

AGENDA

PLANNING COMMITTEE MEETING



Date: Thursday 24 July 2014
Time: 6.00 p.m.
Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Collins, Cox, Edwards-Daem, English
(Chairman), Greer, Harwood, Hogg,
McKay, Moriarty, Paine, Paterson,
Mrs Robertson and Mrs Stockell

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 Items withdrawn from the Agenda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 - 31 July 2014

Continued Over/:

Issued on 16 July 2014

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

Alison Broom

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

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|-----|---|-----------|
| 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 3 July 2014 | 1 - 6 |
| 11. | Presentation of Petitions (if any) | |
| 12. | Report of the Head of Planning and Development - Deferred Items | 7 |
| 13. | MA/13/1702 - LAND WEST OF HERMITAGE LANE, MAIDSTONE, KENT | 8 - 57 |
| 14. | MA/13/2197 - LAND AT BOUGHTON LANE, MAIDSTONE, KENT | 58 - 120 |
| 15. | MA/14/0214 - HIGH FARM, WEST STREET, LENHAM, MAIDSTONE, KENT | 121 - 128 |
| 16. | MA/14/0215 - HIGH FARM, WEST STREET, LENHAM, MAIDSTONE, KENT | 129 - 137 |
| 17. | MA/14/0723 - BRIDGEHURST OAST, HOWLAND ROAD, MARDEN, TONBRIDGE, KENT | 138 - 145 |
| 18. | MA/14/0823 - 67 HOCKERS LANE, DETLING, MAIDSTONE, KENT | 146 - 151 |
| 19. | Appeal Decisions | 152 - 153 |
| 20. | Update on Matters Referred to Cabinet Members | |
| 21. | Chairman's Announcements | |

PART II

To move that the public be excluded for the item set out in Part II of the Agenda because of the likely disclosure of exempt information for the reason specified having applied the Public Interest Test.

Head of Schedule 12A and Brief Description

- | | | | |
|-----|---|----------------|-----------|
| 22. | Exempt Appendix to the Report of the Head of Planning and Development relating to Application MA/14/0723. | 1 - Individual | 154 - 158 |
|-----|---|----------------|-----------|

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.

Agenda Item 10

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 3 JULY 2014

Present: Councillor English (Chairman) and Councillors Collins, Cox, Edwards-Daem, Greer, Harwood, Hogg, McKay, Moriarty, Paine, Paterson, Mrs Robertson and Mrs Stockell

Also Present: Councillors Daley, Mrs Gooch, Mrs Grigg, B Mortimer, Munford, Vizzard and Willis

31. APOLOGIES FOR ABSENCE

It was noted that Councillor Hogg had indicated that he would be late in arriving at the meeting due to work commitments.

32. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

33. NOTIFICATION OF VISITING MEMBERS

Councillors Daley, Mrs Gooch and Willis indicated their wish to speak on the report of the Head of Planning and Development relating to application MA/13/1749.

Councillor Mrs Grigg attended the meeting as an observer with a particular interest in the report of the Head of Planning and Development relating to application MA/13/1265.

Councillor Munford indicated his wish to speak on the report of the Head of Planning and Development relating to application MA/14/0335.

Councillor Vizzard attended the meeting as an observer with a particular interest in the reports of the Head of Planning and Development relating to applications MA/12/2255 and MA/13/1749.

It was noted that Councillor B Mortimer had indicated his wish to speak on the report of the Head of Planning and Development relating to application MA/13/1473, but had been delayed.

34. 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.

35. ITEMS WITHDRAWN FROM THE AGENDA

MA/12/2255 - OUTLINE PLANNING PERMISSION FOR THE ERECTION OF 53 RESIDENTIAL UNITS WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION - NURSES HOME, HERMITAGE LANE, MAIDSTONE, KENT

The Committee considered the urgent update report of the Head of Planning and Development. It was noted that the applicant's agent had asked that the application be withdrawn from the agenda as they needed more time to consider the viability report produced by the DVS (Valuation Office Agency). However, the Officers were of the view that the Council had all the information necessary to determine the application.

RESOLVED: That consideration of this item be deferred until the next meeting to allow the applicant more time to consider the DVS (VOA) report.

36. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Harwood stated that he was a Member of Boxley Parish Council, but he had not participated in the Parish Council's discussions relating to application MA/14/0337, and intended to speak and vote when it was considered.

37. EXEMPT ITEMS

RESOLVED: That the exempt Appendix to the urgent update report of the Head of Planning and Development relating to application MA/13/1265 be considered in public, but the information contained therein should remain private.

38. MINUTES OF THE MEETING HELD ON 12 JUNE 2014

RESOLVED: That the Minutes of the meeting held on 12 June 2014 be approved as a correct record and signed.

39. PRESENTATION OF PETITIONS

There were no petitions.

40. 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 representative of the Head of Planning and Development reported that the Case Officer would be meeting with the applicant the following

week to discuss the required revised viability assessment. Once this had been received and reviewed, the application would be reported back to the Committee for decision.

41. MA/12/2255 - OUTLINE PLANNING PERMISSION FOR THE ERECTION OF 53 RESIDENTIAL UNITS WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION - NURSES HOME, HERMITAGE LANE, MAIDSTONE, KENT

See Minute 35 above.

42. MA/13/1749 - AN OUTLINE APPLICATION FOR A MIXED USE DEVELOPMENT COMPRISING UP TO 500 RESIDENTIAL DWELLINGS (INCLUDING AFFORDABLE HOMES), LAND SAFEGUARDED FOR AN EDUCATION FACILITY AND LAND SAFEGUARDED FOR A COMMUNITY CENTRE. PROVISION OF PUBLIC OPEN SPACE (INCLUDING CHILDREN'S PLAY AREAS), ASSOCIATED INFRASTRUCTURE AND NECESSARY DEMOLITION AND EARTHWORKS. THE FORMATION OF 2 NO. NEW VEHICULAR ACCESSES FROM HERMITAGE LANE AND HOWARD DRIVE. ACCESS TO BE CONSIDERED AT THIS STAGE AND ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION - LAND EAST OF HERMITAGE LANE, MAIDSTONE, KENT

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

Mrs Bates of the New Allington Action Group (against), Mr Wilkes on behalf of the St Andrews Road Residents' Association (against), Councillor Wherne of Barming Parish Council (against) and Councillors Daley, Willis and Mrs Gooch (Visiting Members) (against) addressed the meeting.

RESOLVED: That outline permission be refused for the reasons set out in the report and the following informative:

The Council is seriously concerned that the development only seeks to achieve Level 3 of the Code for Sustainable Homes rather than Level 4 as required by draft policy DM2 of the emerging Maidstone Borough Local Plan.

Voting: 12 – For 0 – Against 0 – Abstentions

Note: Councillor Hogg entered the meeting following consideration of this application (7.10 p.m.).

43. MA/13/1473 - ERECTION OF ONE DETACHED DWELLING AND GARAGE FOR AN AGRICULTURAL WORKER - WARNHAMS FARM, HUNT STREET, WEST FARLEIGH, KENT

All Members except the Chairman and Councillor Harwood stated that they had been lobbied.

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

Councillor Martin of West Farleigh Parish Council (in support), Mr Sewell, the applicant, and Councillor B Mortimer (Visiting Member) (in support) addressed the meeting.

RESOLVED: That permission be refused for the reasons set out in the report.

Voting: 9 – For 3 – Against 1 - Abstention

44. MA/14/0335 - CONSTRUCTION OF STABLES AND SAND SCHOOL - THE COACH HOUSE, GREEN LANE, CHART SUTTON, MAIDSTONE, KENT

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

Councillor Munford (Visiting Member) addressed the meeting on behalf of Chart Sutton Parish Council which wished to see the application refused.

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report.

Voting: 12 – For 0 – Against 1 – Abstention

45. MA/13/1265 - CONVERSION AND EXTENSION OF THE "OLD SCHOOL HOUSE" TO A SINGLE DWELLING AND ERECTION OF A DETACHED DWELLING - OLD SCHOOL HOUSE, THURNHAM LANE, THURNHAM, MAIDSTONE, KENT

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

RESOLVED: That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Services may advise to (a) secure a detailed specification of works to renovate and extend the Old School House building and (b) ensure that the works are carried out in full prior to occupation of the new dwelling, the Head of Planning and Development be given delegated powers to grant permission subject to the conditions set out in the report as amended by the urgent update report.

Voting: 13 – For 0 – Against 0 – Abstentions

46. MA/14/0353 - INSTALLATION OF SOLAR PANELS AND ASSOCIATED EQUIPMENT TO ENABLE ENERGY GENERATION FOR THE FARM COLD STORE AND CONNECTION TO THE NATIONAL GRID FOR ANY SURPLUS - LAND AT WANSHURST GREEN FARM, BATTLE 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 set out in the report.

Voting: 12 – For 0 – Against 1 – Abstention

47. MA/13/1482 - AN APPLICATION FOR THE ERECTION OF ONE DWELLING - LAND AT GREEN COURT, HIGH STREET, STAPLEHURST, 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 set out in the report and the informatives set out in the urgent update report.

Voting: 13 – For 0 – Against 0 – Abstentions

48. MA/14/0203 - THE NORTH WALL OF THE CAR PARK IS TO BE DEMOLISHED AND RE-BUILT - CAR PARK, KING STREET, MAIDSTONE, KENT

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

RESOLVED: That permission be granted subject to the conditions set out in the report.

Voting: 11 – For 1 – Against 1 – Abstention

49. MA/14/0337 - ADVERTISEMENT CONSENT FOR THE ERECTION OF 300MM HIGH BUILT UP STAINLESS STEEL LETTERS WITH UP LIGHTING ILLUMINATION - VINTERS PARK CREMATORIUM, BEARSTED ROAD, WEAVERING, MAIDSTONE, KENT

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

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, Members felt that the advertisements by reason of their size and illumination would be out of character with the rural nature of the parkland setting and site and cause harm to the visual amenity of the surrounding area.

RESOLVED: That permission be refused for the following reason:

The advertisements by reason of their size and illumination would be out of character with the rural nature of the parkland setting and site and cause harm to the visual amenity of the surrounding area.

Voting: 7 – For 3 – Against 3 – Abstentions

50. APPEAL DECISIONS

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

RESOLVED: That the report be noted.

51. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that he would like to see the re-introduction of an agenda item to enable Members to receive reports back on matters they had referred to Cabinet Members.

52. DURATION OF MEETING

6.00 p.m. to 8.20 p.m.

Agenda Item 12

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

24 JULY 2014

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

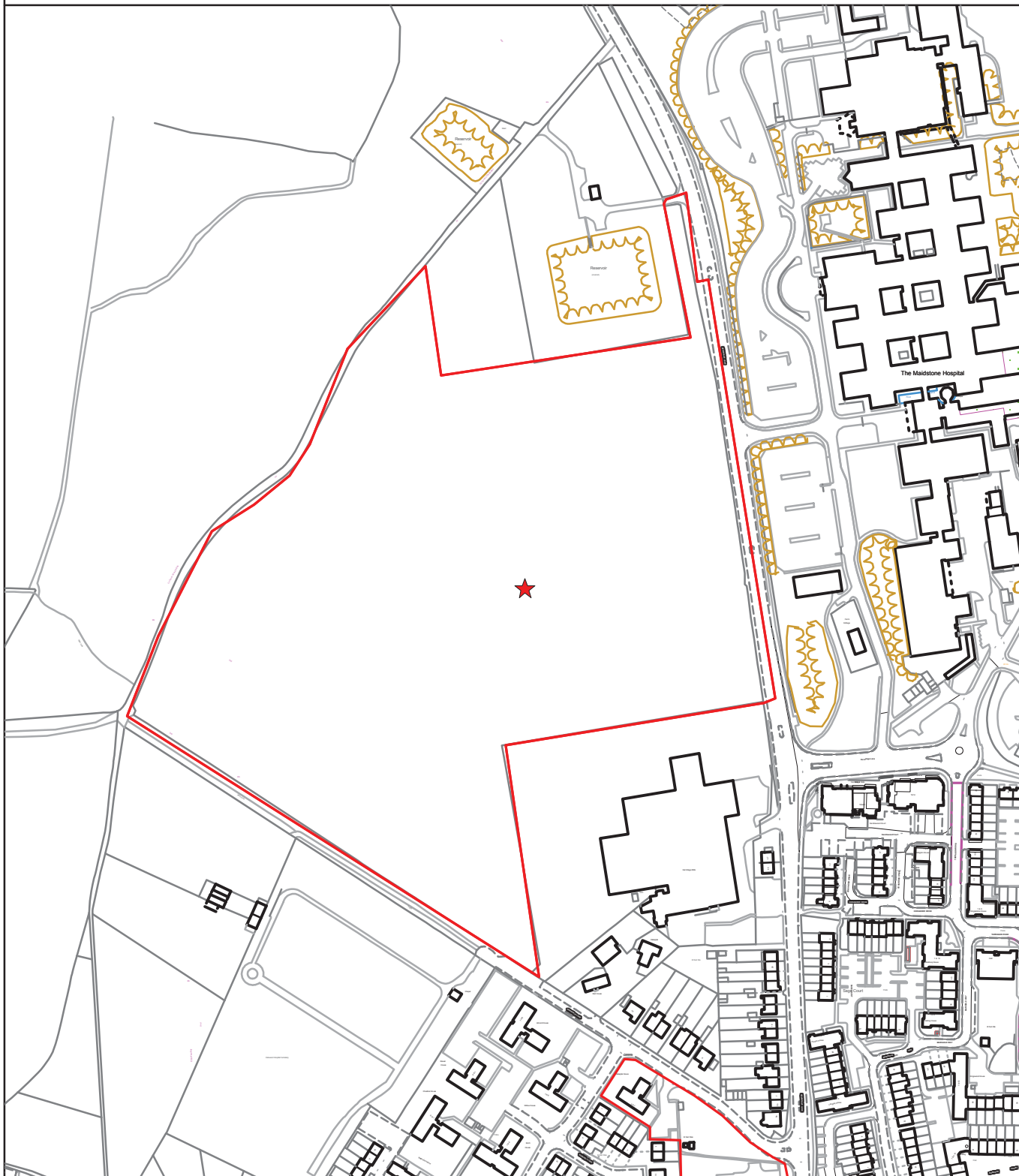
DEFERRED ITEMS

- 1.1. The following applications stand deferred from previous meetings 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.
- 1.3. MA/12/2255 - OUTLINE PLANNING PERMISSION FOR THE ERECTION OF 53 RESIDENTIAL UNITS WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION - NURSES HOME, HERMITAGE LANE, MAIDSTONE, KENT 3 July 2014
- 1.3.1. Deferred for one meeting cycle to allow the applicant more time to consider the DVS (VOA) report.

THE MAIDSTONE BOROUGH COUNCIL

Land West of
Hermitage Lane,
Maidstone,
Kent

MBC Ref: MA 13/1702



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 13/1702			
APPLICATION PROPOSAL Outline application for up to 250 residential dwellings (including affordable homes) with access. All other matters (scale, layout, appearance and landscaping) reserved for future consideration.			
ADDRESS Land west of Hermitage Lane, Maidstone, Kent			
RECOMMENDATION GRANT SUBJECT TO COMPLETION OF S106 LEGAL AGREEMENT AND CONDITIONS			
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none"> It is a departure from the Development Plan; 			
WARD Heath	PARISH/TOWN COUNCIL Maidstone	APPLICANT Swan Property Ltd AGENT DHA Planning	
DECISION DUE DATE 1 st January 2014	PUBLICITY EXPIRY DATE 10 th December 2013	OFFICER SITE VISIT DATE Various	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
MA/13/1857	Consultation with Maidstone Borough Council by Tonbridge and Malling Council on TM/13/03097/OA - outline application for the erection of residential development with access.	Under Consideration	
MA/13/1400	Request for a screening opinion as to whether the proposed development - residential development up to 250 dwellings with open space - is development requiring an Environmental Impact Assessment (EIA).	EIA not required.	02/09/13
MA/13/1749	MA/13/1749 Outline application for a mixed use development comprising up to 500 residential dwellings (including affordable homes), land safeguarded for an education facility and land safeguarded for a community centre. Provision of public open space (including children's play area), associated	Refused 3 rd July 2014	

	infrastructure and necessary demolition and earthworks. The formation of 2 new vehicular accesses from Hermitage Lane and Howard Drive. With access to be considered at this stage with all other matters reserved for future consideration. Land east of Hermitage Lane.		
MA/132079	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 at Oakapple Lane.	Under consideration	

1.0 DESCRIPTION OF SITE

- 1.01 The application site is an irregular shaped parcel of land located to the west of the B2246 Hermitage Lane directly opposite Maidstone Hospital. It is adjacent to the residential developments at Barming and Oakwood.
- 1.02 Hermitage Lane forms the site's eastern boundary with Oakapple Lane forming its southern border. Fullingpits Wood (a designated ancient woodland) lies to the western boundary of the site and the northern boundary is formed by an existing covered reservoir and plant operated by South East Water. Oakapple Lane provides pedestrian access to Hermitage Lane and the site is connected by footpath to Barming railway station and to local centres using the main highway network and existing estate roads.
- 1.03 At present the site is agricultural land currently used for arable purposes. It contains little vegetation (apart from crops) although there are boundary hedgerows and adjacent woodland at Fullingpits Wood. Access into the site is currently from a farm access track from Hermitage Lane.
- 1.04 The application site covers an area of 9.52 hectares with the majority (9.02 hectares) lying within the Maidstone Borough. An area of 0.43 hectares in the south western corner of the site lies within Tonbridge and Malling. Tonbridge and Malling Council are currently considering an outline application for residential development on this part of the site.

1.05 The site is located outside, but adjoining, the defined built up area of Maidstone in the Local Plan. It is, therefore, in the countryside for Local Plan purposes and is a greenfield site. The site is located within the designated Strategic Gap around the edge of Maidstone.

2.0 PROPOSAL

2.01 Outline permission is sought for up to 250 dwellings together with a new vehicular access. Along with the principle of 250 houses, only the specific details of the access are being considered at this stage with all other matters (layout, appearance, scale and landscaping) reserved for future consideration.

2.02 A new access point is proposed onto Hermitage Lane at a point between the Tarragon Road junction and the Maidstone Hospital access. This access would be via new three arm signal junction. This will be linked and jointly operated with the Hermitage Lane/Tarragon Road signal junction which would be modified to improve its operation.

2.03 An emergency access will also be provided onto Hermitage Lane at the northern edge of the site, approximately 200metres from the main access. This access would be built to accommodate the emergency vehicles used by Kent Fire and Rescue. Day to day vehicular use of this access would be prevented by bollards, allowing it to be utilised by pedestrians and cyclists. Pedestrian crossing facilities are proposed as part of the new access arrangements as is a new footway running the length of the site's boundary with hermitage Lane. Pedestrian and cycle links are also proposed onto Oakapple Lane.

2.04 Apart from specific details of the accesses, which have been provided, the applicant is not required to provide any detailed plans of the development with such an outline application but has chosen to provide an illustrative masterplan. This shows enhanced landscaping to all the site boundaries with roads and housing located towards the centre of the site. An equipped area of play is shown to the north east of the site fronting on to Hermitage Lane within a linear park with more informal areas of green space shown to the west of the site. A landscape buffer to the Ancient Woodland is also shown.

2.05 The Design and Access Statement, submitted in support of the application, states that areas of low density (20 -25 dwellings per hectare) around the perimeter of the site would give way to medium (25 -30 dwellings per hectare) and higher densities (30 - 35 dwellings per hectare) to the centre of the development. The applicant advises that a number of housing character areas would be provided and the entrance enhanced to create a sense of arrival. The applicants' vision for the site "is a high quality, low density residential development that maximises energy efficiency and sustainability, provides for a

quality environment in a manner that respects the need for a green approach and the character of the surroundings and addresses the need for family accommodation in a sustainable location that is closely related to the existing built up area.” It must be reiterated that these are illustrative details and the Council is not making a decision on the detail of the scheme at this stage.

- 2.06 In terms of density, the whole of the site, including the small area in Tonbridge and Malling Borough, is some 9.5 hectares and the applicants are proposing up to 250 dwellings on the site. The application for the part of the site within Tonbridge and Malling is for 6 houses, so the remaining 244 would be located on the 9 hectares within Maidstone Borough. This gives a density of approximately 27 dwellings per hectare, but does not take account of the fact that some areas of the site will not be developable as they will be given over to landscaping, open space roads and so forth. The net density of the site (i.e. the density on the developable area) will, therefore, be higher. Affordable housing is proposed at 40%.
- 2.07 So to summarise, the Council is being asked to consider the principle of residential development of up to 250 dwellings with access.

3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV31, ENV49, T1, T2, T3, T13, T18, CF1, CF8

Maidstone Borough Wide Local Plan Regulation 18 Consultation 2014: H1, H2, DM2, DM3, DM4, DM6, DM10, DM12, DM13, DM14, DM16, DM23, DM24, DM30, ID1

MBC Affordable Housing DPD (2006)

MBC Open Space DPD (2006)

National Planning Policy Framework 2012(NPPF): Chapters 1, 4, 6, 7, 8, 10, 11, 12

National Planning Practice Guidance 2014 (NPPG)

4.0 LOCAL REPRESENTATIONS

6 letters have been received from local residents objecting to the application. They make the following summarised comments.

- Too many houses proposed for the Hermitage Lane area;
- Any plans should take account of the impact development will make on the quiet semi rural environment to the rear of our houses;
- Concerned about security;
- Do not want any recreational open area or footpath abutting our rear garden;

- Only acceptable option is to have low density housing backing on to Bank Meadow;
- Vehicular and pedestrian traffic should be kept away from existing houses;
- The plans are not particularly clear as just showing general colour coded areas;
- Area of green fields and woodland is a treasured amenity for local people;
- There have been several large developments in this area in recent years and this has put a massive strain on local amenities and infrastructure;
- The traffic mitigation proposed in this scheme is the best solution to ease traffic congestion without destroying the local community;
- The whole character of Barming will be changed to the detriment of the area;

5.0 CONSULTATIONS

- 5.01 **Environment Agency:** No objection in principle, subject to conditions requiring a sustainable surface water drainage scheme to be submitted and agreed and detailed ground investigations to inform the layout of the development.
- 5.02 **KCC Ecology:** An Extended Phase 1 Habitat Survey report has been submitted in support of the application. The survey concludes that the site has limited ecological interest, though some potential ecological impacts have been identified.

The western corner of the site is classed as suitable reptile habitat and the southern and eastern boundaries have limited potential to support reptiles. No further surveys are recommended in the applicants' habitat survey on the basis that the western corner would not be lost as a result of the development. To avoid the need for mitigation, this area must be retained. If it is affected by development a construction environmental management plan should be submitted and agreed prior to the commencement of development.

There have some reports using boundary features along the southern, north eastern and north western boundaries and advise that light might affect bats in those areas and recommend a condition to secure a lighting scheme s attached to any grant of planning permission.

Also recommend conditions and informatives should be imposed relating to breeding birds, dormice, the provision of appropriate ecological enhancements and mitigation measures, and Japanese knotweed. No objections raised subject to those conditions and informatives.

- 5.03 **KCC Highways:** The Highways Team initially reviewed the application in November and whilst agreeing the principles of the approach for vehicular and

pedestrian access and car parking as these followed and reflected detailed pre-application advice. They, however, requested that additional work was carried out on the applicants transport assessment as the assumptions for the number of units for surrounding sites in North West Maidstone were less than those set out in the Council SHLAA and allocations contained in the emerging local plan.

The applicants submitted additional information, in December, updating the model used to inform the Transport Assessment to reflect the quantum of development allocated to sites in north west Maidstone in the Council's emerging plan as well as the number of residential units proposed in relation to recently submitted planning applications in the area. The revised information demonstrated that the additional trips associated with these developments would result in de minimus net differences to the previously modelled traffic flows of around 1% or less. KCC Highways agrees this assessment.

Capacity assessments have been undertaken for the following junctions for the current base year and three future year scenarios (2016 opening year, 2018 Future Assessment Year and 2023 Strategic Horizon Year) – A20 London Road/M20 Link (Coldharbour) signalised roundabout; A20 London Road/B2246 Hermitage Lane/Preston Hall access; B2246 Hermitage Lane/Maidstone Hospital access; B2246 Hermitage Lane/Tarragon Road; B2246 Hermitage Lane/B2246 Fountain Lane/Heath Road/St Andrews Road; A26 Tonbridge Road/B2246 Fountain Lane/Farleigh Lane; and A26 Tonbridge Road/Queens Road/Fant Lane. The modelling confirms that the proposal would not significantly degrade the operation of any of these nodes with the exception of A26 Tonbridge Road/B A26 Tonbridge Road/B2246 Fountain Lane/Farleigh Lane. KCC agrees with this assessment. The applicants have proposed a scheme of mitigation comprising the reconfiguration of the junction.

No objection is raised on behalf of KCC Highways subject to the following being secured by condition or planning obligation:

- The provision of a Section 278 Agreement between the applicant and KCC Highways and Transportation, of the offsite highway mitigation works to the B2246 Hermitage Lane/site access, B2246 Hermitage Lane/Tarragon Road and A26 Tonbridge Road/B2246 Fountain Lane/Farleigh Lane Junctions, as identified in the Transport Assessment, prior to the first occupation of the development;
- The preparation and submission of a Construction Environmental Management Plan for approval by the Local Planning and Highways Authorities;
- Provision of measures to prevent the discharge of surface water on to the highway;
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction; and

- Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.

5.06 **KCC Public Rights of Way:** Two public footpaths (KB34 and KM10) run immediately adjacent to the development proposed.

Walking - The area is well catered for both within the development and through external links to Oaken Wood and facilities at Oakwood Park and Barming Heath. The proposed footpath link from the south west of the development to KM10 is welcomed. To ensure the long term sustainability and future maintenance of the route it should be dedicated as a public footpath through a section 106 agreement. The proposed pavement extension to the pedestrian crossing point adjacent to the reservoirs is also welcomed and will serve as a useful link to surrounding facilities. Consideration must be given to the western perimeter of the proposed linear park to ensure the adjoining footpath KB34 is no way enclosed or encroached upon. In respect of the expected increase in use of KB34 and those routes off site it is expected that a contribution in the region of £41,000 should be secured for improved surfacing of KB34.

Cycling – The proposed footway along the site’s frontage must be constructed as a shared footway/cycleway to connect with the developing cycle track to the north of the hospital boundary.

Contributions towards pedestrian and cycle links to existing residential areas, shops, schools and health facilities incorporating a link along the unmade section of Oakapple Lane and the provision of an appropriate pedestrian and cycle route on B2246 Hermitage Lane.

5.07 **KCC Archaeology:** The application site lies within an area of known prehistoric and Roman Archaeological potential. Prehistoric and Roman remains have been recorded to the north around St Lawrence Chapel and to the east within the hospital site. Pits within Iron Age artefacts have been located a few metres to the North and similar remain may extend into the development of the site. The application is supported by an Archaeological Deskbased Assessment and the assessment is accepted in principle. No objection is raised, subject to the imposition of a planning condition to secure a programme of archaeological work.

5.08 **Southern Water:** Advise there is inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. Additional off site sewers or improvements to existing sewers will be required. They also state that there is inadequate capacity in the low network to provide surface water disposal to service the proposed development. Recommend that the applicants investigate alternative means for surface water disposal including

discharge to an available watercourse, discharge to soakaways and requisition of a public surface water sewer. No objection, subject to the imposition of condition to secure details of the proposed means of foul and surface disposal prior to the commencement of development.

5.09 **UK Power Networks:** No objections to the proposed works.

5.10 **Agricultural Advisor:** The proposed development would involve the loss of some 9 hectares of agricultural land, comprising an open arable field lying at between 81m and 88m above sea level in an area indicated as Grade 2 (very good) quality of the DEFRA land classification map. Soils in the general area are typically free draining, loamy and with high natural fertility, although some yield limitations can arise from the shortage of soil moisture especially where the soils are stony or shallow.

These are general indications only but it is an assumption that the land falls into the best and most versatile category and that the proposal can be regarded as a significant development of agricultural land and in principle to the National Planning Policy Framework policy which directs development to poorer quality agricultural land.

5.11 **Agricultural Advisor:** *"At the local level, it is understood that the Council currently has no saved local plan policy relating to loss of specific grades of agricultural land to development, other than in respect of changes of use to domestic garden, which (in the main) would not apply in this case.*

At the National Level, Para. 112 of the NPPF states:

112. Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

The NPPF does not define (or indeed particularly emphasise) exactly what it means by "significant" development of agricultural land in this context, but there is nothing to suggest anything beyond its ordinary English meaning i.e. sufficiently great or important to be worthy of attention, or noteworthy.

The Government has also reaffirmed the importance of protecting our soils and the services they provide in the Natural Environment White Paper The Natural Choice: securing the value of nature (June 2011), including the protection of "best and most versatile" agricultural land (paragraph 2.35). "Best and most versatile" (BMV) agricultural land is defined as Grades 1, 2, and 3a.

Natural England also observes that land protection policy "is relevant to all applications, including those on smaller areas but it is for the planning authority to decide how significant are agricultural land issues and the need for field information" (Technical Information Note - TIN 4919 December 2012).

The proposed development here would involve the loss of some 9 ha (22 acres) of agricultural land, comprising an open arable field lying at between 81 m and 88m above sea level in an area indicated as Grade 2 (very good) quality on the 1:250,000 DEFRA land classification map. Soils in the general area are typically free-draining, loamy and with high natural fertility, although some yield limitations can arise from the shortage of soil moisture especially where the soils are stony or shallow.

These are general indications only, but in the absence of any more detailed survey and land classification study of the particular site, it is a fair working assumption that the land here falls into the "best and most versatile" category and that the proposal can be regarded as a "significant" development of agricultural land, and thus subject, in principle, to the above NPPF policy that points (where the development is demonstrated to be necessary) to areas of poorer quality land being sought in preference .

This issue does not appear to have been addressed, as far as I can see, in the submitted Planning Statement."

- 5.12 **Kent Wildlife Trust:** The site is in an ecologically sensitive area, with Fullingpits Wood (ancient woodland) adjacent to Oaken Wood Local Wildlife Site (ancient woodland) within 400m. They raise objection to the application due to the lack of safeguards put in place to alleviate the indirect recreational impacts on ancient woodland. Recommend that conditions relating to landscape buffering and lighting are attached to any grant of planning consent.
- 5.13 **Natural England:** Refer the Council's consideration of the application to the published standing advice to assess the impact on protected species and ancient woodland. The opportunity to provide biodiversity and landscape enhancements through the application is raised.
- 15.14 **NHS Property Services:** This application is expected to result a need to invest in a number of local surgery premises – Barming Surgery, Blackthorn Medical Centre, Alyesford Medical Practice and Allington Park surgery which are within a one mile radius of the application site. A contribution of £147,420 is required for this development (£360 per person).
- 5.15 **KCC Mouchel:** *"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 – 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 provision of a new primary school in west Maidstone. Land for new primary school on land to the east of Hermitage Lane is already allocated in the Maidstone Borough Wide Local Plan 2000. It is understood that the freehold of this site will be transferred to KCC for a nominal sum. Contributions of £4000 per "applicable" house and £1000 per "applicable" flat (applicable meaning all dwellings except 1 bed of less than 56sqm GIA, and sheltered accommodation) towards the construction of a new school. Should this not be the case, an additional contribution of £2701.63 per applicable house and £675.41 per applicable flat is required.

Secondary Education - No current requirement.

Community Learning - £30.70 per dwelling sought 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.

"The current adult participation in both centres and outreach facilities is in excess of current service capacity."

Youth Services - £8.44 per dwelling sought to address the demand for from the development for 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 and Archives - £140.89 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 for this service in Maidstone Borough which is below the County, England and UK figures."

Social services - £47.44 per household 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 and Social Care are under a statutory obligation to meet but will have no additional funding to do so."

5.16 **MBC Conservation:** The development of the site should not adversely affect any nearby heritage assets because of the distances involved and intervening development. The supporting desk based archaeological assessment is thorough and whilst identifying significant archaeological potential in the general area there is nothing specifically relating to this site. No objection on heritage grounds, subject to the imposition of any conditions recommended by KCC's Archaeological Team.

5.17 **MBC Environmental Health Manager:** Contamination - Although there is a factory and cemetery adjacent to the application, they do not recommend that there are issues with contamination.

Air Quality - The Environmental Health Manager (EHM) advises that there are several hotspots around Hermitage Lane that are exceeding the Air Quality Objectives and any increase in pollutant levels in, and around those areas, will not support the Council in delivering its air quality action plan. The application is supported by an Air Quality Report, but the EHM advises that further information is required. He does, however, advise that this could be conditioned.

Noise Quality – The application is supported by a Noise Assessment and the EHM agrees its findings and advises that a condition is attached to any grant of consent to secure compliance with the noise mitigation measures in the report.

Site Waste Management Plan (SWMP) - The developer will be required to provide a SWMP and for this to be available for inspection by the Local Authority at any time prior to or during development.

5.18 **MBC Landscape:** "There are no Tree Preservation Orders (TPOs) protecting trees on or immediately abutting the site within Maidstone Borough although there is an Order (TPO 28 of 2004) on land to the north of the reservoir at the northern tip of the site. Fullingpits Wood immediately northwest of the site is designated as Ancient Semi Natural Woodland and is protected by a Tonbridge and Malling TPO.

The applicant is supported by a Tree Inspection Report and is considered largely acceptable in principle. There is, however, no evidence to support the views

that Ash trees should be downgraded because of Ash Dieback as some trees will be more resistant than others, so the categorisation given in the report is not necessarily acceptable. The Landscape and Visual Impact Assessment is considered acceptable.

The site falls within Barming Heath Arable Land in the Maidstone Landscape Character Assessment. It is assessed as poor condition and low sensitivity and is considered as a fragmented landscape in close proximity to the urban edge, which has impacted on the land use and traditional landscape characteristics. The visual detractors include Maidstone Hospital, commercial warehouses and security fencing. The ecological integrity is strong, but the cultural integrity poor. Visibility is low as immediate views are interrupted by intervening vegetation and the urban edge of Maidstone. There are, however, some longer views of the North Down

No objection in landscape/arboricultural grounds for refusal as long as the applicant can demonstrate in the submission of the detailed proposals that there is a minimum 15m buffer around the woodland edge and that a high quality landscape scheme can be achieved. This can be secured by way of a landscape condition."

- 5.19 **MBC Housing:** Advise that the applicant's statement that the main unmet demand in the borough is for larger family housing does not in fact reflect local affordable housing need and that the number of 3 and 4 bed affordable properties coming through the system is carefully monitored as there is a danger of not being able to provide nominations and occupy such properties. There needs to be more 1 bed provision coming through as whilst developers consider there is not much market demand for such properties, this cannot be said for the affordable market.

The Planning Statement states that the Council will seek to secure a minimum of 40% of the total number of dwellings as affordable, with 60% of these for social rent and 40% for shared ownership. However, it then makes reference to draft policy CS10 of the emerging Local Plan which states that for target sites on the urban periphery the affordable housing target should be 30% and they proposed the 30% in accordance with the emerging policy. I consider that the Council's Affordable Housing DPD should be adhered to until the emerging plan is adopted. If the applicants are intent on delivering 30% affordable this will need to be considered against a viability assessment. They welcome the applicants' confirmation that the affordable units would be spread across the developable area.

They note that the specific housing mix is not fixed at this stage due to the outline nature of the application and would welcome early engagement in the reserved matters submission.

- 5.20 **MBC Parks and Leisure:** Advise that they are requesting a preference for onsite provision of allotments rather than a Locally Equipped Area of Play (LEAP) due to limited allotment provision within the area and equipped children's play areas nearby. Off site contributions requested towards improvements to these existing play areas, improvements to current outdoor sports facilities, as well as a contribution to Oakwood Cemetery, which adjoins the site and is to be converted to a public park.

GREEN SPACE TYPE	Green Space Standard (Hectares per 1000 population)	
	Urban	Requirements
Parks and Gardens	2.3	<i>No requirement but included in other categories.</i>
Natural and Semi-Natural areas	ANGSt Standard	<i>Some onsite provision appears to have been made in the inclusion of a buffer strip. The old Oakwood Cemetery which adjoins this site is currently being developed as a public park and will consist of mostly natural and semi natural, an offsite contribution toward this site of £40,000 is requested</i>
Amenity Green Space	0.7	<i>At least the amount shown on the left should be included in development.</i>
Provision for Children and Young People Equipped Play	0.12	<i>No onsite provision required as part of borough wide strategic provision. Offsite contribution of £110,000 to improve existing play areas in the area. (Barming Heath and Gatland Lane)</i>

Green Corridors	N/A	<i>Provision should be made to link the site to the surrounding green spaces not only for people but also to allow opportunities for wildlife migration.</i>
Outdoor Sports Facilities	1.4	<i>Onsite contribution not required due to existing provision of sports pitches in the surrounding area. Offsite contribution of £20,000 for improvements to existing pitches and facilities.</i>
Allotments and Community Gardens	0.21	<i>As there are limited existing allotments in the surrounding area allotments should be provided on site. A 25 plot site (7,500m²) should be provided on site.</i>
Cemeteries and Grave Yards	0.66	<i>Not required</i>
	Total requested	<i>Off Site = £170,000 Onsite = 25 plot allotment site</i>

5.21 **Tonbridge and Malling Council:** No response

6.0 INTERESTED PARTIES

Whilst, not the Local Planning Authority for this application, **KCC Planning and Environment** have commented on the application as follows. The application is for an outward migration of Maidstone's north western boundary with 250 housing units into the open countryside. Maidstone Borough Council policies are supportive of this site, as it is an allocation for such development as proposed. The NPPFs presumption of sustainable development also has overriding weight when considering the proposal's acceptability.

There are a number of matters that require further consideration:

- Highway Impact – The highway impact has not been assessed with a methodology that is acceptable.
- Landscape Impact – A green field development should be commanding of high quality landscape assessments and the implications of this goes far beyond the visual. The principles of the NPPF and any impacts from the AONB should be properly addressed. A high quality development which respects the wider landscape character may well be acceptable, if it meets all other required criteria.

7.0 BACKGROUND PAPERS AND PLANS

The application is supported by Desk Top Archaeology Study, Noise and Vibration Report, Phase 1 Ecological Report, Planning Statement, Housing Land Supply Position Statement, Design and Access Statement, Flood Risk Assessment, Transport Statement, Statement of Community Involvement, Sustainability Statement, a Tree Report and a draft S106 agreement.

8.0 APPRAISAL

Principle of Development

- 8.01 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.
- 8.02 The application site is located in the countryside outside the defined settlement boundary of Maidstone. As stated earlier, the site does however adjoin the boundary.
- 8.03 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.”

- 8.04 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.
- 8.05 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).
- 8.06 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;’*
- 8.07 Relevant to this, the NPPF requires that local authorities have a clear understanding of housing needs in their area, and as such they should prepare a Strategic Housing Market Assessment (SHMA) to assess their full needs; working with neighbouring authorities where housing market areas cross administrative boundaries. Maidstone has carried this out with Ashford Borough Council and Tonbridge and Malling Borough Council. The SHMA (2014) confirms the objectively assessed housing need for the borough over the plan period 2011 to 2031 as 19,600 dwellings (980 dwellings per annum). This was agreed by Cabinet on 27th January 2014 and on 24th February 2014 to be included within the draft Local Plan (to be sent out for public consultation).
- 8.08 In April 2013 when most recently calculated, the Council had a 2.0 year supply of housing assessed against the objectively assessed housing need of 19,600 dwellings, which is the figure against which the supply must be assessed. Taking into account housing permissions granted since that date, this position will not have changed significantly and would still remain below the 5 year target.

- 8.09 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.
- 8.10 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. The site lies immediately adjacent to the north west boundary of Maidstone although currently in agricultural use. This area of Maidstone has good access to the M20, A20 and the A26 with good local services including a mix of health, retail, employment and education facilities within walking distance and good access to public transport. As such, the site is at a sustainable location and immediately adjoins the existing settlement. The loss of Grade 2 agricultural land is noted, but it is considered that the contributions to the Council's Housing land supply from this site would outweigh this loss. The fact that the site lies within the Strategic Gap to the north west of Maidstone and that development on the site would encroach into this gap is an important issue when considering whether the development of the site is acceptable in principle. The site has robust boundaries and is seen more as part of the urban edge of Maidstone than a piece of countryside. I am satisfied that the development of the application sites would not a precedent for other site's within the Strategic Gap to come forward for development as its character lends itself uniquely to development. Furthermore, it is clear that there is insufficient brownfield land to meet the Borough's housing and the fact that the Council does not have a 5 year land supply mean that some housing on greenfield sites is inevitable.
- 8.11 The Council has recently finished its Regulation 18 Consultation on its emerging local plan and the representations received from that are currently being reviewed. The emerging plan therefore carries weight when considering planning applications. The emerging plan is proposing 1205 dwellings to the north west of Maidstone and the application site is allocated (together with the western part of Oakapple Lane site) for housing development of up to 300 units.
- 8.12 The draft allocation for the site has the following criteria:
- Inclusion of a 15 metre wide landscape buffer along the north west boundary adjacent to the designated area of ancient woodland, to be planted as per recommendations detailed in a landscape survey.

- Provision of landscaping on the B2246 Hermitage Lane frontage to maintain an element of its current open character.
- Provision of a new pedestrian footpath along the B2246 Hermitage Lane frontage of the site, linking south along the western side of Hermitage Lane to the existing footpath.
- Securing vehicular access only from B2246 Hermitage Lane.
- Provision of a pedestrian crossing point close to the site access on Hermitage Lane.
- 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.
- Development will be subject to the results and recommendations of a phase one ecological survey.
- Appropriate air quality mitigation measures will be implemented as part of the development.
- Provision of publicly accessible open space as proven necessary, and/or contributions.
- Appropriate contributions towards community infrastructure, where proven necessary.
- Contributions towards pedestrian and cycle links to existing residential areas, shops, schools and health facilities incorporating a link along the unmade section of Oakapple Lane.
- Along with draft allocations at Bridge Nursery, Land east of Hermitage Lane and Oakapple Lane, contributions , as proven necessary, towards junction improvements (and associated approaches) at M20 junction 5 and Coldharbour roundabout, A20 London with St Laurence Avenue, B2246 Hermitage Lane with the A20 London Road and junctions in the vicinity of the southern end of Hermitage Lane, where it meets the A26 Tonbridge Road.
- A proportionate contribution towards a circular bus route.
- Approximate density of 30 dwellings per hectare.

8.13 In the light of the above five year supply position, bringing forward development on this sustainably located site immediately adjacent to the built up area of Maidstone 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. This would be in line with the guidance of the NPPF which states that "the supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extensions to existing villages and towns."

8.13 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 and whether the site can suitably accommodate 250 dwellings, residential amenity, heritage impacts, access/highway safety, ecology, and drainage. The cumulative impact with other developments also needs to be considered.

9.0 Visual Impact

9.01 A Landscape and Visual Impact Assessment has been submitted in support of the application. It concludes that "the proposed development would have a low impact on the landscape character of the North Downs and Barming Heath Arable Land Area. The proposed development will secure housing and open space with minimal impact on wider surroundings and is therefore considered acceptable in landscape and visual impact terms."

9.02 I note the concerns of KCC Planners in relation to the robustness of the submitted assessment, but having reviewed the document, I am satisfied that it is acceptable as it takes account of both the long and short range views of the site and the impact of the proposed development. It is difficult to isolate the site in long range views from Bluebell Hill and the Pilgrims Way, it is seen as part of Maidstone with its landscaping and buildings. Short range views highlight the site's existing robust boundaries, although there are views from the two footpaths adjacent to the site and from Hermitage Lane. The assessment concludes that "*the impact of the proposed scheme on the character of the wider landscape is, therefore, considered to be low.*" It also states that the proposed scheme has been formulated to respect its surroundings and that the use of traditional design and materials together with additional planting will minimise the visual impact of the development.

9.03 The site falls within Barming Heath Arable Land in the Maidstone Landscape Character Assessment. This area is considered low sensitivity and a fragmented landscape in close proximity to the urban edge of Maidstone. The visual detractors to the area include the hospital, commercial buildings and fencing in the surrounding area. Whilst the ecological integrity is strong, cultural integrity is poor. It states that visibility is low as immediate views are interrupted by intervening vegetation and the development in the surrounding, but there are some long range views of the North Downs.

9.04 The site is surrounded by a mix of uses including residential, a reservoir, ancient woodland, mature landscaping and Hermitage Lane itself with the mix of hospital buildings to its eastern boundary. Any development on the site would be seen against these and whilst it is noted that the proposed development would add a significant amount of built form onto the site, it would be seen in the context of the development on the edge of Maidstone and the size of the site would allow

this development to be offset by both formal and informal open space. Long range views of the site are possible from the top of the North Downs, but it is difficult to isolate the site within these views. In terms of short range views, these would be from the two public footpaths (KB34 and KM10) running immediately adjacent to the site and glimpsed views from the site's frontage with Hermitage Lane. The application is outline, with only access to be considered at this time and given the location of the footpaths to the edge of the site, the fact that there is a high degree of landscaping to the site's boundaries and the applicants' proposals to provide additional landscaping, it is considered that the proposed development could be delivered on site in such a way as to minimise its visual impact. Further planting to the site's boundaries together with the proposed landscaped buffer zone will help to soften the visual impact of the development from both long and short range views.

- 9.05 The application site is clearly outside the built up area of Maidstone and in open countryside in policy terms. Any development on the site could be considered in strict policy terms as intruding in the countryside and in particular the gap between Maidstone Borough and Tonbridge and Malling. The site, however, has clear and robust boundaries which will contain the development and minimise its impact. With this in mind, I am satisfied that the development of the site would not be a harmful intrusion into the countryside nor have an adverse impact on the strategic gap, but would be a logical expansion to Maidstone which would make a valuable contribution to the housing supply.
- 9.06 Based on there being limited long and short range views of the site and that the development, whilst being in the countryside in policy terms, would be seen as an extension to the built up area of Maidstone contained by strong visual boundaries I consider that the harm to the character and appearance of the area would be low to medium.
- 9.07 Whilst the design of the development is not being considered at this time, parameters to future development can be set at this stage. I do not consider it is necessary to impose design codes (to dictate themes or styles) or parameters in terms of layout, height or materials. Given the mix of surrounding uses and the scale and mix of adjoining buildings and features it is considered that this should be left open to the developer. The applicants proposed approach of creating a variety of neighbourhoods at differing densities throughout the site is welcomed and will be considered in detail at the reserved matters stage.

9.0 Density

- 9.01 It is clear that using land efficiently means that each site will contribute to 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 densities 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.

- 9.02 The draft site allocation states that the site should accommodate some 300 residential units at a density of 30 dwellings per hectare, but it must be remembered that the draft allocation includes the western part of the Oakapple Lane site. The gross density of the 9 hectares of the site within Maidstone Borough would be approximately 27 units per hectare. As an outline application with all matters except access reserved or future consideration, the detailed layout of the site is not yet known or how much of the site will be given over to open space, landscaping and other uses. The net density for the developable area cannot, therefore, be calculated at this stage. It will, of course, be higher than the gross density for the site and it is noted that in the design and access statement reference is made to areas of various densities throughout the site ranging from low density to the edges of the site (20 -25 dwellings per hectare), medium density (25 – 30 hectares) and higher density of 30 – 35 dwelling per hectare towards the centre of the site. It is considered that this meets the criteria of the draft allocation.
- 9.03 The applicants advise that the detailed scheme will have different character areas and part of the areas characters will be differences in density with lower density to the edges of the site and increasing densities as you move further into the site. This approach is appropriate for a large new development such as the one proposed in this development and would reflect the natural flow of densities within a town or village where higher density development is concentrated at the centre and then filters down through medium to low density as you move outwards. This approach would also help to minimise the impact of the proposed development on the countryside and Strategic gap by concentrating the lower density development at the site's edges.
- 9.04 Given this approach, the size of the site and the number of units proposed, and bearing in mind that the development would be seen against the existing residential developments of Barming and Oakwood and the hospital complex on the opposite side of Hermitage Lane, I consider that there is sufficient space that would allow for the units proposed with sufficient parking space, open space and landscaping. Clearly, the detailed design, layout, appearance and landscaping will be dealt with at the reserved matters stage.

10.0 Residential Amenity

- 10.01 The detailed layout and appearance of the units is not being considered at this stage but I consider that the site could be developed without causing any loss of privacy or light to existing nearby properties as there is sufficient space between these and the application site. I also consider a layout could be achieved which provides suitable living conditions in terms of outlook and privacy for future residents. I do not consider noise from future occupants using their properties or from vehicles associated with the development would be such to warrant an objection. This would be in accordance with policy ENV28 of the Local Plan and the NPPF.
- 10.02 A noise and vibration assessment and an air quality assessment were submitted to support the application. The noise and vibration report concluded that there may be some issues with noise for the area closest to Hermitage Lane and recommended that the detailed design of the site should consider that the properties closest to Hermitage Lane would provide screening to the rest of the site, screening should be provided to the gardens of these dwellings, habitable rooms should be orientated, where possible away from the road and enhanced glazing and acoustic ventilation may be required for these properties. The Council's Environmental Health Team has reviewed the document and agree with its findings, subject to a condition requiring a plan for noise mitigation to be developed and submitted.
- 10.03 The Environmental Health team did, however, raise some concerns about the air quality assessment on the basis that it may not have accounted for the full quantum of proposed development in the surrounding area. They highlight that there are several known hotspots around Hermitage Lane that are exceeding air quality objectives and they do not currently accept that air quality is adequate. I note, however, that they advise that this matter could be dealt with via an appropriate worded planning condition to secure an air quality assessment which considers the cumulative impact of the proposed developments within the local area.
- 10.04 The proposed conditions relating to noise mitigation and air quality would ensure that future residents would have acceptable amenity standards. This would be in accordance with policy ENV28 of the Local Plan, the site's allocation development in the emerging local plan and the NPPF.

11.0 Heritage

- 11.01 The NPPF, Local Plan and the emerging local plan all seek to protect and enhance the historic environment. Development proposals will not be permitted where they lead to adverse impacts on natural and heritage assets for which mitigation measures appropriate to the scale and nature of the impact cannot be achieved.
- 11.02 The application site is not within a conservation area and there are no listed buildings on or adjacent to it. The Conservation Officer is, therefore, satisfied that the development of the site would not adversely affect any heritage assets due to the distances involved and the presence of intervening development.
- 11.03 KCC Heritage has advised that "the application site lies within an area of known prehistoric and Roman Archaeological potential. Prehistoric and Roman remains have been recorded to the north around St Lawrence Chapel and to the east within the hospital site. Pits within Iron Age artefacts have been located a few metres to the North and similar remain may extend into the development of the site." They have reviewed the desk based Archaeological Assessment and advised that in view of the archaeological potential of the site, a condition to secure the implementation of a programme of archaeological work is appropriate.

12.0 Highways

- 12.01 Issues of traffic generation and safety are key considerations in the determination of this application; given that Hermitage Lane is a key distributor road within the borough and other sites being promoted for development in the north west of Maidstone, especially land to the east of Hermitage Lane.
- 12.02 The main vehicle access to the site would be via a new three arm signal junction onto Hermitage Lane. This would be linked and jointly operated with the Hermitage Lane/Tarragon Road signal junction which would also be modified as part of this scheme to improve its operation. Pedestrian crossing facilities are proposed, as are improvements to the existing footpaths to run the length of the frontage of the site with Hermitage Lane. An emergency access is also proposed to the north of the site.
- 12.03 The site is located at the edge of Maidstone, close to numerous facilities, such as shops, employment opportunities, medical/dental facilities and leisure facilities. There are numerous bus routes within walking distance of the site and Barming train stationing is also within walking distance. The site is, therefore, considered to be sustainable in terms of public transport, walking and cycling provision and its proximity to local employment, education, retail and leisure

facilities. Future occupiers of the site would be afforded a choice of travel modes reducing their reliance on private car travel.

- 12.04 Trip attraction forecasting has been undertaken, as has traffic modelling, to assess the impact of the development on the local and strategic high networks. Whilst the majority of junctions would not be adversely affected by the impact of the development it was noted that there are existing deficiencies at the Fountain Lane/Tonbridge Road/Farleigh Lane junction which mostly suffers capacity problems during the evening peak. A scheme of mitigation is proposed comprising the reconfiguration of the junction marking layout to provide a conventional nearside to nearside right turn layout; the installation of a microprocessor optimised vehicle actuation (MOVA) signal optimisation system with associated vehicle detection and queue loops and the provision of Puffin pedestrian indicators.
- 12.05 The Highways Team initially reviewed the applicants Transport Assessment in November and whilst agreeing the principles of the approach for vehicular and pedestrian access and car parking as these followed and reflected detailed pre-application advice. They, however, requested that additional work was carried out on the applicants transport assessment as the assumptions for the number of units for surrounding sites in North West Maidstone were less than those set out in the Council SHLAA and allocations contained in the emerging local plan.
- 12.06 The applicants submitted additional information, in December, updating the model used to inform the Transport Assessment to reflect the quantum of development allocated to sites in north west Maidstone in the Council's emerging plan as well as the number of residential units proposed in relation to recently submitted planning applications in the area. The revised information demonstrated that the additional trips associated with these developments would result small net differences to the previously modelled traffic flows of around 1% or less. KCC Highways reviewed this additional information and agreed it's rational and findings.
- 12.06 KCC Highways and MBC have, however, requested that some mitigation and improvements are required in connection with the development. Firstly, the provision by a Section 278 Agreement between the applicant and KCC Highways and Transportation, of the offsite highway mitigation works to the B2246 Hermitage Lane/site access, B2246 Hermitage Lane/Tarragon Road and A26 Tonbridge Road/B2246 Fountain Lane/Farleigh Lane Junctions, as identified in the Transport Assessment, prior to the first occupation of the development. This is considered necessary and directly related to the development and reasonable and can be achieved under a section 278 Highways Agreement through Grampian Planning Conditions. Secondly, the preparation and

submission of a Construction Environmental Management Plan for approval by the Local Planning and Highways Authorities. I consider this is appropriate and reasonable and can be secured via a planning condition. Thirdly, the provision of measures to prevent the discharge of surface water on to the highway. Fourthly, the provision of wheel washing facilities prior to commencement of work on site and for the duration of construction. I agree that this is reasonable to prevent adverse impacts during the construction of the development and would be dealt with by an informative relating to good construction practices. Finally the completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing. This is reasonable and can be achieved via a Section 278 Highways Agreement and Grampian Planning conditions.

- 12.07 A request for contributions has also been received from KCC Highways in relation to offsite junction improvements following the Regulation 18 Local Plan consultation and the Infrastructure Delivery Plan which supports it. The figures for these contributions have now been confirmed by KCC Highways. They advise that they have focussed on the two junctions that exhibit the most pressing future capacity concerns – the A26/Fountain Lane junction to the south and the A20/Coldharbour Lane (M20 Link Road) junction to the north.
- 12.08 For the A26/Fountain Lane junction the full cost of the capacity improvements would be in the order of £400,000 and a contribution of £385 per dwelling is requested. This figure is based on KCC estimated costs – proportion based on 1000 units on Hermitage Lane sites (KCC numbers). They advise that this is slightly lower than the contributions sought for this from the applicants on Land to the east of Hermitage Lane (MA/13/1749 refers) where a figure of £400 per dwellings is requested. KCC Highways advise that this discrepancy has arisen on the basis that the consultants for this application design the proposed junction improvements and they have, therefore contributed in kind.
- 12.09 For the A20/Coldharbour Lane junction it is considered that the full cost of the capacity improvements would be £2.6 million. It is recognised that it would be unreasonable to expect development on Hermitage Lane to fund all of this work. Calculations carried out by consultants acting for land to the east of Hermitage Lane has identified that approximately 25% of peak hour growth over the next 5 years would be due to the expected new development and KCC advise that they have used this as a proxy for setting a reasonable contribution rate. It is therefore suggested that a figure of £1,352 per dwelling would be appropriate. This figure is the same as requested for application MA/13/1749.
- 12.10 The applicant has considered the requests and agrees to these contributions for junction improvements. I consider that the proposed mitigation is necessary and securing the contributions through a Section 106 agreement would meet the

requirements of the three tests of Regulation 122 of the CIL regulations and paragraph 204 of the NPPF.

- 12.11 It is noted that the land to the east of the Hermitage Lane also attracted requests for contributions towards other off site works on Hermitage land – including pedestrian crossing and a cycle route – and contributions to the bus service. KCC Highways have confirmed that no such contributions are required from this proposal and that they were fully attributable to the scheme for the other site.
- 12.12 KCC Highways have also advised that it is likely that the Highways Agency will require a contribution for improvement works to junction 5 of the M20. The Highway Agency comments have not yet been received, but detailed comments and any requests will be provided prior to the Committee meeting. The likelihood of a contribution being required for these works has been raised with the applicants and they have advised that they are likely to find such a contribution acceptable. I will update Members in detail on this issue at the meeting.
- 12.13 It is considered appropriate to include a condition to secure a sustainable travel statement to provide measures and incentives to encourage trips by alternative means to the private car to include a residential travel information pack and cycle parking within the site to be secured by condition.
- 12.14 The specific details of parking are not being considered at this stage but it is considered that it will be possible to provide sufficient parking at the site whilst achieving a high quality design.
- 12.15 For the above reasons, it is considered that the development would be sustainably located providing a choice of transport modes. Access would be safe and the development would bring improvements to the local highway network in terms of the remodelling of the Fountain Lane/Tonbridge Road/Farleigh Lane junction, improvements to the Tarragon Road/Hermitage Lane junction, enhanced pedestrian crossing facilities and pedestrian links. KCC Highways have raised no objections and I, therefore, consider that the proposal accords with Local Plan policies and the NPPF and there are no highway grounds to refuse this application.

13.0 Ecology

- 13.01 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.

- 13.02 The applicant has carried out a Phase 1 Habitat Survey in May 2013. Its findings are set out below.
- 13.03 The survey identified no rare or nationally scarce plant species and the site was found to support a relatively limited diversity of plants and habitats that is consistent with an arable field. A 2m by 2m stand of Japanese knotweed was found on the site's eastern boundary.
- 13.04 Reptiles – *"The majority of the site is a large arable field which is currently being used to grow wheat. The tall ruderal field margins on the site's southern and eastern boundaries hold limited potential to support reptiles with the area of tall ruderal in the western corner being suitable for reptiles to use. Under the current proposals this area will be unaffected by the development with a proposed 30m buffer from the edge of the development. As a result no further surveys for reptiles are required. In the event that management changes and habitat suitable for reptiles develops with the site then surveys may then be required."*
- 13.05 KCC Ecology agrees with the above as long as the proposed buffer is retained within the development. Should the buffer be removed from the scheme, they would expect reptile surveys to be carried out. In this instance, I consider it appropriate to impose a condition to ensure that the buffer comes forward in the detailed scheme.
- 13.06 Breeding Birds – *"The hedgerows in the south east corner and southern boundary as well as the mature trees on the north east boundary are considered suitable for breeding birds. It is considered likely that these habitats would be used by the more widespread species rather than any rare or protected species. With regard to the field, given that it is an arable field there is potential for skylarks to breed, however, it is relatively close to private residential properties, there is significant development to the east. No skylarks were recorded during the Phase 1 habitat Survey or during the early evening of the bat transect surveys or when the static bat detectors were retrieved and it is considered that if they had been present they would have been recorded during these surveys. All wild birds receive protection under the Wildlife and Countryside Act 1981 as amended and this includes disturbance when breeding. It is recommended that any clearance of these features should be undertaken outside of the breeding bird season limiting this work to between September and the end of February. If these dates do not coincide with site works then it is recommended that these areas are checked by a suitably experienced ecologist before the work commences."*

- 13.07 KCC Ecology raise no objection, but request a condition relating to breeding birds is attached to any grant of planning consent.
- 13.08 Bats – *"All trees within the site were assessed for their potential to be used by bats. No trees were found to hold potential to be used by bats and were too immature to have developed features that bats could use. No further surveys with regards to bats are needed."*
- 13.09 *The transect surveys only recorded 3 species using the site with only two passes being long eared and the rest 45kHz pipistrelle and 55kHz pipistrelle bats. During the static monitoring two additional bat species were recorded, serotine and noctule with an unconfirmed Ncytalus, again these were only single passes. In terms of habitat use, only 45kHz pipistrelle, were recorded foraging within the site and this was only for short periods of time and only on the site's southern boundary feature. Observation of all other species involved singleton bats passing briefly through the site. The habitats present are generally of low value but with certain features, notably the sites southern and north west boundary of higher value. The site is considered of local importance for bats.*
- 13.10 *The proposals for the project have been reviewed and the key features identified as being of higher value for bats will be retained. It is recommended that sensitive use of lighting and landscape planting should be designed to help protect key habitat features from the effects of the development."*
- 13.11 KCC Ecology raise no objection, subject to the imposition of a condition to secure the submission and approval of a lighting scheme.
- 13.12 Dormice – KCC Ecology advise that they are disappointed that the Habitat Survey does not consider the potential presence of Dormice within the adjoining ancient woodland or the boundaries of the site. They suggested additional information on this should be provided before the determination of the application.
- 13.13 The agent for the application has provided some additional information in relation to dormice, to demonstrate that this issue can be dealt with via a planning condition. He advises that the only habitat suitable for dormice in this location is the ancient woodland and the boundary hedgerows. He highlights the fact that they have already confirmed that a suitable buffer can be provided between the development and the woodland which would include the existing hedgerows which would, therefore, not be directly affected by the proposed development. He goes onto advise that a survey to establish the presence of dormice with respect to the Oakapple Lane site (MA/13/2079 refers). This confirmed that a single adult with a nest was found in Oaken Wood. It is assumed in the report that connectivity between the woodland and the

hedgerows means that dormice may be present in these although none were found. He argues that, on this basis, there is no need to undertake a separate presence survey as the information is already publicly available. It is proposed that the development of the land at Oakapple Lane would require a European Protected Species Licence to detail compensation and mitigation measures and this would also be the case for this site. He concludes that the condition requiring the submission of an Ecological Design Strategy (EDS) suggested by KCC Ecology would adequately cover this issue.

- 13.14 KCC Ecology agree that the potential habitat for dormice is the ancient woodland and hedgerows, particularly that to the south western boundary. They advise that without a survey it is impossible to adequately consider whether a European protected Species Mitigation Licence (EPSML) would be required. They advise that the assumption is made that a licence will be required unless a dormice survey report is submitted to and approved by the Local planning Authority which demonstrates that dormice are not likely to be present or proposes mitigation to avoid the need for a EPSML. They recommend that the removal of the hedgerow along the southern western boundary is secured by way of a condition and that specific reference is made to the importance of the provision of the buffer and its management in the submission of the EDS for the site. With these safeguards in place, it is considered that the application can be determined without the need for additional information in relation to dormice prior to the determination of this application.
- 13.15 KCC Ecology welcome the proposed provision of a buffer of between 15 and 30 metres between the proposed development and the ancient woodland, but raise concerns that the applicants have misunderstood the purpose of the buffer as the plans accompanying the application appear to show a pedestrian route through the buffer. KCC Ecology have stressed that the buffer should be maintained to limit disturbance from the development, people, domestic animals and lighting from impacting on the ancient woodland. It is noted, however, that this is an outline application, with all matters except access reserved for future consideration. It is considered that the submission and agreement of an EDS will guide the appropriate development of the site including the buffer and its management.
- 13.16 KCC Ecology have requested that a condition is attached to any grant of consent to secure the removal of an area of Japanese Knotweed from the application site. This is not a planning issue and is dealt with under other legislation. An informative has been attached to advise the applicants of the need to remove this invasive species.

- 13.16 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."*
- 13.17 Some suggestions for gains in biodiversity are put forward in the Phase 1 Habitat Survey and include additional planting of native species to the site's boundaries and incorporating nectar rich plants within on site landscaping. These suggestions are welcomed and considered appropriate and can be addressed via the proposed landscaping scheme. It is recognised that additional opportunities for biodiversity gains may also be available by features such as swift bricks and bat boxes and it is considered that a condition to secure these should also be imposed.

14.0 Flood Risk and Drainage

- 14.01 The NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and the technical guide outlines that opportunities to reduce the overall level of flood risk in the area should be sought through the layout and form of the development and appropriate use of Sustainable Urban Drainage (SUDs).
- 14.02 The site is not within a high risk flood area as identified by the Environment Agency but the applicant has submitted a Flood Risk Assessment (FRA) as is required for major housing applications. Being in a low risk area, the management of surface water runoff is the main issue.
- 16.03 The FRA assessed various SUDs options for attenuating surface water run-off from the site and concluded that there were three main SUDs that could be incorporated into the proposed development – lined porous pavements, lined tanks and lined detention ponds.
- 14.04 This being an outline application, the detailed design for the development is not provided at this stage but the preliminary design works by the applicants consultants indicate that a SUDs system will be used to accommodate the 1 in 100 year rainfall event with a 30% allowance for climate change.
- 14.05 The Environment Agency raise no objection to the principle of the development at this site, subject to a condition requiring a surface water drainage scheme for the development to be submitted and agreed. This will ensure that surface water will be managed within the development to ensure flooding does not occur and ensure flood risk will not be increased off site. It does, however, express some concerns about the methodology and findings of the FRA. They suggest a condition requiring additional more detailed groundworks investigation is attached to inform development on the site.

14.06 In terms of foul water, Southern Water has confirmed that there is inadequate capacity in the local network to provide foul sewage disposal for the proposed development. They advise that additional off site sewers or improvements to existing sewers would be required to provide sufficient capacity to serve the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested and request that an informative setting out the need for the applicants to enter into formal agreement with them is attached to any formal grant of planning consent.

15.0 Affordable Housing

15.01 The Council's Affordable Housing DPD 2006 requires affordable housing to be provided at 40% and is the current policy basis for requiring affordable housing. Emerging policy DM24 states that on housing or mixed use sites of 10 residential units or more, the Council will seek the delivery of affordable housing and sets a rate of 40% for countryside sites and rural service centres and larger villages. The Council will seek a tenure split in the borough of not less than 65% affordable rented housing, social rented housing or a mixture of the two. The balance of up to 35% of affordable dwellings delivered will be intermediate affordable housing (shared ownership and/or intermediate rent).

15.02 The applicants acknowledge that the development at Hermitage Lane will require the provision of an element of affordable housing. The applicants originally proposed 30% affordable housing to be spread across the site but did not submit a viability assessment to support their approach.

15.03 MBC Housing raised concern about the applicants' proposed approach and advise that the Affordable Housing DPD should be adhered to until such time as the emerging Local Plan are formally adopted. In terms of mix of affordable units the DPD states that not less than 24% of the affordable units should be affordable rented although there is discretion for the Local Planning Authority to agree a different mix. Based on the DPD, the applicants would need to provide 100 affordable units across the site with at least 24 units being affordable rented.

15.04 Following discussions with the applicants have advised that they are prepared to provide 40% affordable housing in accordance with Council policies and this is welcomed. This will be secured via the S106 Planning Agreement.

16.0 Planning Obligations

16.01 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. 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, health, education, social services, utilities, libraries and emergency services.

16.02 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.

The following contributions have been sought:

- An offsite contribution of £170,000 is sought towards the repair, maintenance, improvements and provision of outdoor sports facilities, allotments and gardens, and provision for children (equipped play) in the local area.
- Contribution of £4,000 per 'applicable' house and £1,000 per 'applicable flat' is sought on the assumption that land will be transferred to KCC for a nominal sum for the provision of a Primary School. Should this not be the case, an additional £2701.63 per 'applicable' house and £675 per 'applicable' flat towards the provision of a new primary school in west Maidstone.
- Contribution of £140.89 per dwelling is sought to be used to address the demand from the development towards additional library equipment and services at Maidstone library.
- Contribution of £47.44 per dwelling is sought to be used to address the demand from the development towards the provision of adult social care facilities local to the development.
- Contribution of £30.70 per dwelling is sought to be used to address the demand from the development towards the provision of new/expanded

facilities and services both through detailed adult education centres and through outreach community learning facilities local to the development.

- Contribution of £8.44 per dwelling is sought to be used to address the demand from the development towards youth services locally.
- Contribution of £147,420 is sought towards extensions and works to local medical centre/surgeries - Barming Surgery, Blackthorn Medical Centre, Alyesford Medical Practice and Allington park Surgery.
- Contribution of £41,000 for improved surfacing of footpath KB34.
- Contribution of £1,737 (£385 + £1,352) per dwelling towards offsite highway works.

16.03 An off-site open space financial contribution has been requested by the Council's Parks & Leisure Section towards the repair, maintenance, improvements and provision of outdoor sports facilities, allotments and gardens, and provision for children (equipped play) in the local area. The nearest play areas are at Barming Heath and Gatland Lane which are both within 1km of the application site. The agent initially queried the requirement for the £40,000 contribution requested in relation to developing Oakwood Cemetery into a park. He has supplied a copy of a Cabinet report (January 2014) which states that the Department of Health will fund the park up to £24,000 to make it suitable as a wildlife site. The report also highlights that the annual maintenance costs of the site would be £500 and that these can be met from existing budgets. Clarification on this was sought from the Council's Parks and Leisure Team on this matter. They advise that the contribution is required on the basis that larger numbers of people will be using the site from the development means that they will have to look to improve the facility beyond the initial works. They advise that works due to be paid for by the NHS are for urgent works such as tree surgery and works to make the site safe such as filling in sunken graves. The sum allowed for includes some money for benches and bins and path repairs. Additional money from this development would go towards the installation of CCTV to counteract some of the anti social behaviour, an extension to the path to provide a route around the site suitable for use in all weathers and further benches and bins which would be required for the additional people likely to be using the park. This is an outline application, where layout is not being considered and in some ways it would be more appropriate to agree the open space provisions at the reserved matters stage and it is considered that it might be more appropriate to secure the on site provision of an equipped play area (as shown on the applicants' indicative drawings). The applicants have, however, agreed to pay the contributions sought and to make provision on site for at least 25 standard allotment plots and I consider the requests comply with the tests.

- 16.04 KCC has requested a contribution towards a new school to be built on land to the east of Hermitage Lane or alternatively towards the provision of a new primary school in west Maidstone (Langley Park). It is clear that the proposed development of up to 250 dwellings would result in additional demand placed on education facilities in the area and consider this request for contributions is considered appropriate and meets the tests set out above.
- 16.05 KCC have identified that there would be an additional requirement for library equipment and services at the local library on the basis that the development would result in additional active borrowers and therefore seek a contribution. It is clear that the proposed development of up to 250 residential units would result in additional demand placed on the equipment and services at Maidstone library and this request for a contribution is considered appropriate.
- 16.06 A contribution has also been requested towards the provision of adult social care facilities. It is clear that the proposed development would place extra demand placed on these services and it is considered appropriate to secure contributions towards the provision of such services within a 3 mile radius of the application site.
- 16.07 A community learning contribution is sought towards new/expanded facilities and services for adult education centres and outreach community learning facilities. Again, it is clear that the proposed development would place extra demand on adult education and outreach community learning facilities and it is considered appropriate to secure contributions towards the provision of such facilities within a 3 mile radius of the application site.
- 16.08 A contribution towards local youth services is sought as the current youth participation is in excess of current service capacity. It is clear that the proposed development would place extra demand on local youth services and it is considered appropriate to secure contributions towards the provision of such facilities within a 2 mile radius of the application site.
- 16.09 In terms of healthcare, the NHS property service request is considered directly related to the proposed new housing, necessary and reasonable and therefore accords with policy CF1 and passes the S106 tests.
- 16.10 A contribution has been requested by KCC Public Rights of Way for improved surfacing of the public footpath KB34. Whilst it is accepted that the development of the site is likely to generate additional users for the surrounding footpath network, they would not be the only users of the footpath, given that there are existing users of the footpath and other permitted and current planning applications for development in the area which could all potentially

generate additional users for the local footpath network as a whole. It is also noted that the applicants are required to provide a buffer area of at least 15 metres between any development of the site and the ancient woodland which would include the footpath. As stated above, the aim of the buffer is to prevent harm from the development on the ancient woodland including limiting the amount of people and potential predators such as dogs and other animal in close proximity to it which may cause disturbance to the designated site. With this in mind and given that the applicant will be providing footpath links along Hermitage Lane and no evidence has been provided to show that the works would not have an adverse impact on the ancient woodland, I do not consider that the request accords with policy CF1 and passes the S106 tests.

- 16.11 The contributions towards highway improvements have been outlined in paragraphs 12.08 to 12.11 above and are deemed to meet the required tests. It is noted that a further request for off site highway works may be forthcoming from the Highways Agency in relation to junction 5 of the M20. Any such request will be assessed when it is received and Members will be updated at the meeting.
- 16.12 The applicants have submitted a draft S106 agreements which includes provision for all of the above contributions. It proposes that the payments would be triggered at 25%, 50% and 75% occupation with the contributions being indexed linked and subject to repayment if outstanding after 5 years. Given the scale of the contributions involved with this application and the likely timescale for the proposed development to be built out, I consider that this is an appropriate approach

17.0 Other Matters

- 17.01 Sustainable development is advocated under the NPPF and the emerging Local Plan policy DM2 which sets out a requirement for residential development to achieve a minimum of Code for Sustainable Homes (or any future national equivalent) Level 4. The applicants have accepted the requirement to achieve Level 4 and it is considered appropriate to secure this via a planning condition.
- 17.02 Other matters raised and not considered above include too many households for Hermitage Lane; plans should take account of the quiet semi rural environment, back gardens are the only acceptable option to the rear of our houses, plans not particularly clear – just general coloured coded areas, there have been several developments in the area which have placed strain on local amenities and infrastructure. Each application for development in the local area will be considered on their own merits and if any are recommended for approval this would be subject to suitable contributions or on site provision of facilities to make the developments acceptable in planning terms. This is an outline

application with only the principle of up to 250 dwellings and access to be considered at this stage. The detail of the proposed development will come forward at the reserved matters stage.

18.0 CONCLUSION

- 18.01 The proposed development is contrary to policy ENV28 in that it represents housing development outside a settlement boundary in the Local Plan and would be located on grade 2 agricultural land. 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.
- 18.02 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. The site lies immediately adjacent to the north west boundary of Maidstone. This area of Maidstone has good access to the M20, A20 and the A26 with good local services including a mix of health, retail, employment and education facilities within walking distance and good access to public transport.
- 18.03 As such, the application site is sustainable location, immediately adjoins the existing settlement, close to facilities, with good public transport links and is considered an appropriate location in principle for additional housing. It is an allocation in the emerging Local Plan which has just been out for its Regulation 18 consultation.
- 18.04 Whilst the proposed development would add a significant amount of built form onto the site, it would be seen in the context of the development on the edge of Maidstone and the size of the site would allow this development to be offset by both formal and informal open space. Long range views of the site are possible from the top of the North Downs, but it is difficult to isolate the site within these views. Short range views of the site are possible, but are limited largely to the site's frontage with Hermitage Lane. Further planting to the site's boundaries together with the proposed landscaped buffer zone will help to soften the visual impact of the development from both long and short range views. The development would be seen as an extension to the built up area of Maidstone with clear and robust boundaries and the harm to the character and appearance of the area is considered to be low to medium.
- 18.05 There are no highway objections subject to conditions securing necessary works, no objections from the Environment Agency subject to conditions, and there would be no significant impact to heritage assets. The development could be

designed to ensure no harmful impact upon existing amenity and future occupants would have sufficient amenity.

- 18.06 The ecological impacts of the development can be suitably mitigated in line with the NPPF and some mitigation/enhancement would be provided on-site. KCC Ecology is raising no objections, subject to the imposition of conditions.
- 18.07 Appropriate and sufficient community contributions can be secured by a Section 106 agreement to ensure the extra demands upon local services and facilities are borne by the development, and the proposal would provide an appropriate level of affordable housing.
- 18.08 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 of 19,600 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, 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 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 conditions.

19.0 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 £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, an additional £2701.63 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.
- Contribution of £140.89 per dwelling to be used to address the demand from the development towards additional bookstock and services at Maidstone library.

- Contribution 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.
- Contribution 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 detailed adult education centres and through outreach community learning facilities within 3 miles of the application site.
- Contribution 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.
- Contribution of £842.40 per open market dwelling towards extensions and works to Barming Surgery, Blackthorn Medical Centre, Alyesford Medical Practice and Allington Park Surgery .
- Contribution of £1,737 per dwelling towards offsite highway works for improvement works to the A26/Fountain Lane and the A20/Coldharbour Lane junctions.
- Contribution of £40,000 towards the provision and maintenance of open space at the old Oakwood Cemetery.
- Contribution of £20,000 towards the improvement and maintenance of existing local sports facilities and pitches.
- Contribution of £110,000 towards the improvement and maintenance of local equipped play areas at Barming Heath and Gatland Lane.
- The provision of a minimum of 25 on site standard allotment plots.

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 development shall not commence until approval of the following reserved matters has been obtained in writing from the Local 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: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.

Reason: In the interests of amenity and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings as set out in policy BE1 of the 1997 Thurrock Borough Local Plan and BEN1 of the 2003 Thurrock Unitary Development Plan.

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of the locations, heights, designs, materials and types of all boundary treatments to be erected on site. The boundary treatments shall be completed in strict accordance with the approved details before the first occupation of the buildings or land and maintained thereafter.

Reason: In the interests of visual amenity, privacy and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings.

4. No development shall 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 and the approved facilities shall be provided before the first occupation of the buildings or land and maintained thereafter.

Reason: No such details have been submitted and in the interests of amenity.

5. No development shall commence until a detailed scheme for parking and turning areas has been 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 building or land 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 (or any subsequent re-enacting Order) 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.

6. No development shall 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 runoff generated up to and including the 100yr critical storm (including an allowance for climate change) will not exceed the runoff from the undeveloped site following the corresponding rainfall event, and so not to increase the risk of flooding both on or off site. The approved scheme shall be implemented before the development hereby approved is permitted and maintained thereafter.

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

7. 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 in writing by, the Local Planning Authority.

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

8. No development shall take place (including ground works and vegetation clearance) until a Construction Environmental Management Plan (CEMP (Biodiversity)) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of biodiversity protection zones;
- c) Practical methods (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard and improve natural habitats and features within the site and to mitigate against the loss of natural habitats, with particular reference to those species protected under the Wildlife and Countryside Act 1981.

9. No development shall take place until an ecological design strategy (EDS) addressing the mitigation for impacts to the ancient woodland and ecological enhancements of the site, including the provision of a 15 – 30m undeveloped ancient woodland buffer with managed public access and the retention of the hedgerow on the south west boundary of the site, has been submitted to, and approved in writing by, the Local Planning Authority. The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works;
- b) Review of site potential and constraints;
- c) Detailed design(s) and/or working method(s) to achieve stated objectives;
- d) Extent and location/area of proposed works on appropriate scale maps and plans;
- e) Type and source of materials to be used e.g. native species of local provenance;
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) Persons responsible for implementing the works;
- h) Details of initial aftercare and long-term maintenance;
- i) Details for monitoring and remedial measures.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To safeguard and improve natural habitats and features within the site and to mitigate against the loss of natural habitats, with particular reference to those species protected under the Wildlife and Countryside Act 1981.

10. A Landscape and Ecological Management Plan (PEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to commencement of the development hereby permitted. The LEMP shall include the following:

- a) Description and evaluation of features to be managed;
- b) Identification, supported by up to date ecological surveys, of ecological trends and constraints on the site that may influence effective 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 LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management bodies responsible for its delivery. The approved plan shall be implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard and improve natural habitats and features within the site and to mitigate against the loss of natural habitats, with particular reference to those species protected under the Wildlife and Countryside Act 1981.

11. The recommendations and precautionary methods outlined in the Phase 1 Habitat Survey (dated August 2013) shall be strictly adhered to unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that suitable mitigation is provided for ecology within the application site.

12. 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.

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.

13. The details of landscaping, submitted pursuant to condition 1 above, shall provide for the following:

- (i) A 15 – 30 metre landscape buffer at the site’s boundary with Fullingpits Wood; and
- (ii) An Arboicultural Implications Assessment (AIA) and tree protection measures in accordance with the recommendations of BS5837:2012, Trees in relation to design, demolition and construction – recommendations. The AIA shall include a realistic assessment of the probable impact of any proposed development on trees and vice versa, together with details of any tree works that would be necessary to implement the proposal. Where the AIA identifies a conflict between the proposal and retained trees, details should be provided to demonstrate that the trees can be successfully retained.

All planting, seeding or turfing comprised in the landscaping 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 the adequate protection of trees.

- 14. No development shall commence until details of the proposed means of foul and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that adequate drainage is provided for the development.

- 15. No development shall take place until a detailed ground investigation report has been submitted to, and approved in writing by, the Local Planning Authority. The report shall include in-situ permeability testing at representative areas across the site and consider the potential for solution features on site. The development shall be designed taking into account the findings of this report.

Reason: To ensure that adequate drainage is provided for the development and that it does not cause flooding elsewhere in the surrounding area.

- 16. Notwithstanding the details illustrated on the approved plans, prior to the first residential occupation of any of the residential units hereby permitted a detailed lighting plan for the development including the road, car parking

areas, footways/cycleways, shall be submitted to and agreed in writing with the Local Planning Authority. Such details shall include the siting and design of any lighting together with details of the spread and intensity of the lighting. It should also identify those areas/features on site that are particularly sensitive for bats and where lighting is likely to cause disturbance along important routes used to access key areas of their territory and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The lighting shall be installed in strict accordance with the agreed details prior to first residential occupation of the dwellings hereby permitted and thereafter retained and maintained in the agreed form without any further additions.

Reason: In the interests of highway safety, amenity and biodiversity.

17. The dwellings constructed in pursuance of condition 1 will achieve Level 4 of the Code for Sustainable Homes, or any equivalent nationally applied standard in place at the time the dwellings are implemented.

Reason: To ensure a sustainable and energy efficient form of development.

18. 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 with the site, and the design of the kerb stone/crossing points which shall be of a wildlife friendly design, have been submitted to, and approved by, the Local Planning Authority. The development shall thereafter be undertaken with the subsequently approved details.

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

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

Reason: To protect vulnerable groundwater resources.

20. The open areas within the residential development site shall remain open and available for public access and no fences, walls, gates or other means of enclosure shall be placed or erected to preclude access to these areas at any time without the prior written approval of the Local Planning Authority.

Reason: In the interests of permeability throughout the site and to maintain the character and appearance of the landscaped areas.

21. 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.

22. No part of the development shall be occupied until a Sustainable Travel Statement, providing measures and incentives to encourage trips by alternative means to the private car and to include a Residential Travel Information Pack, has been submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be carried out in full.

Reason: In the interests of sustainable transport use.

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

Reason: In the interests of residential amenity.

24. No development shall commence until a further air quality assessment has been submitted to, and approved in writing by, the Local Planning Authority. The assessment shall build on the air quality assessment submitted by Resource and Environmental Consultants Ltd dated October 2013 and provide information based on the predicted cumulative growth in the local area. The development shall be designed taking into account the findings of the air quality assessment.

Reason: In the interests of residential amenity.

25. 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.

26. No part of the development shall be occupied until the following works have been constructed and completed:

- (i) The provision of a footway along the northbound carriageway of the B2246 Hermitage Lane linking to the new proposed pedestrian crossing;
- (ii) The provision of a footway to link from the north east of the site to the existing pedestrian island on Hermitage Lane to the north of the Hospital "in only" access with the crossing point incorporating dropped kerbs and tactile paving;
- (iii) A refreshment of the coloured surfacing on Hermitage Lane to raise driver awareness of the increased footfall associated with the development.

Reason: In the interests of highway safety, pedestrian safety and sustainability.

27. The approved details of the access and emergency access as shown within the Transport Assessment shall be completed before the commencement of the use of the land and be maintained thereafter.

Reason: In the interests of highway safety.

INFORMATIVES

The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide prosecution under this act.

Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

The applicant/developer should enter into a legal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, S021 2SW (tel. 0330 303 0119) or www.southernwater.co.uk

The developer will be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. As per the relevant act and the Site Waste Management Regulations 2008, this should be available for inspection by the Local Planning Authority at any time prior to and during development.

A planning consent does not confer a right to disturb or divert any public right of way without the express permission of the Highway Authority, in this case KCC Public Rights of Way and Access Service.

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

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

You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at www.considerateconstructorsscheme.org.uk

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

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

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

Under the terms of the Flood & Water Management Act 2010, each Lead Local Flood Authority will set up a Sustainable Drainage Advisory Board (SAB). Kent County Council (KCC) has been identified as the lead Flood Local Authority for this area and will be responsible for approval of surface water drainage infrastructure for new development. SAB approval will be required in addition to planning consent. We therefore recommend the applicant makes contact with the SAB at KCC to discuss details of the proposed surface drainage infrastructure. Enquiries should be made to

Kent County Council via email at suds@kent.gov.uk .

The Bat Conservation Trust's 'Bats and Lighting in the UK' guidance should be adhered to in the lighting design.

Japanese knotweed has been identified on the eastern boundary of the site. Its containment, control and removal should be secured.

There is likely to be a need for a European Protected Species Mitigation Licence in relation to the potential presence of dormice within the application site.

REASON FOR APPROVAL

The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000 and would be located on grade 2 agricultural land. However, the development is at a sustainable location, immediately adjoins an existing settlement, and is not considered to result in significant visual harm to the area or the Strategic Gap. There would be no adverse ecological or highway impacts. Given the current shortfall in the required five-year housing supply that the site is allocated as a housing site in the Council's emerging Local Plan, 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.

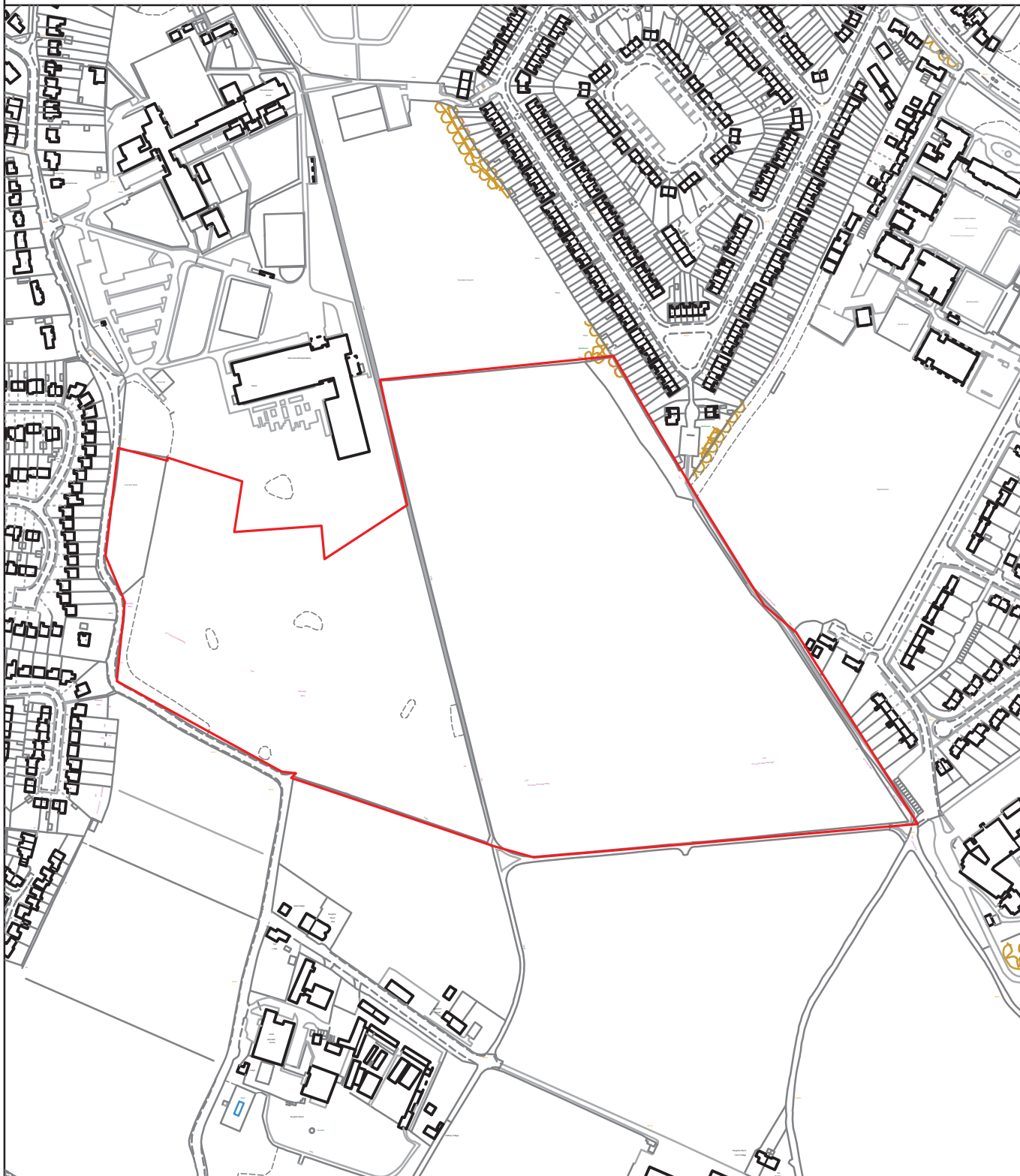
Case Officer: Annabel Hemmings

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.

THE MAIDSTONE BOROUGH COUNCIL

Land at
Boughton Lane,
Maidstone.
Kent

MBC Ref: MA 13/2197



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 13/2197		
APPLICATION PROPOSAL		
<p>Erection of 220(no) residential dwellings together with access, parking, landscaping, and ancillary works on land at Boughton Lane, and provision of new playing fields for New Line Learning Academy as shown on 2084-001, 2084-002, 2084-29, 2084-30, 2084-31, 2084-33 to 2084-39, 2084-99, 2084-100, 2084-102, 2084-104, 2084-105, 2084-32, 2084-35, 2084-40, 2084-41, 2084-42, 2084-43, 2084-44, 2084-45, 2084-46, 2084-47 2084-48 2084-49, 2084-50, 2084-51, 2084-52, 2084-53, 2084-54, 2084-55, 2084-56, 2084-57, 2084-58, 2084-59, 2084-60, 2084-61, 2084-62, 2084-63, 2084-64, 2084-65, 2084-66, 2084-68, 2084-70, 2084-73, 2084-75, 2084-78, 2084-80, 2084-82, 2084-85, 2084-87, 2084-90, 2084-91, 2084-92, 2084-95 2084-97, 2084-108, 2084-113, 2084-120, 2084-121, 2084-122, 2084-123, 2084-124, 2084-125, 2084-126, 2084-127, 2084-128, 2084-129, 2084-130, 2084-131, 2084-132, 2084-133, 2084-134, 2084-135, 2084-136, 2084-137, 2084-138, 2084-139, 2084-140, 2084-141, 2084-142, 2084-150, 2084-151, 2084-152, 2084-153, 2084-154, 2084-155, 2084-156 RevA, 2084-157 RevA, 2084-158 RevA, 2084-159 RevA, 2084-160 RevA, 2084-161 RevA, 2084-63, 2084-65, 2084-67, 2084-69, 2084-71, 2084-72, 2084-74, 2084-76, 2084-77, 2084-79, 2084-81, 2084-83, 2084-84, 2084-86 2084-88, 2084-89, 2084-93, 2084-94, 2084-96, 2084-97, 2084-107, 2084-109, 2084-110, D1977.L.100 , D1977.L.101 RevA, D1977.L.102 RevA, Design and Access Statement, Planning Statement, Statement of Community Involvement, Affordable Housing and Contributions Statement, Code Level 4: Analysis of cost uplift and proposed alternative strategy, Transport Assessment and Travel Plan, Utilities Appraisal including Appendices 1-7, Extended Phase 1 Habitat Survey and Bat Building Survey Report, Archaeological desk based assessment, Method statement for a Magnetometer survey, Detailed Magnetometer survey, Arboricultural report and tree survey, Flood risk assessment and drainage strategy, Desk study and ground investigation, Application Form and Supporting Letters received 19th December 2013. And plan numbers 2084-64 RevA, 2084-66 RevA, 2084-96 RevA, 2084-98 RevA, 2084-101 RevA, 2084-103 RevA, 2084-106 RevA, 2084-111 RevA, 2084-114 RevA, 2084-65 RevA, 2084-95 RevA, 2084-97 RevA, 2084-100 RevA, 2084-102 RevA, 2084-105 RevA, 2084-112 RevA, 2084-113 RevA, 2084-09 RevC, 2084-10 RevC, 2084-11 RevC, 2084-012 RevC, 2084-013 RevC, 2084-014 RevC, 2084-015 RevC, 2084-016 RevC, 2084-017 RevC, 2084-018 RevC, 2084-019 RevC Received 25th March 2014. Plan number DHA/6723/01 received May 2014, SK01 RevP1 received May 2014.</p>		
ADDRESS Land At, Boughton Lane, Maidstone, Kent		
RECOMMENDATION GRANT SUBJECT TO COMPLETION OF S106 LEGAL AGREEMENT (see section 11 of report for full recommendation)		
REASON FOR REFERRAL TO COMMITTEE		
The application is being reported to the planning committee as it has been called in by Councillor Derek Mortimer and is a major development.		
WARD South Ward	PARISH/TOWN COUNCIL Maidstone	APPLICANT Kent County Council Future Schools Trust AGENT DHA Planning
DECISION DUE DATE 2 nd April 2014	PUBLICITY EXPIRY DATE 2 nd April 2014	OFFICER SITE VISIT DATE 28 th January 2014
RELEVANT PLANNING HISTORY (including appeals and relevant history on		

adjoining sites):			
App No	Proposal	Decision	Date
13/1375	Application for the approval of reserved matters of appearance, landscaping, layout and scale and discharge of conditions 4 (boundary treatments), 5 (refuse storage), 7 (landscaping requirements), 9 (parking provision) and 11 (scheme parameters) pursuant to outline planning permission MA/12/1989 for the erection of a new primary school.	Approved with conditions	13/12/13
12/1989	Outline application for the erection of a primary school with access to be determined at this stage with appearance, landscaping, layout and scale reserved for subsequent approval.	Approved with conditions	05/08/14
09/2293	A consultation with Maidstone Borough Council by Kent County Council for the floodlighting of the two 3-court multi use games areas.	Raised no objections	12/02/10
08/2098	A consultation with Maidstone Borough Council by Kent County Council for the demolition of existing school buildings, erection of new academy, including erection of new 6 court sports hall, erection of vocational centre (indicative footprint only), re-provision of outdoor playing pitches, new 6 court MUGA, 153 car parking spaces, 150 bicycle spaces, strategic landscaping works and associated circulatory access roads.	Raised no objections	11/11/08
08/1700	An Article 10 Consultation by Kent County Council with Maidstone Borough Council for the demolition of existing school buildings, erection of a new Academy including erection of new 6 court Sports Hall, erection of Vocational Centre (indicative footprint only), re-provision of outdoor playing pitches, new 6 court MUGA, 153 car parking spaces, 160 bicycle spaces, strategic landscaping works and associated circulatory access roads.	Raised no objections	17/10/08

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site comprises two fields located immediately to the south of the New Line Learning Academy complex (formerly known as 'Oldborough Manor Community School'), situated to the eastern side of Boughton Lane. In the wider context, this site is to the south of Maidstone

town centre and east of the Loose Road forming a main route in and out of Maidstone.

- 1.02 The 18.95ha site comprises an existing playing field associated with the New Line Learning School together with an adjacent agricultural field. The playing field, which is previously developed land, is located within the urban area of Maidstone with the agricultural field to the east within the countryside and Anti-Coalescence Belt (ENV32) as defined by the Maidstone Borough Wide Local Plan 2000. The two fields are split by a footpath (KB26) which runs from north to south) in a straight line through the centre of the site.
- 1.03 To the north of the existing playing field are the buildings of the New Line Learning Academy which is not separated by any defined boundary. The remaining boundaries to the playing fields are defined with a steel palisade fence forming the boundary to the central footpath to the eastern boundary of the playing field. A second footpath (KM98) continues from west to east leading on to Boughton Lane together with a line of established planting and trees. This boundary landscaping and trees links to the Five Acre Wood (area of Ancient Woodland) sited between the site and Boughton Lane itself in the west of the site. The agricultural field has defined boundaries with established trees and landscaping continuing around the field. Footpath (KB27) continues beyond the southern boundary and extends from north to south along the eastern boundary of this field.
- 1.04 In addition to the trees and landscaping to the boundaries of the site, there are a small number of trees dotted within the playing field itself. None of the trees within this site are protected by TPO. Much of the site itself is level with the eastern part having a slight slope to the south. The site is also located on an area of high ground to the east of the Loose Valley.
- 1.05 Within the wider context, west of the site are the established residential estates of Loose with the Kent Police complex, Parkwood and Mangravet estates located to the east. The countryside extends south including the Boughton Mount complex some 100m beyond the southern boundary.
- 1.06 As Boughton Lane continues through the urban area to the south, its character becomes more rural by virtue of the hedgerows and established planting which buffers the road which also narrows at this point. Consequently, the site has a more rural character due to this urban fringe location. Indeed, arable fields and general agricultural land continues towards the south of the site to the modest residential areas of Boughton Monchelsea village boundary.
- 1.07 The site is considered to be sustainable by virtue of its position within walking distance of local shops and schools. Loose Road is also a short walk to the west which provides regular bus services to Maidstone Town Centre as well as villages to the south.

2.0 **PROPOSAL**

2.01 The proposed scheme essentially comprises two main elements. The erection of 220 new residential dwellings and the provision of new playing fields for the New Line Learning Academy.

2.02 Dealing with the residential development first, this would be sited on the existing school field and would include new accesses, parking, landscaping, and ancillary works on the land. The 220 dwelling proposal would include a mix of one, two, three, four and five bedroom units also with the provision of flats within apartment blocks. See table below for proposed mix numbers.

Unit Type	Market	Affordable	Total
1 Bed Flat	0	6	6
2 Bed Flat	0	27	27
2 Bed FOG	6	4	10
2 Bed House	11	14	25
3 Bed House	78	15	93
4 Bed House	53	0	53
5 Bed House	6	0	6
Total	154	66	220
Density - 40dph			

2.03 The scheme includes 16 house types with a number of variations to account for siting characteristics of the site. The dwellings would be of 2 to 2½ stories in scale with the inclusion of chimneys to a number of key plots. The eaves heights and ridge heights of the dwellings would generally range between 4.6m to 7.5m and 7.8m to 10.5m respectively. The apartment blocks are 3 stories in scale and have an eaves height and ridge height between 7.7m to 8m and 11.5m to 12.2m respectively. These heights allow some differences in the roofscape and add to the character of the development. The large house types are generally focused around the green space central to the development. These are the largest plots and offer a presence within the streetscene together with planting in the open space. Other larger house types are positioned on key and corner plots, again to break up streets and to enhance the character of the spaces.

2.04 In terms of the layout, the scheme would include two new entrances in to the site, one to the western boundary and one to the southern boundary of the site, both accessing Boughton Lane. The western access would be located through part of the Five Acre Ancient Woodland within the same position as a previous construction access. This was created during the development of the New Line Learning Academy and was removed as an access following completion of the development. The southern access would be positioned between the existing turns in Boughton Lane to cater for suitable visibility.

2.05 The scheme includes a main spine road through the centre of the site which has a strong frontage presence along its length. This is lined with new planting to create an avenue sense highlighting this main route. The design incorporates properties with a good set back from the highway, with a good level of landscaping provision along this frontage. The properties along this stretch would be set back approximately 5metres from the road edge, with tree planting providing a buffer to this. A second looped road would link from this spine route accessing the eastern side of the development following this landscape character with some tree planting within the streetscene. A series of shorter and narrower residential streets which would be screened by the existing dense landscaping and Ancient Woodland extend to the western corner of the development.

2.06 The proposed new playing fields would be located within the agricultural field forming the second element of this proposal. The playing fields would occupy a larger area than existing with an increase of approximately 30% from 6.93ha to 8.65ha. An area of land to the northern part of this field would be left undeveloped and would provide access for the school to the playing fields crossing the existing footpath.

2.07 The playing fields would be fenced with steel palisade fencing to prevent unauthorised access and to provide suitable security for the school. The playing fields would be used for a variety of sports and would comprise a total of 8 pitches;

- 2 x Senior football pitches which can also be used as mini football pitches;
- 2 x Additional mini football pitch;
- A cricket pitch;
- A 6 lane athletics track with field athletic facilities;
- A Senior rugby pitch;
- A Rounders' field; and
- 2 x 10mx10m training grids.

3.0 SUMMARY INFORMATION

	Proposed
Site area (ha) of existing playing fields/new residential development	6.93ha
Site area (ha) of proposed playing fields	8.65ha
Site Area (ha) total	18.95ha
No. of Storeys	2, 2½ and 3
No. of Residential Units	220
No. of Affordable Units	66
Parking Spaces	419

4.0 POLICY AND OTHER CONSIDERATIONS

Development Plan: Maidstone Borough Wide Local Plan 2000 Policies:
ENV6, ENV23, ENV28, ENV32, ENV49, T13
The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Ministerial Statement for Growth 2012
Maidstone Borough Local Plan Regulation 18 Consultation 2014
Affordable Housing DPD 2006
Open Space DPD 2006
Kent Design Guide 2009
The Loose Road Character Area Assessment

5.0 LOCAL REPRESENTATIONS

- 5.1 A large number of neighbour representations have been received including a petition of approximately 1500 names and a number of letters from the North Loose Residents Association. A number of issues are consistent within the representations received. I have summarised the issues raised as below:-
- 5.2 The majority of the letters received raise concerns regarding the impact upon and loss of Ancient Woodland which is located to the western boundary of the site. As discussed in relation to this is concern regarding the loss of existing landscaping within the site and the impact upon ecology. Residents are also concerned regarding the traffic issues from this development in terms of capacity, congestion and highway safety within the local area. The loss of agricultural land has also been raised together with the impact upon the countryside through the loss of this land for agricultural purposes together with the development of this site as proposed causing harm to the character and appearance of the countryside. Comments regarding the existing adequate provision of sports facilities provided at the school have been raised and linked to this is the impact the development would have upon the school itself which is also included within some representations.
- 5.3 Comments have also been raised concerning the design of the development regarding the house types included together within their individual design, the density of the development and the overall layout. The level of open space provided has also been raised together with the connectivity of the scheme to the surrounding highway network and public footpaths.
- 5.4 These issues will be discussed and considered within the main report below.

6.0 CONSULTATIONS

- **Boughton Monchelsea Parish Council** - Supports the application with the following comments:-

"The above application has been considered by the Parish Council's planning committee, who confirm they wish to positively support it. The Parish Council are of the view that the development presents the

opportunity to provide 220 much needed residential units as an extension to the existing urban settlement. There are a number of traffic related matters which cause us some concern, but we are confident the relevant highways authorities/agencies will ensure these are resolved. These concerns revolve around:-

- a) Boughton Lane/A229 Junction.*
- b) Road safety matters for pedestrians along Boughton Lane*
- c) Potential rat-runs.*

To reiterate, Boughton Monchelsea Parish Council supports this application”.

- **Loose Parish Council** - Raises objections with the following comments:-

“The above application was discussed at a meeting of the Loose Parish Council planning committee on the 17th February 2014, which was attended by 29 members of the public. Whilst this application does not relate to a site within our Parish it is felt the proposals to be of direct consequence given the close proximity of the Parish. Loose Parish Council does not view the application favourably, and wish to object in the strongest terms. It is considered to have a huge detrimental effect to the area. We see no reason why this proposed application should go ahead as it stands. Our concerns are:-

- *Density of the buildings, 40 dwellings per hectare is very dense, and not commensurate with those of surrounding areas.*
- *Very little allowance has been given to the provision of green areas.*
- *We doubt (from local experience of the effect of development feeding the Loose Road) that the traffic report does not accurately conclude the weight of traffic which will be added to the already overloaded junctions at Boughton Lane/ A229. Alternative estimates are being bandied about suggesting a 53% increase in traffic volume in Boughton Lane.*
- *Extra air pollution generated by more vehicles is a concern. We understand air pollution is already 50% above EU recommended levels at the Wheatsheaf junction.*
- *The development includes three, three storey blocks of apartments. These will jar with the character of the area and are not appropriate in a rural setting.*
- *We would wish to see all houses built under sustainability code 4. There should also be a greater emphasis on the provision of affordable housing i.e. up to 40% of the proposed development.*
- *The design of the dwellings is not exciting. They do not demonstrate any particular special design features. They are off the shelf and will not embrace the rural nature of the area or reflect the character of some fine houses in Boughton Lane.*
- *The application lacks some of the points raised in the MBC Blue and Green Draft Policy Document.*

- *There is concern that the road goes through ancient woodland. A greater buffer zone between the woodland and the development would be a positive as it would give greater protection to the woodland.*
- *Going south along Boughton Lane from the proposed development there are no footpaths. Given that the lane is narrow with some blind bends extra traffic will be a safety a hazard for pedestrians.*
- *Smaller lanes such as Payne's Lane, Pear Tree Lane will no doubt be used as alternative routes to avoid the lights at Boughton Lane/A229 junction.*
- *The Loose Road Character Area Assessment & Design Policies highlight the positive features of this area (pages 67 & 68). These will be lost.*
- *There will be extra demand placed on services and infrastructure, such as roads, medical centres, and utilities as a result of a development of this scale.*
- *We understand an idea had been put to the developer to develop his existing land, and provide an access out to the Sutton Road where traffic volumes are known to be less than in the already congested Boughton Lane and A229. This would have been a better option.*

This development will have a huge impact not just on the immediate area but also on the Parish of Loose. There will be extra pressure placed on the surrounding roads and rural lanes with extra traffic volumes. Page 67 b) Of the LRCAA document states that "Parts of Pheasant Lane, Boughton Lane and Paynes lane all retain a strong rural character as narrow lanes lined with hedges and trees .Development should not erode these unique features through the loss of hedges/trees..... additional traffic will cause the erosion of such boundary features". The rural aspect and ancient woodland will be affected, and the character of the area will be lost. This development will neither protect nor enhance the landscape features. The high density of the development will create a demand for more services in terms of medical needs, utilities, and recreation.

Loose has a well maintained recreation ground with play equipment which is probably one of the nearest to the development. Because of the lack of provision for the needs of families in the development we feel there will be an increase in the use of the Loose facilities which of course are paid for by the residents of Loose. Air pollution is a matter that should not be taken lightly. It is disappointing that MBC have not considered the impact extra dwellings ie vehicles will have in certain areas such as the Wheatsheaf Junction. We fully support the reasons for refusal put forward by the residents of North Loose, and strongly object ourselves to this application. It is considered that this application should be put to the MBC planning committee".

- **Sport England** - Raise no objections provided stated conditions on their response are imposed. These relate to the creation of the new sporting facilities prior to the construction of the residential development, submission of details concerning drainage, topography etc.

- **Upper Medway Internal Drainage Board** - Raises no objections with the following comments:-

"The proposal is located outside of the Upper Medway Internal Drainage Board's district and is unlikely to affect the Board's interests. However, due to the scale of the development it is requested, should the Council be minded to approve this application, that drainage details are made subject to a planning condition requiring separate approval by the LPA, in consultation with the EA & KCC (which I'm sure will be the case). Surface water runoff from the site must be restricted to that of the pre-developed Greenfield site with on-site storage provided to accommodate the 1 in 100 year rainfall event (+30% for the predicted effects of Climate Change)".

- **Southern Gas** - Raises no objections but do state that a number of service pipes are located within the proximity of the site. This information has been passed to the applicant for their information.
- **Southern Water** - Raises no objections and requests an informative that the applicant shall contact Southern Water regarding providing capacity improvements to accommodate the development.
- **KCC Heritage** - Raise no objections and require conditions as set out below:-

"The site lies within an area which has considerable potential for prehistoric and Roman remains. Iron Age remains are particularly well known in the vicinity, with the Scheduled Monument of Boughton Camp, an Iron Age oppidum, to the south and Iron Age settlements to the east and south. A Roman road is considered to run along part of the eastern boundary and further Roman remains have been located along this route, especially to the east.

A substantial rectangular earthwork was marked on early OS maps and although much of this earthwork enclosure has been destroyed above ground, it seems that the western side may be preserved within the application site. Interpretation of this enclosure varies but it may be a Roman camp or enclosure because it respects the alignment of the Roman road.

This application is supported by a Deskbased Archaeological Assessment by CgMs. This report provides a reasonable assessment of buried archaeological issues. The conclusion of this report is that the site has high potential for Iron Age and Roman archaeology and in view of the "general absence of significant past post depositional impacts," that the development could have a severe and widespread archaeological impact. A geophysical survey was recommended as well as evaluation of the site. I note that a geophysical survey was undertaken and a report is included in the documentation supporting the application. The geophysical survey located several anomalies across the development site, many of which could well be

archaeological. I welcome this approach and in general agree with the specialist assessment.

However, this specialist assessment and the implications do not seem to have been fully appreciated by the applicant or their planning agents. The Planning Statement only briefly mentions archaeology in section 14 and suggests that only "certain features will need to be examined prior to development. This could be conditioned." Although it may be possible to address heritage issues through conditions, the currently proposed mitigation is not sufficient.

In view of the intensity of the proposed housing and the high potential for Iron Age and/or Roman remains in the western field, there needs to be an archaeological programme of works across the western field with the possible need to archaeologically excavate across the entire site, not just a few features. I would like to advise the applicant that some pre-determination fieldwork, such as targeted trial trenching, may have ensured that they were more fully informed of the potential extent of archaeological works.

The creation of the playing fields in the eastern part of the site may involve some levelling and groundworks, which could have an impact on archaeological remains. Therefore part of this eastern field may need widespread archaeological evaluation fieldwork too. Again pre-determination archaeological fieldwork may have ensured that the landscaping scheme was more fully informed and included appropriate archaeological mitigation at this stage.

This development site seems to contain a historic landscape feature which may be of significance and may require preservation in situ. The landscaping proposals may have addressed this but there is no statement to this effect. Heritage issues do not appear to have been considered in the landscaping and there is a possibility that this feature could be inadvertently lost to minor landscaping works. It would be preferable for this development scheme to include measures to secure preservation in situ of this historic landscape feature and to ensure its significance is understood and appreciated. It may be that some positive heritage enhancement measures can be achieved, providing the local community, including the school, with interpretation and awareness of their local heritage asset.

In summary, the specialist assessment of heritage is reasonable but the mitigation measures put forward are inadequate and reflect a lack of understanding of the heritage assets of this site. Although it would be preferable for heritage mitigation measures to be better informed by further fieldwork, heritage issues can be addressed through conditions. I recommend the following conditions are placed on any forthcoming consent:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of

- i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and*
- ii following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority*

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

On completion of the archaeological post excavation and publication programme the Developer, or their agents or successors in title, will arrange for the development archaeological archive to be deposited in a suitable museum or similar repository to be agreed with the County Archaeologist and the Local Planning Authority. Deposition of the archive will include a one-off payment by the Developer at the standard museum archive storage rate per box at the time of deposition.

Reason: To ensure appropriate deposition and long term storage of archive

On completion of the archaeological post excavation and publication programme the Developer, or their agents or successors in title, will undertake a programme of heritage interpretation based on the results of the post excavation assessment, in accordance with a framework agreed with the County Archaeologist and the Local Planning Authority. The Heritage Interpretation will be suitably integrated into the development.

Reason: To ensure information on the heritage is appropriately disseminated”.

- **Environment Agency** - Raise no objections with the following comments:-

“We have no objection to this proposal providing the following conditions are included in any permission granted.

Flood Risk

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 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 disposal of surface water from the site and to ensure water runoff generated from the new development does not exceed the runoff from the undeveloped site and does not increase the risk of flooding off-site.

Groundwater and Contaminated Land

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

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

Reasons for both conditions above: To protect the underlying groundwater from the risk of pollution and in accordance with the requirement of the National Planning Policy Framework (NPPF).

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Informatives

Drainage to soakaway from car parking areas for >50 spaces should be passed through an oil interceptor before discharging to ground. Note: cleansing agents can negate the effect of petrol interceptors. The Environmental Permitting Regulations make it an offence to cause or knowingly permit any discharge that will result in the input of pollutants to groundwater.

There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater.

If contamination is found the developer should address risks to controlled waters from contamination at the site, following the requirements of NPPF and the Environment Agency Guiding Principles

for Land Contamination.

We recommend that developers should:

- a. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.*
- b. Refer to the Environment Agency Guiding principles for land contamination for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.*
- c. Refer to our website at www.environment-agency.gov.uk for more information.*

Water is one of our most precious natural resources, and the South East of England is "Water Stressed", so we are keen to ensure water is used wisely. As such, water conservation techniques should be incorporated into the design of all new development. If domestic appliances are to be provided in the new property(ies), the applicant is asked to consider installing water and energy efficient models/devices.

All new homes should be designed to achieve a minimum water efficiency of 105 litres per person per day. To achieve level for water use will only cost around an additional £189 per property (over and above baseline cost for standard appliances)".

- **Agricultural Advisor - Raised the following comments:-**

"It appears that the development would include the conversion of some 12.12 ha (30 acres) of agricultural (arable) land to playing fields (some 8.65 ha), resulting from the need to replace (and extend) the area of existing playing fields that would be lost to housing; the remaining part of the arable land would be used for grazing for the school farm, and thus presumably would still technically remain in agricultural use.

At the local level, it is understood that the Council currently has no saved local plan policy relating to loss of specific grades of agricultural land to development, other than in respect of changes of use to domestic garden, which would not apply in this case.

At the National Level, Para. 112 of the NPPF states:

112. Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

The NPPF does not define (or indeed particularly emphasise) exactly what it means by "significant" development of agricultural land in this context, but there is nothing to suggest anything beyond its ordinary English meaning i.e. sufficiently great or important to be worthy of

attention, or noteworthy. The Government has also reaffirmed the importance of protecting our soils and the services they provide in the Natural Environment White Paper The Natural Choice: securing the value of nature (June 2011), including the protection of "best and most versatile" agricultural land (paragraph 2.35). "Best and most versatile" (BMV) agricultural land is defined as Grades 1, 2, and 3a.

Natural England also observes that land protection policy "is relevant to all planning applications, including those on smaller areas but it is for the planning authority to decide how significant are agricultural land issues and the need for field information" (Technical Information Note - TIN 49 19 December 2012). As indicated above the proposed development here would involve the permanent loss to agriculture of some 8.65 ha (21.4 acres) of agricultural land, comprising an open arable field lying at between 93 m and 97m above sea level in an area broadly indicated as Grade 2 (very good) quality on the 1:250,000 DEFRA land classification map. "Soilscapes" data (Cranfield University) indicates that the soils in the general area are typically free-draining and loamy and with high natural fertility. Some yield limitations can arise, on such soils, from the shortage of soil moisture especially where the soils are more stony or shallow.

These are general indications only, but it appears that a more detailed survey of this site was undertaken by MAFF, post 1988, and can be seen on DEFRA's "Magic" website. A copy is attached. This shows most of the 12.12 ha arable land to be Grade 3a (good quality) with the south-eastern corner only being Grade 2. However all the land still falls into the "best and most versatile" category and thus potentially this would be a "significant" development of agricultural land, and subject, in principle, to the above NPPF policy that points (where the development is demonstrated to be necessary) to areas of poorer quality land being sought in preference. Whilst the overall balance of benefits, and adverse impacts, is a matter for a Planning judgement, this particular issue does not appear to have been addressed, as far as I can see, in the submitted Planning Statement".

- **UK Power Networks** - Raised no objections.
- **Natural England** - Raised no objections (Standing advice comments provided).
- **KCC Public Rights of Way** - Comments have been submitted with regard to the impact upon public rights of way together. The comments state that whilst there would be some impact upon the surrounding rights of way, no objections have been raised to the proposal. KCC have then requested contributions to improve the surrounding public rights of way.
- **Environmental Health Officer** - Raised no objections with the following comments but requested a number of conditions as outlined below:-

"The Desk Study and Ground Investigation at New Line Learning Academy, Boughton Monchelsea Final Report by Hydrock, Ref R/11414/001 and dated January 2012, with attachments has been submitted for consideration. It appears to be thorough and based on the evidence provided and our own in-house sources we have no reason to question the conclusions. Therefore no further contamination related work is required.

The planning statement sets out various sustainability measures to be instigated which include plans to install a cycle route, storage facilities for bicycles, a financial incentive to support the purchase of bicycles and the designation of footpaths. We are encouraged by the range of measures proposed and would request that ALL measures are included in the final S106 proposal. The reason for this is highlighted in the travel plan itself which identifies the air quality issue facing the Wheatsheaf junction which is considerable.

We would also recommend that all houses with garages have an electric vehicle charging point installed and that where this is not the case, the cabling to enable EV charging points to be installed in the future (at the residence discretion) are laid out. This will enable future occupiers to take up sustainable choices.

On average around 70% of the total cost of the installation of a domestic charge unit post building completion are the electrical installation costs. This can be significantly reduced with minimal infrastructure installed at first fix, thus eliminate expensive electrical additions after completion.

Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments).

A separate dedicated circuit protected by an RCBO should be provided from the main distribution board, to a suitably enclosed termination point within a garage, or an accessible enclosed termination point for future connection to an external charge point

The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF)

If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require an additional earth stake or mat for the EV charging

circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.

We have some concern about the relocation of the new playing field activities as these could cause disturbance to residential properties. Limitations on the hours of their use are considered helpful to local residents both near to the fields and to the associated parking area. A planning restriction should be applied to prevent the installation of any artificial lighting on site without planning permission.

The development will require access by waste vehicles and therefore details of the waste and recycling provision should be provided and approved by Environmental Services

This is not an area of air quality concern, and therefore a full Air Quality condition would not be recommended. The issue of cumulative impact is applicable and an air quality emissions condition should be attached to require what measures the developer would be able to put in place to minimise the adverse impact of this development would have on existing development, from an air quality perspective”.

- **Landscape Officer** - Raises objections with the following comments:-

“The woodland, known as Five Acre Wood, to the west of the site is protected by TPO No. 17 of 2002. It is also identified as ancient semi-natural woodland in the revision of the Ancient Woodland inventory for Maidstone borough, August 2012.

The site of temporary construction access for redevelopment of the New Line Learning Academy is referred to in paragraph 4.3.4 of the submitted planning statement where it suggests that it is acceptable to create a permanent access in the same location because the ‘access point falls at the point where the construction access was created during the development of the New Line Learning Academy. It therefore is a gap in the woodland where trees were already removed and the land/soil disturbed’.

I do not consider that this justifies permanent roadway. Considerable care was taken to ensure that the temporary construction access was located in a position that required the removal of the fewest and lowest quality trees; this was prior to the woodland’s allocation as ancient woodland in 2012, which formally recognises its value as an irreplaceable natural resource and its high conservation priority. Furthermore, the temporary roadway was designed and constructed in such a way that damage was minimised, enabling optimum conditions for reinstatement and regeneration. It was conditioned that the area was returned to woodland with suitable replanting to restore connectivity at the earliest opportunity. It is therefore not appropriate to use this area for access in the absence of an overriding justification.

I do not consider that the apparent lack of regeneration shown in the submitted images demonstrates anything that makes the proposal

acceptable. No dates are given for the pictures, but following the recent visit to the site by one of the Landscape Officers, the area appears to be re-establishing quite successfully and at an expected rate. It is not true that there are currently no trees on the site. The hedgerow on the frontage has been replanted and there are some replacement (planted) trees growing well. I would not expect to see any naturally regenerated trees of any size such a short a time after reinstatement of the land as woodland.

Even if, as stated in the letter, the original soil was removed from the site and the reinstatement was carried out with imported soil following excavation of existing, the Council should still have regard for the long term impacts on biodiversity.

The proposed access location acts as a buffer and link for the adjacent woodland, even if its value as ancient woodland in itself has been damaged by the creation of the previous temporary access. This function is clearly better achieved if it is regenerating woodland rather than an access road. Even during the regeneration stage, clearings and woodland edges are an important part of woodland ecosystems and contribute significantly to biodiversity. This would certainly be lost if an access is allowed at this point, with the additional and significant detrimental effect of the fragmentation of this small woodland through the creation of a permanent road.

In conclusion, I object to this application on arboricultural grounds for reasons as detailed above”.

- **Housing Officer** - Raises objections with the following comments:-

“It is being proposed by the developer that 66 of the 220 units will be affordable housing units. In section 8.2.1 of the planning statement it states that, “Following consultation and agreement with Maidstone Borough Council the proposed development provides 66 affordable housing units, 30% of the total housing provision.”

Housing have not been involved in any pre-application meetings and as such have not agreed to this reduction in the percentage of affordable housing units proposed by the developer. My colleague Andrew Connors had a phone discussion with the Planning department on 17th December 2013 and was informed that the developers were intent on delivering 30% affordable units based on the draft local plan.

I am still of the view that the Council’s Affordable Housing DPD should still be adhered to, until such time as the Maidstone Borough Local Plan and policies are actually adopted. The view that the adopted Affordable Housing DPD should be adhered to, with planning applications assessed and determined against this policy, is one that I believe is shared internally with Planning.

If they are intent on only delivering 30%, then this will need to be considered against the submission of a viability appraisal which

demonstrates that it is only financially viable to deliver 30%. Any such appraisal should take into account offers from RP's for an agreed affordable housing mix & tenure. I would also point out that in terms of contributions, affordable housing is still considered to be top priority.

As the Local Plan Policies are not adopted and still subject to consultation, I do not believe they can be considered a material consideration in the determination of this application.

Based on the 30% housing provision the current suggested unit split from the developers is as follows:

1 Bed Flat	6	9%
2 Bed Flat	27	68%
2 Bed FOG	4	
2 Bed House	14	
3 Bed House	15	23%
Total	66	

Section 8.2.2 of the planning statement states, "...that the range of affordable units coming forward will be based on the Council's assessment of local housing need. The proposed scheme provides a range of affordable units...which would appeal to both families and potential single occupants."

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.

Based on a 65% affordable rent and 35% shared ownership tenure split (as recommended in the recently published Strategic Housing Market Assessment), the percentages above and the proposed 66 units we would be looking for the affordable housing provision to be somewhere closer to the following:

Size	Total Units	Rental	Shared Ownership
1 Bedroom	14	9	23
2 Bedroom	11	9	20
3 Bedroom	12	4	16
4 Bedroom	7	0	7
Total	44	22	66

Please note, there is currently no identified need for 4 bedroom, shared ownership units.

<i>Size</i>	<i>Total Units</i>	<i>Rental</i>	<i>Shared Ownership</i>
<i>1 Bedroom</i>	<i>19</i>	<i>12</i>	<i>31</i>
<i>2 Bedroom</i>	<i>14</i>	<i>12</i>	<i>26</i>
<i>3 Bedroom</i>	<i>16</i>	<i>6</i>	<i>22</i>
<i>4 Bedroom</i>	<i>9</i>	<i>0</i>	<i>9</i>
<i>Total</i>	<i>58</i>	<i>30</i>	<i>88</i>

we would be looking to increase the number of 1 bed units and decrease the amount of 2 bed units. We would also like to see some provision for 4 bed affordable housing as there are 53 4 bed houses

currently being proposed, none of which are being offered for affordable housing.

The suggested site layout highlights 3 separate areas for the affordable housing units and this is welcomed.

Finally 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”.

- **KCC Ecology** - Raises objections but has suggested a number of conditions should a grant of permission be recommended:-

“The Ecological Assessment report has been submitted in support of this application.

The potential for ecological impacts arising as a result of the proposed development has been identified and mitigation recommendations are provided in the report. We advise that further information is required to inform the determination of the application. The application will result in the permanent loss and bisection of ancient woodland. This has not been acknowledged within the report which states “the area of ancient woodland within the site is to be retained under the proposals and as such will not be directly affected”.

As stated in the Design and Access Statement, the ‘gap’ through which the primary access to the development is proposed was “a temporary access created for construction traffic for the building of the New Line Learning Academy”. The reinstatement of the woodland was required as a planning condition for that development. As a result of the loss of ancient woodland, we advise that this application must address the

'needs' test within the National Planning Policy Framework: "planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland...unless the need for, and benefits of, the development in that location clearly outweigh the loss".

We would expect this to include consideration of alternative locations at which to create the primary site access. Additional potential impacts to the ancient woodland have also been identified. Measures to prevent dust deposition and damage to the trees during construction are recommended. We advise that these will form part of the Construction Environmental Management Plan which can be secured as a condition of planning, if permission is granted.

In addition, the potential for lighting impacts on the woodland are highlighted and recommendations for sensitive lighting are provided. A lighting strategy that is designed to minimise potential ecological impacts should be secured as a condition of planning, if permission is granted. There is limited detail regarding the potential for impacts to the ancient woodland as a result of increased public access; the report refers to the "potential long term effects associated with adjacent residential curtilages" and fails to recognise that the 15 metre ancient woodland buffer referred to in the Natural England Standing Advice for Ancient Woodland is an example of best practice, and not 'guidance'. While it may be that a 15 metre buffer is appropriate, there is no discussion of the site specifics and the relevance of the proposed buffer to the potential impacts that may arise.

We are also disappointed to note the inclusion of a footpath within the proposed buffer area; this suggests a lack of understanding of its purpose and could result in the deterioration of the ancient woodland. We recommend that the footpath is removed from the buffer and treatment details are provided to show that the buffer will reduce the potential for public access to the ancient woodland; we do not agree that "flower-rich grassland" is appropriate. Trees with potential for roosting bats have been identified on the site yet no bat surveys have been undertaken. We do not consider it adequate to rely on further surveys only if the trees with 'category 1' bat potential are to be removed. If bats are using the retained trees for roosting, the proposed development will significantly alter the environment within which they are situated, potentially resulting in disturbance offences under the Conservation of Habitats and Species Regulations 2010 (as amended), particularly where the retained trees have been encircled by built development with no consideration of the retention of dark corridors to facilitate movement by bats.

As a minimum, emergence and activity surveys for bats at the site are required to inform the determination. We also advise that the scheme must incorporate dark corridors along which bats will be able to travel. A badger sett was identified on the eastern boundary of the site. The sett was active during the 2011 survey but was inactive during the 2013 site visit. There is limited information provided regarding the

treatment of the eastern field and we are satisfied that the proposed mitigation will minimise the potential for any offences. We also advise that updating badger surveys should be carried out prior to construction commencing to monitor badger presence, particularly as a badger sett was previously identified (in relation to the New Line Academy construction) within the northern part of the ancient woodland on the site. The badger mitigation should be secured as a condition of planning, if permission is granted. Mitigation recommendations for the potential for impacts to hedgehogs are provided. We advise that these recommendations should also be included within the mitigation strategy and secured by planning condition, if permission is granted. Insufficient detail regarding the reptile survey has been provided to enable us to adequately scrutinise the results and conclusions. We advise that the following details are sought: The date at which the refugia were set out; Times of the survey visits; The ecologist(s) that undertook the surveys, showing that they were appropriately experienced;

A readable version of Plan 2600/ECO4 that shows the positioning of the survey tiles and the locations at which the reptiles were recorded. We disagree that the reptile survey timing was 'optimal'; most of the survey visits were undertaken during the suboptimal month of August and during the majority of the survey visits the temperature was at the upper end of the ideal survey conditions. We also note that the survey is 2.5 years old (with the apparent exception of one 2013 visit) and advise that additional survey work may be required to ensure that the proposed mitigation is appropriate, particularly as the one 2013 visit recorded the second highest slow-worm count. This might not have significantly affected the survey results but we expect a comprehensive survey report to acknowledge the potential constraints to the survey and provide explanation as to why the results do still present a reasonable indication of the reptile population(s) present (if this is the opinion of the ecologist). We also consider 7 visits to be the minimum that should be undertaken for a reptile survey, in accordance with the Natural England Standing Advice; though given the limited extent of suitable habitat on the proposed development site, we advise that the number of visits is likely to be acceptable (assuming that the above information is provided to our satisfaction).

Generic mitigation recommendations for potential impacts to reptiles are provided (paragraphs 6.7.12-13) These may be acceptable in principle, but we advise that clarification of some points is sought. In particular, given that the southern section of the eastern field will be sports pitches (apparently of amenity grassland, though there is scant detail about this), and the northern section of the eastern field "will be set aside as an informal natural recreation area" (Design and Access Statement) (the details of which are even fewer), we query whether it would be possible to retain all of the existing reptile habitat within the eastern field. Given that it is proposed to security fence the sports pitches, we query whether the area between the retained hedge/tree lines and the proposed fence could be used to create and maintain

reptile habitat. Recommendations to minimise the potential for offences against wild birds and their nests and eggs are also provided.

We advise that clarification is sought regarding the proposals for the eastern field. It is unclear whether all of the boundary vegetation will be retained and we have not been able to identify any information regarding the 'informal natural recreation area'. One of the principles of the National Planning Policy Framework is that

"opportunities to incorporate biodiversity in and around developments should be encouraged".

Recommendations are provided within the report and we advise that these are appropriate. There could also be opportunities to seek ecological enhancements within the 'informal natural recreation area' and around the edges of the proposed sports pitch field. A detailed strategy for the ecological enhancement of the site should be secured by planning condition, if permission is granted.

Where we have advised the use of planning conditions, we would be happy to suggest appropriate wording that accords with the British Standard Biodiversity – Code of Practice for Planning and Development".

- **KCC Highways** - Raises no objections with the following comments:-

"The physical layout of the housing site access onto Boughton Lane appears to follow the appropriate design guidance in terms of its visibility, utilising the former construction access for the Academy. A secondary access point is shown further south on Boughton Lane, which also has visibility in compliance with the Manual for Streets. The parking provision appears appropriate, and has been approved by Maidstone Borough Council. This site is on the edge of the urban area. There are education and shopping facilities relatively close, so It is important that the proposal includes a connection for pedestrians to the existing footway at the Academy entrance to the north, and also to the footpaths through the housing area on the western side of Boughton Lane to Norrington Road and out to Loose Road.

A cycle route is proposed to connect to the Academy entrance. Cyclists could then follow a route northwards via Pheasant Lane to cross the A274 and head for the town centre on residential roads east of the A229 Loose Road (and north of The Wheatsheaf) My main concern lies with the assessment of the impact of the additional traffic at the A229 Loose Road/Boughton Lane/Cripple Street junction. The Transport Assessment suggests that the traffic coming and going from the site would be split 73% to the north and 27% to the south. My expectation is that a much higher proportion would be heading to and from the Loose Road junction, as the route to the south towards Boughton Monchelsea is narrow and tortuous. This is particularly relevant to the peak hours flows. In the morning, the majority of the journeys are

likely to be work and school related, while in the evening there will be a combination of returning work, leisure, and shopping trips.

The assessment of the A229 junction therefore becomes more critical, as the junction already experiences congestion at busy times for both main road and side road traffic. The traffic signals were introduced in association with applications for the New Line Academy and redevelopment of part of the Y Centre site in Melrose Close off Cripple Street to manage the competing flows, so that the side road traffic had more chance to pull out onto the A229, This has caused additional delays on the A229, although this is partly offset in the morning peak by the more managed feed of inbound traffic to the A229/A274 junction at The Wheatsheaf. Further traffic would add to this congestion, and would come on top of that from the permitted primary school at the Academy site. My expectation is that the Transport Assessment, although it looks to encourage walking and cycling (including pedestrian access to the frequent bus services on Loose Road) understates this impact that the Loose Road/Boughton Lane/Cripple Street junction will suffer. The issue is then whether the additional level of congestion would be acceptable to us as the highway authority, set in the context of our great concern about the difficulty in creating an overall transport strategy for all of Maidstone in the light of long term future development envisaged in the emerging Local Plan.

If we were to regard, as a worst case scenario, all the traffic likely to be generated by the housing development as having to pass through the Loose Road/Boughton Lane/Cripple Street junction, it would amount to approximately 100 vehicles in the morning peak and 120 vehicles in the evening. On an incremental basis, this would be a substantial increase in flows on Boughton Lane - over 30% in the morning (measured against the October 2011 flows in Table 6.2 of the TA) and approaching 50% in the evening. Inevitably this would cause additional delay for drivers coming in and out of Boughton Lane. In practical terms, we would still manage the junction to protect the capacity of the A229 as far as possible, so we are unlikely to consider adding more time to the Boughton Lane arm of the junction. The scope to make improvements to the junction to increase its capacity has also been the subject of discussions with another developer in association with a potential housing site west of Loose Road on Cripple Street.

This has led to a proposal by our consultancy partner Amey that a short commission, to be jointly funded by the two developments, could be carried out to assess how far the exiting capacity could be enhanced. The total cost of such a commission would be some £5,000, so we would seek a contribution from the Boughton Lane development of £2,500. We recognise that any achievable capacity improvements are likely to be helpful but minor in nature. Should the application be granted, it would cause more delay for existing local residents and parents taking children to and from the Academy and permitted primary school. KCC Highways & Transportation recognises that there

will be a cumulative impact of any additional traffic in an already congested area. We would wish to maintain a consistent position at this stage, prior to the adoption of the Borough Council's Local Plan and the eventual emergence of an agreed Integrated Transport Strategy, with our views on other applications on the A229/A274 corridor south of the town centre. In particular, we have sought contributions of £3,000 per dwelling from the housing sites on Sutton Road towards strategic transport improvements, and would make the same request from this development.

I would therefore like to make no objection to the application, subject to the following financial issues :-

1) A S106 contribution of £3,000 per dwelling is sought towards future strategic transport improvements.

2) A £2,500 contribution is sought towards a commission to assess options for capacity improvements at the A229/Boughton Lane/Cripple Street junction.

3) A sum of £3,000 is paid to KCC to pursue the extension of the 30 mph on Boughton Lane south to cover to site access.

And that the following conditions are attached to permission, if granted :-

a) A shared use pedestrian cycle route, as described in the Transport Assessment, is constructed from the site access north to the Academy site entrance.

b) Pedestrian links are made from the site to existing public footpaths.

c) Appropriate wheel washing facilities are used during construction to prevent mud and debris being deposited on the highway.

d) A Travel Pan for the site is implemented and monitored according to the proposed Framework could you also please add the KCC Transportation & Development Standard.

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 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".

- **Parks and Open Spaces** - Raised no objections and requested contributions towards of site provision with the following comments:-

"The development does not appear to provide any substantial on-site open space. Whilst it is acknowledged that New Line Learning Academy will benefit from a large area of playing fields it is noted that this area will be fenced off and will therefore not be available for public use nor publicly accessible.

As such we feel that surrounding open spaces –play areas, outdoor sports facilities etc will end up seeing a rise in use as residents of the development seek to make use of existing facilities. The development site is located at an area where numerous ward boundaries are nearby. South Ward, Parkwood, Boughton Monchelsea and Chart Sutton, Shepway North, Shepway South and Loose are all relatively close to the development.

Sites such as Mangravet Recreation Ground (100m), Parkwood Recreation Ground(1.4km), King George V Playing Fields (450m), Shepway Green (1km) and South Park (1.3km). It would be reasonable to expect that these sites – particularly those at Mangravet and King George V Playing Fields are likely to see an increase in usage by residents of this development which in turn will result in a quicker deterioration of the facilities

We would request that an offsite contribution be made towards both these sites for the improvement, maintenance, refurbishment and replacement of facilities within these areas. Facilities would include but not be restricted to pavilions, play equipment and play areas, ground works, outdoor sports provision and facilities.

Due to there being little on-site provision proposed other than required buffer zones we would request a contribution of £1575 per dwelling.

We would in this instance seek to request a contribution of £1575 per dwelling x 220 = £346500

As indicated this would be used primarily towards the improvement, provision and maintenance of outdoor sports facilities and provision for children and young people equipped play and would be used particularly at Mangravet Recreation Ground, King George V Playing Fields and other facilities within a one mile radius".

- **NHS PCT** - Raises no objections and requested contributions in the following comments:-

"NHS Property Services Ltd is now the body which will request Section 106 health care contributions on behalf of NHS England (Kent and Medway Area Team). Just as NHS West Kent had historically worked with Maidstone Borough Council our approach is the same in securing Section 106 (s106) healthcare contributions and in working with our local partners on healthcare issues to ensure that healthcare provisions improve the health and wellbeing of our population.

NHS Property Services Ltd wishes to continue to apply for such assistance and a healthcare contribution is therefore requested in accordance with the recognised Planning Obligations Guidance for Communities and Local Government and the adopted Maidstone Borough Council development plans.

Inevitably, any increase in the local population has a knock-on effect in terms of health care and NHS Property Services Ltd would seek to apply this s106 contribution to meet these extra demands placed upon the local primary and community health service.

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:

- *Grove Park surgery*
- *Boughton Lane surgery (branch to Mote MP)*
- *Mote Medical Practice*
- *Shepway (10a Northumberland Court) Medical centre*
- *Wallis Avenue surgery*

All of the above surgeries are within one mile radius of the development at Boughton Lane. 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.

NHS Property Services Ltd will continue using the NHS West Kent formulae for calculating s106 contributions which have been used for some time as we believe these are calculated as fair and reasonable. NHS Property Services will not apply for contributions if the units are for affordable/social housing, as identified in the proposal letter.

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

<i>1 bed unit</i>	<i>@ 1.4 persons</i>
<i>2 bed unit</i>	<i>@ 2 persons</i>
<i>3 bed unit</i>	<i>@ 2.8 persons</i>
<i>4 bed unit</i>	<i>@ 3.5 persons</i>
<i>5 bed unit</i>	<i>@ 4.8 persons</i>

For this particular application the contribution has been calculated as such;

- 17 x 2 (2 bed dwelling) = 34
- 78 x 2.8 (3 bed dwelling) = 218.4
- 59 x 3.5 (4 bed dwelling) = 206.5
- 154 total market dwelling = 458.9 total assumed occupancy
- 458.9 x £360 = £165,204 healthcare request

Social dwellings excluded from this application = 66 dwellings with an assumed occupancy is 140 persons.

NHS Property Services Ltd therefore seeks a contribution of £165,204, plus support for our legal costs in connection with securing this contribution. This figure has been calculated as the cost per person needed to enhance healthcare needs within the NHS services”.

- **KCC Education** - Raises no objections and requested the following 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.

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 Per Flat (x37)	Per 'Applicable' House	'Applicable' (x177)	Total
Primary Education (new build construction cost)	£1000	£4000	£745,000.00

Primary Education (Land)	£675.41	£2701.63	£503,178.68
Secondary Education	£589.95	£2359.80	£439,512.75
Per Dwelling (x220)		Total	
Community Learning	£30.70		£6753.28
Youth Service	£8.44		£1857.30
Libraries	£183.14		£40,289.84
Adult Social Care	£47.44		£10,436.80

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. KCC recently reviewed new Primary School build costs, and the above figures reflect the newly adopted school build cost. 'Applicable' meaning: excluding 1 bed units of less than 56sqm GIA, and sheltered accommodation.

Primary Education

The proposal gives rise to 52 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 provision of a new Primary School in South East Maidstone, as identified in the Maidstone Borough Interim Local Plan Policies, as the forecast primary pupil product in the locality results in the maximum capacity of local primary schools being exceeded (Appendix 1).

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 construction of the new school at £1000 per 'applicable' flat & £4000 for each 'applicable' house ('applicable' means: all dwellings except 1 bed of less than 56sqm GIA -please confirm the 6 x 1 bed flats proposed are below this threshold?).

The County Council also requires proportionate contributions towards the Primary School land acquisition cost at £675.41 per 'applicable' flat & £2701.63 per applicable house.

The site acquisition cost is based upon current local land prices and any section 106 agreement would include a refund clause should all or any of the contribution not be used or required. The school site contribution will need to be reassessed immediately prior to KCC taking the freehold transfer of the site to reflect the price actually paid for the land.

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 2012-17 and Delivering Bold Steps for Kent - Education, Learning and Skills Vision and Priorities for Improvement, May 2012.

Secondary School Provision

The impact of this proposal on the delivery of the County Council's services is assessed in Appendix 1 A contribution is sought based upon the additional need required, where the forecast secondary pupil product from new developments in the locality results in the maximum capacity of local secondary schools being exceeded.

The proposal is projected to give rise to 37 additional secondary school pupils from the date of occupation of this development. This need can only be met through the provision of new accommodation within the locality.

Please note where a contributing development is to be completed in phases, payment may be triggered through occupation of various stages of the development comprising an initial payment and subsequent payments through to completion of the scheme. The new secondary school accommodation will be provided in Maidstone through extensions and delivered in accordance with the Local Planning Authority's Infrastructure Delivery Plan (where available); timetable and phasing.

Please note this process will be kept under review and may be subject to change (including possible locational change) as the Local Education Authority will need to ensure provision of the additional pupil spaces within the appropriate time and at an appropriate location.

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.

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 (Appendix 2) 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.

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 equipment at local Libraries serving the development 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 £183.14 per household to address the direct impact of this development.

Adult Social Care

Facilities for Kent Family & Social Care (FSC) (older people, and 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 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".

7.0 BACKGROUND PAPERS AND PLANS

7.01 The application comprises of the following documents together with associated scaled plans.

- Planning Statement
- Affordable Housing and Contributions Statement

- Design and Access Statement
- Statement of Community Involvement
- Code Level 4: Analysis of cost uplift and proposed alternative strategy
- Transport Assessment and Travel Plan
- Utilities Appraisal including Appendices 1-7
- Extended Phase 1 Habitat Survey and Bat Building Survey Report
- Archaeological desk based assessment
- Method statement for a Magnetometer survey
- Detailed Magnetometer survey
- Arboricultural report and tree survey
- Flood risk assessment and drainage strategy
- Desk study and ground investigation

8.0 CONSIDERATIONS

Principle of Development

- 8.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Maidstone Borough Wide Local Plan 2000 shows the site of the residential development (existing playing fields) located inside the defined urban area. Whilst it does not include any built form, this land falls within the legal definition of Previously Developed Land. As such, the principle of residential development on this land is not contrary to the Local Plan. The remaining agricultural land forming part of this site is outside of the urban boundary and policies ENV28 and ENV32 of the Local Plan are therefore applicable. In the case of ENV28, criterion 4 of this policy allows for development within this countryside which is:-

'The provision of public or institutional uses for which a rural location is justified'.

- 8.02 This land would be subject to the provision of new playing fields for a state school and therefore this is a public use. A rural location is justified in this case, by virtue of the development of the existing playing fields and the need to provide replacement facilities within close proximity of the school. Policy ENV32 also applies and concerns protecting this area from and villages to the south coalescing with the urban area. The fact that this land is a strip between two sections of the urban area means that its development to new playing fields would not create a coalescing effect upon the area to the south. I therefore consider that this development would not be contrary to the Development Plan in principle.
- 8.03 The principle of development on this site has also been broadly outlined within draft Local Plan of 2013. However, the Maidstone Borough Local Plan is a Regulation 18 Consultation (2014) only and therefore holds limited weight. Policy H1 (23) of this plan states that: -

H1(23) - New Line Learning, Boughton Lane, Maidstone

New Line Learning development criteria

Planning permission will be granted if the following criteria are met:

Design and layout

1. The character of this development will be complementary to its semi-rural location at the edge of the urban area.
2. The existing hedgerow and trees on the southern boundary of the site will be retained and enhanced with structural landscaping where necessary, to provide screening from the open countryside.

Access

3. Access will be taken from Boughton Lane only.
4. Pedestrian and cycle access will be made to footpath KB26 on the eastern boundary of the site.
5. Pedestrian and cycle access will be made to footpath KM98 on the southern boundary of the site.

Ecology

6. Provision of a 15 metres wide landscape buffer along the western boundary of the site adjacent to the designated area of ancient woodland (Five Acre Wood), to be planted as per recommendations detailed in a landscape survey.
7. Subject to further evaluation of their value, trees subject to a (woodland) tree preservation order will be retained, as per advice from the Borough Council.

Air quality

8. Appropriate air quality mitigation measures will be implemented as part of the development.

Open space

9. Replacement sports facilities will be provided, as agreed by the Borough Council, before development of this site commences.
10. Provision of publicly accessible open space as proven necessary, and/or contributions.

Community infrastructure

11. Appropriate contributions towards community infrastructure will be provided, where proven necessary.

Highways

12. Appropriate improvements to Boughton Lane, as proven necessary.
13. Appropriate improvements to the junction of Boughton Lane and A229 Loose Road, as proven necessary.

Net area 6.3 (ha)

Gross 6.3 area (ha)

Approximate 220 net capacity

Approximate 35 density (dpha)

- 8.04 This proposal is in accordance with this draft policy with regard to the number of dwellings proposed together with the access arrangements. The other elements of the draft policy will be assessed within the considerations as below. Whilst this plan holds limited weight by virtue of its emerging status, it is a material consideration in the determination of this planning application and therefore will be treated as such.

5 Year Housing Supply

8.05 The matter of the 5 year supply and whether the council currently is meeting its need is an important material consideration in the determination of this application.

8.06 It is also necessary to consider the current position with regard to housing land supply within the Borough. Members will be aware of government advice in the National Planning Policy Framework that states (Para 47) 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;'

8.07 The NPPF defines deliverable as:

'To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.'

8.08 The NPPF also refers to a Council's position when there is a lack of a 5 year supply:

'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.'

8.09 A recent Court of Appeal case has clarified that the housing requirement to address when considering the 5 year housing land supply in paragraph 47 of the NPPF is the full objectively assessed housing need. That figure for housing need should be an unconstrained figure i.e. a figure that has not yet been reduced by applying constraints from other policies in the emerging Local Plan. It is an unvarnished household projection figure. Consequently, the housing target figure from the Regional Spatial Strategy (South East Plan) is not the correct figure to use when calculating the 5 year housing land supply as it is a constrained figure.

- 8.10 The NPPF requires that local authorities have a clear understanding of housing needs in their area, and as such they should prepare a Strategic Housing Market Assessment (SHMA) to assess their full needs; working with neighbouring authorities where housing market areas cross administrative boundaries. Maidstone has undertaken this process with Ashford Borough Council and Tonbridge and Malling Borough Council. The SHMA identifies the scale and mix of housing, together with the range of tenures that the local population is likely to need over the plan period which would meet household and population projections. It would also address the needs for all types of housing, including affordable housing, and would cater for housing demand and will identify the scale of housing required to meet this demand.
- 8.11 In addition to the SHMA, local planning authorities should also prepare a Strategic Housing Land Availability Assessment (SHLAA) which will establish realistic assumptions about the availability, suitability, and the likely economic viability of land to meet the identified need for housing over the plan period. This work is currently ongoing to evaluate and identify suitable land within the Borough.
- 8.12 The SHMA (2014) confirms the objectively assessed housing need for the borough over the plan period 2011 to 2031 as 19,600 dwellings (980 dwellings per annum). This was agreed by Cabinet on 27th January 2014 and on 24th February 2014 to be included within the draft Local Plan (to be sent out for public consultation).
- 8.13 In April 2013 when most recently calculated, the Council had a 2.0 year supply of housing assessed against the objectively assessed housing need of 19,600 dwellings, which is the figure against which the supply must be assessed. Taking into account housing permissions granted since that date (A total of **535** dwellings (net) have been granted between 1 April 2013 and 31 March 2014) this position will not have changed significantly and would still remain below the 5 year target.
- 8.14 This lack of a five year supply is a significant factor and within 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. In this case, the application site for residential development is located within the urban boundary and within a sustainable location allowing connection existing public transport links, footpaths and highway network (The connectivity of these issues is discussed later in the report). I therefore consider the presumption in favour 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. Therefore, there is a need to see if there are any significant adverse impacts.
- 8.15 The specific issues relative to this proposal will be assessed within the sections below, but in light of the current situation on housing land supply as discussed, and the fact that the site is within a sustainable location with the residential development inside the urban area, it is my view that the principle for development is acceptable on this site.

Visual Impact

- 8.16 This application site is of a significant scale and comprises a large site, partly previously developed in use, but not including any built development and as such appears visually greenfield. There would therefore be some visual harm as a result of this development. However, this would need to be balanced with the benefits of the scheme and how the proposed design and layout approach reflects that of the surrounding area.
- 8.17 The NPPF section 7: Requiring good design, and the Kent Design Guide (2005) (KDG) emphasise that design solutions should be appropriate to context and the character of the locality. In order to respect the context, the KDG states that development should achieve some or all of the following: reinforce positive design features of an area; include public areas that draw people together and create a sense of place; avoid a wide variety of building styles or mixtures of materials; form a harmonious composition with surrounding buildings or landscape features; and seek to achieve a sustainable pattern and form of development to reduce the need to travel and improve the local context. Using these principles set out in the Kent Design Guide, the proposed development is expected to make efficient and effective use of this greenfield site, in a manner sensitive to the wider local environment.
- 8.18 The proposed residential layout sits within the existing well defined landscape boundaries and respects the existing trees and landscaping to the southern, eastern and western boundaries. This is an important element to this scheme by virtue of its semi rural nature and siting. There clearly will be some visual harm by virtue of the introduction of new built development, although, I am of the view that this residential development would be viewed in the context of the residential area to the west and would be of an in keeping shape and urban form. Furthermore, the retained landscape screen to the boundaries of the playing field would assist in reducing the visual impact of a development linking it to the character of the surrounding area as well as more obviously providing a natural and established screen to the development. The proposed playing fields to the western part of the site would clearly have some visual impact through the introduction of an urban use, however, again this is mitigated to some degree as the existing field landscaping to this field would also be retained.
- 8.19 The residential site is significantly screened to the west by virtue of the existing woodland. Aside from the access, the development would have little visual presence from this direction. However, clear views of the development would be possible from Boughton Lane as it extends to the south as well as from the agricultural fields also in this direction. The proposed playing fields would be less visible from Boughton Lane by virtue of the direction of the road, although visual harm would be caused with views clearly possible from the agricultural fields extending to the south. Significant and clear views would also be possible from the surrounding Public Rights of Way. Although, by virtue of the level topography of the

site and the close proximity of the footpaths to the development, it would be difficult to mitigate this visual impact further.

- 8.20 Overall, it is considered that whilst the site would be visible, the scheme does respond to the local landscape character which surrounds it and includes this landscaping to assist in forming the development in to this character. It is acknowledged there would be some visual harm, although as discussed above, this is unavoidable due to the lack of built development and loss of agricultural land.

Layout and Design

- 8.21 The scheme has been designed to best utilise the site in terms of its housing yield whilst also incorporating good design principles. The ability of the scheme to respond to the local context is key, which in this case includes significant and established landscaping, semi rural/edge of urban character and with defined site boundaries. Significant pre-application discussions have taken place with the applicant and agent to arrive at the proposal in front of Members.
- 8.22 The design approach for the scheme is traditional and has been designed to include high quality dwellings and linking spaces together with the existing urban edge of south Maidstone to provide an inclusive, safe and accessible development. The proposed urban grain and pattern of development is largely inward looking to respond to and respect the existing landscaping and defined boundaries with the development, which consists of a loose perimeter block pattern. This layout optimises the use of the site in a manner that creates a sense of place, encourages permeability, and clearly defines public and private spaces.
- 8.23 The layout is based along a main spine road which runs centrally through the development in an arched form linking the western and southern boundary accesses. This is a tree lined 'Avenue' style route emphasising the entrance points as well as drawing the eye to a central open space. A secondary route branches from this servicing the eastern side of the development with narrower roads denoting more private and quieter spaces. Elements of the Kent Design Guide have been incorporated in the vision for this development in the spread of development through the site, the defined main routes through the scheme and how this interacts with other spaces.
- 8.24 The development includes a mix of dwellings comprising semi detached, detached and small terraced blocks generally of 2 to 2½ stories. Units are also provided within apartment blocks. Streets have active frontages, and open spaces are overlooked providing natural surveillance, and where possible all properties have dual aspects to avoid blank facing walls and 'dead' frontages. The agent has also completed and submitted as part of the Design and Access Statement, a 'Building For Life' assessment which they have carried out against the proposed scheme. The conclusion of this shows the development achieving a green for good rating in the three tiered marking system. This shows the applicants/agents have made

efforts to enhance and where possible improve the design and overall character of the development. 'Building For Life' is a design tool created by Design South East which is also used by officers to assist in assessing proposed schemes and supports the design approach which underpins this development.

- 8.25 Overall, I do consider the layout submitted to be of a high quality; with the character areas and the road hierarchy following the principles of good urban design.

Loss of agricultural land

- 8.26 As detailed above within section 1, part of the application site is currently agricultural land being the eastern half of the site. Currently, this land is in arable use and is farmed in association with the surrounding agricultural fields associated with a farm. The proposal would see approximately 8.65 ha of the land used for playing fields for the neighbouring school with the remainder of the field to the north left undeveloped as outlined within section 2 above. In terms of government guidance, the NPPF states that:-

"Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality".

- 8.27 The Council's agricultural advisor has been consulted in relation to loss of this arable land and has provided the advice as set out within section 7 above. This response details that the land is largely graded as class 3a agricultural land in terms of its agricultural value with the south eastern corner of grade 2. Both levels fall within the bracket of 'best and most versatile'. It is then a case of balancing the applicable issues of housing land supply together with the retention of agricultural land in line with the NPPF.
- 8.28 In my view, the location of the land is key to this. It is located on the border of the urban boundary and comprises a strip of land protruding north from the remaining agricultural fields to the south with school playing fields to the west and Kent Police sports ground to the east. It would be desirable to retain this land for use as agriculture, however, replacement sports facilities are required (inline with policy ENV23) with the development of the existing school playing fields. As discussed, the existing playing fields would be appropriate for residential development and therefore replacement facilities are required in a suitable distance to the school for which this land is appropriate. The grading of the land shows that it is of good agricultural value, although this holds weight in line with the NPPF, in this case I attach more weight to the lack of a 5 year housing land supply and the location of the application site, as a whole, on the boundary of the urban area which is appropriate for housing development. As such, in the balance of issues in relation to the loss of

agricultural land, in this case, the grading of the land at 3a does not outweigh the creation of new sustainable housing.

- 8.29 It is also important to note that the northern section of this agricultural field would remain undeveloped and therefore could be used for agriculture in the future. Whilst the remainder of the land would be laid to grass for the sports pitches this in itself would not sterilise the land and the ground would remain of good quality. However, I acknowledge that this land would not reasonably be used for agriculture again without the provision of alternative sports facilities else where.

Provision of New Sports Facilities

- 8.30 As stated within the proposal section of this report, this development would involve the creation of new playing fields for the New Line Learning school. This would be located within an existing agricultural field located to the east of the proposed housing site and would mitigate the loss of the existing playing fields subject to the proposed housing scheme. Sport England have been consulted on this element of the proposal and have raised no objections overall. Of key importance here was the fact that the school facilities would be retained with the creation of additional land together with enhanced pitches of greater number and covering a larger area (approximately an increase of 30%).
- 8.31 Although the playing fields are primarily for the use of the school for learning and recreational purposes, the school does undertake community events and activities allowing the surrounding community as a whole to benefit from the improved facilities. As such, I consider the replacement sports field would improve sporting facilities for the school and suitable conditions will be imposed (as requested by Sport England) to ensure facilities are provided prior to the development.

Car Parking/Permeability

- 8.32 The street hierarchy has been influenced by the design approach to create a central spine road through the site with secondary routes and more private spaces of a narrower width. This distinction is further defined with the use of different treatment to road surfaces. This road structure is legible, and has good linkages between spaces for pedestrians and cyclists with attractive, safe and overlooked areas of open space all within walking distance of the housing.
- 8.33 Public bus routes already exist along Loose Road and pedestrian access is provided within the scheme to allow suitable access to an existing footpath to the south western corner of the development. Footpaths along the southern and western boundaries ensure ease of route finding to exit the site as well as three entrances to the footpath adjacent to the eastern boundary. A footpath is also included within the western access to provide easy pedestrian access to the north along Boughton Lane, New Line Learning School and other routes to the town centre.

- 8.34 Car parking is planned at a level which I consider to be appropriate for a development of this scale and location. This would comprise two spaces on plots for the 3, 4 and 5 bedroom dwellings with 1 space provided for the smaller homes including the affordable units although 3 bed affordable units would have 2 spaces. Where parking is not on-plot, it is generally provided with parking courts to the rear of dwellings and bays built in to the streetscene. Visitor parking is provided within allocated areas within the streetscene at a general ratio of 0.2 spaces per unit. Overall, I consider the level of parking to be acceptable within this scheme.

Housing density

- 8.35 The Kent Design Guide (2005) in the case of urban fringe locations states that density should remain compact to avoid urban sprawl and recommends a gross density of between 30-50 dph. The proposed scheme includes 220 dwellings constituting a density of 40dph which is in line with this Kent Design Guide guidance.
- 8.36 Whilst the Council's emerging policies on the strategic allocations indicate a density on this site of approximately 35 dph, to my mind, the density of the development should reflect the urban fringe nature of the site whilst not compromising the context of the site or its established key elements, which in this case constitute its significant landscaped nature. The surrounding urban areas are of a lower density, although a newer development to the east of Pickering Street shows a higher density. It should also be noted that the draft Local Plan policy outlines a capacity of 220 dwellings on this site. I am of the view that this density accommodates this context and is appropriate for this site and location.
- 8.37 The site layout plan shows a good level of internal open space, as well as a soft buffer to its edge. This is aided by the level of landscaping provision around the application, but nonetheless, I am of the view that the internal layout would not appear as cramped, or overdeveloped.

Appearance and detailing

- 8.38 The house types applied throughout the scheme are of a traditional overall form, with simple yet standard detailing to create modern and functional dwellings. The dwellings are appropriate in scale with a mix of 2 and 2½ story buildings creating difference in the streetscene and with the larger dwellings in prominent and key spaces. Again, this creates a number of focal points in the street and creates additional layers of interest. Additional scale is provided with the 3 story apartment blocks located at three points in the scheme.
- 8.39 The materials proposed include a varied palette which includes both tiles and slate for the roofs. Elevations are generally finished in brick, although render, tile hanging and weatherboarding are also used to create additional texture and interest within the streetscene. Through discussions with the applicant, chimneys have been added to key buildings and certain

house types to enhance to articulation within the roof slope and again add a further level of interest within the scheme. Alterations have also been made to remove rooflights and alter front dormer windows to applicable house types, again to improve the appearance of the development.

- 8.40 I consider that there to be a good level of detailing provided with a variety of roof forms and pitch heights. This provides interest and variety within the development, and also introduces a more varied roofscape.

Affordable Housing

- 8.41 The proposed scheme involves the provision of 30% affordable housing provided in three sections within the development. Each section comprises apartment blocks including one and two bedroomed units with two and three bedroom houses also included. There would therefore be 66 affordable units provided within this scheme.

- 8.42 In terms of policy, the adopted affordable housing DPD states that the council should seek to negotiate 40% affordable housing on sites of this scale. This policy remains current; however, the council has an emerging policy (CS9) within the draft Local Plan which does request 30% affordable housing provision. This draft policy is based on housing assessment commissioned by the Council to assess the Viability of the emerging Local Plan within Maidstone Borough (carried out by Peter Brett Associates). Whilst this assessment is based on up to date data and methodology as opposed to the current DPD which is older, the findings of this report remains general to the Borough and is not site specific. The agent has used this recent assessment to underpin their proposal to provide 30% affordable housing without a viability report and whilst it is acknowledged that this assessment does use more up to date methodology, the Affordable Housing DPD 2006 remains the adopted policy.

- 8.43 However, there is a good housing mix within this scheme on a site suitable for residential development and in the balance of issues relative to this particular case, I do not a 30% provision would warrant the development unacceptable alone.

Residential Amenity

- 8.44 With regards to the residential amenity, by virtue of the position of the residential development on existing school playing fields, the position and scale of the dwellings would not lead to any significant neighbouring amenity issues of light, privacy, outlook or overshadowing. This is further supported by the existing landscaping to the boundaries of the site which would forms a significant screen to the development.

- 8.45 The proposed playing fields would be adjacent to dwellings within the Mangravet area to the West, although the significant landscaped boundary

here would be maintained and I do not consider such a use would cause significant harm to neighbouring amenity in noise or disturbance. In terms of noise and disturbance for future occupiers of the development, as discussed the site would lie adjacent to existing schools. These are however, existing uses that any future occupiers would be well aware of prior to purchasing properties. In addition, there is a sufficient separation between the school premises and the new dwellings/playing fields, although a suitable condition shall be imposed to secure hours of use in accordance with the comments of the Environmental Health Officer. Details of refuse storage and lighting will also be required to ensure no harm to amenity.

- 8.46 The layout of the proposed scheme would create a sufficient level of amenity for any future occupiers of the development.

Highways

- 8.47 Two vehicular access points are included within the site with one to the western boundary and a second to the southern boundary. These would be positioned at either end of the central spine road and therefore would comprise efficient entrances/exits to the development. Both would front Boughton Lane allowing traffic to travel both north towards the Loose Road junction and south towards Boughton Monchelsea. The submitted transport assessment discusses that the development of the site at this level of dwellings would generate some 90vph additional AM peak traffic movements with 120vph at PM peak hours. Using distribution methodology, it is discussed that approximately 73% of this traffic would utilise the north route along Boughton Lane to Loose Road, whilst the remaining 27% would travel south on Boughton Lane towards Boughton Monchelsea. The conclusion of this report is that this traffic generation could be catered for on Boughton Lane and would not materially affect traffic conditions at the Boughton Lane/Loose Road junction.
- 8.48 KCC Highways have been consulted on this scheme to assess the highways and traffic impact of the development. Generally, KCC Highways find the site access, road layout and parking arrangements to be acceptable. The NPPF states within section 32 that '*Development should only be refused on transport grounds where the residual cumulative impacts of the development are severe*'. KCC have not stated that the impact would be severe in this case, however, they have raised concerns regarding the likely traffic split of 73% and 27% in the routes taken. KCC Highways suggest that there is likely to be a much higher proportion of traffic using the Boughton Lane/ Loose Road junction due to the narrow and more tortuous nature of Boughton Lane as it extends south and therefore the pressure on the Boughton Lane/Loose Road junction is likely to be higher. KCC go on to describe a 'worst case' scenario in the traffic generation to this junction and that this would cause additional delays in the traffic flow.
- 8.49 However, KCC do state that improvement works to reduce this delay and mitigate the impact can be accommodated within this junction and have then requested contributions towards a commission to assess options for

capacity improvements at the A229/Boughton Lane/Cripple Street junction. At this current time, KCC Highways do not have a Strategic Highways Strategy and therefore there is no strategic study of what could be accommodated at this junction. Whilst it would be desirable for KCC Highways to have a transport strategy in place prior to the determination of the application, in reality, the application cannot be held in abeyance until this point in the future. Therefore, I am of the view that a contribution towards a commission is reasonable in this case.

- 8.50 KCC go on to request contributions of £3000 per dwelling to enable 'Strategic Highways Improvements' to be secured relating to the mitigation of the highways impact of this development. Following discussions regarding this with KCC Highways, it has been established that the Highways Improvements will relate to physical signal alterations and or other necessary works to the Boughton Lane/Loose Road junction and the Loose Road/Sutton Road junction which would mitigate the impact of the development upon the highway. Members may recall a similar contribution secured within the Langley Park development granted delegated powers by the committee in February of this year. In my view, this contribution is reasonable in this case to mitigate the highways impact of the development upon junctions which would be directly affected.
- 8.51 In terms of public rights of way, as discussed there are a number of footpaths which abut the site and would be impacted upon in terms of increased use by this proposed development. Following discussions, KCC have agreed to request a contribution of £100,000 towards improving these areas to cater for this proposal which has been agreed with the developer. In my view, this is reasonable due to the inherent relationship of the development with the surrounding footpaths. Alterations have also been sought to the layout in the form of additional pedestrian accesses through to the footpath to the eastern boundary as a result of KCC discussions. This will improve connectivity to these areas and the usability of the footpaths generally.

Landscaping and Ancient Woodland

- 8.52 The landscape structure is a fundamental consideration for an urban edge development where landscaping should be used to soften the development, helping it to respond more sensitively to its semi-rural context. This is particularly important in this case by virtue of the existing landscaping and tree planting within this site. As part of the proposed scheme, a strong landscape structure has been included to assist in reflecting this locality. This includes:-
- The tree lined spine road.
 - A woodland 15m buffer to the existing mature mixed tree belt to the western boundary (known as five acre wood).
 - Retention of existing tree planting to the southern and eastern boundaries.
 - Areas of Public Open Space including a central space with enhanced tree planting and landscaping.

- Additional landscaping within public areas retaining the landscape led approach of this scheme.
- Retention and inclusion of two existing large trees within a public area in the streetscene.
- The introduction of additional landscaping to support existing corridors.

8.53 Overall, I consider the landscape structure of this scheme to be strong and would respond to the semi rural landscaped character of the existing site. This would also assist in softening the development as a whole.

8.54 A principle consideration in assessing the landscape impact is the impact upon the area of the Ancient Woodland. This issue has also been raised within many of the representations received from neighbours. The agent has discussed in detail the siting of the proposed access and what has formed the basis for this proposed position. A construction access was permitted through this woodland to enable construction vehicles to enter the New Line Learning site during construction of the neighbouring New Line Learning School. At this time, the woodland was not classified as Ancient Woodland. Following the completion of the works at New Line Learning, the construction access surface was removed and the area replanted with suitable landscaping to mature in to the area. Since the submission of this application, the area has matured further, although a clear break in the woodland remains visible with much of the landscaping of a modest height. However, to my mind, this space within the Ancient Woodland has been compromised to some degree.

8.55 The Council's Landscape Officer has been consulted on this proposal and has provided comments discussing this issue. They have commented that given further time, this space will mature to infill the gap in the woodland, although as discussed this is not currently the case. Discussions have taken place with the applicants and agents to reduce the scale of the proposed access through this area and therefore reduce the impact upon the woodland itself. These alterations include:-

- Provision of 15m buffer to Ancient Woodland
- Reduction in width of access
- Removal of southern footpath

8.56 A 15m buffer is continued along the length of the Ancient Woodland. Footpaths are located within this area, although they will be restricted to only 'no dig' construction by planning condition. The access itself has also been reduced in width with the removal of the footpath to the southern side of the access. The northern footpath is retained which would form the pedestrian link travelling north. In any case, southern pedestrian links are provided else where within the site. The access has also been narrowed from 5.5m at the egress point to 4.8m as the access continues in to the development. The depth of its construction has also been reduced with a block paved finish, again to reduce the overall impact. Overall, I consider that whilst this woodland has now been designated Ancient Woodland which is a material consideration, the creation of this gap occurred prior to this designation. The proposed access has utilised this space and has been reduced and altered as outlined above in order to

minimise further impact upon the Ancient Woodland. It is also important to highlight that the principle of development on this site is acceptable and the significant weight attached to the lack of a 5 year housing supply. I am therefore of the view that the siting of this access is acceptable in the balance of issues in this particular case.

Ecology and Ancient Woodland

- 8.57 The site as a whole has been subject to a number of ecology surveys and assessments to review the habitats provided within the site and to establish whether there is a presence of any protected species. The principle habitats within the site comprise large areas of grassland and arable with the parcel of Ancient Woodland to the western side. The established tree planting and landscaping which exists around the site boundaries is also of some ecological value.
- 8.58 The submitted reports outline that a population of slow worms have been discovered within the site and that suitable mitigation could be provided to ensure that no harm would be caused to this population.
- 8.59 KCC Ecology has been consulted on this detail and comments have been provided. In general, KCC Ecology find the ecological reports and their findings acceptable. However, comments have been raised regarding the ecological impact of the proposed access through part of the Ancient Woodland. As discussed above, this issue has been considered in depth and in the balance of issues, the siting is considered acceptable, although it is recognised that there would be some harm to the ecological value of this section of the site. The submitted ecological reports state that whilst this access is provided, suitable ecology enhancements could be incorporated in to the development in order to mitigate the proposed development. These include retention of as much existing planting and hedgerows as possible, precautionary safeguards during construction works, creation of log piles within the open space areas, provision of bird, bat and insect boxes. The reports go on to suggest that a suitable management plan for the area should be created in order to ensure habitats are managed in a way which enhances potential species - particularly relevant concerning wild grassland areas within the site. Suitable conditions will be imposed to ensure details of enhancements are submitted and that the development is carried out in accordance with the recommendations of the submitted ecology report.
- 8.60 Comments have also been raised with regard to the siting of footpaths close to the Ancient Woodland. Whilst I acknowledge these comments, the siting of the footpaths is set back from the Ancient Woodland edge and does allow for a suitable buffer. Any footpaths in this space will be conditioned to be 'no dig' construction also so that the disturbance upon this area is reduced. Comments have also been raised concerning bat mitigation details. The maintained boundaries of this site include significant landscaping allowing routes for bats to be maintained. KCC Ecology have requested a Bat Survey to be carried out together with clarification of the reptile survey method and these details will be requested and such details will be requested from the developer should

members agree to grant delegated powers in this case. A number of conditions suggested in the interests of ecology are considered appropriate in this case and will be imposed to secure suitable details are submitted.

Air Quality

- 8.61 In terms of Air Quality, the Council's Environmental Health Officer has been consulted to provide comments in this regard. The comments received confirm that the area subject to this development is not within an area of poor air quality and therefore air quality management is not a significant issue in respect of this application. However, I am aware of a number of comments received raising the issue of air quality within this development and the view expressed that the cumulative impact of a number of developments would significantly alter the air quality in this area. These comments refer to the development of the Tiger primary school within this locality in addition to the housing development proposed here. The Environmental Health officer has considered the cumulative impact and has stated that whilst he does not consider this would warrant raising objection to the proposal, a condition should be imposed to ensure that the developer considers and specifies what measures would be employed to assist in reducing air pollution within the development. I consider this is reasonable in this case given previous developments granted and a suitable condition will be imposed.

Open Space

- 8.62 In terms of open space provision, the proposed layout does include a number of areas considered to provide open space for future residents although there is no provision of formal open space within the site. The councils Parks and Open Space team have been consulted and comments have been received. In general, the lack of formal open space provision is acceptable on the proposed scheme by virtue of its urban fringe location and proximity to other areas of open space, in particular Mangravet Recreation Ground (100m away), King George V Playing Fields (450m away) and Shepway Green (1km away) being the closest to the development. It is reasonable to suggest that these facilities would see an increase in usage from the proposed development due to their proximity to the site.
- 8.63 In the absence of formal open space being provided, it is reasonable (in accordance with the council's Open Space DPD) to request contributions to existing off site facilities in order to improve services and cater for the increased level of usage. It would be reasonable to secure this to those as outlined above being the closest to the development.
- 8.64 Therefore, a requested contribution of £1575 per dwelling will be secured under the legal agreement in order to support existing facilities as discussed which I consider is appropriate in this case.

Provision of New Sports Facilities

- 8.65 As stated within the proposal section of this report, this development would involve the creation of new playing fields for the New Line Learning school. This would be located within an existing agricultural field located to the east of the proposed housing site and would mitigate the loss of the existing playing fields subject to the proposed housing scheme. Sport England have been consulted on this element of the proposal and have raised no objections overall. Of key importance here is the fact that the school facilities would be retained with the creation of additional land together with enhanced pitches of greater number and covering a larger area (approximately an increase of 30%).
- 8.66 Although the playing fields are primarily for the use of the school for learning and recreational purposes, the school does undertake community events and activities allowing the surrounding community as a whole to benefit from the improved facilities. As such, I consider the replacement sports field would improve sporting facilities for the school and suitable conditions will be imposed (As requested by Sport England) to ensure facilities are provided prior to the development.

Drainage and Flooding

- 8.67 The site falls within flood zone 1 and therefore is considered to be at low risk of flooding from all sources. A sustainable urban drainage system is included within this application to assess the appropriate methods to deal with water on the site. This concludes that the most efficient method of disposing of surface water would be by utilising infiltration techniques such as deep board soakaways located within areas of public open space. The Environment Agency, Southern Water, Upper Medway IDB and KCC have been consulted on this detail and have raised no objections. I am therefore of the view that the proposed drainage methods are suitable for this site and would not result in any significant surface water issues.

Code for Sustainable Homes/Sustainability

- 8.68 The submitted documents set out the measures to increase energy efficiency and reduce carbon emissions throughout the development. This includes dwellings to a good level of energy efficiency which would achieve code level 4 of the Code for Sustainable Homes. A condition will be imposed to secure this.
- 8.69 In terms of sustainability, a travel plan has also been submitted as part of this application. By virtue of the siting of the development and its proximity to existing community facilities such as shops, schools and public transport within the urban area, I am generally of the view that the site is sustainable. The travel plan details the measures used to ensure other modes of transport are catered for within the scheme to reduce the dependence on the private car. The Environmental Health Officer has also requested that charging points for vehicles are provided within garages. Whilst I acknowledge this would be beneficial, I do not think this would be reasonable to impose as a condition. A similar informative will be included to advise the applicant of such measures.

- 8.70 The Transport Assessment submitted discusses that a cycle route could be provided between the entrance to the development and the entrance to the New Line Learning School to the north. This would then provide the ability to link the development to wider cycle routes including the town centre. KCC Highways have considered this as part of their response and consider this to be appropriate. In my view, this provision would greatly increase the sustainability of the scheme and provide better links to the neighbouring school. A condition securing this will therefore be included within the recommendation as outlined below. The connectivity of the scheme is generally good with good pedestrian and cycle links through the development linking to the surrounding footpaths as discussed above.

Legal Agreement and Contributions

- 8.71 As discussed throughout the report, a S106 agreement will secure contributions to a number of areas in order to make the proposal acceptable in planning terms. By virtue of Regulation 122 of CIL this proposed planning obligation may constitute a reason for granting planning permission for the development if the obligation is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly reasonably related in scale and kind to the development.
- 8.72 Firstly, contributions will be made towards highways improvements, as discussed within sections 9.44 and 9.43 above. Contributions will be sought in the form of £3,000 per dwelling towards defined future strategic transport improvements with the following agreed wording:.
- A contribution of £3000 per dwelling towards highway capacity improvements at the Loose Road/Boughton Lane junction and at the Loose Road/Sutton Road junction (such as a roundabout or highway reconfiguration with physical traffic signal alterations and sustainable transport improvements), and approaches to the Town Centre Bridge gyratory traffic signal junctions, necessary to mitigate against the severe impact of the development on congestion and highway safety at these junctions.*
- 8.73 These monies would be allocated in a tiered system with the junctions of Boughton Lane/ Loose Road and Loose Road/Sutton Road in the first instance as they would be directly impacted upon by this development.
- 8.74 Further KCC Highways contributions would be paid comprising £2,500 contribution per dwelling? towards a commission to assess options for capacity improvements at the A229/Boughton Lane/Cripple Street junction. This would inform the improvements listed above to investigate suitable mitigation works. A further fee of £3,000 per dwelling? is paid to KCC to pursue the extension of the 30 mph on Boughton Lane south to cover to site access. These contributions are reasonable, necessary in order to mitigate against the impact of the development and directly related to the development.

- 8.75 With regard to open space provision, MBC Parks and Open Space have requested £1575 per dwelling in order to enhance off site open space provision. This will amount to a contribution of some £346,500. This is in accordance with the Council's adopted Open Space DPD (2006) which states that for developments of this scale and where sufficient open space is not provided on site, a contribution will be made to off site provisions. This is outlined as one of the Council's priorities in enhancing open spaces within the Borough and therefore, where there is clear additional pressure on existing open space provision related to new development (which is the case here) contributions are reasonable and necessary to mitigate against the lack of provision.
- 8.76 Contributions are also required towards primary and secondary education. This is on the basis that the KCC strategy for primary education includes 2 new 2 form entry schools. Members will be aware that a resolution to grant planning permission was secured at Langley Park which included a primary school. As such, contributions are required to support this KCC schools strategy to provide new primary education facilities. In this particular case being the development of school playing fields. The New Line Learning School in question would then benefit from this assisting to fund the construction of the Tiger Primary School previously granted planning permission. This school is an academy and therefore funded by central government and not directly by the Local Education Authority (KCC). Therefore, should these contributions not be sought, this may secure further monies for the New Line Learning School. Whilst I acknowledge the particular situation regarding school funding, the additional pressure for school places that this development would create results in the requirement to enhance and expand the provision for primary school provision. The fact that in this case, the neighbouring school is an academy does not alter this position. It is also the case that whilst the New Line Learning site is neighbouring this development, a number of other LEA funded schools are close by in the local area and it is likely that children from this development could attend other schools. It is therefore appropriate to include contributions to land acquisition costs of £503,178.68 together with contributions of £745,000 for primary school build costs in order to support the strategy for enhanced primary education within the Borough. The formula for calculating these contributions is set out below. This is therefore considered reasonable and necessary to seek such contributions which are related to this development.
- 8.77 Secondary education contributions have also been sought under this application. KCC have stated that provision for expansion is provided to those schools which perform well at Ofsted inspections and as such, it is not possible to be specific at this time. However, clearly a development of this scale would have an impact upon secondary school provision within the Borough. This differs from the primary school provision in that occupants of this development are more likely to attend any secondary school within the wider surrounding area and therefore a contribution to allow enhanced provision is reasonable, necessary and related to the development.

8.78 In terms of community learning, similar to the discussion outlined above, there would be an impact as a result of this development upon local service provision related to community facilities. Contributions will therefore be sought towards Community Learning, Libraries, Adult Social Care and Youth Service. Again, these contributions are considered to be reasonable, necessary and related to the development.

The Education and community contributions are set out within the tables below:-

	Per 'Applicable' Flat (x37)	Per 'Applicable' House (x177)	Total
Primary Education <i>(new build construction cost)</i>	£1000	£4000	£745,000.00
Primary Education (Land)	£675.41	£2701.63	£503,178.68
Secondary Education	£589.95	£2359.80	£439,512.75

	Per Dwelling (x220)	Total
Community Learning	£30.70	£6753.28
Youth Service	£8.44	£1857.30
Libraries	£183.14	£40,289.84
Adult Social Care	£47.44	£10,436.80

8.79 The NHS Primary Care Trust has requested contributions of £165,204 towards the enhancement of existing surgeries within the locality. The named practices are – Grove Park, Boughton Lane, Mote medical, Shepway, and Wallis which are all within 1 mile radius of the development site. Occupants of the development could be registered to any of these doctor's surgeries and therefore, to provide monies to assist in supporting these services and expand capacity is reasonable, necessary and related to the development. The contribution monies requested are set out within the table below and using the formulae described:-

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

Unit Size	Occupancy Rate
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

17 x 2 (2 bed dwelling) =	34
78 x 2.8 (3 bed dwelling) =	218.4
59 x 3.5 (4 bed dwelling) =	206.5
154 total market dwelling =	458.9 total assumed occupancy
458.9 x £360 = £165,204 healthcare request	

Social dwellings excluded from this application = 66 dwellings with an assumed occupancy is 140 persons.

- 8.80 Contributions of £100,000 are sought from KCC Public Rights of Way towards public footpath enhancement. The current condition of many of the footpaths within the vicinity of the site is poor and due to the inherent relationship between the application site and the surrounding footpaths, it is considered contributions to enhance this to cater for increased traffic flow is reasonable, necessary and related to the development.

9.0 CONCLUSION

- 9.01 This is a site for housing within the urban area which is appropriate for residential development. The development is in accordance with the relevant policies ENV23, ENV28 and ENV32 of the Local Plan and is therefore in accordance with the Development Plan. Furthermore, it is in accordance with the provisions of the NPPF and its presumption in favour of sustainable development, and the provision of 220 new dwellings would significantly contribute to achieving the council's 5 year housing supply. This is a strong material consideration in the determination of this application, and should be given significant weight.
- 9.02 The design of the proposal is considered to be of a good quality, both in terms of the layout of the development, and the individual buildings. Likewise, the landscaping provision within the development would create an attractive environment for future occupiers.
- 9.03 The development would cause some harm to the countryside and the designated anti-coalescence belt, however, in the balance of issues, I give significant weight to the benefits of this proposal and the housing need.
- 9.04 The applicants propose significant contributions to infrastructure, both on site, and within the locality – in particular, contributions towards the additional highway works that would be required to take to the Boughton Lane/Loose Road junction and the Loose Road/Sutton Road junction, in order to make this development acceptable in planning terms where it would otherwise be unacceptable.
- 9.05 This is a proposal that would deliver a high quality development. As such, the material considerations are such that I recommend that Members give delegated powers to grant, subject to the receipt of a suitable S106 legal agreement, which should address the matters set out below.

10.0 RECOMMENDATION

10.01 Give the Head of Development Management DELEGATED POWERS TO APPROVE subject to the receipt of a satisfactory Bat Survey and appropriate mitigation, clarification of the reptile survey method and a suitable S106 legal agreement between Maidstone Borough Council and the developer that provides the following:

- The provision of 30% affordable housing;
- Contributions of £3000 per residential unit (£660,000) to allow:-

Highway capacity improvements at the Loose Road/Boughton Lane junction and at the Loose Road/Sutton Road junction (such as a roundabout or highway reconfiguration with physical traffic signal alterations and sustainable transport improvements), and approaches to the Town Centre Bridge gyratory traffic signal junctions, necessary to mitigate against the severe impact of the development on congestion and highway safety at these junctions.

- Contributions of £100,000 towards public footpath enhancement within the immediate area around the development site (KCC);
- Contributions of £165,204 for healthcare provision to specified surgeries within 1 mile radius.
- Contributions of £745,000 for primary school build costs (KCC)
- Contributions of £503,178.68 for primary school land acquisition costs (KCC);
- Contributions of £439,512.75 for secondary education enhancements (KCC);
- Contributions for additional book stock within local libraries of £40,289.84
- Contributions towards community learning of £6753.28 to be spent within the Maidstone Borough.
- Contributions towards youth services of 1857.30 to be spent within the Maidstone Borough.
- Contributions towards adult social care of £10,436.80 to be spent within the Maidstone Borough.
- Contributions of £346,500 for parks and open space (MBC) to enable enhancement to of site open space provision.

CONDITIONS:-

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

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

2. The development shall not commence until written details and samples of the materials to be used, in the construction of the external surfaces of the buildings hereby permitted (which shall include slate roofs), 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.

3. The development shall not commence until details of all fencing, walling (which shall include walling at the point of access) 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 buildings or land and maintained thereafter;

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

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

Reason: In the interests of visual amenity.

5. 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 setting and external appearance to the development.

6. 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:

- The retention of existing tree lines along the eastern, southern and western boundaries and enhancements to the boundary where necessary;
- Areas of grassland to be managed as rough grassland.
- The provision of bird and bat boxes within the development;

together with indications of all existing trees and hedgerows on the land, and details of any to be retained, and measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted and in the interests of visual amenity.

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

Reason: To ensure satisfactory maintenance and management of the landscaped area.

8. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in Relation to Construction-Recommendations'. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

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

9. The dwellings shall achieve at least Level 4 of the Code for Sustainable Homes.

Reason: To ensure a sustainable and energy efficient form of development.

10. Notwithstanding the details provided within the design and access statement, 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 kerbstones/crossing points which shall be of a wildlife friendly design, have been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

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

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

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

12.No development shall take place until details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority;

- i) Details of the roof overhangs and eaves.
- ii) Details of windows and doors and recesses/reveals (which shall be a minimum of 70mm).
- iii) Details of the junction of the weatherboarding/tile hanging and the brickwork.

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

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

13.No development shall take place 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 and illuminance contour plots covering sensitive neighbouring receptors.

Reason: To prevent light pollution in the interests of the character and amenity of the area.

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

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

15.The development shall not commence until details of the means of vehicular access to the site, including the road width, construction method, kerb radii, visibility splays and details of finishing materials, have been submitted to and approved in writing by the Local Planning Authority;

Reason: No such details have been submitted and in the interests of highway safety and visual amenity.

16. The delivery of materials during construction of the development hereby permitted shall be made via the southern access to the site for the duration of the construction works.

Reason: To ensure no detrimental harm is caused to the Ancient Woodland to the western boundary and to secure neighbouring amenity.

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

Reason: In the interest of pollution and flood prevention.

18. The measures outlined within the Travel Plan within the Transport Assessment shall be carried out in full prior to the occupation of the development and monitored according to the stated Framework.

Reason: To encourage the use of more sustainable forms of transport.

19. No development shall commence until details of a shared use pedestrian cycle route, as described in the Transport Assessment, from the site access north to the Academy site entrance are submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a suitable level of connectivity between the development and the surrounding areas.

20. Wheel washing facilities shall be used during construction to prevent mud and debris being deposited on the highway.

Reason: In the interests of highways safety.

21. The 220 residential dwellings, access, parking, landscaping and ancillary works on the land at Boughton Lane hereby permitted shall not commence until the playing field area has been laid out in accordance with the Site Layout Plan (Drawing No. 2084 – 09 Rev B) so that it is available for use as a playing field, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order amending, revoking or re-enacting that order) that area shall not thereafter be used for any purpose other than as a playing field.

Reason: To secure the provision and use of playing field.

22. The 220 residential dwellings, access, parking, landscaping and ancillary works on the land at Boughton Lane hereby permitted shall not commence

until the replacement playing field has been built, made fully operational and available for use.

Reason: To ensure satisfactory replacement sports facility provision is secured.

23.No development shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]:

(i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the replacement playing field which identifies constraints which could affect playing field quality; and

(ii)Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

(iii) The approved scheme shall be carried out in full prior to commencement of development of the 220 residential dwellings, access, parking, landscaping and ancillary works on the land at Boughton Lane hereby permitted. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose.

24.Details of facilities for the charging of electric vehicles in this development shall be submitted for approval to the LPA. The approved facilities shall be provided before the first use of the building(s) or land and should conform to the latest standards and conform to best practice. The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 or latest equivalent.

Reason: To encourage the use of more sustainable forms of transport.

25.Details of facilities for the separate storage and disposal of waste and recycling generated by this development as well as the site access design and arrangements for waste collection shall be submitted for approval to the LPA. The approved facilities shall be provided before the first use of the building(s) or land and maintained thereafter.

The applicant should have regard to the Environmental services guidance document "Planning Regulations for Waste Collections" which can be obtained by contacting Environmental Services.

Reason: In the interests of amenity.

- 26.No external meter cupboards, vents, or flues shall be installed on any external elevation without the prior agreement in writing of the Local Planning Authority.

Reason: To secure a high standard of design.

- 27.The playing fields hereby permitted shall not be used after the hours of 21:00hrs unless prior written agreement is sought from the Local Planning Authority.

Reason: To reduce the impact upon neighbouring amenity.

- 28.No development shall commence until the developer has submitted a scheme, having regard to the DEFRA guidance from the document "Low Emissions Strategy using the planning system to reduce transport emissions January 2010", to, and approved by, the Local Planning authority, detailing and where possible quantifying what measures or offsetting schemes are to be included in the development which will reduce the transport related air pollution of the development during construction and when in occupation.

Reason: In the interests of suitable air quality and amenity.

- 29.No development shall take place until implementation and completion of:-
i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

- 30.On completion of the archaeological post excavation and publication programme the Developer, or their agents or successors in title, will arrange for the development archaeological archive to be deposited in a suitable museum or similar repository to be agreed with the County Archaeologist and the Local Planning Authority. Deposition of the archive will include a one-off payment by the Developer at the standard museum archive storage rate per box at the time of deposition.

Reason: To ensure appropriate deposition and long term storage of archive.

- 31.On completion of the archaeological post excavation and publication programme the Developer, or their agents or successors in title, will undertake a programme of heritage interpretation based on the results of the post excavation assessment, in accordance with a framework agreed

with the County Archaeologist and the Local Planning Authority. The Heritage Interpretation will be suitably integrated into the development.

Reason: To ensure information on the heritage is appropriately disseminated.

32. Construction of new permanent hard surfacing within the 15m buffer zone to ancient woodland or within the root protection area of retained trees shall be fully permeable and shall be carried out without excavation, strictly in accordance with the principles set out in clause 7.4 of BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations' unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of tree protection and ecology.

33. Notwithstanding the provisions of 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), no development within Schedule 2, Part 1, Class(es) A, B, C, D, E and F shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by existing and prospective occupiers.

34. No development shall take place (including ground works, vegetation clearance) until a construction environmental management plan (CEMP (Biodiversity)) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities;
 - b) Identification of 'biodiversity protection zones';
 - c) Practical measures (both physical measures and sensitive working practises) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - e) The times during construction when specialist ecologists need to be present on site to oversee works;
 - f) Responsible persons and lines of communication;
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests ecological preservation.

- 35.No development shall take place until a "lighting design strategy for biodiversity" for the use of external lighting during the construction and operational phases of the development has been submitted to and approved in writing by the local planning authority. The lighting strategy shall show how and where measures will be implemented to reduce light spillage onto areas of ecological sensitivity: in particular, vegetated areas including trees, tree lines, woodland and hedgerows. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

Reason: In the interests ecological preservation.

- 36.No development shall take place (including ground works and site clearance) until a method statement for mitigating the impacts to species including bats, reptiles, breeding birds, badgers and hedgehogs has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:
- a) Purpose and objectives for the proposed works;
 - b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives, incorporating up-to-date ecological surveys if necessary;
 - c) Extent and location of proposed works shown on appropriate scale maps and plans;
 - d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - e) Persons responsible for implementing the works;
 - f) Provision for species rescue, as appropriate;
 - g) Disposal/use of any wastes arising from works.

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

Reason: In the interests ecological preservation.

- 37.No development shall take place until an ecological design strategy (EDS) addressing the ecological enhancement of the site and the mitigation for impacts to the ancient woodland with the provision of a 15m undeveloped ancient woodland buffer with managed public access, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
- a) Purpose and conservation objectives for the proposed works;
 - b) Review of site potential and constraints incorporating up-to-date ecological surveys;
 - c) Detailed design(s) and/or working method(s) to achieve stated objectives;
 - d) Extent and location/area of proposed works on appropriate scale maps and plans;
 - e) Type and source of materials to be used, e.g. native species of local provenance;

- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) Persons responsible for implementing the works;
- h) Details of initial aftercare and long-term maintenance;
- i) Details for monitoring and remedial measures.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: In the interests ecological preservation.

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

Plan numbers 2084-001, 2084-002, 2084-29, 2084-30, 2084-31, 2084-33 to 2084-39, 2084-99, 2084-100, 2084-102, 2084-104, 2084-105, 2084-32, 2084-35, 2084-40, 2084-41, 2084-42, 2084-43, 2084-44, 2084-45, 2084-46, 2084-47 2084-48 2084-49, 2084-50, 2084-51, 2084-52, 2084-53, 2084-54, 2084-55, 2084-56, 2084-57, 2084-58, 2084-59, 2084-60, 2084-61, 2084-62, 2084-63, 2084-64, 2084-65, 2084-66, 2084-68, 2084-70, 2084-73, 2084-75, 2084-78, 2084-80, 2084-82, 2084-85, 2084-87, 2084-90, 2084-91, 2084-92, 2084-95 2084-97, 2084-108, 2084-113, 2084-120, 2084-121, 2084-122, 2084-123, 2084-124, 2084-125, 2084-126, 2084-127, 2084-128, 2084-129, 2084-130, 2084-131, 2084-132, 2084-133, 2084-134, 2084-135, 2084-136, 2084-137, 2084-138, 2084-139, 2084-140, 2084-141, 2084-142, 2084-150, 2084-151, 2084-152, 2084-153, 2084-154, 2084-155, 2084-156 RevA, 2084-157 RevA, 2084-158 RevA, 2084-159 RevA, 2084-160 RevA, 2084-161 RevA, 2084-63, 2084-65, 2084-67, 2084-69, 2084-71, 2084-72, 2084-74, 2084-76, 2084-77, 2084-79, 2084-81, 2084-83, 2084-84, 2084-86 2084-88, 2084-89, 2084-93, 2084-94, 2084-96, 2084-97, 2084-107, 2084-109, 2084-110, D1977.L.100 , D1977.L.101 RevA, D1977.L.102 RevA, Design and Access Statement, Planning Statement, Statement of Community Involvement, Affordable Housing and Contributions Statement, Code Level 4: Analysis of cost uplift and proposed alternative strategy, Transport Assessment and Travel Plan, Utilities Appraisal including Appendices 1-7, Extended Phase 1 Habitat Survey and Bat Building Survey Report, Archaeological desk based assessment, Method statement for a Magnetometer survey, Detailed Magnetometer survey, Arboricultural report and tree survey, Flood risk assessment and drainage strategy, Desk study and ground investigation, Application Form and Supporting Letters received 19th December 2013. And plan numbers 2084-64 RevA, 2084-66 RevA, 2084-96 RevA, 2084-98 RevA, 2084-101 RevA, 2084-103 RevA, 2084-106 RevA, 2084-111 RevA, 2084-114 RevA, 2084-65 RevA, 2084-95 RevA, 2084-97 RevA, 2084-100 RevA, 2084-102 RevA, 2084-105 RevA, 2084-112 RevA, 2084-113 RevA, 2084-09 RevC, 2084-10 RevC, 2084-11 RevC, 2084-012 RevC, 2084-013 RevC, 2084-014 RevC, 2084-015 RevC, 2084-016 RevC, 2084-017 RevC, 2084-018 RevC, 2084-019 RevC Received 25th March 2014. Plan number DHA/6723/01 received May 2014, SK01 RevP1 received May 2014.

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

INFORMATIVES:-

1. The applicant is advised that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to 'Natural Turf for Sport' (Sport England, 2011).
2. 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 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.
3. Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the EHM regarding noise control requirements.
4. Clearance and burning of existing woodland or rubbish must be carried out without nuisance from smoke etc. to nearby properties. Advice on minimising any potential nuisance is available from the EHM.
5. Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.
6. Vehicles may only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.
7. Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.
8. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.
9. The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside of the normal working hours is advisable.

10. Removal of existing trees or hedgerows containing nesting birds shall take place outside of the bird-breeding season (generally March to August).
11. Within any submitted landscape plan, full details of the retention of cordwood within the site shall be submitted.
12. 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 (Tel - 0330 3030119) www.southernwater.co.uk

Case Officer: Kevin Hope

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.

A narrow, leaf-strewn path leads through a dense thicket of green trees and bushes. On the left side of the path, a tall, silver metal fence runs parallel to the walkway. The path is covered in brown, fallen leaves and dappled with sunlight. At the end of the path, there is a bright, open area where a small, dark, conical structure, possibly a garden ornament or a small shrine, is visible. The overall scene is lush and green, suggesting a well-maintained garden or park.

121



1222

A landscape photograph showing a wide field of golden-yellow crops, possibly wheat or barley, under a bright blue sky with scattered white clouds. In the foreground, there is a path of green grass. A line of trees, including several tall, thin cypresses, is visible in the distance. The number '123' is overlaid on the left side of the image.

123

A wide-angle photograph of a large, open green field, possibly a meadow or pasture. In the background, there is a dense line of trees. On the right side, a portion of a house with a red roof is visible through the trees. The sky is bright and clear. The number '124' is overlaid on the left side of the image.

124

A photograph of a grassy field, likely a soccer field, with a goal visible in the distance. The field is framed by trees and a large, dark tree branch in the foreground. The number '125' is overlaid on the left side of the image.

125

126





127

A dirt path winds through a lush, green forest. The path is flanked by tall trees and dense foliage, creating a canopy overhead. Sunlight filters through the leaves, casting dappled shadows on the path. The number 128 is overlaid on the left side of the image.

128

A gravel path leads through a dense forest. Sunlight filters through the trees, creating dappled light on the path. The path is flanked by lush green foliage and trees. The overall scene is bright and natural.

129

130

A landscape photograph showing a wide, green field in the foreground. In the middle ground, there is a dense line of trees with varying shades of green. The sky is filled with large, white, fluffy clouds, with some blue sky visible between them. The number '130' is printed vertically in black text on the left side of the image.

131

A photograph of a modern building with a glass facade and a metal fence in the foreground. The building has a grid-like structure of metal frames and glass panels. The fence is made of vertical metal bars. The number '131' is overlaid on the image.

132

A photograph of a green field with white markings, possibly a sports field or a field being prepared for a specific purpose. The field is surrounded by dense, lush green trees. The number 132 is overlaid on the image, positioned vertically on the left side.

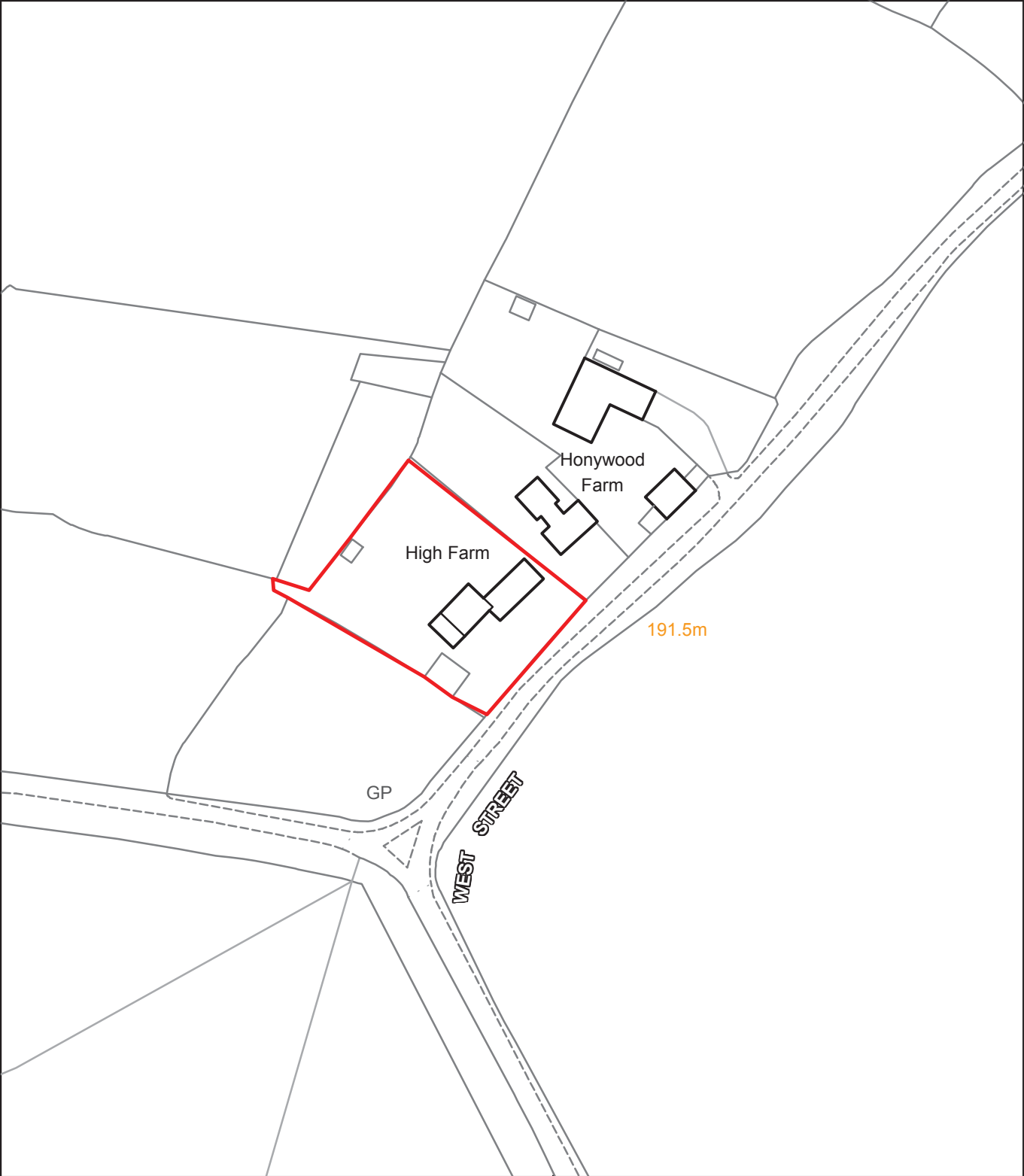
A narrow dirt path lined with a white metal fence on the left and dense green foliage on the right. The path is covered in brown leaves and some trash. The fence is made of vertical metal slats. The foliage is thick and green, with some bare branches visible. The path leads into the distance, where a white vehicle is partially visible.

133

THE MAIDSTONE BOROUGH COUNCIL

High Farm, West Street
Lenham, Maidstone, ME17 2EP

MBC Ref: MA 14/0214



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 14/0214		
APPLICATION PROPOSAL erection of a two storey rear extension		
ADDRESS High Farm, West Street, Lenham, Maidstone, Kent, ME17 2EP		
RECOMMENDATION : APPROVED SUBJECT TO CONDITIONS		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL		
REASON FOR REFERRAL TO COMMITTEE The recommendation for this application is being reported to Committee for decision because: <ul style="list-style-type: none"> The Parish Council objects to the proposal, it would change the character of the Listed Building. 		
WARD Harrietsham And Lenham Ward	PARISH/TOWN COUNCIL Lenham	APPLICANT Mr J Hubbard AGENT James Collett Chartered Surveyor
DECISION DUE DATE 06/04/14	PUBLICITY EXPIRY DATE 06/04/14	OFFICER SITE VISIT DATE
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): 01/0857 - An application for listed building consent for amendments to approved scheme (MA/97/0215) – Granted - 01-Aug-2001 01/0857/C01 - An application for listed building consent for amendments- Granted - 01-Nov-2001 01/0857/C02 - An application for listed building consent for amendments- Granted- 29-Nov-2001 01/0857/C04- An application for listed building consent for amendments- Granted - 01-Nov-2001 01/0857/C05- An application for listed building consent for amendments- Granted - 07-Jun-2002 01/0858- Amendments to approved scheme (MA/97/0226 for extensions and alterations to farmhouse), for insertion of first floor rooflights and relocation of windows- Granted- 13-Aug-2001 02/0753- Demolition of existing store/shed and erection of garage- Granted - 19-Jun-2002		

02/0850- An application for listed building consent to demolish an existing outbuilding- Granted - 02-Jul-2002

04/1351 - Erection of side extension to existing garage/workshop to provide 2 No stables – Granted- 09-Sep-2004

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The property is grade two listed building located to the west side of West Street. The property is located close to the village of Lenham which is situated approximately 10 miles towards the east of Maidstone town centre. The site area of the property is 0.44 acres mainly level. Along the north eastern boundary there is large hedge row dividing the garden from the neighbouring property. Towards the south west boundaries there are various hedge rows separating the garden from the agricultural land.

2.0 PROPOSAL

- 2.1 Planning permission is sought for two storey rear extension. The proposed two storey rear extension would measure the following dimensions:
- Depth – 5m
Width- 6.6m
Height – 8.8m
- 2.2 The extension would be constructed from matching brickwork. Where tiles are removed this would be reused on the flank elevation to minimise visual impact. The proposed roof would be clay plain tiles to match the existing roof of the property. Windows would be doubled glazed timber casements with glazing bars similar to the existing fenestration.
- 2.3 The proposed extension on the ground floor would accommodate bathroom and part of the existing dining room. The first floor extension would provide two additional bedrooms to the property.

3.0 POLICY AND OTHER CONSIDERATION

- Maidstone Borough-Wide Local Plan 2000: H18 , ENV28 , H33
- National Planning Policy Framework
- Supplementary Planning Document – Residential Extensions

- 3.1 The determination of this proposal is in accordance with the National Planning Policy Framework. It is important that any proposed development to a listed building gives special regard to the desirability of preserving its historic character.

4.0 LOCAL REPRESENTATIONS

- 4.1 1 neighbour consulted- 2 objections received which is summarised as follows:
- The proposal would have negative impact on the visual appearance of the area, causing more traffic and pollution problems
 - The noise and pollution would cause more traffic within the existing neighbourhood.
 - The bulk and design of the proposed extension would be out of scale with the historic building.
 - The proposed ridge line and east flank wall do not show the extensions as being subservient to the historic form.
 - The appearance of the proposed extension would alter the pairs of buildings.
 - Windows on the north east side flank wall would impact upon the privacy of the adjoining property.
 - Would result in the loss of historic fabric of the building

5.0 CONSULTATIONS

- 5.1 Lenham Parish Council – Wish to object to planning application as they feel the height of the proposed extension would have an impact on adjoining properties and would also change the character and appearance of the property considerably.
- 5.2 Conservation officer - Raises no objection to the proposal however would prefer to keep the new ground floor accommodation in the form of a separate room. Wholesale removal of the internal wall will result in a significant change to the internal character of the original property. The existing portions of the property would be lost. The issues raised by the conservation officer have now been resolved by the applicant and show the original wall of the property being retained in parts.

6.0 APPRAISAL

Principle of Development

- 6.1 There are no saved policies within the Maidstone Borough Local Plan 2000 which directly relate to listed buildings, however the National Planning Policy Framework (NPPF) addresses 'Conserving and enhancing the historic environment' at Section 12.

- 6.2 Paragraph 126 of the NPPF states that it should be recognised that heritage assets are an irreplaceable resources and they should be conserved in a manner appropriate to their significance; with paragraph 132 stating 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, with the guidance recognising that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 133 states that permission should be refused where a proposed development leads to substantial harm to or total loss of significance of a designated heritage asset, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss; and where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefit of the proposal, including securing its optimum viable use.

Size, Design and siting

- 6.3 The adopted residential extensions SPD require that the scale, proportion and height of extensions should be subordinate to the original house and fit unobtrusively with the building and its setting.
- 6.4 *Impact upon the property and the character of the surrounding area*

The Conservation Officer finds the design and scale of the proposal to be acceptable, and raises few comments on the new ground floor accommodation stating that the wholesale removal of the existing wall would significantly change the internal character of the property. While the fabric and the material to be removed may be modern 19th Century joinery. The current internal door would appear to reflect the position of the original door. The solution would be to move the proposed WC to the other side of the extension. The new drawings reflect these changes and conservation officer is satisfied with the amendments.

- 6.5 Given the size, design and siting of the proposed extension at the rear of the house, it is considered that it will appear to subordinate to the existing house. In addition the separation distance between adjoining properties will remain the same. To the east side lies occupier Honeywood Farm the distance between these properties is approximately 7m. Honeywood Farm currently has an existing two storey rear extension that was granted under reference 84/0536.
- 6.6 The proposed pitched roof on the first floor extension would be built behind the existing main roof of the property. The extension would not be seen from the main street scene and therefore would not affect or harm the character of the property towards the front

elevation. In relation to the size and sitting objections have been raised that the extension would be bulky and out of scale with the historic building.

6.7 The existing building currently has total floor area of 214.2m². In relation to the existing building the proposed extension would only be 66m² this development would be a modest sized development. The existing property also has large surroundings that are 0.44 acres of rural settlement therefore, it is not considered that the additional extension will result in a material overdevelopment of the site, or harm the character or layout of the wider area. The proposed extension would be well built using matching materials to reflect the historical buildings

6.8 *Impact upon the neighbours*

Objections to the proposal also revolve around the material loss of privacy, to adjoining properties. The residential extensions SPD normally requires ground floor additions to be limited to 3 metres in depth and 1st floor additions to be set well off the common boundary with an adjoining property unless site circumstances permit otherwise. In this instance proposed two storey rear extension would be 5m deep. The extension would be built in an open space part of the garden away from adjoining occupiers. The closest neighbouring occupier (Honeywood farm) would be 7m away. The proposed extension would set in 2m away from adjoining neighbouring boundary.

6.9 The extension and the external alterations to the property would propose two side windows on the main property towards the north side which would be obscured glazed. The additional new windows on the first floor towards the south of the property would face no immediate adjoining occupiers. Therefore the issues raised by adjoining occupier in relation to overlooking would not demonstrate such an issue.

6.9.1 *Highways*

The property already has off street parking for in excess of three cars in the front garden. This already meets Kent Highways parking requirements and the proposed addition will not therefore add materially to this. In the circumstances there is considered to be no objection to the proposal on highway or parking grounds.

7.0 OTHER MATTERS

Concerns raised relating to the impact on the extension causing pollution are noted. However this is not a material planning consideration and as such cannot be taken into account in the determination of this application.

8.0 CONCLUSIONS

- 8.1 The objections expressed by the Parish Council and the neighbours have been dealt with in the main body of this report.
- 8.2 The proposed addition by reasons of its size, design and siting, will appear as a subordinate addition reflecting the intentions of the residential extensions SPD while having no material impact on the outlook or amenity of adjoining properties.
- 8.3 The proposed extension would be of appropriate scale and quality to suit a grade two listed building as it will contribute towards its surroundings in visual and amenity terms while adding new elements of built form
- 8.4 Furthermore the siting of the property in a developed frontage in a rural settlement means that the addition will not result in an overdevelopment of the site or have any material impact on the character or layout of the locality.
- 8.5 In the circumstances it is considered that the proposal is worthy of support and that planning permission should be granted as a consequence.

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: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. The development shall not commence until written details and samples of the plain clay roof tiles, clay hung tiles and bricks to be used in the construction of the external surfaces of the dwelling 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 the setting of the listed building and the character and appearance is preserved.

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

Site and Block Plan - Drawing No - 12945/P1
Proposed Elevations - Drawing No - 12945/P5
Proposed Floor Plans Drawing No - 12945/P4

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

4. The development shall 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 setting of the listed building and the character and appearance of the area. is preserved.

Note to Applicant

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:
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 applicant/agent was advised of minor changes required to the application and these were agreed.

Case Officer: Ravi Rehal

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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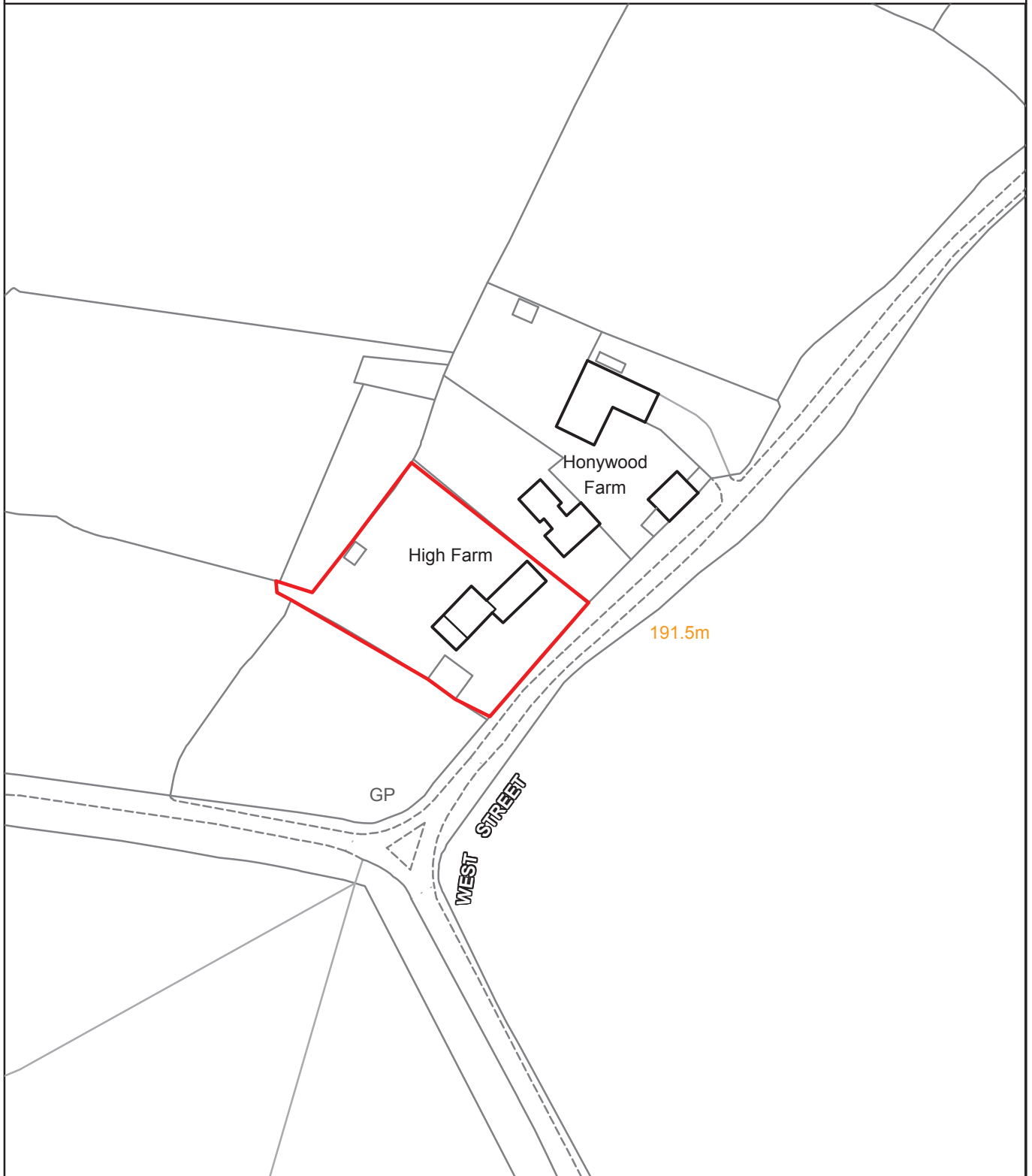


Agenda Item 16

THE MAIDSTONE BOROUGH COUNCIL

High Farm, West Street
Lenham, Maidstone, ME17 2EP

MBC Ref: MA 14/0215



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 14/0215		
APPLICATION PROPOSAL		
An application for listed building consent for the erection of a two storey rear extension		
ADDRESS High Farm, West Street, Lenham, Maidstone, Kent, ME17 2EP		
RECOMMENDATION : APPROVED SUBJECT TO CONDITIONS		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL		
REASON FOR REFERRAL TO COMMITTEE		
The recommendation for this application is being reported to Committee for decision because:		
<ul style="list-style-type: none"> The Parish Council objects to the proposal, it would change the character of the Listed Building. 		
WARD Harrietsham And Lenham Ward	PARISH/TOWN COUNCIL Lenham	APPLICANT Mr J Hubbard AGENT James Collett Chartered Surveyor
DECISION DUE DATE 06/04/14	PUBLICITY EXPIRY DATE 06/04/14	OFFICER SITE VISIT DATE
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		
01/0857 - An application for listed building consent for amendments to approved scheme (MA/97/0215) – Granted - 01-Aug-2001		
01/0857/C01 - An application for listed building consent for amendments- Granted - 01-Nov-2001		
01/0857/C02 - An application for listed building consent for amendments- Granted- 29-Nov-2001		
01/0857/C04- An application for listed building consent for amendments- Granted - 01-Nov-2001		
01/0857/C05- An application for listed building consent for amendments- Granted - 07-Jun-2002		
01/0858- Amendments to approved scheme (MA/97/0226 for extensions and		

alterations to farmhouse), for insertion of first floor rooflights and relocation of windows- Granted- 13-Aug-2001

02/0753- Demolition of existing store/shed and erection of garage- Granted - 19-Jun-2002

02/0850- An application for listed building consent to demolish an existing outbuilding- Granted - 02-Jul-2002

04/1351 - Erection of side extension to existing garage/workshop to provide 2 No stables – Granted- 09-Sep-2004

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The property is grade two listed building located to the west side of West Street. The property is located close to the village of Lenham which is situated approximately 10 miles towards the east of Maidstone town centre. The site area of the property is 0.44 acres mainly level. Along the north eastern boundary there is large hedge row dividing the garden from the neighbouring property. Towards the south west boundaries there are various hedge rows separating the garden from the agricultural land.

2.0 PROPOSAL

- 2.1 Listed building consent is sought for two storey rear extension. The proposed two storey rear extension would measure the following dimensions:
- Depth – 5m
- Width- 6.6m
- Height – 8.8m
- 2.2 The extension would be constructed from matching brickwork. Where tiles are removed this would be reused on the flank elevation to minimise visual impact. The proposed roof would be clay plain tiles to match the existing roof of the property. Windows would be doubled glazed timber casements with glazing bars similar to the existing fenestration.
- 2.3 The proposed extension on the ground floor would accommodate bathroom and part of the existing dining room. The first floor extension would provide two additional bedrooms to the property.

3.0 POLICY AND OTHER CONSIDERATIONS

- National Planning Policy Framework

3.1 The determination of this proposal is in accordance with the National Planning Policy Framework. It is important that any proposed development to a listed building gives special regard to the desirability of preserving its historic character.

4.0 LOCAL REPRESENTATIONS

4.1 1 neighbour consulted- 2 objections received which is summarised as follows:

- The proposal would have negative impact on the visual appearance of the area, causing more traffic and pollution problems
- The noise and pollution would cause more traffic within the existing neighbourhood.
- The bulk and design of the proposed extension would be out of scale with the historic building.
- The proposed ridge line and east flank wall do not show the extensions as being subservient to the historic form.
- The appearance of the proposed extension would alter the pairs of buildings.
- Windows on the north east side flank wall would impact upon the privacy of the adjoining property.
- Would result in the loss of historic fabric of the building

5.0 CONSULTATIONS

5.1 Lenham Parish Council – Wish to object to planning application as they feel the height of the proposed extension would have an impact on adjoining properties and would also change the character and appearance of the property considerably.

5.2 Conservation officer - Raises no objection to the proposal however would prefer to keep the new ground floor accommodation in the form of a separate room. Wholesale removal of the internal wall will result in a significant change to the internal character of the original property. The existing portions of the property would be lost. The issues raised by the conservation officer have now been resolved by the applicant and show the original wall of the property being retained in parts.

6.0 APPRAISAL

6.1 *Impact upon the property and the character of the surrounding area*

The only consideration of the Listed Building consent application is the impact on the Listed Building.

- 6.2 The Conservation Officer finds the design and scale of the proposal to be acceptable, and raises few comments on the new ground floor accommodation stating that the wholesale removal of the existing wall would significantly change the internal character of the property. While the fabric and the material to be removed may be modern 19th Century joinery. The current internal door would appear to reflect the position of the original door.
- 6.3 The solution would be to move the proposed WC to the other side of the extension. The new drawings reflect these changes and conservation officer is satisfied with the amendments.
- 6.4 Given the size, design and siting of the proposed extension at the rear of the house, it is considered that it will appear to subordinate to the existing house. In addition the separation distance between adjoining properties will remain the same. To the east side lies occupier Honeywood Farm the distance between these properties is approximately 7m. Honeywood Farm currently has an existing two storey rear extension that was granted under reference 84/0536.
- 6.5 The proposed pitched roof on the first floor extension would be built behind the existing main roof of the property. The extension would not be seen from the main street scene and therefore would not affect or harm the character of the property towards the front elevation. In relation to the size and sitting objections have been raised that the extension would be bulky and out of scale with the historic building.
- 6.6 The existing building currently has total floor area of 214.2m². In relation to the existing building the proposed extension would only be 66m² this development would be a modest sized development. The existing property also has large surroundings that are 0.44 acres of rural settlement therefore, it is not considered that the additional extension will result in a material overdevelopment of the site, or harm the character or layout of the wider area. The proposed extension would be well built using matching materials to reflect the historical buildings.

7.0 CONCLUSION

I am therefore satisfied that this proposal would not cause significant harm to the property's architectural form and historical integrity, but preserve its character. I therefore consider this

proposal to comply with the National Planning Policy Framework and as such recommend approval subject to conditions.

8.0 RECOMMENDATION – GRANT 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: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. The development shall not commence until written details and samples of the plain clay roof tiles, clay hung tiles and bricks to be used in the construction of the external surfaces of the dwelling 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 the setting of the listed building and the character and appearance is preserved.

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

Site and Block Plan - Drawing No - 12945/P1

Proposed Elevations - Drawing No - 12945/P5

Proposed Floor Plans Drawing No - 12945/P4

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

4. The development shall 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 setting of the listed building and the character and appearance of the area. is preserved.

Note to Applicant

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:

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 applicant/agent was advised of minor changes required to the application and these were agreed.

Case Officer: Ravi Rehal

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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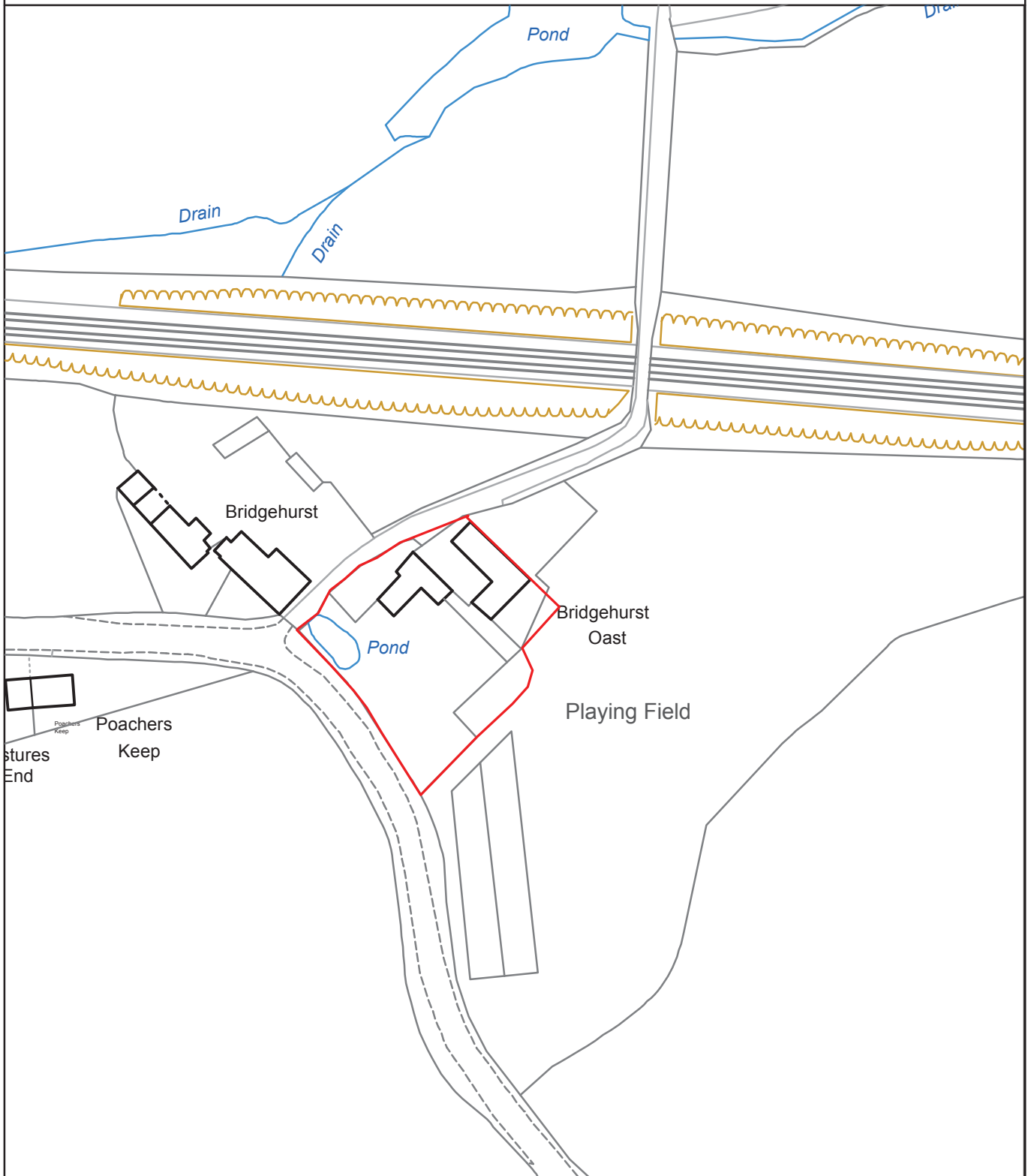
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Agenda Item 17

THE MAIDSTONE BOROUGH COUNCIL

Bridgehurst Oast,
Howland Road,
Marden,
Tonbridge,
Kent,
TN12 9EP

MBC Ref: MA 14/0723



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 14/0723			
APPLICATION PROPOSAL Two storey extension and lobby to existing Oast House with alterations to single storey outbuildings to form education/activity room, home office storage and garages and demolition of existing garages			
ADDRESS Bridgehurst Oast, Howland Road, Marden, Tonbridge, Kent, TN12 9EP			
RECOMMENDATION – APPROVED SUBJECT TO CONDITIONS			
SUMMARY OF REASONS FOR RECOMMENDATION – WILL NOT HARM CHARACTER OF HERITAGE ASSET, COMPLIES WITH RESIDENTIAL EXTENSIONS POLICY, WILL NOT HARM OUTLOOK OR AMENITY OF NEARBY DWELLINGS			
REASON FOR REFERRAL TO COMMITTEE – CONTRARY TO THE VIEWS OF MARDEN PARISH COUNCIL			
WARD Marden And Yalding Ward	PARISH/TOWN COUNCIL Marden	APPLICANT Mr Simon Townshend AGENT Emmott Page Architects	
DECISION DUE DATE 25/06/14	PUBLICITY EXPIRY DATE 25/06/14	OFFICER SITE VISIT DATE 28/05/14	
RELEVANT PLANNING HISTORY:			
App No	Proposal	Decision	Date
MA/13/1293	Two storey extension and lobby to existing oast house with alterations to existing single storey extension.-		
MA/11/1153	Change of use of agricultural land to residential use and the formation of a new access and driveway with timber gates on brick piers	Approved	15/12/2011

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The site is occupied by a converted oast building with detached single storey outbuildings site in close proximity to the north east.
- 1.2 Access to the site is a gained via a narrow unmade track running along the west side of the site which is also used as a public right of way with the main Tonbridge- Ashford railway line a short distance to the north of the site.
- 1.3 In a wider context Bridgehurst Oast forms part of a loose scatter of dwellings fronting this part of Howland Road and lying just outside the settlement boundary of Marden to the west with the adjoining area being wholly rural in character.

2.0 PROPOSAL

- 2.01 The proposal is a revision of application ref: MA/13/1293 (described above). The amended scheme seeks to address the concerns raised in connection with this application in relation to the size, design and siting of the proposed addition to the oast in order to meet the special needs of the applicant's son who has autism. The applicant has submitted a confidential statement setting out the special needs of his son and which is attached as an Exempt item.
- 2.02 The proposal has two main elements to it as follows:
 - (a) Attaching to an existing single storey addition projecting from the south west face of the oast storage building a two storey addition having a hipped and tiled pitched roof. This will provide a lounge attached to the existing kitchen with a bedroom and ensuite bathroom at first floor.
 - (b) The proposal also affects existing single storey outbuildings sited in close proximity to the former oast storage building to the north east. These are currently used for garaging and storage purposes and the intention is to extend these on the track frontage to provide an activity/education area while closing off the existing access onto the track.

The remaining single storey buildings to the south east will be converted to a washroom, workshop and garaging while an existing garage is to be demolished and reinstated as a home office but in a slightly different location. A walled courtyard and access are also proposed which will link to the access onto Howland Road approved under application ref: MA/11/1153.

- 2.03 The remaining element of the proposal is the erection of porch facing towards the track currently providing access onto Howland Road.
- 2.04 The following has been submitted in support of the application:
 - The lounge/education facilities are required to provide a separate work/education/recreation area for the applicants son while remaining accessible to the main house.
 - The orientation of the dwelling will be changed with the existing access closed off in favour of the approved access onto Howlands Road representing an improvement in both traffic and site security terms.

3.0 PLANNING CONSTRAINTS

- 3.01 The site lies within open countryside. The oast is considered to be a Non Designated Heritage Asset falling within the provisions of the NPPF 2012.

4.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough-Wide Local Plan 2000: ENV28, H33
Draft Local Plan: SP5, DM30,DM33
Residential extensions SPD adopted 2009
Government Policy: NPPF 2012, NPPG 2014

5.0 LOCAL REPRESENTATIONS

- 5.01 2 neighbours consulted – no representations received

6.0 CONSULTATIONS

- 6.01 **Marden Parish Council:** Object on the grounds that the proposal is contrary to the emerging Local Plan policy DM33, in particular points 7 and 8 as being unsympathetic and not well designed in relation to the existing dwelling resulting in the development being visually unacceptable in the countryside.
- 6.02 **MBC Heritage:** The proposal involves substantial additions to this converted oast and it is longstanding Council policy to resist extensions to converted agricultural buildings in order to preserve their character and to minimise built mass within open countryside.

However, there are mitigating circumstances in this case. These revolve partly around the special family needs of the applicant and that the existing oast conversion is of some age and exhibits features which would no longer be considered appropriate, e.g. masonry chimneys and rooflights. It also features an extension at right angles to the main axis of the building attached to the kiln and other single storey structures. The character of the oast has therefore already been compromised to a considerable degree.

The proposal represents a second attempt to achieve the desired accommodation to meet the special family needs with a previous scheme having been withdrawn.

The revised proposals are the result of pre-application consultation and represent a considerable reduction in the scale of the additions and an improvement in the design. These taken together mean that the impact of the scheme on the character of the former oast is now much reduced. As the character of the oast has already been compromised by previous extension any additional harm caused by the current proposal is minor.

As such taking into account the applicants family circumstances, on balance, no objections are raised to the proposal.

- 6.03 **Kent Highway Services:** Permission has previously been granted for the new access onto Howland Road. As the proposals are for the private use will not be likely to lead to any significant intensification of traffic movements and as such raise no objection.

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 Drawing nos: 1572.E.01, P.201 rev C and P.202 rev C and Design and Access statement dated April 2014.

8.0 APPRAISAL

- 8.01 The key issues raised by the proposal are considered to be its impact on (a) the character and setting of this non designated heritage asset (b) impact on the rural character and setting of the wider area and (c) impact on the outlook and amenity of nearby dwellings.

Impact on non designated heritage asset:

- 8.02 Conversion of oasts into dwellings has often been seen as the best means of safeguarding their character and fabric. However the intention was that they should thereafter remain as the principal building on a site. Where not Listed in their own right, as is the case here, given the provisions of the NPPF 2012, they are now often viewed as non designated heritage assets (NDHA) requiring an assessment of any proposal on the character and setting of the building. This building is considered to fall within the definition of an NDHA.
- 8.03 The proposal to extend the oast originally submitted under ref: MA/13/1293, was substantially larger than that currently under consideration. The current submission includes a plan showing the outline of the building originally submitted under ref: MA/13/1293 compared to that now under consideration.
- 8.04 The Council's heritage advisor considers that the character of the oast has already been compromised to a significant degree. As such he considers that the impact of the proposed two storey extension on its character and setting will not result in any further material harm and such raises no objection on heritage grounds.
- 8.05 Regarding the additional work to the elevation fronting the track, alterations and extension to the single storey outbuildings along with the creation of an internal courtyard, these are considered to have positive impact on the character and setting of the oast by improving the appearance of these buildings while maintaining the integrity of the oast as the principal building on the site.
- 8.06 In the circumstances no objection is identified to the proposal on heritage grounds and consideration turns on whether the proposal will result in an unacceptable increase in built mass harming the openness and rural character of the area.

Impact on rural character and setting of the area.

- 8.07 The proposal needs to be assessed against the tests set out in policy H33 of the adopted local plan and the adopted extensions SPD. These recommend that extensions to dwellings in the countryside should, amongst other things, be modest in size, subservient to the original dwelling and not overwhelm or destroy its original form and should cause no adverse impact on the character or openness of the countryside. There is also the concern that the extension should not be capable of being occupied on a separate and self contained basis independent of the main dwelling.
- 8.08 Dealing first with the design of the proposed addition to the oast, given its design and reduced size it is considered to represent an acceptable example of heritage architecture in keeping with the character of the oast.

- 8.09 Regarding whether the extension can be considered to be modest, the extensions SPD recommends that additions on their own or in conjunction with previous additions should result in no more than a 50% volume increase over the original dwelling. On its own the proposed addition results in a volume increase of just under 45% compared to that of the original oast and storage building. However when existing additions are taken into account this figure rises to 60% exceeding the SPD guidelines.
- 8.10 Given this, consideration needs to be given as to whether are any mitigating or other special circumstances which might balance against such a cumulative bulk increase in affecting the character, setting and openness of the adjoining countryside.
- 8.11 In this respect, the key consideration is that the site is so well enclosed that the visual impact of the proposed extension to the oast will be contained wholly within the site. In these circumstances and given the relatively modest scale of the oast extension, (which in its own falls well within the policy guidelines), it is considered that it would be difficult to argue that it will so adversely affect the character, setting and openness of the adjoining countryside such as to justify refusal.
- 8.12 Regarding whether the proposed addition is capable of being occupied on a separate and self contained basis, given the reduced size of the extension and high degree of dependence and interaction with the main house, it is considered that this is now highly unlikely to occur. However in order to ensure that this remains the case a condition securing this should be imposed.
- 8.13 Works to the single storey outbuildings along with the creation of a new internal courtyard, apart from minor cosmetic changes to the appearance of the buildings, raise no material issues in terms of additional built mass. The erection of a wall and entrance gates, which could be carried out as permitted development in any event, are considered equally minor in their impact.
- 8.14 There is also the impact of the proposed ancillary uses of the buildings. The proposed home office is of modest size and it is likely this could have been carried out as permitted development. Similarly use of the education/activity room and workshop in supporting of the applicants son is unlikely to result in any material noise or activity harmful to the character of the area.

Residential amenity:

- 8.15 There are no nearby houses directly overlooking or abutting the site and as such no harm to residential amenity is identified.

Special Circumstances:

- 8.16 For the reasons set out above it is considered that the substantial reduction in size while altering the design and internal layout of the proposed two storey addition compared to the original submission, now results in the proposal representing acceptable development in its own right.
- 8.17 Nevertheless if Members still consider that the proposal represents a material breach of policy, it is considered that the health and treatment requirements of applicant's son set out in the confidential statement represent material factors weighing significantly in favour of the proposed development.

9.0 CONCLUSION

9.01 Given the reduced size, revised design and internal layout of the proposed two storey addition to the oast it is considered that the proposal now respects the heritage character and setting of the existing oast, will have no material impact on the character, setting and openness of the adjoining rural area while the outlook and amenity of nearby dwellings will not be affected.

9.02 As such the proposed development is considered to be acceptable and it is recommended that planning permission should be granted as a consequence.

10.0 RECOMMENDATION – GRANT Subject to the following conditions:

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

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

2. The development hereby approved shall be carried out in the external materials specified.

Reason: In the interests of visual amenity.

3. The accommodation hereby approved shall only be occupied ancillary to the residential use of Bridgehurst Oast and at no times on a separate or independent basis.

Reason: To retain control over the development in the interests of amenity.

4. The development hereby permitted shall be carried out in accordance with the following approved plans nos:1572.E.01, P.201 rev C and P.202 rev C.

Reason: To ensure the quality of the development is maintained in the interests of visual amenity.

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.

Note to Applicant

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:

Planning Committee Report

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 acceptable as submitted.

Case Officer: Graham Parkinson

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.

189



190

A photograph of a winding asphalt road with white dashed lines, surrounded by dense green trees and bushes. The number '190' is overlaid vertically on the left side of the image.

191



A photograph of a brick building with a wooden fence and a gravel driveway leading to a gate. The number 192 is overlaid on the brick wall.

192

193

A photograph of a residential building with a driveway and a car. The number 193 is overlaid on the image. The building has a grey roof and a brick wall. A large green bush is in the foreground. A silver car is parked in the driveway. The sky is overcast.

194

A photograph of a grassy field with a chain-link fence and trees in the background. The number '194' is overlaid vertically on the left side of the image.

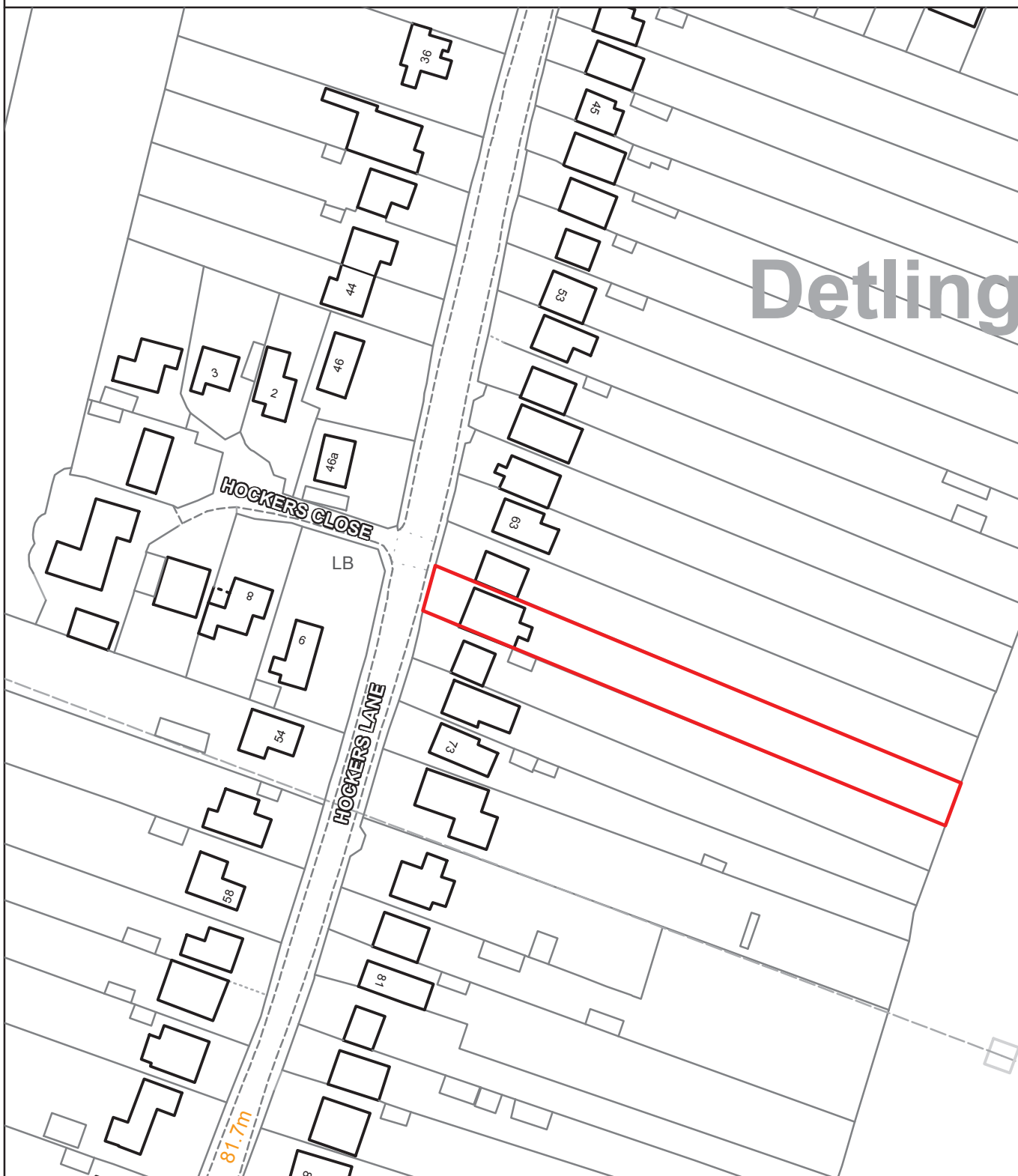
195



THE MAIDSTONE BOROUGH COUNCIL

67 Hockers Lane, Detling
Maidstone, ME14 3JW

MBC Ref: MA 14/0823



Detling

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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 14/0823			
APPLICATION PROPOSAL An application for a single storey rear addition			
ADDRESS 67, Hockers Lane, Detling, Maidstone, Kent, ME14 3JW			
RECOMMENDATION APPROVED SUBJECT TO CONDITIONS			
SUMMARY OF REASONS FOR RECOMMENDATION It is not considered that the proposed addition will result in any material harm to the character or setting of the AONB, SLA or the strategic gap, will not result in any material harm to the outlook or amenity or properties overlooking or abutting the site or have any material impact on the character or layout of the locality.			
REASON FOR REFERRAL TO COMMITTEE It is contrary to views expressed by the Detling Parish Council			
WARD Detling And Thurnham Ward	PARISH/TOWN COUNCIL Detling	APPLICANT Mr & Mrs R Carter AGENT CK Designs	
DECISION DUE DATE 09/07/14	PUBLICITY EXPIRY DATE 09/07/14	OFFICER SITE VISIT DATE 28/05/14	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
PN/14/0030	PN/14/0030: Prior notification application for rear ground floor extension having a depth of 8 metres, a maximum height of 3.55 metres and an eaves height of 2.55 metres	Refused	09/05/14
<i>Summarise Reasons: As the site lies within an AONB the application could not be dealt with under the Prior Notification Procedure.</i>			

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The site is occupied by a detached bungalow located on the east side of Hockers Lane and falling within the settlement of Detling.

2.0 PROPOSAL

- 2.01 The proposal involves the erection of a single storey rear addition having a rear projection of just under 8 metres, an eaves height of 2.55 metres and an overall height of 3.6 metres.

3.0 PLANNING CONSTRAINTS

- 3.01 The site falls within the identified village confines of Detling. It also falls within the Kent Downs AONB, the North Downs Special Landscape Area (SLA) while also being subject to strategic gap policy.

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 Maidstone Borough-Wide Local Plan 2000: ENV28, ENV31, ENV33, ENV34, H18
Emerging Local Plan- DM4, DM8,
Government Policy: NPPF 2012, NPPG 2014
Adopted residential extensions SPD.

5.0 LOCAL REPRESENTATIONS

- 5.01 2 neighbours consulted – no representations received.

6.0 CONSULTATIONS

- 6.01 Detling Parish Council – Object on the grounds that the addition is too large in relation to the size of the existing property and should be reduced in size.

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 Plans received on the 15th May 2014.

8.0 APPRAISAL

Principle of Development

- 8.01 The site falls within the identified village confines of Detling. Extension of houses in village confines are subject to policy H18 of the adopted local plan and the residential extension's SPD adopted in 2009.
- 8.02 The site also falls within the Kent Down AONB, North Downs Special Landscape Area (SLA) while being subject to strategic gap policy. However given the existing built up nature of the area comprising mainly detached bungalows fronting Hockers Lane and in the absence of other objections to the proposal, it is considered that the proposal will have no material impact on the character or setting of the AONB, SLA or the strategic gap.

- 8.03 As such, there is considered to be no objection in principle to the proposed development and consideration turns on matters of detail being the size design and siting of the proposed addition, impact on the outlook and amenity of residents overlooking and abutting the site and effect on the character and layout of the locality.

Size, Design and siting:

- 8.04 The adopted residential extensions SPD requires that the scale, proportion and height of extensions should be subordinate to the original house and fit unobtrusively with the building and its setting.
- 8.05 Dealing first with the design of the addition, the existing bungalow is of traditional uncluttered design with a pitched and tiled hipped roof. The proposed addition reflects this uncluttered appearance having a plain exterior below eaves level. Above eaves level the extension will be capped by flat roof hidden behind a low false pitched roof running around the perimeter of the addition. It is considered that use of this roof treatment will substantially mitigate the impression of a large expanse of flat roof which might otherwise appear out of character with the locality. As such it is considered that the proposal represents an acceptable example of domestic architecture appropriate to its setting to which no design objection is identified.
- 8.06 Regarding the size and siting of the addition, the adopted residential extensions SPD normally seeks to restrict extensions to detached houses to no more than 4 metres.
- 8.07 The remaining considerations is therefore whether there are sufficient mitigating circumstances to permit an addition 8 metres in depth without it resulting in material harm to the outlook or amenity of adjacent dwellings overlooking or abutting the site or the character of the area.

Impact on residential amenity and character of area:

- 8.08 Given the siting of the proposed addition the main impact of the development will be felt on 65 and 69 Hockers Lane, being detached bungalows abutting the site to the north and south.
- 8.09 The site on both sides is currently defined by 1.8 metre high closeboarded fencing while the property immediately to the south (69 Hockers Lane) has a detached garage sited close to its boundary. Given that the depth of the proposed addition will only exceed the depth of the garage by just under 2 metres, it is considered that the combined impact of the existing fencing and garage means that 69 Hockers Lane will largely be screened from the proposed development and substantially unaffected as a consequence.
- 8.10 Turning to 65 Hockers Lane the detached bungalow abutting the site to the north, the rear addition will extend just over 10 metres beyond the rear main wall of this property. In normal circumstances such a projection would be clearly excessive and be considered harmful to outlook and amenity as a consequence.

- 8.11 However when taking into account (a) a setback of the addition just over 1 metre from the common boundary (b) existence of a 1.8 metre high closeboarded fence oversailed by substantial planting and (c) that the eaves height of the proposed addition at 2.55 metres does not significantly exceed the height of the existing boundary fence and planting, it is considered that the proposed addition will be substantially screened from 65 Hockers Lane.
- 8.12 There is also the need to assess the proposal in relation to the maintenance of the access of sunlight and daylight to 65 Hockers Lane. Given the setback of the addition from the common boundary and that it only marginally exceeds the height of existing boundary fencing and planting, it is not considered that the proposal will result in any material loss of sunlight and daylight to 65 Hockers Lane.
- 8.13 As such the overall impact of the development on 65 Hocker Lane is considered to fall within acceptable limits.
- 8.14 Regarding any material impact on the character and layout of the area, it is acknowledged that the site falls within an AONB and the need to safeguard the aspects from this are a material consideration. There is also a public right of way over 350 metres to the east of the site. However this part of Hockers Lane is already defined by existing bungalows of varying sizes and depths with their rear elevations having staggered in relation to one another. The result of this is that some of the existing bungalows already project deep into their rear amenity areas in a sporadic manner. Given this existing layout pattern and distance from any public vantage points the proposed addition will not appear out of character with the area and not have any material impact on the AONB as a consequence.

9.0 CONCLUSION

- 9.01 It is not considered that the proposed addition will result in any material harm to the character or setting of the AONB, SLA or the strategic gap, will not result in any material harm to the outlook or amenity or properties overlooking or abutting the site or have any material impact on the character or layout of the locality.
- 9.02 In the circumstances it is considered that the proposal is worthy of support and that planning permission should be granted as a consequence.

10.0 RECOMMENDATION – GRANT Subject to the following conditions:

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

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

2. The development hereby approved shall be carried out in the external materials to match the existing.

Reason: In the interests of visual amenity.

3. The development hereby permitted shall be carried out in accordance with the following approved plans drawing no:A67143 and plans received on the 15th May 2014. a

Reason: To ensure the quality of the development is maintained in the interests of visual amenity.

Note to Applicant

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 acceptable as submitted.

Case Officer: Graham Parkinson

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.

A photograph of a residential backyard. In the foreground, there is a green lawn and a dark green corrugated metal fence. To the left, a house with a dark tiled roof and a white window is visible. A red water tank and some yellow containers are near the house. In the background, another house with a red tiled roof and two chimneys is visible. The sky is overcast. The number '202' is written vertically in the center of the image.

202

203



204



The image shows the rear garden of a house. On the left is a house with a dark tiled roof and a window with a white frame and a diamond-patterned leaded glass pane. The wall is a light-colored pebbledash. A dark green metal gate is open, leading to a paved area. A large red plastic water butt is on the left side of the paved area. In the background, there is a white house with a red tiled roof and a brick chimney. A white conservatory is attached to the white house. To the right, there is a dark green fence and some foliage.

205



206

Agenda Item 19

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 24th July 2014**

APPEAL DECISIONS:

- 1. MA/13/1996-** Erection of a new single storey dwelling in the cartilage of Millfield House as shown on plan numbers HVJ/11, HVJ/12, KS-AGPV-01, KS-AGPV-02, Site Location Plan, Application Form and supporting information received 18th November 2013.

APPEAL: DISMISSED

Millfield House, Headcorn Road, Staplehurst, Tonbridge, Kent, TN12 0BU

DELEGATED POWERS

-
- 2. MA/13/0297-** Detailed planning permission for the change of use of, and alterations and additions to, the existing Powerhub building to provide a mix of Class A1 (foodstore), A2 (professional and financial services), A3 (cafes and restaurants), B1 (employment) and D2 (assembly and leisure) uses; and outline permission, with all matters reserved except for access, for a new building for Class A1 (foodstore) use with associated car parking, and other operational development including provision of pedestrian and vehicular access and a new riverside walkway; together with demolition of Raglan House and other buildings and structures and demolition of parts of the Powerhub building.

APPEAL: ALLOWED with conditions

Baltic Wharf, St Peters Street, Maidstone, Kent, ME16 0ST

PLANNING COMMITTEE

3. MA/13/0298 - Listed Building Consent for demolition of parts of the Powerhub building and works to facilitate the refurbishment and re-use of the building including removal, reconstruction and reconfiguration of the north wing, removal of stairwell and lift shaft to the east elevation, removal of electrical switchgear building, removal of central south wing (lift shaft), internal reconfiguration including removal of walls, removal of fifth floor and lift tower, refurbishment of roof, repairs, refenestration, removal of floor sections, addition of circulation core, removal of infill panels to the east and south, demolition of Raglan House and other structures within the curtilage of the Powerhub building and associated works.

APPEAL: ALLOWED with conditions

Baltic Wharf, St Peters Street, Maidstone, Kent, ME16 0ST

PLANNING COMMITTEE

4. TA/0134/13 - Tree Preservation Order application: TPO No. 10 of 2001: An application for consent to remove 1(no) Ash tree.

APPEAL: DISMISSED

1, Rosemount Gardens, Weaving, Maidstone, Kent, ME14 4FL

DELEGATED POWERS

5. MA/13/1677 - Erection of two storey side and rear extensions and single storey front and rear extensions, plus new roof to dwelling with increased eaves and ridge heights as shown on the site location plan and drawing numbers DS/3 & DS/4 dated Sept. 2013 and received on 01/10/2013.

APPEAL: ALLOWED WITH CONDITIONS

5, MAPLESDEN CLOSE, MAIDSTONE, KENT, ME16 9JY

DELEGATED POWERS

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted