hillreed Homes AGENT Alister Hume	
DECISION DUE DATE 21/10/14	PUBLICITY EXPIRY DATE 19/9/14	OFFICER SITE VISIT DATE 4 /6/2014 & 26/9/14	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
MA/13/2124:	Outline application for 40 dwellings and associated works, etc.	Refused Appeal lodged	14/3/14 Withdrawn

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MAIN REPORT

DESCRIPTION OF SITE

1.1 The application site is a rectangular shaped piece of land currently in agricultural use. It is located to the north of the railway line beyond the defined village boundary of Harrietsham and is within an extensive area of open countryside which forms part of the North Downs Special Landscape Area, as designated by policy ENV34 of the Maidstone Borough-Wide Local Plan (2000). It is bounded on its western and northern sides by the Kent Downs Area of Outstanding Natural Beauty, and policy ENV33 refers.

1.2 Immediately to the south of the site is the Maidstone – Ashford railway line separated from the site by a mature tree belt. South of the railway line is the northern extent of the village boundary, to the west is agricultural land separated by a belt of semi-mature trees (3 in depth). To the east are the residential developments of Lake Cottage, Whistler Manor and Pilgrims Lakes, which are accessed from Church Road. The northern boundary of the site is defined by Court Lodge Road, an unadopted road with a small group of dwellings on its northern side.

1.3 The topography of the appeal site is undulating rising southwards from Court Lodge Road before falling gently towards the railway line (a drop of approximately 8m to its lowest point in the south east corner). North of Court Lodge Road the land rises steeply to the North Downs within the Kent Downs Area of Outstanding Natural Beauty to the Pilgrims Way and further north. To the south of the railway the land falls towards Harrietsham village.

1.4 There are a number of Public Rights of Way in the surrounding area which provide near and distant views of the application site. Footpath KH207A runs north-south along the western boundary of the site then west to the footbridge at Harrietsham station. A Public Bridleway runs along the unadopted Court Lodge Road along the northern boundary of the site. Footpath KH207 crosses the field to the north of Court Lodge Road and links to the North Downs Way (KH152) at Pilgrims Way, to the north of the site.

2.0 PROPOSAL

2.1 The application was submitted in outline for the erection of 40 dwellings and associated works with garages/carports, public open space, access road and pedestrian links with access to be considered at this stage and appearance, landscaping, layout and scale reserved for future consideration.

The indicative plans show the northern part of the site retained as open space with the proposed access road running through it to the residential development in the southern part of the site to the north of the railway.

2.2 The indicative layout shows a two ringed development inside and outside a looped access road. The indicated dwellings are a mix of detached and semi-detached dwellings with garaging and driveways.

2.3 When originally submitted the previous application made no provision for affordable housing and instead a commuted sum was offered. It was claimed that there were no providers interested in providing affordable housing on the site, but no supporting evidence was submitted. However, the applicant subsequently agreed to provide 40% affordable housing to comply with the Council's Affordable Housing DPD. This has been carried forward in the current application and forms part of a Draft S106 Agreement which was submitted in October 2014.

2.4 There was no indication of the level on the Code for Sustainable Homes that would be provided. However, this can be conditioned and is generally determined at design stage.

2.5 The current application relates to a similar scale and form of development and seeks to address the main objections to the application including the impact on the landscape and heritage assets, the deficiencies in the FRA, and lack of an appropriate legal agreement regarding the infrastructure contributions.

3.0 POLICY AND OTHER CONSIDERATIONS

3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

3.2 The application site is located outside the defined settlement boundary of Harrietsham, as defined in the Maidstone Boroughwide Local Plan, adopted in 2000. The adopted Local Plan confirms the location of the site in the countryside and the emerging Draft Local Plan does not propose to change the planning policy context. The appeal site is situated close to the built-up confines of the village, but is physically separated from the main built-up extent of the village by the railway line to the south and the ornamental gardens of Lake House to the east.

3.3 Representations have been received outlining that the application is in accordance with the emerging Harrietsham Neighbourhood Plan (NP). For this application site, the draft NP proposes residential development on the southern part of the site with the northern part allocated as open space. Whilst work on the NP is progressing, there are still key stages ahead including the Local Authority lead public consultation (on which discussions are currently being held), independent examination and referendum. The NP is a material consideration, however, at this stage, I do not consider it grounds in itself to allow planning permission.

3.4 The starting point for consideration is saved policy ENV28 of the adopted Maidstone Borough-wide Local Plan 2000 which states as follows:-

“In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to:

- (1) That which is reasonably necessary for the purposes of agriculture and forestry; or***
- (2) The winning of minerals; or***
- (3) Open air recreation and ancillary buildings providing operational uses only; or***
- (4) The provision of public or institutional uses for which a rural location is justified; or***
- (5) Such other exceptions as indicated by policies elsewhere in this plan.***

Proposals should include measures for habitat restoration and creation to ensure that there is no net loss of wildlife resources.”

The proposed development does not comply with any of the exceptions set out in Policy ENV28 and is therefore contrary to the development plan. The principle of the proposed development is therefore unacceptable.

3.5 It is necessary therefore to consider two main issues in relation to the current proposals. Firstly, whether there are any material considerations that would indicate that a decision which is not in accordance with the Development Plan, and secondly whether the development would cause unacceptable harm to the appearance and character of the surrounding area. These issues are discussed in more detail in the Appraisal - Section 6 below.

4.0 LOCAL REPRESENTATIONS

38 letters have been received from local residents objecting to the application for the following reasons:

- Many of the objections to the previous application apply to the current proposal.
- Additional vehicle movements in Court Lodge Road via Church Road and A20

- Present road system cannot be upgraded to accommodate additional traffic
- Unacceptable impact on AONB, SLA and setting of lake and listed buildings
- Significant harm to character and appearance of the landscape
- Contrary to Local Plan policies ENV33 and ENV34
- Opposition to allocation of this site in Neighbourhood Plan – claimed that it does not reflect the views of the community as a whole.
- Proposed east-west pedestrian access would be unsuitable and unsafe
- Loss of good quality agricultural land (Grade 2)
- Loss of amenities to surrounding properties – privacy, outlook, disturbance, etc.
- Increased risk of flooding due to additional surface water runoff from proposed development.

5.0 CONSULTATIONS

5.1 Parish Council:

Object on the following grounds:

'Harrietsham Parish Council wish to see the above application refused on the following grounds:

1. Housing

We would like to see a reference and commitment to an affordable dwellings element.

2. Highways

More detail is required on “passing points” on Court Lodge Road and we would wish to see more surveys conducted at the Church Road and A20 junction.

3. Impact on the adjacent Area of Outstanding Natural Beauty

Harrietsham Parish Council is concerned about possible impact and would expect to see evidence of improved mitigation.

4. Urban nature of the design

The site has the beauty spot / nature reserve of Pilgrims Lakes on one side and the AONB on two other sides. Any development here should be sympathetic to this and reflect the high quality picturesque rural environment.

5. Service Provision

Harrietsham is designated as a Rural Service Centre. The Parish Council therefore asserts that it must be a condition for any significant development within the village that provision is made to link all properties to a public foul sewer and to public surface water sewerage.

Currently as per the Site Utilities Appraisal Report, Southern Water confirms that the public infrastructure to allow this does not currently exist. The application is therefore premature.

Alternative local foul sewer management is we feel inappropriate for this site. Any proposed development of this scale should include a link to the public foul sewer.

We have concerns on the mitigation of excess water and its impact on the Pilgrim Lakes (a local nature reserve) or the exit stream that crosses the centre of the village at West Street and the allotments.

The Church Road foul sewer still requires emergency intervention by Southern Water periodically. We would certainly concur that it is already at its effective capacity. There are also long term issues in the Church Lane Area with surface water blockages. The stream to West Street requires constant attention to prevent it causing localised flooding.

Therefore Harrietsham Parish Council asserts alternative access to the public surface water sewage system should be provided.

6. Provision for Community Infrastructure
Should permission be granted then Harrietsham Parish Council would require the following contributions under section 106 agreements:-
 - a) The public space comprising of the 2.5 hectares at the Northern portion of the site should be transferred to the ownership of Harrietsham Parish Council.
 - a. A financial contribution to cover the conversion from agricultural land to community usage. The Parish Council would seek public consultation an appropriate usage.
 - b. A financial contribution towards the on-going maintenance of the community area.
 - b) A financial contribution towards the on-going maintenance of the adjacent Pilgrims Lake and nature reserve.
 - c) Contributions towards the highways improvement project planned for the A20 through the village, including the redesigning of the West Street junction by the village green.
 - d) Improvements to the rural footpath from the site to the station. After rain it is impassable without boots.
 - e) Contribution towards the provision of a disabled lift for the footbridge at Harrietsham Station.
 - f) Contributions towards improving the rural footpath that run or could be added at the boundaries to the site.
 - g) Contribution towards improvements to the Harrietsham Doctors Surgery in Church Road.
 - h) Contribution towards improvements to the Harrietsham Village Hall in Church Road.
 - i) Contribution towards the maintenance of the newly established nature reserve of Teers Meadow.
 - j) Contribution towards the provision of public recreational and sporting facilities in Harrietsham
 - k) Contribution towards the provision of youth facilities in Harrietsham

7. Archaeology

Local information on the prehistoric circular enclosure (4.4.5 of desk top study) from Kent Archaeological Field School presentations to Harrietsham History Society and Lenham Archaeological Society is likely to be of National significance. The Harrietsham Henge at 50m in diameter is larger than Stone Henge and in active use for festivals over a much longer period.

Preliminary dating, suggest it dates back to 2500BC and was in use for 2000 years so we would expect to see a planning condition in place allowing appropriate time to extract and document any site findings.

8. Footpaths Cycle ways

The provision of footpaths and cycle ways on and adjacent to the site requires further consultation

9. Application is premature and inconsistent with the process of the emerging Harrietsham Neighbourhood Plan currently deposited with Maidstone Borough Council Regulation 16 Consultations

The Community of Harrietsham has made considerable investment of time, money and resources into the Neighbourhood Planning process. This attempts to provide a total village view of proposed developments and community infrastructure and to integrate them. It is long term and covers the position out to 2031.

This application considers just a single site without a total reference to the infrastructure requirements that are integral to the Neighbourhood Planning Process. Harrietsham Parish Council therefore considers this application to be flawed and premature and that it may be seen to subvert the Neighbourhood Planning process for short-term developer gain.

Harrietsham Parish Council seeks support for the integrity of the Neighbourhood Plan. This should be allowed to complete its legal and democratic process as deposited with Maidstone Borough Council in its current standing for Regulation 16 Public Consultation prior to referendum. Therefore, we believe that Outline Planning Permission is inappropriate at this stage of the NHP process.'

5.2 Kent Downs AONB Unit

The AONB remain concerned about the following:

“Pressures on the adjoining AONB

The KDAONB made a request for Conditions and Clauses in a Section 106 which would ensure the conservation and enhancement of the adjoining AONB through management and maintenance of a proportion of the neighbouring PRow network and their gates, stiles, surfaces and boundaries. This would need to be initially funded by a contribution from the developer but with a mechanism for funding this in perpetuity. (Due to the fact that the PRow are likely to be outside the control of the applicant and will need consultation and agreement with neighbouring owners, the work needed and mechanism for both the initial funding and work, and the contribution to funding in perpetuity would need to be agreed through legal agreement. The mechanisms for contributions to long term funding through service charges to a management body for the estate or through Parish Precept etc. also needs to be addressed legally.) This is required to ensure that increased usage of the PRow does not challenge the conservation of the AONB in both the short and the long term.

These requests have not been addressed in the Section 106 nor have they been addressed in Mr. Hume's latest email. No mention is made of the network accessing and within the AONB (which have connection with the North Downs LDR) or the increased usage of Bridleway KH289 (Court Lodge Road).

The future ownership of the area designated as POS

Despite Mr. Hume's assurances in his email the handing over of the area identified for POS to the Parish is not covered in the Section 106 and is vital to the amelioration of the impact on the AONB.

Green infrastructure THROUGH the site

Large trees within built development from the perspective of views over and across the site are vital to ameliorate the impact of built form. We raised these issues of green infrastructure in relation to design in our original comments on both this and the previous application. No street trees are indicated in this layout. There is no biodiversity connectivity either. (Trees in private gardens if conditioned can help but are not sufficient and often removed by owners.) Mr Hume has indicated that further discussion is needed to address these points. This is however a matter for the applicant's landscape design team and plans need to be drawn up for comment and as part of the outline application. Areas set aside within the development for GI will impact on the final design of the detailed application, as will any necessary SUDS. These are all needed at the Outline stage to determine the number of dwellings the area can support within the mitigation required.

Lighting

More information on the lighting of the development is required. The KDAONB have indicated that lighting of the development is unnecessary. A condition would be needed to ensure that the development is unlit in perpetuity, that neither street or private lighting is provided in the development. Conditions restricting any future private lighting should restrict it to low level, heat sensitive and located close to front doors only. Installation should be subject of the written approval of the LPA. Ideally the KDAONB would wish there to be a moratorium on all exterior lighting.

KCC have indicated that they do not wish KH207A to be lit and the KDAONB support this view. It will increase the suburbanisation of this area and increase light pollution. There would also be an issue of who would maintain the lighting. Poorly maintained lighting can be even more intrusive.

Court Lodge Farm Road

The details provided for the treatment of Court Lodge Farm Road do not reflect the KDAONB Streets and Lanes Guidance (which is adopted by KCC) the plans show that kerbing will be provided which will alter the character of this lane.

Unless these issues and the others raised in our original consultation responses can be addressed through either legal agreement or conditions the Kent Downs AONB Unit maintain objection to the application since it will:

- challenge the conservation and enhancement of the Kent Downs AONB in this vicinity through the loss of tranquillity
- challenge the quality of the views out from the AONB scarp
- challenge the conservation and enhancement of the landscape of the AONB through increased usage of the PRoW network and impact of trespass on the AONB
- challenge the character and quality of the Court Lodge Road/bridleway which is on the boundary of the AONB."

5.3 KCC Highways: comments dated 3/12/14:

"I have received further information from the applicant regarding the pedestrian connections between the site and the village. My previous concern was that the new homes, if permitted, must be linked to the railway station (and hence the centre of the village) and to the village hall/medical centre by routes that had a bound surface and would be lit. If these were not to be provided, I would consider that the existing pedestrian access would be inadequate.

The additional information supplied has identified discussions between the applicant and the KCC Public Rights of Way Team over the potential for enhancement..

My understanding is that the applicant now proposes :-

a)The applicant will apply for the route from the station to become part of a public bridleway. Thereby KCC would take over the maintenance of the surface, which would be bound and three metres wide where possible.. The route would be equipped with motion-sensitive bollard lighting- ie the lights would be activated by pedestrians passing rather than be permanently lit in order to minimise the impact on the woodland environment. KCC would not maintain this lighting, so that improvements and maintenance of the route would have to be secured by S106.

b)The remainder of PROW KH207A up to its junction with Court Lodge Road would also be made up to a bound surface of three metre width where possible, but not lit.

c) The Woodland Walk to Church Road would also be provided with a bound surface and bollard lighting. The applicant would ensure that this route would be maintained. I understand that this is acceptable to the Parish Council (who own this area, through which the permissive path passes).

d)Court Lodge Road itself would be remain generally at 4.1 metres width, with a passing bay provided to allow the large farm vehicles to pass other traffic. It would not be equipped with street lighting, and the kerbs would be replaced with timber sleepers.

Overall, I consider that the acceptability of the pedestrian routes is the key to the sustainability of the site in transport terms. The two routes identified, that to the railway station and through the Parish Council's Woodland Walk, would both make connections to destinations within the village, and so allow the opportunity to make local trips without using cars. Ideally, both routes would have a properly bound surface, be three metres wide where possible (to allow shared use with cyclists) , and be provided with street lighting in the form of conventional columns. This would provide the maximum level of convenience and security for pedestrians using what are currently isolated areas of woodland.

However, I recognise the environmental perspective that full standard footpaths, particularly the lighting associated with them, would have an impact on the environment and natural habitat of the woodlands. KCC does not normally light Public Rights of Way, and this site is particularly sensitive in AONB and landscape terms - although the construction of the 40 homes in itself would change the landscape irrevocably. My instinct is that the lower level of lighting - motion-sensitive bollards - would be reasonable for the Woodland Walk section to the village hall, provided that their maintenance could be guaranteed in perpetuity through condition or obligation. I consider that the route to the railway station, and subsequently to the village centre should be the subject of further consideration

In summary, I would not wish to maintain an objection to the development, but if Members are minded to permit the application, the standard of lighting the pedestrian route should be revisited. Low level motion-activated bollards would have an amenity value, but would be much more susceptible to vandalism, even with a planning obligation for long term maintenance in place.

5.4 KCC Economic Development:

“The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests:

1. Necessary,
2. Related to the development, and
3. Reasonably related in scale and kind

These tests have been duly applied in the context of this planning application and give rise to the following specific requirements (the evidence supporting these requirements is set out in the attached Appendices).

Request Summary applicable House		Per	Total (x40)
Primary Education <i>(extension of Harrietsham Primary)</i>		£2360.96	£94,438.40
Secondary Education		No Current requirement	
Per Dwelling (x40)		Total	
Community Learning	£30.70	£1227.86	
Youth Service	£8.44	£337.69	
Libraries	£144.66	£5786.53	
Adult Social Care	£63.56	£2542.40	
<i>Highways Kent Highway services will respond separately</i>			

Please note that these figures are valid for 3 months from the date of this letter after which they may need to be recalculated due to changes in district council housing trajectories, on-going planning applications, changes in capacities and forecast rolls, and build costs.

Primary Education

The proposal gives rise to additional primary school pupils during occupation of this development. This need, cumulatively with other new developments in the vicinity, can only be met through the expansion of Harrietsham Primary School as the forecast primary pupil product in the locality results in the maximum capacity of local primary schools being exceeded.

This proposal has been assessed in accordance with the KCC Development Contributions Guide methodology of 'first come, first served' assessment; having regard to the indigenous pupils, overlain by the pupil generation impact of this and concurrent new residential developments on the locality.

The County Council requires a financial contribution towards extension of Harrietsham Primary school at £2360.96 per applicable house; 'applicable' means: all dwellings except 1 bed of less than 56sqm GIA, and sheltered accommodation.

Please note this process will be kept under review and may be subject to change (including possible locational change) as the Local Education Authority has to ensure provision of sufficient pupil spaces at an appropriate time and location to meet its statutory obligation

under the Education Act 1996 and as the Strategic Commissioner of Education provision in the County under the Education Act 2011.

KCC will commission additional pupil places required to mitigate the forecast impact of new residential development on local education infrastructure generally in accordance with its Commissioning Plan for Education Provision 2013-18 and Delivering Bold Steps for Kent - Education, Learning and Skills Vision and Priorities for Improvement, Dec 2013.

Community Learning

There is an assessed shortfall in provision for this service: the current adult participation in the District in both Centres and Outreach facilities is in excess of current service capacity, as shown in Appendix 2, along with cost of mitigation.

The County Council will mitigate this impact through the provision of new/expanded facilities and services both through dedicated Adult Education centres and through outreach Community learning facilities local to the development.

The projects will be delivered as the monies are received and to accord with the LPA's Infrastructure Delivery Plan (where applicable).

The County Council therefore requests £30.70 per household to address the direct impact of this development.

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Youth Services

The service caters for young people from 11 to 25 years though the prime focus is on hard to reach 13 to 19 year olds. The service is provided on a hub and spoke service delivery model. The hub offers the full range of services whilst spokes provide outreach provision. Outreach provision can take a number of forms, including detached youth workers, mobile services, affiliated voluntary and community groups etc.

Forecasts indicate that there is sufficient capacity within the Outreach service to accommodate the increased demand generated through the development, therefore KCC will only seek to provide increased centre based youth services in the local area.

The County Council therefore requests £8.44 per household.

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Libraries and Archives

There is an assessed shortfall in provision (Appendix 2) : overall borrower numbers in the local area are in excess of area service capacity, and bookstock for Maidstone Borough at 1339 per 1000 population is below the County average of 1349 and both the England and total UK figures of 1510 and 1605 respectively.

The County Council will mitigate this impact through the provision of additional bookstock and services at local Libraries serving the development (including mobiles) and will be delivered as and when the monies are received and will accord with the LPA's Infrastructure Delivery Plan (where applicable).

The County Council therefore requests £144.66 per household to address the direct impact of this development.

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Social Care

Facilities for Kent Family & Social Care (FSC) (older people, and also adults with Learning or Physical Disabilities) are fully allocated. The proposed development will result in a demand upon social services which FSC are under a statutory obligation to meet but will have no capacity or additional funding to do so. The proportionate cost of providing additional services for this proposed development is set out in Appendix 3.

The County Council will mitigate this impact through the provision of new/expanded facilities and services both on site and local to the development.

The mitigation will comprise the following projects:

Project 1: Building Community Capacity: Capital improvement works enhancing/adapting existing community facilities to enable the additional social care clients arising (Older Persons, and also clients with Physical Disabilities and Learning Difficulties) to participate in community life, (activities and groups), and remain active.

Project 2: Assistive Technology (also referred to as Telecare): installation of technology items in homes on this development (including: pendants, fall sensors, alarms, etc.) to enable existing & future clients to live as independently and secure as possible in their own homes on this site.

These projects will be delivered once the moneys are collected except where the implementation of the proposed project(s) relies upon pooled funds, then the project will commence as soon as practicable once the funding target has been reached.

The County Council therefore requests £63.56 per household.

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Superfast Fibre Optic Broadband

To provide: 'fibre to the premise' (Superfast fibre optic broadband) to all buildings (residential, commercial, community etc) of adequate capacity (internal min speed of 100mb to each building) for current and future use of the buildings.

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Implementation

The County Council is of the view that the above contributions comply with the provisions of regulation 122 of the CIL Regulations and are necessary to mitigate the impacts of the proposal on the provision of those services for which the County Council has a statutory obligation. Accordingly, it is requested that the Local Planning Authority seek a Section 106 obligation with the developer/interested parties prior to the grant of planning permission. The obligation should also include provision for the reimbursement of the County Council's legal costs, surveyors' fees and expenses incurred in completing the Agreement.

Would you please confirm when this application will be considered and provide us with a draft copy of the Committee report prior to it being made publicly available. If you do not consider the contributions requested to be fair, reasonable and compliant with CIL Regulations, Regulation 122, it is requested that you notify us immediately and allow us at least 10 working days to provide such additional supplementary information as may be necessary to assist your decision making process in advance of the Committee report being prepared and the application being determined.

5.5 Environment Agency:

"We have no objection to the proposal based on the drainage strategy described in section 7.4 of the Flood Risk Assessment issue 3 prepared by Herrington Consulting, dated 16 June 2014.

We do however recommend the following as a condition of planning:

Condition: Development shall not begin until a sustainable surface water drainage

scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

We strongly recommend this condition be considered prior to or in conjunction with, approval of road and housing layout to ensure the optimum space can be allocated for storage and conveyance of storm runoff using sustainable drainage techniques.”

6 APPRAISAL

The main planning issues are considered to be whether the proposed development is acceptable in planning policy terms, its visual impact, whether the site can suitably accommodate 40 houses, the heritage impact, access/highway safety, ecology, and drainage.

6.1 Policy Considerations

6.1.1 It is necessary to consider two main issues in relation to the current application. Firstly, whether there are any material considerations that would support a decision which is not in accordance with the Development Plan, and secondly whether the development would cause unacceptable harm to the appearance and character of the surrounding area.

6.1.2 The National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should;

‘identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;’

6.1.3 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge and Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the Borough for the 20 year period of the emerging Local Plan (2011-31). The SHMA (January 2014) found that there is the “objectively assessed need for some 19,600 additional new homes over this period which was agreed by Cabinet in January 2014. Following the publication of updated population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014.

6.1.4 Most recently calculated (April 2013), the Council had a 2.2 year supply of housing assessed against the objectively assessed housing need of 19,600 dwellings. Taking into account housing permissions granted since April 2013 and the lower need figure, this position will have changed very marginally and would still remain well below the five year target.

Following the publication of updated population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014.

6.1.5 In April 2013 the Council had a 2 year supply of housing assessed against the objectively assessed housing need of 18,600 dwellings, which is the figure against which the supply must be assessed. Taking into account housing permissions granted since that date, this position is unlikely to have changed significantly and remains below the 5 year target.

6.1.6 The lack of a five year supply is a significant factor and at paragraph 49 of the NPPF it is stated that:

“Housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if a five year supply cannot be demonstrated. The presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.”

6.1.7 In terms of the location of the site, the NPPF advises that when planning for development i.e. through the Local Plan process, the focus should be on existing service centres and on land within or adjoining existing settlements. Harrietsham is a defined rural service centre (RSC), which outside of the town centre and urban areas, are considered the most sustainable settlements in Maidstone's settlement hierarchy in the draft Local Plan.

6.1.8 The draft Maidstone Local Plan states that,

“Rural service centres play a key part in the economic and social fabric of the borough and contribute towards its character and built form. They act as a focal point for trade and services by providing a concentration of public transport networks, employment opportunities and community facilities that minimise car journeys.”

Harrietsham offers a range of facilities and services including a shop, pubs, primary school, doctor's surgery and railway station and a sizeable level of employment.

6.1.9 In the light of the situation regarding the five year housing supply, it is acknowledged that bringing forward development on this site adjacent to a rural service centre would assist in meeting the shortfall in housing supply which is a material consideration in favour of the proposed development.

6.1.10 For the above reasons, although the policy principle of residential development may be acceptable in the context of Policy ENV28 alone should not be used as a principle objection to this residential development. The key issue is whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.

6.2 Visual and Landscape Impact

6.2.1 The location of the site on the edge of the village within the North Downs SLA and adjoining the Kent Downs Area of Outstanding Natural Beauty are material considerations of significant weight. The AONB is a national designation and recognises the value of the North Downs as landscape of national importance. Although the site adjoins the AONB boundary there is no discernible difference in character and appearance between the open countryside to the west of the application site which is within the AONB and the site itself, other than its

more open character and the lack of trees and hedges. The application site forms part of this wider tract of open countryside and is considered to be of equal landscape value.

6.2.2 The site is within the North Downs Special Landscape Area. Within the context of saved policy ENV34 of the adopted Maidstone Borough-Wide Local Plan (2000) priority is given to the landscape over other planning considerations.

6.2.3 There are many public vantage points from which the site can be seen in particular from the footpath that runs along the western boundary of the site and from Court Lodge Road itself. These are generally short range views and there would be a considerable change in the character of the site that would be visually harmful. Short range views are to be expected when developing a greenfield site for housing and in certain circumstances may generally be considered acceptable.

6.2.4 However, due the characteristics of the surrounding countryside, particularly to the north and west, the site is visible from longer distances. There are a number of vantage points in the surrounding area which offer views of the site, particularly from the footpath to the west, from Court Lodge Road and from the North Downs Way.

6.2.5 The site is clearly visible from footpath KH207 which is within the Kent Downs AONB, which is approximately 25m higher than the appeal site. The path is approximately 400m from the northern boundary of the site and approximately 600m from the edge of the indicated position of the proposed housing.

6.2.6 In addition, there are views of the site from the Pilgrims Way to the north which forms part of the North Downs Way, a long distance footpath designated as a National Trail which runs the entire length of the North Downs from Winchester to Dover. There is general concern that views of the development from the surrounding footpath network, including from within the AONB, would materially change the rural character and appearance of the area.

6.2.7 There are other public footpaths in the vicinity of the site which also provide views of the site. The footpath which runs along the western boundary of the site from Court Lodge Road to the station is only 10m from the site boundary. The belt of trees along the western boundary is relatively immature and offers frequent views of the site, particularly during the winter when the trees are not in leaf.

6.2.8 The future change is even more marked as Harrietsham village itself is not visible from these vantage points. The group of trees between the site and the railway line provides some degree of screening but the commercial buildings immediately to the south of the railway line are visible from the North Downs. However, this screening combined with the fact that the development within the village is approximately 10m lower than the site, means that most of the built up area of the village is not visible when viewed from within the AONB. Due to the presence of the railway and the mature woodland to the east the proposed development would be physically separate and appear somewhat disjointed from the existing built up area of Harrietsham.

6.2.9 The Landscape Character Assessment (LCA) identifies this area as being in good condition with high sensitivity. The development of this site would not conform with the guidance contained in the LCA as confirmed by the Council's Landscape Officer.

6.2.10 Overall, it is concluded that the development of this site would result in material harm to the intrinsic beauty of the surrounding landscape and would fail to comply with the landscape designation policies of the Maidstone Borough-Wide Local Plan (2000). The local and national importance of the landscape and the extensive network of local footpaths within

the Kent Downs Area of Outstanding Natural Beauty which afford views of the site indicate that the proposed development of this site would have an unacceptable visual impact.

6.3. Impact on Heritage Assets

6.3.1 To the west of the site is an ornamental lake and two listed buildings, Lake Cottage (Grade II) and the former boathouse/ gazebo (Grade II*). The two listed buildings lie within extensive grounds which were formerly associated with Stede Hill. The ornamental lakes and grounds are of at least 18th century origin, although the lakes may have been constructed as medieval fishponds. The proposed development would be in close proximity to the eastern boundary and within approx. 60m of Lake Cottage and the boathouse/gazebo. Notwithstanding the presence of a mature tree screen within the curtilage of the listed buildings it is considered that their proximity to the proposed development would adversely affect their setting, as confirmed by the Conservation Officer.

6.3.2 The Conservation Officer considers that the development would have an adverse impact on the setting of the listed buildings:

"I initially objected to the inclusion of this site as a potential housing site under the SHLAA exercise, when I pointed out that development was likely to impinge on the secluded settings of two listed buildings, Lake Cottage and the Grade II boathouse/ gazebo. These are set within ornamental grounds with lakes which were formerly associated with Stede Court which lies some distance away on the top of the North Downs escarpment. These ornamental grounds date from at least the early 18th century, but it is possible that they may have been created around pre-existing fishponds or millponds.*

Hasted, writing in the 1790s, in his History and Topographical Survey of the County of Kent, notes in his introductory paragraph to Harrietsham that:

"On the summit of the hill here called Stede Hill, is Harrietsham Place, having a beautiful and extensive prospect over the country southward. At a small distance below the foot of the hill stands the church, with the parsonage close to it, and about a quarter of a mile further ...is Harrietsham Street, near which there is a pleasure ground, belonging to Harrietsham Place, in which there is a summer house, shrubbery and plantation, with a large sheet of water and several cascades..."

The summer house mentioned is presumably the Grade II boathouse/ gazebo. Harrietsham Place was later renamed Stede Court.*

In my view these former pleasure grounds should be considered as a non-designated heritage asset. They are important both in their own right and for their essential contribution to the character of the setting of the two listed buildings. The whole complex derives much of its essential character from its quiet and secluded nature, despite the slight erosion of the pleasure grounds by the development of Pilgrims Lakes in the early 1990s – development of this site had been previously resisted but permission was granted in 1989 for a smaller development on the back of a Legal Agreement which secured the restoration of the derelict boathouse/ gazebo and the transfer of the southern part of the site into the ownership of the Parish Council for public open space purposes. An earlier housing development (Lakelands) which borders the ornamental grounds to the south had already been developed in the mid-1960s.

Although these developments have somewhat eroded the original entirely rural setting of the pleasure grounds, this setting remains intact to the west of them. This is the site it is now proposed to develop.

Development of the site would inevitably have some impact on the setting of the heritage assets by reason of the loss of rural context. However, I accept that the level of harm would be relatively slight, particularly given the dense screening which exists on the boundary between the two sites and the inclusion of a substantial area of public open space at the north end of the application site. The illustrative layout has also been amended to ameliorate any possible visual intrusion caused by the new housing when viewed from the current public open space around the lakes. Development would, however, result in a level of noise and activity which could impinge upon the quiet enjoyment of this public open space.

In conclusion, therefore, I consider that the proposal has the potential to cause some limited degree of harm to the significance of adjacent heritage assets; this would be less than substantial and therefore needs to be balanced against any public benefit which the proposed development might provide.

Recommendation:

- *I OBJECT to this application on heritage grounds for reasons as detailed above.”*

6.3.4 Since the previous application was refused the applicant has made efforts to reduce the impact of the proposed development on the setting of the heritage assets to the east as part of the current application by proposing additional planting to reinforce the landscape screening along the eastern boundary and to the north of the development adjacent to the open space. Although this would assist in mitigating the visual impact viewed from the surrounding countryside it would not be sufficient to effectively screen the development from Court Lodge Road and the network of footpaths to the north and west.

6.3.5 Further planting is proposed in an effort to mitigate the impact on the setting of the listed buildings to the east. Although the additional planting would strengthen the existing vegetation screen along the eastern boundary the physical separation distance between the proposed residential development and the heritage assets would be the same. It is concluded that the screening effect would not be insufficient unless the development was moved further away from the eastern boundary.

6.4 Highways and Sustainability

6.4.1 The proposal would involve a new access being created from Court Lodge Road into the development. The existing frontage is open in character with very little natural screening and affording extensive views into the site. The proposed access would increase this openness and cause some visual harm which would exacerbate the harm identified above being further engineering works across the northern part of the application site. However, purely from a highway safety aspect there would be no issues with the design and layout of the proposed access.

6.4.2 Court Lodge Road is a straight stretch of road that would be upgraded as part of the proposed development to an adoptable standard. The visibility and use of road with farm traffic would be acceptable.

6.5.3 The site is close to the railway station at Harrietsham and there is an existing footpath linking the station to the footpath adjacent to the western boundary of the site. However, this footpath does not at present provide an attractive route as it is dark, poorly surfaced and liable to flooding. Improvements are proposed to these pedestrian links, including resurfacing and lighting of the section between the application site to the station to increase their attractiveness as alternatives to driving. However, there are no firm details at this stage and

there are concerns that any improvements to the lighting of the footpath or alterations to the surfacing could cause additional harm to the character and appearance of the area.

6.5 Ecology

6.5.1 A phase one habitat survey has been undertaken and this identified the requirement for further reptile and bat surveys which have also been undertaken. All surveys undertaken are to an acceptable standard and the Council's ecological advisors at Kent County Council raise no objections on ecological grounds.

6.5.2 In the event of an approval conditions are recommended in relation to ecological mitigation method statement, sensitive lighting strategy and ecological design.

6.6 Flood Risk

6.6.1 In relation to flooding a Flood Risk Assessment (FRA) was submitted in support of the application. However, following consultation the Environment Agency recommended refusal of the application. There was concern that the FRA submitted with the application did not comply with the requirements set out in paragraph 9 of the Technical Guide to the National Planning Policy Framework.

6.6.2 The FRA submitted with the first application did not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development and this formed the basis of the third reason for refusal.

In particular, the submitted FRA failed to:

- 1. Consider how appropriate SuDS can be integrated within the proposals in the event that soakage potential within the site is inadequate*
- 2. Provide evidence that soakage rates are suitable for the implementation of a SuDs strategy reliant on the infiltration capacity given that there are no other viable discharge points for site run-off.*
- 3. Following confirmation on soakage rates consider the need for making space available within the masterplan for other forms of SuDs features within the site*
- 4. Consider overland flow routes from rural land to the north of the site, and where appropriate, integrate interception cut-off ditches along the relevant site boundaries.*

This deficiency has been addressed in the current application and the EA have confirmed they have no objections subject to a safeguarding condition that Development shall not begin until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority.

6.6.3 Southern Water stated that there is currently inadequate capacity in the local network to provide foul sewage to service the proposed development. Additional off site sewers or improvements to existing sewers are required to provide adequate capacity. As a solution, Southern Water seek a legal mechanism under the Water Industry Act 1991 to ensure adequate provision for sewage disposal for the proposed development.

7. Draft S106 Agreement

7.1 A development of this scale would place extra demands on local services and facilities and it is important to ensure that, if permitted, the development can be assimilated within the local community. As such, suitable infrastructure contributions to make the development

acceptable in planning terms may be sought in line with policy CF1 of the Local Plan and the Council's Open Space DPD.

7.2 However, any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criteria that any obligation must meet the following requirements: -

- (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*

7.3 No draft legal agreement was submitted with the previous application and this formed the basis of the final reason for refusal. A draft S106 Agreement was submitted in October 2014 in support of the current application. The following provisions and contributions have been requested by KCC as a result of additional demand from the development:-

Heads of Terms

- 40% affordable housing.
- £45,540 towards extension, refurbishment and/or upgrade in order to provide the required capacity at the Glebe practice and/or the Len Valley Medical Centre.
- £2360.96 per dwelling towards the expansion of Harrietsham Primary school, a total of £94,438.40.
- £30.70 per dwelling towards community learning through the provision and improvements to adult education centres. A total of £1227.87.
- There is adequate provision of Outreach facilities so a contribution of £8.44 per dwelling towards increased centre based youth facilities.
- £122.01 per dwelling towards additional bookstock and services at local libraries. A total of £4880.47.
- £15.95 per dwelling towards social care for an assistive technology project and the enhancement of local community facilities. A total of £638.
- There should be the provision of broadband facilities to each dwelling.

7.4 Affordable Housing It is considered that the requested affordable housing provision and contributions are appropriate in this case - The provision of affordable housing would be in accordance with the Council's adopted DPD requiring 40% affordable housing. The first application as originally submitted did not include any affordable housing but negotiations subsequently secured the required 40% affordable housing and this has been confirmed in the current application. No details of the affordable housing including design, location, layout, etc. have been provided at this stage and will be dealt with as reserved matters.

7.5 Open Space - With regard to public open space and the Council's adopted DPD, the northern part of the site is shown on the indicative plan as being set aside for open space following discussions between the applicant and the Parish Council. Further details would be required at the reserved matters stage to show how the open space will be laid out and managed.

7.6 Healthcare - The contributions are sought in order to deliver the extension, refurbishment and/or upgrade in order to provide the required capacity at the Glebe practice and/or the Len Valley Medical Centre. It is considered that this is directly related to the proposed new housing, necessary and reasonable and therefore accords with policy CF1 and passes the CIL tests.

7.7 Education. KCC has requested a contribution towards extension of Harrietsham Primary school. Evidence has been submitted that the schools in the vicinity are nearing capacity and that the projections over the next few years, taking into account this development and those permitted, show that capacity would be exceeded. The requested contribution for school expansion complies with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the three tests above.

7.8 Community Facilities A community learning contribution is sought towards new/expanded facilities and services for adult education centres and outreach community learning facilities. This complies with policy CF1 and the three tests as set out above.

7.9 Youth Services - A contribution towards local youth services is sought as the current youth participation is in excess of current service capacity. I consider that this request is justified, compliant with policy CF1 and the three tests as set out above.

7.10 Libraries - KCC have identified that there would be an additional requirement for bookstock at local libraries on the basis that the development would result in additional active borrowers and therefore seek a contribution. I consider this request to be compliant with policy CF1 and to meet the tests set out above.

7.11 Social services - A contribution towards adult social services to be used towards provision of 'Telecare' and enhancement of local community facilities to ensure full DDA compliant access to clients. 'Telecare' provides electronic and other resources to aid independence including falls, flooding or wandering alarms, secure key boxes and lifeline. I consider that this request is justified, compliant with policy CF1 and meets the three tests as set out above.

8 CONCLUSION.

8.1 The site is situated to the north-west of the present built up extent of Harrietsham village, which has a range of facilities. However, the site is located beyond the confines of the village and within the countryside where applications for residential development are generally resisted. It is accepted that the current lack of a five year land supply for housing weighs in favour of releasing this site for development. However this issue is currently being addressed in the preparation of the Regulation 18 Maidstone Local Plan.

8.2 The site is bounded on two sides by the Kent Downs Area of Outstanding Natural Beauty and is within the North Downs Special Landscape Area. The development of this site would not assimilate into the village as the railway line to the south and mature tree belt to the east act as a significant visual break to such an extent that the views from footpaths to the north would see this site in isolation and not in the context of the village. The land to the north and east is significantly more open in character and appearance and affords view of the site from many public vantage points.

8.3 The development of this site would be harmful to the heritage assets to the east, including the Grade II* listed boathouse and Lake Cottage. The listed buildings are situated within attractive ornamental grounds laid out with ponds which were formerly associated with Stede Hill to the north. These ponds and grounds date from the 18th century but may have originated as medieval fishponds. Development of this site would adversely affect the secluded setting of these listed buildings and the ornamental grounds.

8.4 There are a number of requests that have been made as a result of consultations and in accordance with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the Council's DPD on affordable housing. The proposed affordable housing provision and

various community contributions are considered to be appropriate and form part of the submitted Section 106 legal agreement.

8.5 Overall, whilst the lack of a five year supply of housing is a material consideration it is considered that the impact on the landscape and heritage assets are material considerations of greater weight to the extent that permission should be refused.

Recommendation

Permission be refused for the following reasons:

1. The development of this prominent greenfield site which lies outside the built up extent of Harrietsham would result in significant harm to the character, appearance and landscape beauty of the surrounding area which is designated as being within the North Downs Special Landscape Area and adjoining the Kent Downs Area of Outstanding Natural Beauty, from which distant and local views of the site are available, contrary to policies ENV33 and ENV34 of the Maidstone Borough-Wide Local Plan (2000) and paragraph 109 of the National Planning Policy Framework.

2. The development would materially harm the secluded setting of two listed buildings, the former boathouse/gazebo (Grade II*) and Lake Cottage, and adversely affect the tranquil setting of their ornamental grounds contrary to paragraph 132 of the National Planning Policy Framework.

Note:

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Case Officer : Tim Bloomfield

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.



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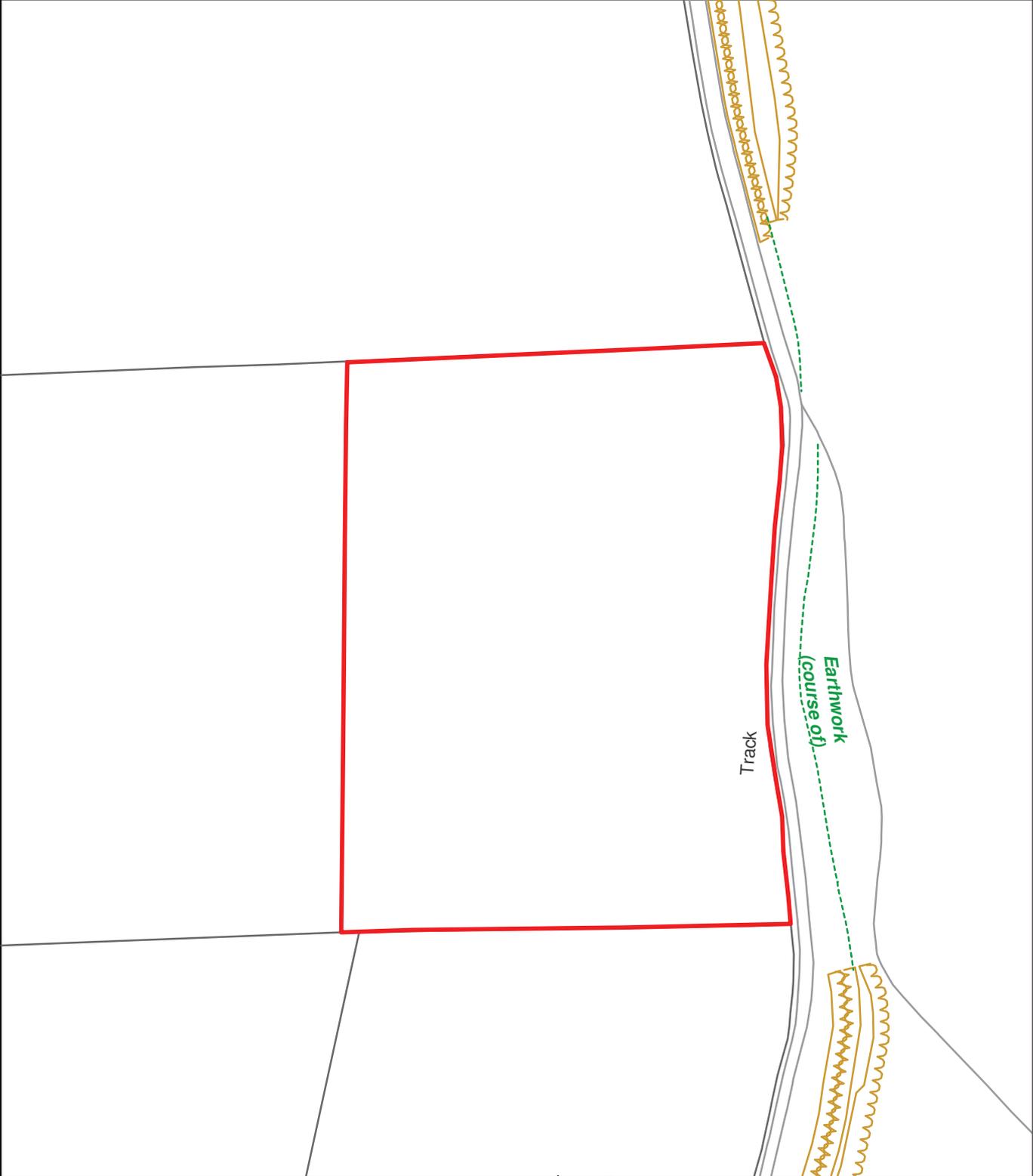


154

THE MAIDSTONE BOROUGH COUNCIL

The Orchards Snowey Track
Off Park Lane
Boughton Monchelsea
Kent, ME17 4JJ

MBC Ref: 14/502411



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 14/502411/AMRCON			
APPLICATION PROPOSAL Variation of condition 3 of MA/11/0744 to allow the removal of amenity block and the siting of additional 2 mobile homes on plot 3 with a total of 6 mobiles for the plot.			
ADDRESS The Orchards Snowey Track Off Park Lane Boughton Monchelsea Kent ME17 4JJ			
RECOMMENDATION Grant Planning Permission			
SUMMARY OF REASONS FOR RECOMMENDATION The site is considered to be very well screened and acceptable in terms of its impact on the character of the rural area. There are already 4 plots in this location and a total of 12 mobile homes - an additional two mobiles on one of these plots does not greater the impact to such an extent that the condition should not be varied.			
REASON FOR REFERRAL TO COMMITTEE The application is contrary to views expressed by the Parish Council and Committee consideration has been requested.			
WARD	PARISH/TOWN COUNCIL Boughton Monchelsea	APPLICANT Mr K Love AGENT	
DECISION DUE DATE 17/09/14	PUBLICITY EXPIRY DATE 17/09/14	OFFICER SITE VISIT DATE 24/11/14	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
MA/12/2077	Variation of condition 3 of permission MA/11/0744 (The change of use of the site to a residential caravan site for 4 gypsy families involving the siting of 4 mobile homes, 4 touring caravans, the erection of 4 brick-built amenity blocks with associated parking areas) to allow the siting of two additional mobile homes on plot 2 and two additional mobile homes on plot 3 involving the extension of hard surfacing.	APPROVED	
<i>Summarise Reasons</i>			
MA/11/0744	Change of use of the site to a residential caravan site for 4 gypsy families involving the siting of 4 mobile homes, 4 touring caravans, the erection of 4 brick-built amenity blocks with associated parking areas.	APPROVED	16/1/12

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1. The application site is located in open countryside off the south side of Park Lane, Boughthon Monchelsea. The site is not the subject of any landscape designation in the Local Plan. The site is one of four plots which adjoin each other - all of which were the subject of a combined planning application for four gypsy families. The site area of plot 3 is approximately 0.3 ha. Immediately flanking the site are the other plots and then beyond this the character of the area is woodland and shelter belts. The site is served by a rough access track that runs south from a right-angled bend in the highway. The track passes Tilt's Wood on its eastern side and more open parcels of land on its western side, including a woodyard immediately to the north of the site. Tilt's Wood is protected by TPO 7/1982. The line of public right of way KM119 runs along the length of the unmade access track (not part of the application site) before leading off south eastwards through the woods, beyond this is the access into Orchard Place.
- 1.2 All four of the plots that were granted consent have been developed. The application plot is in good order with a well maintained lawn to the front of the site which is approximately 2/3 of the length of the overall plot. The rear third of the plot is where the hardstanding is in place with the mobile homes (both approved and proposed) already in situ. Planning permission is currently in place for 3 mobile homes on the application site and a total of 12 mobile homes across all four plots.

2.0 PROPOSAL

- 2.1 The application seeks consent to vary the planning condition on the original approval to facilitate two additional mobile homes on plot3. In lieu of this, the applicant would not build the previously approved amenity block on the site. A previous application allowed an additional two mobiles on this site. The reason for the application is to accommodate the applicant's elderly relatives - in the future the mobiles would likely be used by the younger generation within the family.
- 2.2 Other than seeking permission for the additional two mobiles on the site there are no other changes proposed. The level of hardstanding remains as existing - which incidentally is tarmac and not gravel as the plans suggest. In total there will be 5 mobile homes on plot 3.

3.0 POLICY AND OTHER CONSIDERATIONS

- Development Plan: ENV28
- Government Policy: National Planning Policy Framework, National Planning Practice Guidance, Planning Policy for Traveller Sites
- Draft Local Plan policies SP5, GT1, DM26

4.0 LOCAL REPRESENTATIONS

No representations were received in response to the site notice or letters sent out.

5.0 CONSULTATIONS

BOUGHTON MONCHELSEA PARISH COUNCIL: The proposal represents an over accumulation of units in the open countryside. We are concerned at the environmental and health and safety issues that would result from this proposal.

KENT HIGHWAY SERVICES has no objection.

6.0 BACKGROUND PAPERS AND PLANS

Documents comprising past committee reports from applications listed in history section of this report and Design and Access Statement and plan no. MAI/14031/P received on 23 July 2014.

Appraisal

7.0 Principle of Development

7.1.1 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"

7.1.2 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.

7.1.3 A key consideration in the determination of this application is central Government guidance contained within 'Planning Policy for Traveller Sites' (PPTS) published in March 2012. This places a firm emphasis on the need to provide more gypsy sites, supporting self-provision and acknowledging that sites are likely to be found in rural areas.

7.1.4 Though work on the emerging local plan is progressing, as yet there are no adopted local plan policies responding to the provision of gypsy sites. Local Authorities have the responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans. To this end Maidstone Borough, in partnership with Sevenoaks District Council procured Salford University Housing Unit to carry out a revised Gypsy and Traveller Accommodation Assessment (GTAA). The GTAA concluded the following need for pitches over the remaining Local Plan period:

Oct 2011 - March 2016	-	105 pitches
April 2016 - March 2021	-	25 pitches
April 2021 - March 2026	-	27 pitches
April 2026 - March 2031	-	30 pitches

Total: Oct 2011 - March 2031 - 187 pitches

7.1.5 These figures were agreed by Cabinet on the 13 March 2013 as the pitch target and were included in the consultation version of the Local Plan.

7.1.6 Regulation 18 version of the Draft Local Plan states that Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTTSA) revealed the need for 187 permanent Gypsy and Traveller pitches to be provided in the Borough during the period October 2011 and March 2031. Accommodation for Gypsies and Travellers is also a specific type of housing that Council's have a duty to provide for under the Housing Act (2004). Draft Policy DM26 of the Regulation 18 version of the Draft Local Plan accepts that this type of accommodation can be provided in the countryside provided that certain criterion is met. The Draft Plan also states that the Borough's need for gypsy and traveller pitches will be addressed through the granting of permanent planning permissions and through the allocation of sites. The timetable for adoption is currently for the latter half of 2016.

7.1.7 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. In the case of this specific site, the principle has already been established as a permanent unrestricted use for gypsy families.

Need for Gypsy Sites

7.1.8 The PPTS gives guidance on how much gypsy accommodation should be achieved, including the requirement to assess need.

7.1.9 The projection of accommodation has been set out earlier. Taking into account the requirements within the set time periods, since 1 October 2011 the following permissions have been granted (net):

- 56 permanent non-personal permissions
- 10 permanent personal permissions
- 0 temporary non-personal permissions
- 28 temporary personal permissions

7.1.10 Therefore a net total of 66 permanent pitches have been granted since October 2011. As such a shortfall of 39 pitches remains outstanding.

7.1.11 It must be noted that the requirement for 105 pitches in the initial 5 year period includes need such as temporary consents that are yet to expire (but will before the end of March 2016) and household formation. This explains why the need figure appears so high in the first 5 years.

7.2 Gypsy Status

- 7.2.1 At the time of the original application the gypsy status of the Love family was accepted - the reasoning set out in the previous report to planning committee.

7.3 Visual Impact

- 7.3.1 Guidance in the PPTS states that Local Planning Authorities should strictly limit new traveller development in the countryside (paragraph 23). In this instance the site is existing and therefore the assessment is how much of an additional visual impact two more mobile homes will have on the character of the area.
- 7.3.2 The application site is situated approximately 200m south of the bend in Park Lane so it is well away from the local road network. I agree with the previous officer's report in January 2012 which stated that the site is very well screened in long and medium term views by Tilt's Wood to the east and by blocks of woodland to the south and west. From the bend in Park Lane, the site is not visible: all that is apparent is the established access track down towards the site. Whilst the situation has changed in that the plots are now occupied, their visual impact is as limited as anticipated.
- 7.3.3 The siting of the two additional mobile homes is within the grouping of existing mobiles (3 in number) on the hard standing at the western end of the site. This means the development is away from the track/public footpath.
- 7.3.4 This is a well screened site, particularly from long and medium distance views, on land that is not designated for its landscape value. I do not consider that two additional mobile homes in the positions indicated on the site plan compromise the character of the area or views of the site.
- 7.3.5 The Parish Council have raised objection on the cumulative impact of the mobile homes and the health and safety of this. I would comment that there are several metres between each of the mobile homes within plot 3, a caravan site license will secure the appropriate precise spacing. I do not consider the additional two mobiles compromise the living conditions of the other residents.
- 7.3.6 Furthermore, by accommodating additional mobiles on an existing site, it will prevent a further new plot needing to be created elsewhere potentially causing greater harm to the countryside.

7.4 Landscaping

- 7.4.1 As discussed above, I do not consider the additional two mobiles have any greater impact than the existing development and do not give rise to the need for any further planting.

7.5 Residential Amenity

7.5.1 Save from the immediate neighbours on the adjoining gypsy site, there is a great deal of separation from residential neighbours: the nearest being approx. 200m away to the north and north west. Any additional noise and disturbance generated on site and by the passage of vehicles is unlikely to be so significant as to affect local housing. I conclude that the development would not have a significant adverse impact on residential amenity.

7.6 Other matters

7.6.1 Kent Highway Services has raised no objection on highways matters.

7.6.2 Sustainability, archaeology, drainage and ecology were all matters considered under the original permission. The placing of the two additional mobiles within the existing developed area of the plot does not give rise to any new issues.

8 CONCLUSION

The application site is located in an area of the countryside that is not designated for its landscape value. I consider the site very well screened and acceptable in terms of its impact on the character of the rural area. There are already 4 plots in this location and a total of 12 mobile homes - an additional two mobiles on one of these plots does not greater the impact to such an extent that the condition should not be varied.

8.1 Recommendation

Grant Planning Permission subject to the following conditions:

CONDITIONS to include

(1) No more than 14 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 10 shall be a static caravan or mobile home) shall be stationed on the site at any one time. The caravans shall only be sited on the areas marked on drawing MAI/14031/P as 'GRAVEL STANDING' and caravans shall not be sited on any other part of the site;

Reason: To safeguard the character and appearance of the countryside.

(2) This site is not to be used as a caravan site by any persons other than gypsies and travellers, as defined in Annex 1 of the Planning Policy for Traveller Sites 2012.

Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted and an exception has been made to provide accommodation solely for gypsies who satisfy these requirements.

(3) No commercial or business activities shall take place on the land, including the storage of vehicles or materials and livery use;

To prevent inappropriate development and safeguard the amenity, character and appearance of the countryside.

(4) No external lighting shall be placed on site unless details have been submitted and approved in writing by the Local Planning Authority. 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 and the ecology of the area.

(5) Full details of the proposed means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority with two months of the date of this approval. The development shall thereafter be undertaken in accordance with the approved details;

Reason: In the interests of proper drainage and prevention of pollution.

(6) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing no. MAI/14031/P received on 23 July 2014.

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.

INFORMATIVES

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

Planning Committee Report

The application was acceptable as submitted and no further assistance was required.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

Case Officer: Amanda Marks

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

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Orchard
Place

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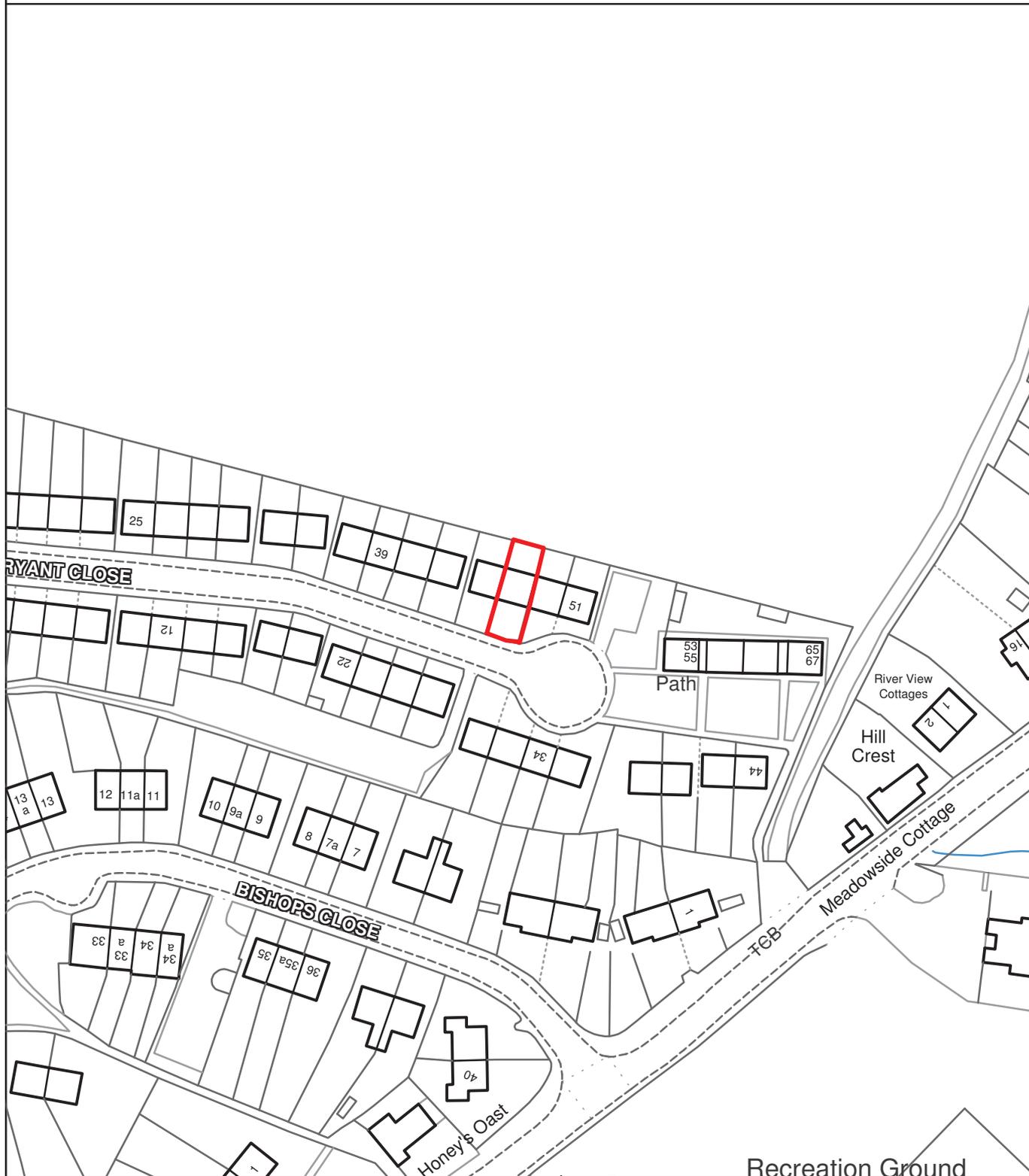




THE MAIDSTONE BOROUGH COUNCIL

47 Bryant Close
Nettlestead
Kent
ME18 5EX

MBC Ref: 14/504318



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Rob Jarman
Head of Planning

REFERENCE NO - 14/504318/FULL		
APPLICATION PROPOSAL Single storey pitched roof rear extension and new retaining wall in rear garden.		
ADDRESS 47 Bryant Close Nettlestead Kent ME18 5EX		
RECOMMENDATION		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL		
REASON FOR REFERRAL TO COMMITTEE Applicant is an employee of the council		
WARD Marden And Yalding Ward	PARISH/TOWN COUNCIL Nettlestead	APPLICANT Mr And Mrs M Culver AGENT Mr Richard Marsh
DECISION DUE DATE 24/11/14	PUBLICITY EXPIRY DATE 24/11/14	OFFICER SITE VISIT DATE
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): None		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 Mid terraced property located to the north side of Bryant close. To the rear of the property there is currently a single storey rear extension that is 1.5m deep and 2.5m high, this extension would be demolished as part of the proposal. The property also currently has an existing patio. To the east side of the property is no 49. This property has no extension however; there is an existing shared boundary fence that is 1.9m high. To the west side of the site is occupier no 45 Bryan close. On the shared boundary with this neighbouring occupier is an existing hedge. Majority of the properties have raised patios to the rear which is an original feature due to slopping nature of the land. The proposed extension would involve clearing an area of 4m to the rear of the house to facilitate the construction of a small patio and retaining a wall.

2.0 PROPOSAL

- 2.1 Planning permission is sought for the erection of a single storey rear extension.

The single story rear extension would have the following dimensions:

Depth – 3mp
Width – 6.3m
Height – 3.3m

The proposed extension would have two rooflights and matching UPVC doors and windows.

- 2.2 The proposal also involves a new patio area extending 800mm high, 7m wide and 2.4m deep together with a 1m height new retained wall for the upper garden area.

3.0 POLICY AND OTHER CONSIDERATION

- Maidstone Borough-Wide Local Plan 2000: H18
- National Planning Policy Framework
- Supplementary Planning Document – Residential Extensions

4.0 LOCAL REPRESENTATIONS

Nettlestead Parish Council – Has no objection to the proposal

5.0 CONSULTATIONS

None

6.0 APPRAISAL

Principle of Development

- 6.1 The specific policy under the Maidstone Borough-Wide Local Plan 2000 relating to housing extensions within the urban area is Policy H18. Furthermore, the Council's adopted Supplementary Planning Document – Residential Extensions (SPD) is also of relevance. The principle of extension to a dwelling house in an urban area such as the application site is considered acceptable. The proposal is therefore assessed against the criteria/guidance set out in policy H18 of the MBWLP and the SPD.

Impact upon the property and surrounding area

- 6.2 The main issues to consider is whether the development would harm the character of the existing and adjoining dwellings and the street scene (Amenity issues are discussed later). The properties along this street are terraced houses with small sized rear gardens. The floor levels of these properties vary due to the height and elevation of the existing ground. The land level of these properties slope from the north to south side of the site. The proposed development would cause no impact to the adjoining neighbouring occupiers.

6.3 In relation to its surrounding the proposed extension at 3m deep would be modest in scale, size and traditional design, and would not overwhelm or harm the character or form of the existing property. Moreover the proposal would not detract from the character and appearance of the area, or appear visually incongruous in the built up area.

Impact upon the neighbours

6.4 The proposed single storey rear extension would extend the full width of the property. The extension would be built between neighbouring occupiers no 45 and 49. Having regard to the 3m depth of the extension it is considered that the proposal would not affect neighbouring occupiers in relation to outlook, sunlight and daylight. The proposal would therefore comply with council policies.

6.5 The proposed additional raised patio would extend 800mm from the extension. The raised patio would replace the existing concrete patio that currently exists on site. A new retaining wall would be built at 1m high to accommodate the upper garden section of the site. Along the rear of these gardens there are many properties that have patios that lead up to the garden area. On the adjoining boundary fence both neighbouring occupiers have approximately 1.9m high fence or hedging. Therefore in terms of overlooking, the extended proposed patio would not demonstrate this due to the modest sized access created and the height of the existing fence which would screen part of the additional space created. Therefore the proposed extension would satisfy council policies.

7.0 OTHER MATTERS

None

8.0 CONCLUSIONS

8.1 The proposals would not cause harm to the character or appearance of the existing property or local area, and there would be no unacceptable impacts upon neighbouring amenity. I therefore recommend that planning permission be granted subject to the following conditions.

9.0 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 materials to be used in the construction of the external surfaces of the building(s) hereby permitted shall match those used in the existing building;

Reason: To ensure a satisfactory appearance to the development.

(3) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing No – MC/4

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers

INFORMATIVES

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Where possible, suggesting solutions to secure a successful outcome.



178



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Agenda Item 20

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 18th December 2014**

APPEAL DECISIONS:

1. MA/14/0707

Demolition of the existing structure and construction of 2 semi detached houses as shown on drawing no.s JPD/1406/01, JPD/1406/06, 07, 08 Rev A, 09 Rev A, 10 Rev A, 11 Rev A.

APPEAL: Dismissed

The Wheelwrights, The Green, Boughton Monchelsea, Maidstone, Kent, ME17 4LT

(Delegated)

2. MA/14/0181

Erection of a detached two storey dwelling as shown on A1 plans and elevations received on 4th February 2014 and A4 site location plan received on 17th February 2014.ESCRPTION

APPEAL: Allowed with Conditions

Fairways, Thurnham Lane, Thurnham, Maidstone, Kent, ME14 4PL

(Delegated Decision)
