

AGENDA

PLANNING COMMITTEE MEETING



Date: Thursday 19 March 2015
Time: 6.00 p.m.
Venue: Town Hall, High Street,
Maidstone

Membership:

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

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1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 23 March 2015

Continued Over/:

Issued on 11 March 2015

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Alison Broom

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

6.	Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting	
7.	Disclosures by Members and Officers	
8.	Disclosures of lobbying	
9.	To consider whether any items should be taken in private because of the possible disclosure of exempt information.	
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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 26 FEBRUARY 2015

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

Also Present: Councillors Mrs Grigg, Harper, Naghi, Perry, Powell, Sams and Sargeant

253. APOLOGIES FOR ABSENCE

There were no apologies for absence.

254. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

255. NOTIFICATION OF VISITING MEMBERS

Councillor Mrs Grigg indicated her wish to speak on the report of the Head of Planning and Development relating to application 14/0241.

Councillor Naghi indicated his wish to speak on the report of the Head of Planning and Development relating to application 14/500290.

Councillor Perry indicated his wish to speak on the report of the Head of Planning and Development relating to application 14/503305.

Councillors Powell and Sams indicated their wish to speak on the report of the Head of Planning and Development relating to application 14/502973.

Councillor Sargeant indicated that he was attending the meeting as an observer.

It was noted that Councillor Harper had indicated his wish to speak on the report of the Head of Planning and Development relating to application 14/503755.

256. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

257. 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.

258. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Cox disclosed an Other Significant Interest in the report of the Head of Planning and Development relating to application 14/500290 by virtue of being a Trustee of the Vinters Valley Park Trust which would receive a payment of £25,000 towards wildlife protection measures and visitor improvements to the nature reserve if the application was approved.

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 14/500290, and intended to speak and vote when it was considered.

With regard to application 14/500290, Councillor Harwood also stated that he was a founder Trustee of the Vinters Valley Park Trust, but he was no longer involved in its activities. He was a former employee of the Maidstone Studios. He did not consider that his former Trusteeship/employment precluded him from speaking and voting on this application.

259. EXEMPT ITEMS

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

260. MINUTES OF THE MEETING HELD ON 5 FEBRUARY 2015

RESOLVED: That the Minutes of the meeting held on 5 February 2015 be approved as a correct record and signed subject to the following amendments relating to matters which Members have confirmed were taken into account in their decisions:

MINUTE 242 - 14/0566 - OUTLINE APPLICATION FOR A MIXED USE DEVELOPMENT COMPRISING UP TO 72 DWELLINGS, UP TO 43 EXTRA CARE APARTMENTS AND PROVISION OF LAND FOR OPEN SPACE/COMMUNITY USE WITH ASSOCIATED ACCESS AND PARKING WITH ACCESS CONSIDERED AT THIS STAGE AND ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION - LAND SOUTH OF HEATH ROAD, COXHEATH, KENT

Amend the heads of terms of the proposed S106 legal agreement to include the following contribution which was referred to in the Committee report, but inadvertently omitted from the heads of terms:

A contribution for Kent County Council of £2,359.80 per applicable house towards secondary education provision in Maidstone;

MINUTE 243 - 14/0828 - THE REDEVELOPMENT OF LAND SOUTH OF ASHFORD ROAD FOR RESIDENTIAL DEVELOPMENT COMPRISING THE ERECTION OF 113/114 DWELLINGS, INTERNAL ACCESS ROAD, LANDSCAPED PUBLIC OPEN SPACE, A LAP, A CONVENIENCE STORE AND HIGHWAYS WORKS TO ASHFORD ROAD - LAND SOUTH OF ASHFORD ROAD, HARRIETSHAM, KENT

Amend the heads of terms of the proposed S106 legal agreement as set out below to provide for a contribution for Kent County Council of £200 *per dwelling* towards the improvement and maintenance of public rights of way in the vicinity of the application site. This was referred to in the Committee report, but incorrectly stated in the heads of terms:

A contribution for Kent County Council of £200 per dwelling towards the improvement and maintenance of public rights of way in the vicinity of the application site;

261. PRESENTATION OF PETITIONS

There were no petitions.

262. DEFERRED ITEMS

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

The Development Manager advised Members that an updated viability assessment had been received earlier that week. The information was being considered and a further report would be submitted to a future meeting.

MA/13/1979 - OUTLINE PLANNING APPLICATION FOR UP TO 55 RESIDENTIAL DWELLINGS WITH MEANS OF ACCESS. ALL OTHER MATTERS RESERVED - LAND NORTH OF HEATH ROAD, COXHEATH, MAIDSTONE, KENT

The Development Manager advised Members that he had nothing further to report in respect of this application at present.

263. 14/502973 - ERECTION OF 82 NEW RESIDENTIAL DWELLINGS TOGETHER WITH ACCESS ONTO HAM LANE, INTERNAL ROADS, PARKING, LANDSCAPING AND ANCILLARY WORKS ON LAND AT HAM LANE - WESTWOOD, HAM LANE, LENHAM, KENT

All Members stated that they had been lobbied.

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

Mr Jerrett, an objector, Councillor Gillett of Lenham Parish Council (against), Mr Buckwell, for the applicant, and Councillors Powell and Sams (Visiting Members) (against) addressed the meeting.

Councillor Greer stated that as a Cabinet Member he had been involved in the Cabinet's decision regarding this site going back to Regulation 18 consultation for deletion from the draft Local Plan. He would not participate in the discussion or voting on the application.

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 development proposed would not constitute good design by reason of its layout (including inadequate space for structural landscaping) and scale. It would therefore be harmful to the character and appearance of the open countryside, including the setting of the Kent Downs Area of Outstanding Natural Beauty. The application was therefore contrary to the National Planning Policy Framework, in particular paragraphs 56, 57, 58 and 109, and 'saved' policies ENV28 and ENV33 of the Maidstone Borough-Wide Local Plan 2000.

RESOLVED: That permission be refused for the following reason:

The development proposed would not constitute good design by reason of its layout (including inadequate space for structural landscaping) and scale. It would therefore be harmful to the character and appearance of the open countryside, including the setting of the Kent Downs Area of Outstanding Natural Beauty. The application is therefore contrary to the National Planning Policy Framework, in particular paragraphs 56, 57, 58 and 109, and 'saved' policies ENV28 and ENV33 of the Maidstone Borough-Wide Local Plan 2000.

Voting: 12 – For 0 – Against

Note: Councillor Greer did not participate in the voting on this application.

264. 14/503305 - APPLICATION FOR THE APPROVAL OF RESERVED MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR 12 NO. DWELLINGS PURSUANT TO OUTLINE PLANNING PERMISSION MA/10/0220 FOR THE ERECTION OF UP TO 14 NO. DWELLINGS - HOMELEIGH TIMBER SUPPLIES, STATION ROAD, STAPLEHURST, KENT

All Members stated that they had been lobbied.

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

Mr Buller, an objector, Councillor Silkin of Staplehurst Parish Council (against), Mr Blythin, for the applicant, and Councillor Perry (Visiting Member) (against) addressed the meeting.

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report, as amended by the urgent update report, and the additional conditions and informative set out in the urgent update report with the amendment of original conditions 2 and 4 as follows:

Original Condition 2 (amended)

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, road surfacing and boundary walling hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials. The materials for the buildings shall include natural slate and clay tiles.

Reason: To ensure a satisfactory appearance to the development.

Original Condition 4 (amended)

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 and showing additional planting in place of the refuse collection area, an Arboricultural Method Statement (AMS) in accordance with BS5837: 2012 which includes details of the soakaway, a methodology for the excavation of hard surfacing within the root protection areas of trees to be retained together with suitable measures for tree protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall show crab apple trees along the access road. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall be carried out in accordance with the approved details unless with the prior agreement in writing of the Local Planning Authority.

Reason: No such details have been submitted.

Voting: 11 – For 0 – Against 1 – Abstention

Note: Councillor Moriarty was not present for the voting on this application.

265. 14/0241 - ERECTION OF 2 PAIRS OF SEMI-DETACHED DWELLINGS (4 NO. DWELLINGS TOTAL) - LAND ADJACENT TO BEGGARS ROOST, WELL STREET, LOOSE, KENT

All Members stated that they had been lobbied.

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

Mrs Mulholland, an objector, Councillor Andrew of Loose Parish Council (against), Mr Osborne, for the applicant, and Councillor Mrs Grigg (Visiting Member) (against) addressed the meeting.

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report, as amended by the urgent update report, with the amendment of condition 19 as follows:

No development shall take place (including any demolition, ground works, site clearance) until a method statement for the protection of badgers and reptiles has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall incorporate the recommendations of the LaDellWood Ecology Phase I Habitat Survey received 30 May 2014 and the LaDellWood Ecology Badger Survey and Reptile Presence/Absence Survey received 3 November 2014 and shall include the following additional information:

- i) Purpose and objectives for the proposed works;
- ii) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, including timetabling of further survey/monitoring work for badger setts, a precautionary approach to vegetation removal and measures to minimise the potential impacts of construction works;
- iii) Extent and location of proposed works shown on appropriate scale maps and plans;
- iv) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- v) The times during construction when specialist ecologists need to be present on site to oversee works;
- vi) Use of protective fences, exclusion barriers and warning signs;
- vii) Persons responsible for implementing the works; and
- viii) Details of on-site enhancement measures for badgers and reptiles.

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

Reason: To secure appropriate management and enhancement within the site in the interests of ecology and biodiversity.

Voting: 5 – For 4 – Against 4 – Abstentions

Note: Councillor Hogg requested that his dissent be recorded.

266. 14/500290 - DEMOLITION OF A NUMBER OF DISUSED TEMPORARY STRUCTURES ASSOCIATED WITH MAIDSTONE STUDIOS AND ERECTION OF 77 DWELLINGS TOGETHER WITH ACCESS, PARKING, GARAGING, LANDSCAPING AND ANCILLARY WORKS ON LAND TO EAST OF MAIDSTONE STUDIOS - THE MAIDSTONE STUDIOS, VINTERS BUSINESS PARK, NEW CUT ROAD, MAIDSTONE, KENT

Having disclosed an Other Significant Interest, Councillor Cox left the meeting whilst this application was discussed.

All other Members stated that they had been lobbied.

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

Mr Woodhead, for the applicant, and Councillor Naghi (in support) addressed the meeting.

RESOLVED: That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to secure the following:

- A) Investment of £2.7m by the Maidstone TV Studios (Media City) during 2015 and 2016 in projects specified;
- B) Provision of 21% (equal to 16 dwellings) affordable homes for 100% rented purposes and these to be delivered prior to occupation of 25% of the market dwellings;
- C) Submission of a travel plan within 6 months from the date of the implementation of this permission. The travel plan shall provide details of and include the following:
 - Car and any coach parking provision within the TV Studio (Media City) site;
 - Details of a shuttle bus facility from the TV Studio to the local park and ride facility for when shows with audiences are recorded;
 - Measures to prevent staff and visitors to the TV Studio parking their vehicles within the application site;
- D) A payment of £25,000 to the Vinters Valley Park Trust to improve wildlife protection and the nature reserve's visitor facilities;
- E) A contribution for NHS Property Services of £79,992 towards healthcare facilities at a number of local surgery premises:
 - Grove Green Medical Centre
 - St Lukes Medical Centre
 - Brewer Street Surgery
 - Bearsted Surgery
 - The College Practice
- F) A contribution of £5,108 for Kent County Council towards Primary Education;

the Head of Planning and Development be given delegated powers to grant permission subject to the conditions and informatives set out in the report and the additional condition set out in the urgent update report.

Voting: 9 – For 2 – Against 1 - Abstention

Note: Councillors Harwood and Paterson requested that their dissent be recorded.

267. 14/503755 - DEMOLITION OF THE EXISTING COMMERCIAL BUILDINGS AND THE CHANGE OF USE AND ERECTION OF 22 RESIDENTIAL UNITS, TOGETHER WITH NEW ACCESS FROM HARTNUP STREET, AND ASSOCIATED LANDSCAPING AND CAR PARKING PROVISION - LAND TO THE REAR OF MILTON STREET AND HARTNUP STREET, MILTON STREET, MAIDSTONE, KENT

Councillors Ash, Collins, Cox, Paterson and J.A. Wilson stated that they had been lobbied.

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

Mr Pack, an objector, Mr Woodhead, for the applicant, and Councillor Harper (Visiting Member) (against) addressed the meeting.

RESOLVED:

1. That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to secure the following:
 - The provision of three affordable housing units as part of the proposed development;
 - A contribution for Kent County Council of £4,000 per applicable house and £1,000 per applicable flat towards the construction of a new primary school together with a contribution of £2,701.63 per applicable house and £675.41 per applicable flat towards the primary school land acquisition costs;
 - A contribution for Kent County Council of £2,359.80 per applicable house and £589.95 per applicable flat towards the cost of increasing the capacity of local secondary schools;
 - A contribution for Kent County Council of £30.70 per household to be used to address the demand from the development towards the provision of new/expanded facilities and services both through dedicated adult education centres and through outreach community learning facilities local to the development;

- A contribution for Kent County Council of £8.44 per household to be used to address the demand from the development for increased centre based youth services in the local area;
- A contribution for Kent County Council of £144.36 per household to be used to address the demand from the development towards additional book stock and services at local libraries serving the development (including mobiles);
- A contribution for Kent County Council of £53.88 per household to be used to address the demand from the development for the provision of new/expanded facilities for older people and adults with learning or physical disabilities, including building community capacity and assistive technology projects;
- A contribution for NHS Property Services of £17,208 plus legal costs to be used to improve facilities and services provided in local doctors' surgeries; and
- An off-site contribution for Maidstone Borough Council Parks and Open Space of £1,575 per dwelling to be used towards the enhancement, maintenance, improvement and renewal of provision for children (equipped play) and outdoor sports facilities within a one mile radius of the development,

the Head of Planning and Development be given delegated powers to grant permission subject to the conditions and informatives set out in the report, as amended by the urgent update report, and the additional conditions set out in the urgent update report.

2. That the details to be submitted pursuant to condition 4 (hard and soft landscape works) must be considered in consultation with the Ward Members and Councillor Harwood.

Voting: 11 – For 0 – Against 2 – Abstentions

268. 11/1194 - RETROSPECTIVE APPLICATION FOR THE VARIATION OF CONDITION 2 OF PERMISSION MA/09/1685 TO ALLOW THE STATIONING OF AN ADDITIONAL MOBILE HOME - FAIRWAY, CHURCH HILL, BOUGHTON MONCHELSEA, KENT

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

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

Voting: 12 – For 0 – Against 1 – Abstention

269. TREE PRESERVATION ORDER NO. 5002/2014/MS - FOLEY OAST, LOWER STREET, LEEDS, KENT

The Committee considered the report and the urgent update report of the Head of Planning and Development concerning Tree Preservation Order No. 5002/2014/MS which was made to protect one Sycamore tree located adjacent to the entrance of Foley Oast, Lower Street, Leeds, Maidstone. It was noted that:

- The Order had been made in response to conservation area notification 14/502017/TCA. The notice proposed works by the tree owner that would have reduced the tree significantly in size and resulted in large pruning wounds. The works would not have been in accordance with the recommendations of BS3998:2010 and were not, therefore, considered to be in line with best practice. The sum of the works proposed was considered to be excessive, unjustified and inappropriate arboricultural management which would have had a significant detrimental impact on the long term health and amenity value of the tree. The tree was also considered to make a valuable contribution to the character and amenity of the area.
- An objection to the Order had been received from the tree owner. The grounds for objection were largely a criticism of the conservation area regulations and its mechanisms relating to trees. The owner's wish to carry out works to the tree had since been addressed by the submission and approval of an application for lesser works under the Tree Preservation Order. It was not considered that the grounds of objection demonstrated that it was inappropriate to make a Tree Preservation Order on the Sycamore tree or that the tree should not continue to be the subject of the Order.

RESOLVED: That Tree Preservation Order No. 5002/2014/MS be confirmed without modification.

Voting: 13 – For 0 – Against 0 – Abstentions

270. TREE PRESERVATION ORDER NO. 5007/2014/MS - THE TITHE BARN, THE STREET, DETLING, KENT

The Committee considered the report and the urgent update report of the Head of Planning and Development concerning Tree Preservation Order No. 5007/2014/MS which was made to protect a mature Sycamore tree growing in the southern corner of the owner's garden adjacent to The Street, Detling. It was noted that:

- The Order had been made in response to conservation area notification 14/502209/TCA. The notice proposed the removal of the tree. The amenity evaluation assessment confirmed that the tree was of sufficient quality and amenity value to merit protection by a Tree Preservation Order.
- An objection to the Order had been received from the tree owner on the grounds that the tree was a nuisance and a danger. However, on balance, it was the Landscape Officer's view that the grounds of objection were not sufficiently robust to suggest that it was

inappropriate to make a Tree Preservation Order on the Sycamore tree or that the tree should not continue to be the subject of the Order.

RESOLVED: That Tree Preservation Order No. 5007/2014/MS be confirmed without modification.

Voting: 13 – For 0 – Against 0 - Abstentions

271. APPEAL DECISIONS

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

RESOLVED: That the report be noted.

272. LIST OF S106 CONTRIBUTIONS HELD BY THE COUNCIL AND SIGNED S106 AGREEMENTS FROM JANUARY 2010-2015

The Committee considered the report of the Head of Planning and Development setting out details of S106 agreements in respect of which the Council was currently holding money on behalf of infrastructure providers. The report also included details of all signed S106 agreements from January 2010-2015. Members drew Officers' attention to a number of inaccuracies in the report.

RESOLVED:

1. That the report be noted.
2. That Members should raise any queries direct with the Officers.

273. UPDATE ON MATTERS REFERRED TO CABINET MEMBERS

It was noted that there was nothing to report at present.

The Chairman advised the Committee that the Planning, Transport and Development Overview and Scrutiny Committee had raised with the Cabinet Member for Community and Leisure Services the issue of the Parks and Open Spaces Team's approach to the use of S106 contributions. He would keep Members informed of the outcome.

274. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements on this occasion.

275. DURATION OF MEETING

6.00 p.m. to 10.15 p.m.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

19 MARCH 2015

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

DEFERRED ITEMS

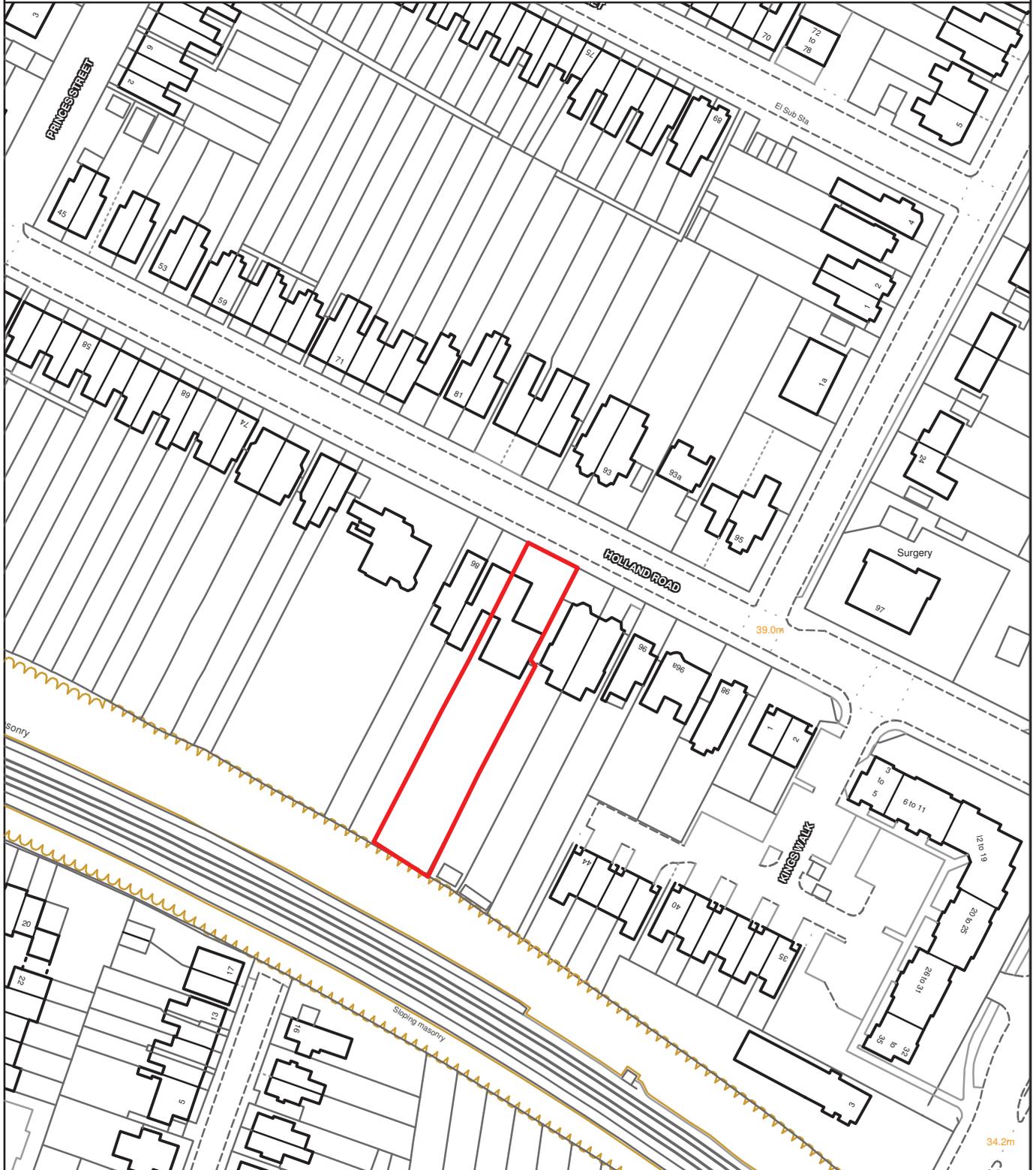
- 1.1. The following applications stand deferred from previous meetings of the Planning Committee. The Head of Planning and Development will report orally at the meeting on the latest situation.
- 1.2. MA/07/2133 - DEMOLITION OF EXISTING BUILDINGS, ERECTION OF A FIVE STOREY RESIDENTIAL DEVELOPMENT COMPRISING 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/13/1979 - OUTLINE PLANNING APPLICATION FOR UP TO 55 RESIDENTIAL DWELLINGS WITH MEANS OF ACCESS. ALL OTHER MATTERS RESERVED - LAND NORTH OF HEATH ROAD, COXHEATH, MAIDSTONE, KENT 18 December 2014
- 1.3.1 Deferred to:
- Seek additional details of surface water drainage (to address Environment Agency comments);
- Seek 40% affordable housing with appropriate viability evidence to demonstrate if this is not achievable; and
- Seek further ecological surveys of the site.
- Any S106 legal agreement should include a commitment from the developer to deliver the proposal.

Agenda Item 13

THE MAIDSTONE BOROUGH COUNCIL

90 Holland Road
Maidstone
Kent
ME14 1UT

MBC Ref: 14/0418



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 14/0418		
APPLICATION PROPOSAL Demolition of two garage buildings and erection of An application for the erection of attached dwelling		
ADDRESS 90, Holland Road, Maidstone, Kent, ME14 1UT		
RECOMMENDATION		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The development would fit in well in this locality without causing harm to the amenities of the adjoining properties or detracting from the character of the areas or the street scape.		
REASON FOR REFERRAL TO COMMITTEE Cllr David Naghi has requested this application to be referred to planning committee for members' consideration.due to the design of the dwelling.		
WARD East Ward	PARISH/TOWN COUNCIL Maidstone	APPLICANT Mr & Mrs Parsons AGENT Fowler
DECISION DUE DATE 08/05/14	PUBLICITY EXPIRY DATE 08/05/14	OFFICER SITE VISIT DATE
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): None		

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MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01** No 90 is a semi-detached two storey house with front bay window feature at both ground and first floor level together with front roof dormer and flat roofed double garage building along the eastern boundary. The garage building is set well back from the front elevation of the house.
- 1.02** The area marked red covers the existing house and the land where the proposed new dwelling would be erected. The dwelling plot area would have a width of 5.8m to the front and 7m about a half way down the over 40m deep back garden.
- 1.03** A 1.5m high fence separates the application site from no 92 which is a semi-detached two storey house with front bay window and rooms in the roof space involving gable window. This property has a large back extension as well as 4 windows and a side door at ground floor level and further window at

first and second floor level on its western flank elevation. These windows secondary windows and landing windows.

- 1.04** Holland road comprises mix of terrace, semi and detached two/three storey properties from Victorian and Edwardian period with varied design and scale. There are also more contemporary houses that were built during the second half of twentieth century. Most properties have on-site car parking along their frontage with deep back gardens. Front bay window and front gable/dormer are common features of most buildings and street scene in Holland Road.
- 1.05** There are some trees in the bottom of the garden.

2.0 PROPOSAL

Background

- 2.01** Original submission involved a three storey flat roofed building that presented itself as three rectangular cubes stacked on top of one another. That design was considered incongruous design in the street scene.
- 2.02** Following extensive discussion and negotiation with the applicant and his agent a much revised house design has been submitted for consideration.
- 2.03** The proposal as revised seeks full planning permission for the construction of part single, part two storey house with rooms in the roof space.
- 2.04** The proposal comprises the following elements:
- Introduction of a front gable with peak to complement other gable features along Holland Road.
 - The gable incorporates 'barge-board' framing, reminiscent of surrounding dwellings.
 - The ridge height has been arranged to provide continuity with the adjoining properties.
 - Front elevation fenestrations have been designed to closely reflect that of the neighbouring properties.
 - Use of 90degree forward looking splayed projecting (Oriel) window for 3rd bedroom on the eastern flank elevation.
 - Use of obscured fixed shut roof light on the roof slope to response to any concern about overlooking.
 - Use of red and buff bricks and slate as palette of materials to reflect surrounding building.
 - Retain a distance of 4.5m between the eastern flank of the proposed house and western flank of no 92.
 - Ground floor set back to add visual interests to the front elevation and provide parking spaces.
- 2.05** The new dwelling would provide living room, lounge, kitchen and dining room at ground floor area, three bedroom and bathroom at first floor and 4th bedroom plus an office space in the roof area. Front and back gable windows

together with three roof lights on the east and west slopes of the roof would provide natural light to the accommodation in the roof space.

- 2.06 The foot print of the building would be about 100sqm this is reduced to 88sqm at first floor and 73sqm in the roof space of which 24sqm would be office space.
- 2.07 The application site represents a rare gap between properties in this road and the proposal would close up this gap. The new building would be set back from the road almost in line with the adjoining properties; and is designed to have front and back gable similar to no 95 Holland Road. The eaves and ridge height would be 6.7m and 9.3m respectively.
- 2.08 The proposed new dwelling would have provision for two on site car parking and use the existing vehicular access on to Holland Road.
- 2.09 The proposed development would represent a density of 16.6 dwelling per hectare.

3.0 PLANNING CONSTRAINTS

- 3.1 There are a number of trees in the rear garden. These trees would not be impacted upon by the proposed development.

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 National Planning Policy Framework (NPPF)
Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2000 ENV6, T13
Maidstone Borough Local Plan Regulation 18 Consultation 2014 Policies SS1, SP2, DM2, DM4, DM5

5.0 LOCAL REPRESENTATIONS

- 5.01 The application has been advertised by display of a Site notice and neighbour notified of the application with regard to the original submission and re-consulted following submission of revised proposal.
- 5.02 Two letters of representation have been received from the occupiers of the adjoining properties and request from Cllr Naghi to present this application to committee.
- 5.03 The property to the west has objected on design ground and suggested that the design of the new house should mimic the design of no 86 Holland Road.
- 5.04 The occupiers of the property to the east is concerned about the impact of the proposal on light to the ground floor windows on the western flank of the building and consider the design of the building to be out of character with the traditional design of the houses in Holland Road.

6.0 CONSULTATIONS

- 6.01 **KCC Highway Services:** Has no objection to the proposal and considered the two parking spaces and on site turning area proposed to be satisfactory.

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 Application form, site plan, floor plans, elevation plans, Garden layout plan, design and access statement, landscaping scheme plans and lighting assessment report Received 19 November 2014.

8.0 APPRAISAL

Principle of Development

- 8.03 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.
- 8.04 The application is within the urban area of Maidstone town. The site area where the proposed new dwelling would be erected forms the eastern and rear part of the garden of no 90 Holland Road and has frontage with Holland Road. The proposed new dwelling would represent an infill in the street and adds to the existing structure and becomes a new layer over the old/existing. The site is surrounded by residential properties and as such there is no in principle objection to the residential development of the land.
- 8.05 It is however important to ensure that the details of the proposal accord well with all the other relevant local plan policies and relate well with the grain and character of the surrounding development without causing harm to the amenities of the surrounding properties, highway safety and trees on site.

Visual Impact

- 8.06 The NPPF has a general presumption in favour of sustainable development, whilst encouraging the delivery of homes of a high quality design and a good standard of amenity for all. On the specific issues of design the NPPF states that:
- “Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.”(para 60)
- 8.07 The width of the building plot and width of the proposed house are similar to that prevailing in the immediate street frontage. Similarly the building height and general roof form and design very much reflect the existing houses in Holland Road.

- 8.06 The foot print of the proposed house is of a similar size to nearby dwellings, typical two storey with room in the roof space. The proposed house would be in keeping with the existing pattern of development and would not disrupt the overall scale and siting in relation to the surrounding properties and would not appear either intrusive or result in a cramped form of development in compatible with spatial characteristics of the street scene.
- 8.07 The proposed house would be set in from its eastern boundary by just over a meter however; overall there would be a distance of 4.5m between the eastern flank of the proposed house and western flank of no 92. This would provide a gap/ break between these two properties which is a common feature of Holland Road spatial character.
- 8.08 The massing of the proposal dwelling contributes to the existing hierarchy of properties in the street scene and reinforces local character. This would enable the new building to blend in with its wider surrounding and become an integral part of the character of the locality and street scene.
- 8.09 The design of the house is one of modern contemporary design on three floors (including the rooms in the roof space) and a generally more spacious and contemporary environment. The façade treatments to the building will include a simple palette of materials, which incorporate, brick, glass, render and slate. In this case a condition will be imposed seeking detail/samples of the specific materials proposed. The proposed building will have a pitched roof that would not exceed the ridge height of the adjoining properties.
- 8.10 While taking these comments on design into account, regards need to be had of guidance on design outlined in NPPF (referred to above). It is considered that successful design does not come necessarily from copying the style of 20th century houses, but rather development being sympathetic to its townscape, in terms of building height, set back, plot width, rhythm. The application site will not compete with the Victorian and Edwardian buildings which front onto Holland Road and represent the historic pattern of the development and character of this part of Maidstone.
- 8.11 The new dwelling by reason of its infill and design would represent a complementary addition to this road façade and street scene. Given the existing nature of the garage building on site the proposed development, (building forms and materials and associated landscaping), will serve to enhance the character and appearance of the area.

Impact on Residential Amenity

- 8.12 As mentioned above the proposed new house would be comparable with the adjoining properties with respect to its siting, height and overall mass and as such it would not cause any over bearing impact on the amenities of the adjoining properties.
- 8.13 To ensure that the dwelling would not adversely impact on the day light and sun light of the no 92 a light assessment study was commissioned and this study concluded that although the proposal would have an impact, the extent

of the impact is minor and the gap of 4.5 that will remain between the flanks of the new dwelling and no 92 will significantly protect the level of day light received by the flank windows.

- 8.14 The proposed new house is designed to have its front door with a canopy over as well as windows to a lounge, dining room and a utility room to the side. It is considered that subject to a condition requiring the erection of a minimum 1.8m high close boarded boundary fence, these fenestration would not cause any overlooking or harm to the amenities of the occupier no 92; particularly when compared with current situation that the height of the fence is only 1.5m and the area is used for parking and there is direct view over the fence when the garages and drive area are in use.
- 8.15 There are also three windows at first floor level on the eastern flank; two of these windows would serve dressing and landing areas and are proposed to be obscured glazed and the third window would be to the third bedroom; this window would have an oriel design form that would project away from the flank wall with fixed sand etched glass facing east and the only clear glass and open able aspect would face the north. The roof light window also would be sand etched glass and fixed shut. It is thus considered that none of the fenestrations on this elevation would result in any overlooking and adversely impact on the amenities of occupiers of no 92.
- 8.16 The proposed windows and patio doors to the rear of the new dwelling would look directly down towards the rear garden and as such it is not considered that these fenestration would cause undue harm to the amenities of the occupiers of the adjoining properties.
- 8.17 With respect to the impact of the proposed dwelling on the existing house (no 90) it is considered that there will be limited impact on the level of day light received around the hallway area and this is compensated by the introduction of a roof light. Also some loss of sun light to the rear elevation and patio area in the morning. This impact is not considered to be significant that warrant refusal of the application.
- 8.18 It is therefore considered that the architecture of this development would not cause unacceptable harm to the amenity of surrounding buildings. Local plan policy expects new development to maintain the level of privacy enjoyed by adjoining properties and not to create problems of overlooking and this development achieves that.

Highways

- 8.19 The proposed development would make use of the existing drop kerb vehicle access to Holland Road and make provision for two on site car parking spaces for the existing and proposed dwellings. This is considered to be satisfactory and in compliance with the Council's car parking policy.
- 8.20 To ensure that highway safety is maintained and adequate sight line to the east is provided and the new boundary fence would not be adversely impact on the required sight line it would be expected that the height of the fence to

be no more than 1m in height for the first two meters next to the back edge of the footpath.

Landscaping

- 8.21 Currently there is no soft landscaping along the front aspect of the application site apart from a tree that is on the foot path and outside the application site. As such all the front garden is hard surface for parking and turning purposes. It is considered that the proposed development would not alter this situation and there is no space to in the front garden to carry out any soft landscaping.
- 8.22 With respect to the rear garden area, it is considered that the existing landscaping is limited and the applicant has submitted a landscaping scheme that would enhance the rear aspect of the proposed house. This is considered to be satisfactory for the rear garden of a dwelling house and a landscaping implementation condition would be necessary in this case.

Other Matters

- 8.23 The applicant has stated that the development would achieve a minimum of Level 4 in terms of Code for Sustainable Homes ensuring sustainable and energy efficient form of development. This will also be secured by a condition.
- 8.24 In order to preserve the character and appearance of the development and to protect the amenities of the adjoining properties, it is considered reasonable to remove some permitted development rights for the dwelling with respect to porches, the roof scape and extension to the house.

9 CONCLUSION

- 9.01 For the above reasons stated above it is considered that the proposed development would relate well with its surrounding and would not cause any demonstrable harm to the character of the area or the amenities of the adjoining residents. It is therefore considered overall that the proposal is acceptable for the reasons given and as such is recommended for approval subject to the conditions attached.

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 permitted shall be carried out in accordance with the following approved plans: OS map Site Plan received 14/03/2014, Floor, Elevations and external details and roof plans and landscape drawing no 1407/01, 1407/02 received 19/11/2014.

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

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

Reason: To ensure a satisfactory appearance to the development.

4. The approved details of the parking/turning areas shall be completed before the occupation of the new dwelling 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.

5. 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 prospective occupiers and surrounding neighbours.

6. The dwelling shall achieve at least Code 4 of the Code for Sustainable Homes. A final code certificate shall be issued not later than one calendar year following first occupation of the dwellings certifying that level 4 has been achieved.

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

7. 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 levels of the buildings hereby

permitted. The development shall be carried out in strict accordance with the details agreed;

Reason: In the interest of residential and visual amenities of the area.

8. The landscaping scheme referred to in condition 2 above shall be implemented in full prior to the first occupation of the dwelling or in the first planting season after the occupation of the dwelling.

Reason: In the interest of visual amenity of the area.

Case Officer: Majid Harouni

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

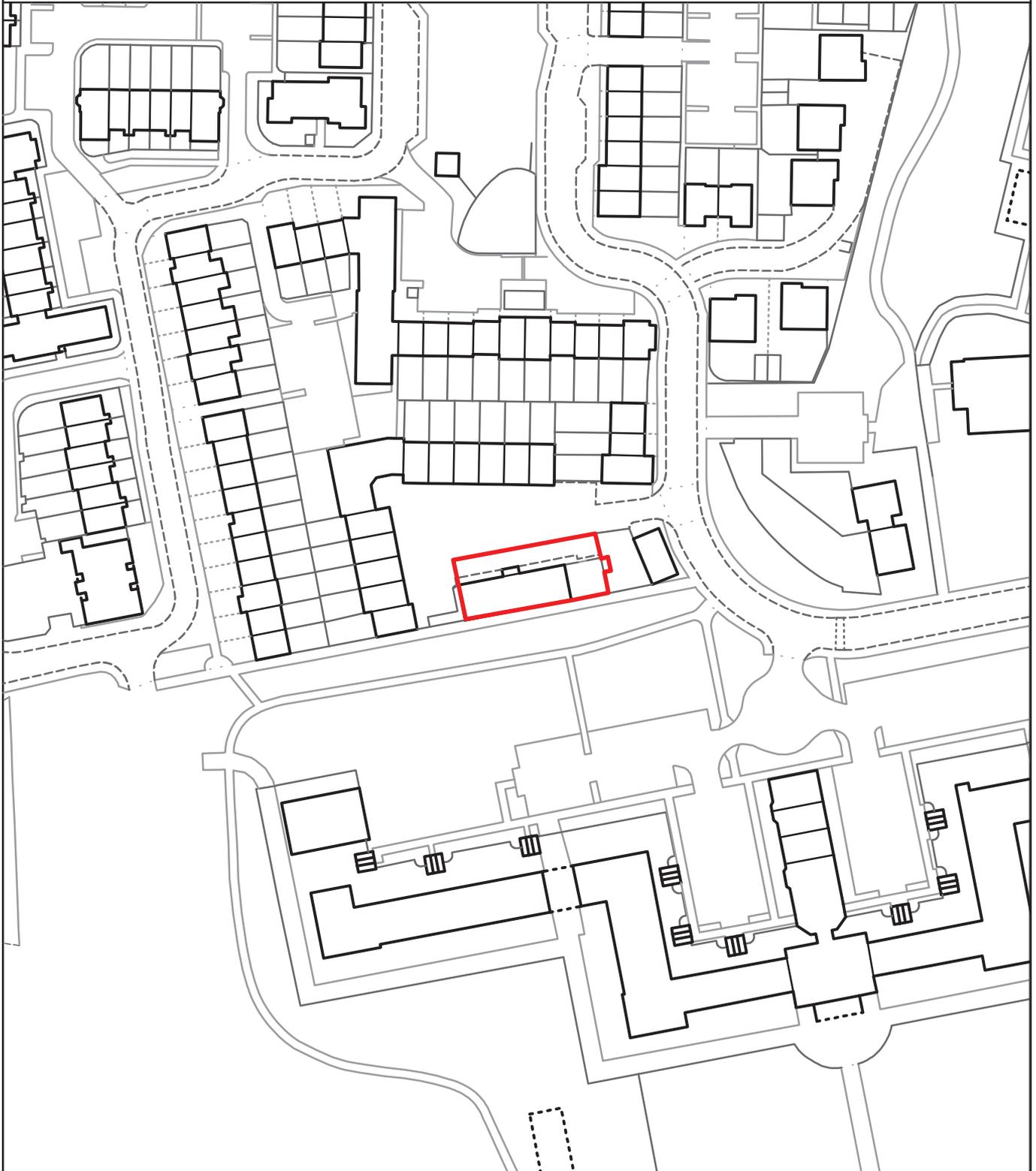
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Agenda Item 14

THE MAIDSTONE BOROUGH COUNCIL

Harrietsham House
Burdock Court
Maidstone, Kent
ME16 0GN

MBC Ref: 14/502595



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 14/502595/FULL		
APPLICATION PROPOSAL Creation of 2(no) self contained flats including insertion of dormer windows and associated works and creation of 2 additional parking spaces and re-siting of bin store as shown on drawing nos. 14/14/A and 14/14/1/A received 31/07/14 and site location plan and drawing no. 04/14/6 received 11/02/15.		
ADDRESS Harrietsham House Burdock Court Maidstone Kent ME16 0GN		
RECOMMENDATION - Permit		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development is considered to comply with the policies of the Maidstone Borough-Wide Local Plan 2000 and the National Planning Policy Framework, and there are no overriding material considerations to indicate a refusal of planning consent.		
REASON FOR REFERRAL TO COMMITTEE Councillor Vizzard has requested the application be reported to Planning Committee.		
WARD Heath Ward	PARISH COUNCIL N/A	APPLICANT Mr Douglas Marr AGENT Mr Jim Guest
DECISION DUE DATE	PUBLICITY EXPIRY DATE 17 th March	OFFICER SITE VISIT DATE 24/09/14
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

MA/14/0483 – Creation of 2 self-contained flats including insertion of dormer windows and associated works – Refused

MA/06/0780 - Alterations to loft area to form 2 additional flats – Approved with conditions

MA/05/2215 - Loft conversion to form 2 flats, involving installation of 1 window and 4 dormer windows to south elevation, and heightening of gables and installation of 2 windows and 4 rooflights to north elevation – Refused

Detling House, Burdock Court

14/502593 - Creation of 2 self-contained flats with creation of parking – Under consideration

1.0 Relevant policy

- Development Plan:
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Draft Local Plan: SP2

2.0 Consultation responses

2.01 Councillor Vizzard called the application into Planning Committee given local resident interest.

2.02 **KCC Highways:** Raise no objection.

3.0 Neighbour representations

3.01 Several representations have been made by 18 interested parties for both 14/502595 and 14/502593 raising concerns over parking provision and

traffic generation and highway safety; visual amenity; loss of privacy; loss of amenity space; ownership; access to bin store; and disturbance during construction works. A petition (34 signatures) has also been received.

4.0 Site description

4.01 'Harrietsham House' is a three storey stand-alone apartment block located on the southern side of Burdock Court, accessed from Tarragon Road. St Andrew's Park is to the south of the site. The application site does fall within the defined urban area as shown by the Maidstone Borough-Wide Local Plan 2000 (MBWLP).

5.0 Proposal

5.01 The proposal is for the creation of 2 self-contained flats. To facilitate this, 4 flat roofed dormer windows would be inserted into the south facing roof space, and 4 rooflights would be inserted to the north facing roof slope. Additionally, the front and rear gable ends would also be extended and altered. The ridge height of the main roof would not be altered. The proposal would provide 2 parking spaces to the front of the building, at the eastern-end of the existing parking on the other side of the existing bin store. The bin store would not be moved as part of this application; and the new parking spaces would be on land that is already block paved. Pedestrian access to a small amenity area on the eastern flank of the building would be unaffected.

5.02 The applicant is not the sole owner of the proposal site, as outlined on the site location plan, and has served suitable notice on the relevant parties.

6.0 Background information

6.01 Planning application MA/14/0483 was refused for the following reason:

"The number, location, scale and proportion of the proposed dormer windows would fail to respect the architectural integrity of the building, detracting from its appearance and overall design and the character and appearance of the surrounding area as a whole."

6.02 This proposal was for the insertion of 7 individually hipped dormer windows (3 north facing and 4 south facing).

6.03 Please note that planning permission was granted in 2006 under MA/06/0780, for a development similar to what is now proposed under this current application. The main difference between the two applications would be the location of the 2 additional parking spaces.

7.0 Principle of development

7.01 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.

7.02 The application site is within of the defined settlement boundary of Maidstone, and whilst there is no specific saved policy relating to this type of development, the Development Plan does encourage new housing in

sustainable urban locations as an alternative to residential development in more remote countryside situations. The National Planning Policy Framework (NPPF) also states that, "...housing applications should be considered in the context of the presumption in favour of sustainable development".

- 7.03 For the above reasons I consider the policy principle of residential development at the site to be acceptable. From this, the key issues to consider are visual impact, residential amenity and highway safety.

8.0 Visual impact

- 8.01 This building was designed as part of a comprehensive approach to this part of the site, and whilst it is a stand-alone building, it clearly forms part of an integrated design. The number of dormer windows has now been reduced and the scale of those proposed has been noticeably reduced from what was refused under MA/14/0483. The extension of the 2 existing bay window elements to the front would also be in keeping with the overall style and proportion of the building.

- 8.02 The proposed works would no longer appear excessive or over dominant in appearance, and I am therefore satisfied that the development would not appear out of character with the building or the surrounding area. Moreover, the proposal site also adjoins important open space forming the setting for the principal listed buildings to the south, and in my view this proposal would now relate sympathetically with the general architecture of this building and the surrounding housing development. I am therefore satisfied that this proposal has overcome the previous reason for refusal (under MA/14/0483), and raise no objection on visual amenity grounds. The proposal is also now very much in keeping with the residential development previously approved under MA/06/0780.

- 8.03 I am also satisfied that the creation of the 2 parking spaces (on an existing area of hardstanding) would not have an adverse impact on the character and appearance of the surrounding area, as there would be no further operational development here and it would be seen in context with the existing car parking provision within Burdock Court.

9.0 Residential amenity

- 9.01 The south facing windows would directly overlook an open amenity space, with the nearest properties to the south being more than 40m away. Given the nature and angle of the proposed rooflights, there would be limited overlooking into properties in Burdock Court which I do not consider to cause further significant harm to the occupants of these properties given the existing level of overlooking caused by the first and second floor flats of 'Harrietsham House'. I am also satisfied, given the existing level of overlooking caused by the upper floors of 'Harrietsham House' and the properties separation distances, that no property in Tarragon Road or any other street would be significantly overlooked because of the development. In addition, the creation of 2 parking spaces at the end of an existing row of parking, in my view, would have

no further adverse harm on the amenity of local residents in terms of general noise and disturbance.

9.02 I am therefore satisfied that this proposal, because of its scale, design, nature and location, would not appear overwhelming, or have a significant detrimental impact upon the residential amenity of any neighbour, in terms of general noise and disturbance and loss of privacy, outlook, and light.

10.0 Highway safety and parking implications

10.01 The proposal includes the provision of 2 parking spaces for the new flats located at the eastern-end of the existing row of parking spaces in front of 'Harrietsham House'.

10.02 It needs to be considered whether the proposal would give rise to any highway safety matters, whilst bearing in mind the Government objectives to reduce the reliance and use of the private car. I am satisfied that this parking provision is acceptable in this sustainable location, where there is less reliance on the private motor vehicle; and raise no objection on highway safety grounds.

10.03 If future occupants do have more than one car, extra demand for parking spaces in an area does not necessarily mean that highway safety issues would occur. Whilst the possible increase in demand for parking spaces in the area could mean that future or existing users may not be able to park close to their properties, such inconvenience is not grounds for objection. It should also be noted that the Council has not adopted any minimum or maximum parking standards for development like this to adhere to; and I am satisfied that the level of traffic movement to and from the site would be of no more detriment to the amenity of local residents than the current situation. I am also satisfied that the proposal would not have a detrimental impact on the capacity of the local road network. Bearing in mind Government advice to reduce car usage, the sustainable location of the site, and that there would be no significant highway safety issues arising from the development, I consider that an objection on the grounds of parking provision could not be sustained.

10.04 It is apparent that the proposed parking spaces are already used by other properties in Tarragon Road. Whilst this reallocation of parking spaces may result in inconvenience and additional cars parking on the street, to my mind, as outlined above, this does not result in a highway safety issue and is not a reason to refuse this application.

11.0 Other considerations

11.01 Given the scale and nature of the proposal, I am satisfied that there is unlikely to be potential harm caused to protected species and their habitats and therefore consider it unreasonable to request further details in this respect.

11.02 As the proposal is to extend an existing building, the applicant is not expected to achieve a minimum of code level 4 in terms of the Code for Sustainable Homes.

11.03 I am satisfied, given the proposal's scale, nature and location that no further details are required regarding noise, land contamination, air quality, flood risk or drainage, landscaping and biodiversity.

12.0 Conclusion

12.01 The main objections raised by the neighbours have been dealt with in the main body of the report. However, I would like to add that potential disturbance during construction is not a material planning consideration; access to the bin store would remain possible; and the proposal would not result in the significant loss of quality outdoor amenity space.

12.02 I am of the view that the proposal would represent appropriate development that would not be visually harmful to the character and appearance of the building or the surrounding area; and would not cause unacceptable harm to residential amenity, or highway safety. It is therefore considered that the proposal is in accordance with the relevant provisions of the Development Plan and the National Planning Policy Framework, and I therefore recommend approval of the application on this basis.

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 materials to be used in the construction of the external surfaces of the building hereby permitted shall match those used in the existing building, unless otherwise agreed in writing by the local planning authority;

Reason: To ensure a satisfactory appearance to the development.

- (3) 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;

Planning Committee Report

Reason: Development without adequate parking provision is likely to lead to parking inconvenient to other road users.

- (4) The development hereby permitted shall be carried out in accordance with the following approved plans: 14/14/A and 14/14/1/A received 31/07/14 and 04/14/6 received 11/02/15;

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

INFORMATIVES - None

Case Officer: Kathryn Altieri

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.

Reference number: 14/502595

6 additional neighbour representations have been received raising concerns over:

- Visual harm
- Over development of site
- Parking provision/traffic generation/highway safety
- Reallocation of existing parking spaces
- Overshadowing and loss of privacy

These issues have been fully assessed in the committee report.

My recommendation is unchanged

31

A photograph of a residential street. The street is paved with asphalt and has white dashed lines. On the left, there is a brick building with a white bay window. The number '31' is written vertically on the wall next to the bay window. In the background, there are more brick buildings, some with white bay windows, and a few cars parked. The sky is blue with some light clouds.



32

33



34

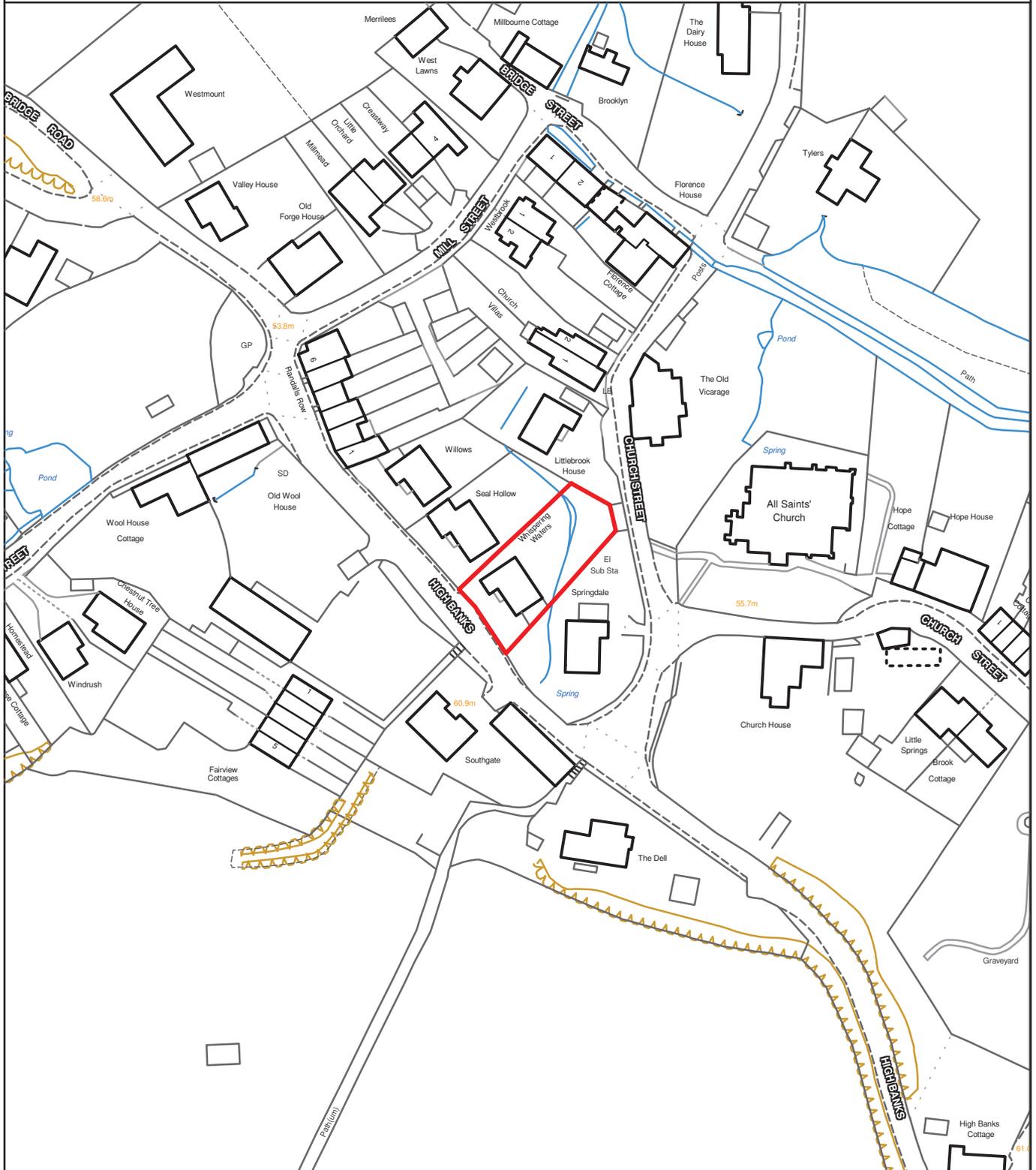


Agenda Item 15

THE MAIDSTONE BOROUGH COUNCIL

Whispering Waters
High Banks
Loose, Kent
ME15 0EG

MBC Ref: 14/502766



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 14/502766/FULL		
APPLICATION PROPOSAL Replace existing wooden windows and doors with double glazed UPVC windows and doors.		
ADDRESS Whispering Waters High Banks Loose Kent ME15 0EG		
RECOMMENDATION - GRANT SUBJECT TO CONDITIONS		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal is considered to preserve the character and appearance of the Conservation Area and to comply with the Development Plan. There are no overriding material considerations to indicate a refusal.		
REASON FOR REFERRAL TO COMMITTEE The recommendation is contrary to the views of the Parish Council, who have requested Committee consideration.		
WARD Loose	PARISH/TOWN COUNCIL Loose	APPLICANT Mr Paul Highsted AGENT
DECISION DUE DATE 17/12/14	PUBLICITY EXPIRY DATE 17/12/14	OFFICER SITE VISIT DATE 21/11/14
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): None specific.		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 This application relates to a detached, mid-twentieth century dwelling, which is located within the village settlement boundary of Loose. It also falls within Loose Conservation Area.
- 1.02 In general, Loose Conservation Area maintains a high degree of historical sensitivity, however, this particular building is seen in the context of surrounding buildings of a similar date to the host dwelling and the streetscene does not have high importance to the character and appearance of the Conservation Area it is considered.

2.0 PROPOSAL

- 2.01 Planning Permission is sought for the replacement of existing wooden windows and doors with upvc units. Planning Permission is required due to an Article 4 direction, which removes permitted development rights.

3.0 PLANNING CONSTRAINTS

*Within village settlement boundary
Loose Conservation Area (-statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)
Area of Local Landscape Importance*

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Wide Local Plan 2000: H18
Supplementary Planning Guidance 'Residential Extensions'

5.0 LOCAL REPRESENTATIONS

None received to date.

6.0 CONSULTATIONS

6.01 Loose Parish Council: Initial comments:

"The Loose Parish Council wish to oppose this application on the grounds that the property lies within the Loose Conservation area, and article four area of Loose Village, and as such we would not wish to see the installation of UPVC windows & doors. To our knowledge Maidstone Borough Council has not allowed this kind of application in the past within the conservation area. The Loose Parish Council would certainly not endorse this, and request it is referred to the MBC Planning Committee".

Subsequent comments, on receipt of Conservation Officer comments: "...still wish this application to be referred to the MBC Planning Committee. It is considered that this is a very important issue.

We feel disappointed by the lack of support from MBC Conservation Officer which we felt would be forthcoming. We remain of an opinion, that the stance taken by the LPC in the past should still be applied to any replacement of wooden windows with UPVC, within, not only a conservation area, but also within article four".

6.02 Conservation Officer: No objection.

"Whispering Waters is one of a group of similar houses erected in 1961. Whilst not particularly detracting from the character of the Conservation Area, this group of houses does not make a positive contribution to that character. In my view replacement of the windows in the manner proposed would not result in any harm to the significance of the Conservation Area.

7.0 APPRAISAL

Visual Impact

7.01 The host dwelling is a 1960s dwelling and whilst it is not considered to have a detrimental impact upon the Conservation Area, in my view, it has a neutral impact. It

makes no positive contribution to the Conservation Area and indeed, is seen in a context of surrounding 1960s dwellings, not unlike that which could be seen on an estate elsewhere outside of an historic village setting.

- 7.02 In this context, therefore, the use of u.p.v.c. is not considered to be visually harmful and indeed, the Conservation Officer does not object to the proposal.
- 7.03 As the Parish Council rightly point out, there is an Article 4 direction, removing “permitted development” rights, which is the reason why this development requires Planning Permission. However, the purpose of the Article 4 direction is to ensure that the carrying out of development comes under the control of the Local Planning Authority; not to preclude development altogether. The planning application process is then the procedure in which to assess the suitability or otherwise of development then falling within the Local Planning Authority’s control.
- 7.04 As stated, this 1960s building is considered to have a neutral impact upon the Conservation Area and in the context of surrounding contemporary houses, it is contended that the proposal would result in no significant harm. The windows proposed are what one would expect to see upon such a building and the building is not in a position to adversely affect historic or important views of Loose Conservation Area or the Area of Local Landscape Importance.
- 7.05 It is concluded that the development would preserve the character and appearance of the Conservation Area and the visual amenity of the streetscene.

Other Matters

- 7.06 There are no significant residential amenity, ecological or parking issues, due to the nature and position of the proposals.

8.0 CONCLUSION

- 8.01 The proposal is considered to preserve the character and appearance of the Conservation Area and to comply with the Development Plan. There are no overriding material considerations to indicate a refusal. Approval is therefore recommended.

9.0 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 permitted shall be carried out in accordance with the following approved plans:

Window schedule, section and elevations received on 22/10/14

Reason: To ensure the quality of the development is maintained.

Planning Committee Report

Case Officer: Louise Welsford

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.

Whispering Waters



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REPORT SUMMARY

REFERENCE NO - 14/503167/FULL		
APPLICATION PROPOSAL Residential development for 36 units and re-alignment of Cripple Street.		
ADDRESS Land At Cripple Street Cripple Street Maidstone Kent ME15 6BA		
RECOMMENDATION: GRANT PLANNING PERMISSION SUBJECT TO PRIOR COMPLETION OF AN APPROPRIATE LEGAL MECHANISM AND CONDITIONS		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development is at a sustainable location, immediately adjoins the existing urban boundary, and is not considered to result in significant planning harm. Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient ground to depart from the Local Plan. The applicant is prepared to enter into a legal agreement to ensure that justified contributions are met.		
REASON FOR REFERRAL TO COMMITTEE The proposal is a departure from the Development Plan. Councillor Derek Mortimer has requested the application be reported to Committee for the reasons set out below. Tovil Parish Council wish to see the application refused and have requested the application be reported to Committee for the reasons set out below. Loose Parish Council wish to see the application refused and have requested the application be reported to Committee for the reasons set out below.		
WARD South Ward	PARISH/TOWN COUNCIL Tovil	APPLICANT Mr Peter Bland AGENT
DECISION DUE DATE 15/12/14	PUBLICITY EXPIRY DATE 15/12/14	OFFICER SITE VISIT DATE 28.01.2015

RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites)

No planning history relevant on the application site.

The site was promoted in response to the Borough Council's "call for sites" in 2013 and was identified as having the potential to accommodate 70 houses.

The site was given the reference number HO-22 in the Council's subsequent Strategic Housing Employment Development Land Availability Assessment (SHEDLAA) and was recommended for selection in the draft plan by council officers. The SHEDLAA report concluded:

'Layout and design would be very important in developing this site. Access to the site would also be important and should this site come forward, highway improvements within the locality are likely to be necessary as per the comments from KCC Highways.

Overall, I consider that this site is suitable [for residential development] and I recommend that it is accepted for development'.

However, the site was rejected by Members at cabinet on 24.02.2014 and was not put forward in the draft Local.

A site located to the north of the application site H1 (20) Postley Road, Tovil has been included in the Reg. 18 Draft Local Plan. This site was been accepted by Cabinet on 2 February 2015 and will now move forward to the Reg. 19 stage. Site allocation H1 (20) is located within the open countryside in the Loose Valley Area of Local Landscape Importance and has been identified by Cabinet as having a recommended yield of 62 housing units. Site H1 (20) is separated from the application site at Cripple Street by a public footpath running east to west.

MAIN REPORT

DESCRIPTION OF SITE

The site is located to the west of the urban boundary and lies within a countryside location. The site comprises a broadly rectangular shaped plot sited to the west of Bockingford Farmhouse, a Grade II listed building which is located within the urban boundary. The site is located within the open countryside, an Area of Local Landscape Importance and to the east of the Loose Valley Conservation Area.

The site comprises rough grassland with established landscaped borders and is adjacent to the urban area and the properties of Broadoak Avenue, Buxton Close and Richmond Way. The land has a gently sloping topography with the land sloping west towards the Loose Valley. This is a slight gradient which increases further to the west of the site.

Within the vicinity to the west there are a small number of residential properties sporadically placed with most fronting Cripple Street including the grade II listed Bockingford House and Little Bockingford. The area to the west of the site is designated as the Loose Valley Conservation Area.

The area to the east of the site comprises a residential area of 1960's construction with the houses on Broadoak Avenue, Buxton Close and Richmond Way backing onto the PROW which abuts the application site. Bockingford Farmhouse is the exception with frontage onto the PROW and faces toward the application site. This residential area is a mixed area of single storey and two storey properties with the scale and density reducing to the west of this area.

To the north of the site is an area which received planning permission under 12/1848 for a residential development of 127 dwellings and landscape works. This area only was allocated under policy H1 of the MBWLP 2000. Beyond this the urban area extends north with further urban residential development. The area directly north of the site is comprises Site Allocation H1 (20) as mentioned above.

A public right of way (PROW) abuts the north and east boundary of the application site running from north to south and east to west.

PROPOSAL

The application proposes 36 dwellings, of which 11 (30%) would be affordable housing and the re-alignment of Cripple Street.

The affordable units will comprise 1 x 2 bed flat; 4 x 2 bed and 6 x 3 bed houses. The private dwellings will comprise 4 x 2 bed, 10 x 3 bed, 7 x 4 bed and 4 x 5 bed houses. These will be provided together with off-street parking spaces with some of the private units having garages in addition to the parking allocation. Secure and covered cycle parking is also provided.

The proposed dwellings will be predominantly 2 storeys in height with the some 1½ storey chalet bungalows. The development proposes a uniformed approach to materials with key materials being utilised throughout the site including facing brickwork, weatherboarding, render and tile hanging with contrasting brickwork used for window headers and cills. Roofs would be formed of clay tiles and slate.

It is proposed to re-align and widen Cripple Street along the front of the site, inverting the curve of the road into the application site and creating a landscaped area between the re-aligned street and field to the south of the site. It is also proposed to increase the public footpaths from Cripple Street along the frontage of the site on either side of the road. The main access through the site would broadly dissect the site from south to north with secondary access roads provided off this main access.

Four detached properties located at the front of the site would be provided shared access from the main access road, set back from the entrance of the site. These four houses would have a frontage onto Cripple Street with shared parking / garaging located between the detached properties. The frontage properties would be set back a minimum of 15m from the re-aligned Cripple Street with extensive landscaping located to the front between Cripple Street.

Behind the four frontage properties there are a mix of dwelling styles and sizes with detached properties located along the western side of the central access road. The detached properties located on the western side of the site would all front the central access road save for the two properties located in the northwest corner, which would be served by a small cul-de-sac with frontages facing north.

The size of the dwellings is more varied on the eastern side of the site with a mixture of terrace, semi-detached and detached properties some of which would be located at 90 degrees to the access road and served by courtyard parking areas located at the front of the houses.

Off-street parking is proposed for all the units in garages, driveways and shared/allocated parking spaces for the terrace properties.

The existing boundary trees and landscaping would be retained and enhanced.

An area of open space is proposed on the eastern side of the site adjacent to Bockingford Farmhouse. Pedestrian access would punctuate the eastern boundary of the site onto the adjacent public footpath at the front of Bockingford Farmhouse.

POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough-Wide Local Plan 2000: ENV6, ENV26, ENV28, ENV35, T13

Supplementary Planning Documents: Affordable Housing Development Plan Document (2006), Open Space Development Plan Document (2006)
Maidstone Borough Council Draft Local Plan: SS1, SP5, H2, H3, DM2, DM3, DM4, DM6, DM10, DM11, DM13, DM23, DM24, DM30, ID1

Draft North Loose Neighbourhood Development Plan 2014-2031 Regulation 15.

Amended plans

Re-orientation of Plot 8 and Plot 9 and increased amount of public open space between Plot 8 and 9. The new section of public open space would be provided on the west of the main access road and would be boarded by a low level rag stone wall and planted with ornamental trees.

LOCAL REPRESENTATIONS

A site notice was displayed at the site on 18th September 2014.

Some 59 households have objected. The North Loose Residents Association and Valley Conservation Society have also objected to the proposal. The following issues were raised:

- Additional traffic / road congestion and lack of infrastructure
- Insufficient off-street parking proposed
- No pedestrian pavements
- Impact on local service such doctors and schools
- Impact on wildlife and open countryside and area of local landscape importance
- The development represents urban sprawl
- The MBC planning committee rejected the site from the draft local plan
- Impact on listed buildings
- Alterations to the road would be out of character with the rural nature of the lane
- Impact on Loose Valley Conservation Area
- Loss of privacy, light and overshadowing
- Unsustainable development
- Increase noise from residential use
- Loss of wildlife species and habitat
- Indigenous planting scheme required
- Impact on public footpaths
- Impact on drainage infrastructure
- Traffic calming measures have been requested if the development is approved
- Archaeology survey required

CONSULTATIONS

Tovil Parish Council has objected to the application on the following (summarised) grounds:

- The proposal will adversely affect the setting of listed buildings and Loose Valley Conservation Area.
- Proposed four new entrances are considered dangerous
- The proposal does not accord with the White Paper NPPF
- Should the application be approved Tovil Parish Council proposes that contributions should be made toward open space within Tovil

Loose Parish Council has objected to the application on the following (summarised) grounds:

- Erosion of green corridor to Loose Valley
- Outside the urban boundary
- Impact on ALLI
- Contrary to Blue and Green Infrastructure Strategy
- Impact on setting of nearby listed buildings
- Additional traffic generation
- Pedestrian Safety

Councillor Mortimer requests that the application be reported to Planning Committee for the following (summarised) reasons:

- The site is outside the urban boundary
- Impact on the setting of Bockingford Farmhouse
- Encroachment into Loose Valley
- Impact on ecology and biodiversity on the site
- Highways safety and traffic congestion
- 30% affordable housing provision is lower than Councils DPD
- No mitigation of air quality

Councillor Brian Clark Kent County Councillor for Maidstone South requests that the application be reported to Planning Committee for the following (summarised) reasons:

- Site is undeveloped green space at the edge of the Loose Valley
- Urban sprawl
- Impact on Local Landscape Importance
- Major changes to Cripple Street proposed including three access roads
- Traffic generation
- Unsustainable location

KCC Highways: No objections. *Further to my previous comments on this application, I have received further information from Monson, acting on behalf of Millwood Homes.*

I now understand the following:-

a) The applicant will remove the two private accesses and connect the properties into the new estate road. This would overcome my concern about the visibility splays from them.

b) Pre-application discussions on site with my colleagues concluded that the proposed realignment of Cripple Street would be the most appropriate means of managing the transition from the wider carriageway to the east and the much narrower section to the west. Additional signing and road markings would be provided to enhance speed attenuation.

c) The new estate road will be built to adoptable standards

d) KCC has concluded that there is little scope for physical capacity improvements to the A229 Loose Road/Cripple Street/Boughton Lane junction. Therefore it would be inappropriate to seek a contribution towards a joint study of the junction

e) The applicant is aware that a contribution of £3,000 per dwelling would be sought towards strategic improvements to the A229 corridor from the A229/A274 junction to the Bridges Gyrotory, as this would be comparable to the contribution previously sought from the Ward Homes site on Boughton Lane. I understand that the applicant does not object to this. The S106 would therefore follow the wording that was agreed between KCC and MBC for the Boughton Lane site.

f) *The parking on site should conform to the KCC Interim Guidance Note No. 3 for Residential Parking. The applicant should note that the standard indicates that garage parking should be taken as being additional to the provision identified at the various properties. This could be resolved through the detailed design of the layout for the private 2,3 and 4 bedroom houses where the Monson response refers to "at least" one space per unit in addition to the garage.*

*Overall, in the expectation that the contribution to the wider highway improvements would be secured by a S106 Agreement, and that the details of the signing/lining and parking provision could be subject to condition and resolved at detailed design, I would like to make **no objection** to this application'.*

Environment Agency: *'We have **no objection** to the proposal development as submitted provided that the following condition is included requiring the following drainage details:*

'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 storage of/disposal of surface water from the site'.

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

Primary Education Provision: £4000 per 'applicable' house towards construction of a new primary school in south east Maidstone and £2701.63 per applicable house towards land acquisition costs and £675.41 per applicable flat.

'The proposal gives rise to 10 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 new Primary Schools in Hermitage Lane & Sutton Road 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.

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'.

Secondary Education Provision: £2359.80 per applicable house and £589.95 per applicable flat towards new secondary school accommodation will be provided in Maidstone through extensions to provide additional accommodation.

'The proposal is projected to give rise to 7 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.'

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

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

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

'Forecasts indicate that there is insufficient capacity within local Centres to accommodate the increased demand generated through the development, therefore KCC require contributions to provide increased centre based youth services in the local area.'

Libraries Contribution: £183.14 per household sought to be used to address the demand from the development towards additional bookstock and services at local libraries serving the development.

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

Social Care: £53.88 per household sought to be used to address the demand from the development towards the provision of new/expanded facilities and services in the area local to the development including assistive technology, and enhancement of local community facilities to ensure full DDA access.

The proposed development will result in additional demand upon Social Care (SC) (older people, and also adults with Learning or Physical Disabilities) services, however all available care capacity is fully allocated already, and there is no spare capacity to meet additional demand arising from this and other new developments which SC are under a statutory obligation to meet.

NHS: *'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:*

- Boughton Lane Surgery
- Grove Park Surgery
- Northumberland Court Surgery
- Mote Park Medical Practice

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

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

Predicted Occupancy rates

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

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

Predicted Occupancy rates	Total number in planning application	Total occupancy	Contribution sought (Occupancy x £360)
2	9	18	£6,480
2.8	16	44.8	£16,128
3.5	11	38.5	£13,860
			£36,468

NHS Property Services Ltd therefore seeks a contribution of £36,468.'

MBC Housing: 'The development is for a total of 36 units with the applicant proposing 30% affordable housing which equates to 11 units.

The applicant has sought to justify only supplying a 30% affordable provision on this site at chapter 7 of the submitted planning application. The applicants are highlighting the 30% affordable housing provision which is in the emerging local plan.

The applicants are latching on to the policy within the interim approved Local Plan, and suggest that it should be afforded due weight in the determination of planning applications. It is their view that all new development schemes should provide for affordable housing in accordance with emerging policy.

Housing does not concur with this view. The key word being 'emerging' policy. It is not formally adopted as yet, and housing are still not entirely convinced of the affordable percentage ask requirements being suggested within the emerging policy. Housing are currently putting forward officer recommendations for change following the period of public consultation on the draft Local Plan and further viability testing is to be undertaken. It is housing's view that until such time as the new Local Plan and policies within it are adopted (or at least all agreed and closer to adoption than at present); the current Affordable Housing Development Plan document should be adhered to.

The submitted planning statement continues at 10.9 quoting sites whereby 30% affordable provision has been granted. It should be noted that all these developments are strategic sites within the draft local plan, whereas this site was removed from the latest published edition.

Appendix 4 of the planning statement highlights the officers' report for the 'New Line Learning Academy' planning application and the officers' comments. However, it should be noted that this application was refused with one of the reasons being:

(2) *The provision of 30% affordable housing does not comply with Maidstone Borough Council's Affordable Housing SPD.*

Furthermore, if the developers are offering only 30% affordable units on this site, we would like to see a separate viability assessment which is then independently assessed which confirms that the adopted policy of 40% affordable housing is not viable.

This advice was also given to the developers in a pre-application advice meeting, as Appendix 1 of the application states:

Affordable Housing

'The Council's Affordable Housing DPD (2006) requires 40% provision with the affordable rent/shared equity split 60/40.

Unfortunately, Housing was not involved in any pre-application discussions and, as such, has not been aware of the proposed affordable mix until this planning application has been submitted.

<i>1 Bed units</i>	<i>0</i>	<i>0%</i>
<i>2 Bed units</i>	<i>5</i>	<i>45%</i>
<i>3 Bed units</i>	<i>6</i>	<i>55%</i>
<i>4 Bed units</i>	<i>0</i>	<i>0%</i>

There doesn't appear to be any mention in the application at present of any suggested tenure split.

It is disappointing to see another development which is offering no 1 bed provision for the affordable units as this is the need for 57% of the applicants on the Councils housing register.

We are currently working on the following percentages for affordable housing units for sites that are able to provide a range of unit sizes:

*Affordable Rented Units (60%) 1-Beds (35%), 2-Beds (30%), 3-Beds (25%), 4-Beds (10%)
Shared Ownership Units (40%) 1-Beds (20%), 2-Beds (50%), 3-Beds (30%)*

This would equate to the following mix for 40% affordable provision:

<i>Size</i>	<i>Total Units</i>	<i>Rental</i>	<i>Shared Ownership</i>
<i>1 Bedroom</i>	<i>4</i>	<i>3</i>	<i>1</i>
<i>2 Bedroom</i>	<i>5</i>	<i>2</i>	<i>3</i>
<i>3 Bedroom</i>	<i>4</i>	<i>2</i>	<i>2</i>
<i>4 Bedroom</i>	<i>1</i>	<i>1</i>	<i>0</i>
<i>Total</i>	<i>14</i>	<i>8</i>	<i>6</i>

For a 30% affordable provision, this would equate to:

<i>Size</i>	<i>Total Units</i>	<i>Rental</i>	<i>Shared Ownership</i>
<i>1 Bedroom</i>	<i>3</i>	<i>2</i>	<i>1</i>
<i>2 Bedroom</i>	<i>4</i>	<i>2</i>	<i>2</i>
<i>3 Bedroom</i>	<i>3</i>	<i>2</i>	<i>1</i>
<i>4 Bedroom</i>	<i>1</i>	<i>1</i>	<i>0</i>
<i>Total</i>	<i>11</i>	<i>7</i>	<i>4</i>

However, we acknowledge that to amend the site plans at this stage of the planning process may not be an option.

The applicants are suggesting that the affordable housing be split in to two locations on the site. Due to the number of units involved this would be agreeable with us. In terms of unit sizes, we would be looking for 2-bed 4 person dwellings, as well as 3-bed 6 person dwellings to help maximise occupancy, in accordance with need.

Provision for lifetime homes across all the affordable dwellings is also encouraged’.

Conservation Officer: *‘The application site occupies land formerly under orchard use, presumably associated with Bockingford Farm, whose early 19th Century farmhouse remains and has been listed Grade II since 1974. The farmhouse is now subsumed on three sides in the residential estate which includes Broadoak Avenue and Buxton Close, which was developed in the early-mid 1960s at a time when Bockingford Farmhouse was a Grade III (locally listed) building. The impact of this development on the setting of the farmhouse seems to have been given no consideration at that time, with the result that this mid-20th century housing estate of suburban character has seriously impacted on the setting of the listed building, much to the detriment of its significance.*

Development of this land to the west of the farmhouse, which is the only side on which the original setting of the listed building is preserved, would complete its encompassment within modern housing estates and result in the complete destruction of its original rural setting. Although this setting has already been severely compromised, the additional impact of the current proposals still needs to be given close consideration. English Heritage produced a Guidance Note on the Setting of Heritage Assets in 2011. This is currently being updated to incorporate up-to-date references to the NPPF and the latest draft contains the following advice in Paragraph 8

“Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies, consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset. Negative change could include severing the last link between an asset and its original setting...).

Thus it is clear that the current proposals would result in negative change causing harm to the significance of the listed building. This is perhaps exacerbated by the fact that it is the principal elevation of the farmhouse with its large windows to the main reception rooms which faces towards the application site. Although the proposals seek to acknowledge this by siting an area of public open space immediately in front of the listed building, the provision of such a manicured and restricted space would be poor compensation for the loss of the existing open setting; it is also proposed to keep a “visual corridor” open to protect views from the farmhouse towards other historic buildings, but this would provide a space for garages with flat roofs which hardly represent an appropriate outlook.

The site also lies adjacent to the boundary of the Loose Valley Conservation Area and its present open agricultural character is important to the setting of the conservation area. Although development is to be set back from this boundary to allow for tree screening this is unlikely to adequately mitigate the impact on the setting of the conservation area.

MBC Parks and Open Space: *‘The Parks and Open Spaces Team have viewed this application and would make the following observations;*

For a development of this size we would expect a minimum onsite provision of formal open space of 0.47ha (not including Green Corridors or Natural & Semi-Natural Green Spaces). The development is located within South Ward.

There is no set standard for minimum provision in terms of Natural and Semi Natural Open Space and Green Corridors.

A development this size will have an impact on existing areas of formal open space in the local area where no onsite provision exists. Local Areas of Equipped Play and Outdoor Sports Facilities, for example.

Whilst it is noted that the development includes open space, the documentation provided does not fully indicate what form this takes, nor does it identify the size of open space provided on site.

The closest existing area of open space and equipped areas of play for children is at South Park which is approximately 0.4 miles away.

The developer indicates the site is 2ha in size and as such a little over 20% should be given as on-site open space. If this is not the case then we would seek an off-site contribution to cover any shortfall. Depending on what type of onsite open space is provided could also affect any offsite contributions being sought

It is difficult to identify exactly what scale of off-site contribution we would seek, due to minimal information being provided as to the extent of what is actually being provided. Obviously the full amount per dwelling of £1575 will be cut down accordingly but again this depends on what is actually provided on site

Any offsite contribution we would request to be used within a one mile radius of the development for the improvement, refurbishment and maintenance of existing areas of open space and equipped play and outdoor sports facilities.

Such sites as South Park and Mangravet are within 1 mile of the site and would be used by the development as they are the nearest sites with areas of equipped play and outdoor sports facilities’.

Following the submission of further information by the applicant regarding the level of on-site open space, MBC Parks and Open Space department indicate the public open space contribution and method used to calculate the contributions in this instance is thus:

‘The normal request per dwelling for developments with no on-site open space is £1575

This development should have a minimum of 0.47ha of onsite open space provided

According to the developer it will have 0.4078ha of onsite open space.

That is a shortfall of 0.0122ha

0.0122

1575/47 = £33.51 per dwelling for every 0.01ha not provided

$£33.51 * 1.22 = £40.80$ per dwelling

$£40.80 * 36$ dwellings = £1471.75'

Spatial Policy: *'This site was submitted and assessed in the 2013 Call for Sites/SHLAA exercise (reference HO-22). The officer conclusion was that the site was suitable for development (assessment attached).*

It was subsequently recommended for inclusion in the Reg. 18 Consultation draft of the Maidstone Borough Local Plan. However, at the meeting of the Cabinet on 24 February 2014, inter-alia, the following decision was made:-

Minutes:

DECISION MADE: a) That the draft Maidstone Borough Local Plan, as attached at Appendix A to the report of the Head of Planning and Development, be approved for public consultation (Regulation 18) subject to:- i) The deletion of the following housing sites:- H1(18) Cross Keys, Bearsted H1(19) Fant Farm, Maidstone H1(51) Cripple Street, Loose H1(58) Ware Street, Thurnham

The site is not therefore allocated in the Reg. 18 Draft Maidstone Borough Local Plan'.

MBC Environmental Health: No objections. Advise there is no evidence historically or in the current land use to suggest that the site is likely to be contaminated therefore no site investigation is required by the Council.

Natural England: No objections – the proposal is unlikely to affect any statutory protected sites or landscapes. Recommends following Natural England's Standing Advice.

KCC Ecology: Subject to confirmation that no trees of significant amenity value would be removed, raise no objections to the development of the site.

KCC PROW: Initial objection removed following receipt of amended drawings. Contribution of £5400 sought for the purposes of improving the environment and furniture of Public Footpath KB22 including increasing the width of the footpath, to be secured via S106 agreement.

MBC Landscape: *'The amendments to this proposal are an improvement in landscape terms, particularly the provision of additional landscaping along the frontage with Cripple Street. I therefore raise no objection subject to a pre commencement condition requiring a detailed landscape scheme including tree protection details in accordance with BS5837:2012'.*

Rural Planning Limited: *'The proposed site here comprises some 2.0 ha (5 acres) of disused grassland, located on the edge of existing residential development, lying at between 60m and 65m above sea level.*

DEFRA's 1:250,000 land classification map does not ascribe an agricultural grade to the land as it includes it within the general urban area. The 1:250,000 scale mapping is insufficiently detailed, in any event, to reliably define land quality on an individual field scale.

However DEFRA's "Magic" website shows that a larger block (about 8ha) of potentially similar land about 250m north-west of the site has been subject to a more detailed agricultural land classification study, post 1988. All of that land is indicated as Grade 3b (moderate quality), and thus outside the "best and most versatile" category.

It may also be relevant to note that similar land immediately north of the subject site currently also proposed for residential use (see MA/13/2038, and my letter of 17 December 2013), that the subject is not particularly extensive, and appears not to have been in use for any productive agriculture purpose for quite some years. Overall, therefore, it could be considered that the issue of agricultural land loss may not be of particular significance in this instance’.

Kent Wildlife: Objects to the proposal for the following reasons:

- *‘The site is outside the defined urban area of Maidstone and is contrary to save Local Plan policies for the countryside.*
- *The development fails to meet the requirements of the National Planning Policy Framework (Paragraphs 7, 8 and 109) by failing to mitigate the risk of harm to nature conservation interest of acknowledged importance’.*

Kent Police: No objections subject to conditions

Southern Water: No objections. Advise that Southern Water can provide foul sewage disposal to service the proposed development. Informatives and conditions recommended.

APPRAISAL

Principle of Development

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. In this case the Development Plan comprises the Maidstone Borough-Wide Local Plan 2000, and as such the starting point for consideration of the proposal is policy ENV28 which relates to development within the open countryside. The policy states that:

“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.”*

In this case, none of the exceptions against the general policy of restraint apply, and therefore the proposal represents a departure from the Development Plan. It then falls to be considered firstly whether there are any material considerations which indicate that a decision not in accordance with the Development Plan is justified in the circumstances of this case, and (if so) secondly whether a grant of planning permission would result in unacceptable harm, such that notwithstanding any material justification for a decision contrary to the Development Plan, the proposal is unacceptable.

The key material consideration outside of the Development Plan in the determination of applications for residential development in the open countryside is national planning policy as set out in the National Planning Policy Framework 2012 (NPPF) and the Council’s position in respect of a five year 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;”

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). Subsequent to this, the objectively assessed housing need was revised downwards to 18,600. This figure, which is based on central government population projections based on 2011 census data, was reported to, and accepted by, Cabinet on 10th September 2014.

At April 2014, the Council has a 2.1 year supply of housing assessed against the revised objectively assessed need figure of 18,600. The Council is unable to demonstrate a 5 year supply of housing land.

This lack of a 5 year supply is a significant factor and at paragraph 49 of the NPPF it is stated that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a 5 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.

In respect of the circumstances of the specifics of this case, the proposal site is located on the edge of the urban boundary of Maidstone, in reasonable proximity to the wide range of key services in the town centre as well as good public transport links.

The draft Local Plan states the town of Maidstone cannot accommodate all of the growth that is required on existing urban sites, and the most sustainable locations for additional planned development are at the edge of the urban area.

In this context, it is considered that the location of the site is sustainable in the terms of the NPPF as it is located on the edge of the defined urban area. The centre of Maidstone lies just over 2km by road to the north with its extensive range of shops, services and businesses. More local to the site are a small range of shops, health facilities and services as well as a local pub at the east end of Cripple Street at its junction with the A229 (Loose Rd) which are less than 400m distance from the site. Also within 1.25km there are a number of schools providing primary and secondary education all of which can be reached by lit footways. There is a bus stop located on Loose Road approximately 400m distance from the site with regular services into Maidstone centre. The route from the site to these services is along a lit pedestrian pavement on Cripple Street.

The Council is not in a position to demonstrate a five year housing land supply, and as such normal restraints on volume residential development in the open countryside do not currently

apply as the adopted Local Plan is considered out of date. In such circumstances the NPPF advises that when planning for development through the Local Plan process and the determination of planning applications, the focus should be on edge of town developments. The development of this site is therefore in accord with the objectives of the NPPF being located directly adjacent to the edge of the urban area of Maidstone and in a sustainable location.

Furthermore, the bringing forward of development on this sustainable site adjacent to the urban area of Maidstone, would contribute towards the provision of housing and therefore help in meeting the shortfall in housing supply. This also represents a strong material consideration in favour of the development.

The site is located outside the North Loose Neighbourhood Development Plan boundary..

For these reasons, it is considered that the principle of the development is, by virtue of national planning policy as set out in the NPPF and local planning policy as set out in the emerging Local Plan, acceptable in the circumstances of this case. In the circumstances of this case, the key planning issues are considered to be visual impact, heritage, density of the development (including whether the site can suitably accommodate 36 dwellings), residential amenity, access/highway safety and ecology.

Visual Impact

The site is located on the edge of the urban boundary in the open countryside and within an Area of Local Landscape Importance and adjacent to the Loose Valley Conservation Area. Within the context of saved policy ENV35 of the adopted Maidstone Borough-Wide Local Plan (2000) advises these areas provide local distinctiveness which is unique to Maidstone's identity. In these areas particular attention will be given to the maintenance of the open space and the character of the landscape.

The site is a greenfield site and its development for residential and other development would clearly have an impact visually on the site. It is important to assess the impact with regard to the coverage of the development proposed.

The proposed residential development is comprised of detached, semi-detached and terraced 1.5 and 2 storey residential dwellings.

The proposed site is boarded by other residential properties on two sides (east and west) with the urban boundary of Maidstone located along the whole of the eastern boundary and more sporadic residential development located on the lower sections of the western boundary.

There is heavily hedge and tree lined boundaries on the north and west boundaries and these will be maintained and enhanced as part of the development proposal. The natural vegetation along these boundaries would afford a good level of screening and act as a natural buffer to the Loose Valley and open countryside. In the case of the eastern boundary this is on the edge of the urban boundary and currently benefits from broken hedgerow and sporadic tree planting. The front of the site is clearly visible from Cripple Street.

There are several short range public vantage points from which the site can be seen in particular from the footpath that runs along the eastern boundary of the site and the footpath which runs along the northern boundary of the site. Views are not afforded into the site from all areas of these footpaths due to substantial vegetation located on the edge of the site. Nevertheless short range views of the proposed development would be afforded from

these footpaths and from Cripple Street and there would be a considerable change in the character of the site that would clearly have a visual impact.

Short range views are to be expected when developing a greenfield site for housing and in certain circumstances may generally be considered acceptable. It is noted that the footpath running along the eastern boundary of the site is located adjacent to the built up urban area and views of the housing development to the east can be seen from the footpath and are a characteristic of this footpath already.

Additionally views of the new development from Cripple Street and from the west would be seen against the backdrop of other built development, particularly the properties of Broadoak Avenue, Richmond Way and Buxton Close, located to the east of the site within the defined urban area of Maidstone.

Due to characteristics of the surrounding area and natural screening located along the north and west boundaries of the site it is considered that the development site would not be significantly visible from longer distances.

The impact of the re-alignment of Cripple Street and introduction of a new vehicle access would undoubtedly have a visual impact on the immediate area. However, the edge of the site adjacent Cripple Street and site entrance would be enhanced with additional tree and hedgerow landscaping (subject to suitable visibility splays) and the old section of road would be landscaped providing a buffer between the site and open countryside to the south.

Therefore I consider that the visual impact of the development would be acceptable. Whilst it would change the character of the site, there would not be any significant wider visual harm that would be harmful to the character and appearance of the area. I consider that the general principle of development of this site to be acceptable in relation to the visual change to the site and the development of this site represents an extension to the urban boundary and would also partially constitute infill development being located between residential properties on Broadoak Avenue and houses further west on Cripple Street.

In addition to this, the NPPF attaches less weight to the protection of locally designated landscapes such as the areas of local landscape importance which is applicable in this case.

Heritage Impact

The council conservation officer has objected to the development of the application site due to the impact on the setting of the Loose Valley Conservation Area and grade II listed Bockingford Farmhouse.

The proposed new development would inevitably have a visual impact on the setting of Bockingford Farmhouse which currently benefits from unobstructed views across the site. The Conservation Officer is of the opinion that the development of the site would result in harm to the significance of the Bockingford Farm, a designated heritage asset. The proposed development would undoubtedly have a visual impact on the setting of this grade II listed building, however in my view, the level of harm would be less than substantial, therefore this needs to be weighed against any public benefit arising from the proposals in accordance with the tests set out in the NPPF.

The proposed layout has been designed so as to have regard to the setting of Bockingford Farmhouse in order to reduce the impact of the development on this grade II listed property and preserve its setting. In this regard an area of public open space is proposed within the site directly opposite Bockingford Farmhouse which extends across the width of the site. In addition, the dwellings located adjacent / in proximity to the farmhouse would have lowered eaves heights (plots 18 -23), while plots 8 and 9 situated on the west side of main access

road would have lower slab levels than the other dwellings within the site. Plots 8 and 9 have also been re-orientated from the initial submission to allow for an additional section of open space on the west side of the access road thus preserving the setting of the grade II listed building. In my view the development proposed to the west of the farmhouse would be subservient to the grade II listed property and the provision of public open space across the width of the site, at the front of the farmhouse, together with the lowered building heights, would help preserve the character, appearance and setting of the grade II listed building. The proposed development would not have an unacceptable impact on the setting of Little Bockingford and Bockingford House due to the separation distance between the site and these properties.

As regard the impact on the setting of the Loose Valley Conservation Area the western boundary of the site is already heavily screened by trees and hedgerow which would be reinforced as part of the landscape master plan. The boundary along the western edge of the site would form a natural buffer and visual break which would help to limit to the impact on the setting of the Loose Valley Conservation Area.

It is therefore considered that the significant public benefits arising from the additional 36 houses would, in my view, out weigh the limited harm to the setting of the Conservation Area and grade II listed building.

Design and layout

The submitted layout has been described in the proposal section of this report. In terms of the acceptability of the layout, this has been the subject of discussion between the applicant's and case officers in order to achieve the most effective outcome. The site had originally been allocated by Maidstone Borough Council for 70 dwellings (although now removed from the Site Allocations). The number of units has been reduced to 36 to allow a better provision of open space on the site, reduce the impact on the Conservation Area, listed buildings and open countryside and improve the sustainability of the development.

The Design and Access Statement considers existing styles of development in the surrounding area and the materials used. The D&A Statement advises the development has been designed to fit into its surroundings through the use of vernacular materials and styles including facing brick, hanging tiles and weatherboarding. Materials will be subject to a condition requiring detailed samples to be submitted, however in principle I consider the proposals acceptable subject to finalisation of finishes.

Four frontage buildings onto Cripple Street would create a clearly defined gateway into the development and throughout the site dwellings generally front the internal road and turn corners where appropriate. The main entry into the site is spacious with good levels of landscaping at either side of the proposed junction.

The overall design and layout of the development is considered to be acceptable. The proposed buildings are considered to be individually of a high design standard and the use a simple palette of materials would ensure a uniform identity throughout the site which would be varied by the differing form, height and design of the individual buildings. The palette of materials, form and design of the houses is considered appropriate for this edge of town setting and would respect the surrounding local vernacular.

All of the proposed units would provide a good level of private amenity space and the low density scheme (18 dwellings per hectare), would create a sense of spaciousness, allowing dwellings to be set well back from the site boundaries and significant landscaping is proposed throughout the site and on the boundaries, all of which are considered appropriate and sympathetic to this location on the periphery of the urban area.

There is good connectivity within the site and demarcation in road surfaces to break up hardstanding and act as natural traffic calming. The site would be permeable to pedestrians as footpaths through the site would link up with the north to south footpath running parallel to the site to the east, enhancing links to the site with the surrounding area. Footpaths running through the site generally avoid the central access road which would reduce the concentration of hard surfacing and provide a high standard pedestrian environment enhanced by the landscaping scheme on the edge of the footpaths. All units would benefit from off-street parking in the form of garages and allocated parking spaces which have been sited and designed in order to limit the level of hard surfacing.

A lower density housing development is considered acceptable in this instance due to the urban periphery location, and would reduce the impact of the development on the nearby listed buildings and conservation area and, would improve the sustainability of the housing development. In this instance a lower density scheme is considered to be acceptable and would make the best use of the land.

Residential Amenity

The closest residential properties would be those located west of the site fronting Cripple Street and the properties located to the east within the housing estate in Broadoak Avenue, Buxton Close and Richmond Way.

Whilst the outlook from some of these properties would undoubtedly change as a result of the proposed development, overall it is considered that there would be sufficient separation distances between the new houses and the existing neighbouring properties and, the proposed development is considered not to result in an unreasonable loss of amenity in terms of loss of light, outlook or privacy.

Orchard End is a residential property with frontage onto Cripple Street, located to the west of the application site. This property would be located some 16m from the closest proposed dwelling with the flank walls broadly facing one another. Given the orientation and separation distances between the proposed development and Orchard End it is considered there would be no unreasonable loss of residential amenity to this property. The proposed development would not result in any direct overlooking into the habitable rooms or private outdoor amenity areas of Orchard End.

With regard to the impact to the residential development located to the east of the site, a majority of these houses would be located more than 20m from the proposed built development and would therefore not suffer any unreasonable loss of amenity.

The rear elevation of nos. 5, 6 and 7 Buxton Close would be located less than 20m from the proposed development. No.6 would be some 15m distance from the flank elevation of the dwelling proposed on plot 22. Given the orientation and proposed location of the windows, the dwelling on plot 22 would not result in a loss of privacy to the properties located on Buxton Close. Further the separation distances, together with the boundary screening and width of the public footpath, would ensure there would not be an unacceptable loss of light or outlook to these neighbouring properties.

The rear elevations of nos. 5 and 6 would be located some 19m from the rear elevations of plot 24. However, given the orientation of proposed development only oblique views would be afforded between the rear windows of the properties and together with the separation distance, is considered sufficient to ensure there would not be any unreasonable loss of outlook or light to the properties located on Buxton Close.

The garage at the rear of plots 14 and 15 would be located toward the rear gardens of nos. 15 and 17 Richmond Way. These garages would be a single storey structures separated

from the neighbouring rear gardens by the public footpath and largely screened by existing boundary treatment and would therefore, in my view, not result in any significant amenity issues.

Transport

Concern has been raised with regard to the impact on the existing road network. Existing residents are concerned that the proposal will increase the risks on the public highway and add to congestion. Accompanying the application was a full Transport Assessment. Detailed comments from Kent Highways have been provided and no objections are being raised in relation to the increased traffic generation, parking provision and highways safety.

Within the urban area Cripple Street is a wide carriageway of approx. 6.5m with street lighting and footways on either side. Along the site frontage and to the west of the site Cripple Street is a narrow country lane becoming Hayle Mill Road and Straw Mill Road on its way to the B2010 Farleigh Hill. It is a narrow carriageway which relies on passing places in parts for cars to pass, has no footways and occasional street lighting installed in recent years to improve safety. The frontage of the application site is covered by a 30mph speed limit.

At present the public footpath along Cripple Street stops just short of the application site at the end of the public footpath running along the eastern boundary of the site. Cripple Street curves gently round the southern boundary of the site, before turning fairly sharply north westward at the southwest corner of the site.

The application was submitted with an accompanying transport assessment by Monson that includes a turning movement survey and a traffic survey and trip generations in accordance with the TRICS database in accordance with KCC guidance.

Following pre-application comments from Kent Highways the re-alignment of Cripple Street is proposed. The street would be re-aligned to include a gently inverted curve which would safely allow the provision of a new vehicle access into the site from Cripple Street allowing for suitable sightlines and safe ingress and egress. The proposal also includes the widening of Cripple Street at the frontage of the application site which would improve highway safety in this area. The original submission proposed three new access roads from the re-aligned Cripple Street into the site, however, following initial comments from KCC highways the scheme has been amended reducing the number of proposed vehicle access to one. This amendment to the access has been endorsed by KCC Highways.

The demarcation in the new road surface along the re-aligned section of Cripple Street would also act as natural traffic calming slowing down traffic from east to west as it moves towards the fairly sharp bend further west of the site. Additional road signage and road markings would also be provided to enhance speed attenuation and slow traffic along this section of Cripple Street.

Overall the re-alignment, widening of Cripple Street and extension of the existing public footpath would represent an improvement over the existing road layout in terms of highways safety.

TRICs has been used to estimate the traffic generated by the development and this indicates that there is likely to be 5 arrivals and 11 departures during the AM peak and 13 arrivals and 7 departures during the PM peak. The number of trips generated significant increase and is considered not to result in an unacceptable highways impact onto Cripple Street in this location.

The Transport Statement advises that a majority of the traffic movements are likely to be via the Loose Road/Cripple Street junction due to the level of services on offer in this direction compared with west onto Cripple Street.

A capacity assessment of the junction at Loose Road/Cripple Street has been undertaken to assess the impact of the development. Growth factors have been applied to surveyed traffic flow data which estimate that 1518 vehicles use the junction at AM peak hours and 2240 during PM peak hours. The results indicate that the junction would operate without any significant queuing or delays with these predicted AM and PM peak traffic flows with the addition of the development traffic.

Residents are concerned over the safety of providing additional dwellings that would use the new access onto Cripple Street. The crash data was recorded over a three year period and indicates that 47 personal injuries accidents (PIAs) were recorded, however, of these only 3 recorded at the Loose Road/Cripple Street junction and all were minor and caused by driver error. There is no significant pattern shown by the type and location of the PIAs and their occurrence is unlikely to be materially affected by the development given the modest level of additional traffic predicted. Kent Highways are satisfied with the information available and design of the scheme that the proposal is acceptable in highway safety terms.

Concerns initially raised with by Kent Highways have been overcome through discussions / amended details.

Turning to the internal layout of the site, there is no objection to the siting and size of the parking bays, nor to the overall number of parking spaces provided. Cycle parking storage would be secured via condition. In terms of connectivity footways from the development site would link to the existing PROW to the east of the site.

There is a request from KCC PROW to provide a contribution of £5400 for the purposes of improving the environment and furniture of footpath KB22 and the legal dedication to increase the additional width of the footpath and for adjoining the sites pedestrian footpath to this footpath. At present the footpath is currently unlit and does not benefit from an all weather surface. The contribution would enable improvements and the widening of the footpath and are considered acceptable and in accordance with sustainable travel principles. Additionally, potential improvements to footpath KB22 have been identified in the Draft North Loose Neighbourhood Development Plan.

Affordable housing

The proposed scheme comprises the provision of 30% affordable housing (11 units) provided in two sections of the site. The affordable housing would consist of 5 two bed units and 6 three bed units.

The affordable housing policy in the Adopted Local Plan (2000) has not been saved. It has been replaced by a blanket requirement of 40%, as set out in the Council's Affordable Housing DPD that was adopted in 2006. The adopted DPD states that the council should seek to negotiate 40% affordable housing on sites of this scale. This policy document remains current and relevant; however, the council has emerging policy (CS9) within the draft Local Plan which requests 30% affordable housing provision in areas such as the application site. It is acknowledged that the draft Local Plan is in the early stages and therefore only holds limited weight in the decision making process. However, draft policy CS9 is based on housing assessment commissioned by the council to assess the viability of the emerging Local Plan within Maidstone Borough. The Viability Testing was undertaken by Peter Brett Associates (PBA); dated April 2013 and represents the most up to date and comprehensive data and methodology on affordable housing provision in the Borough.

The Viability Testing advises the proportions of affordable housing sought by the Council should be 20% in the urban area, 25% on the urban periphery and 40% in rural areas and at villages.

Following assessment of the viability report the Council accepted the need to differentiate the required provision according to location, but amended PBA's recommendations. The draft local plan, policy DM 24 therefore shows that the council will seek the delivery of affordable housing as follows:

Previously developed land-urban - 15%
Greenfield-urban and urban periphery - 30%
Countryside, rural service centres and larger villages – 40%.

The applicant has used the PBA assessment to underpin their proposal to provide 30% affordable housing and have provided a viability commentary which seeks to justify the level of affordable housing at this specific site, in accordance with the information contained within the PBA report and due to the high financial contribution sought. Whilst it is acknowledged that PBA assessment does use more up to date methodology, the Affordable Housing DPD 2006 remains the adopted policy. Whilst the DPD is still a material consideration it is significantly older than the Peter Brett report having being adopted in 2006, and in my view, greater weight should be afforded to the most up to date document and data in this instance. The application site represents a reasonable comparison to the urban periphery sites utilised in the Peter Brett Report which advises 25% affordable housing provision, whereas this scheme proposes 30%.

In addition, the affordable housing commentary provided by the applicant argues that the density has been reduced to limit the impact of the development on nearby listed buildings and conservation area. The reduction in density means that the development is less able to provide affordable housing when proportionately higher infrastructure costs are taken into account, such as the cost of diverting Cripple Street.

Furthermore, there is a good housing mix on the site and the affordable housing tenure split would be in accordance with council policy and the provision of 30% affordable housing does not warrant the development being unacceptable.

The Council's housing department has raised concern about the lack of one bed affordable units. In this instance, given the sensitive nature of the site, in proximity to listed buildings and conservation areas, apartment developments are not deemed appropriate and the opportunity for one bed units is therefore limited and would not make the best use of the land.

It is important to note that the Peter Brett Viability Report makes the assumption that new housing would be built to Code for Sustainable Homes Level 4. Achieving code level 4 has a greater cost implication than code level 3 therefore all the proposed new units would be required to meet code level 4 in order that a 30% affordable housing provision can be considered viable.

The proposed development is described as achieving level 4 of the Code for Sustainable Homes in the Pre-Assessment report and as such is compliant with the emerging local plan policy and the Peter Brett viability report. A condition is recommended to safeguard this to be achieved.

Landscaping

A comprehensive landscaping scheme has been proposed which would see a majority of the existing boundary trees and hedgerows retained with enhancements in a number of places

through new tree and native hedgerow planting. The landscaping scheme has been endorsed by the councils Landscape officer and would be secured via appropriate conditions. In addition, the boundary landscaping along the eastern boundary of the site adjacent to public footpath KB22 would be enhanced within the site and any fencing would be located behind the soft landscaping so as not to appear overtly harsh and dominant along the public footpath.

Few trees would be removed from the application site. The councils Arborist has not raised any objections to the removal of these trees subject to the additional tree planting proposed in the landscape scheme. Protection of the trees located on the boundaries of the application site could be secured by a suitably worded condition.

Ecology

A phase 1 ecological statement has been submitted. This reveals that there are no identified protected species on the site and overall no significant ecological constraints found on the site. Planning guidance states that in addition to mitigation, development should seek to enhance ecological interests. The application promotes ecological enhancement through the provision of open spaces, new tree planting and hedgerow planting.

Other ecological enhancements proposed are as follows:

- Closure of existing gaps in retained hedgerows
- Seed informal play space areas with wildflower mix
- Erection of bat and bird boxes on retained trees of the appropriate size;
- Cut-outs at ground level in the garden fences of the new residential houses, so as to ensure wildlife is able to move freely between gardens;
- Care over placing of lighting to ensure none are placed near the entrance/exit points of potential roost/nest sites; low spill lights where possible;
- Vegetation removal undertaken outside bird nesting season
- Additional planting
- Provision of hedgehog hibernation boxes

Natural England and KCC Ecology have raised no objections to the development of the site advising that no protected species would be affected.

Loss of agricultural land

The loss of grade agricultural land is noted however the Council's agricultural advisor has commented that the grade of land is not definitive and would most likely be classified grade 3b and no objections are therefore raised with regard to the loss of valuable agricultural land. However, it is clear that there is insufficient brownfield land to meet the Borough's housing need and the fact that the Council does not have a five year land supply means that some development greenfield sites and best and most versatile land is inevitable.

There is no evidence historically or in the current land use to suggest that the site is likely to be contaminated therefore no site investigation is required by the Council.

Flooding

The site is located within a Zone 1 (low risk) area and not subject to any significant risk from fluvial, coastal or tidal flooding. The flood risk assessment that was submitted has demonstrated that there would be no significant flood risk to the development and also that through the integration of sustainable drainage systems that there would be no significant surface water run off problems from the site. The Environment Agency has raised no objections to the application on this basis.

Heads of Terms

The consultees have requested a number of contributions to be secured through the application. It is important that any contributions that are secured through a Section 106 agreement would meet the requirements of the three tests of Regulation 122 of the CIL Regulations 2010 and paragraph 204 of the NPPF 2012.

These are set out below:-

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The NHS have requested £36,468 based on an average occupancy in relation to the size of the residential units towards improvements at the named surgeries of Boughton Lane Surgery, Grove Park Surgery, Northumberland Court Surgery and Mote Park Medical Practice all of which are within 1 mile of the site. It is clear that the proposed development of 36 dwellings would result in additional demand placed on the health facilities and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.

KCC Highways have requested a contribution of £3,000 per dwelling be sought towards strategic improvements to the A229 corridor from the A229/A274 junction to the Bridges Gyratory. It is clear that the proposed development of 36 dwellings would result in additional demand placed on the local highways network and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution and are deemed to meet the required tests of the CIL Regulations.

The Council's Parks and Open request £40.80 per dwelling to cover the improvement of open space in the vicinity of the site and have identified South Park and Mangravet Recreation Ground being within 1 mile of the development and specifically has a gap in play provision for 5 to 9 year olds. It is also envisaged that with a large increase in families moving into the area that these two parks will see an increase in usage and so toddler and teen provision will also need further addressing. It is clear that the proposed development of 36 dwellings would result in additional demand placed on the existing play spaces and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.

There are requests made by Kent County Council as the Local Education Authority towards primary school education contributions that amount to £4000 per applicable house & £1000 per applicable flat towards build cost, and £2701.63 per applicable house and £675.41 per applicable flat towards land costs. The monies would be put towards the provision of new schools in the borough at Hermitage Lane and Sutton Road. There will be a greater demand placed on schools within the borough from the occupants of the new 36 dwellings and information submitted by County shows that these are at capacity and as such the contribution is considered justified and appropriate.

In addition to a new primary school Kent County Council as the Local Education Authority require contributions towards additional secondary school places by extending existing secondary Schools in the Town at a cost of £2359.80 per applicable house & £589.95 per applicable flat. There will be a greater demand placed on the local schools from the occupants of the new 36 dwellings and information submitted by County shows that these are at capacity and as such the contribution is considered justified and appropriate.

Kent County Council have sought contributions of £30.70 per dwelling towards community learning, which would be £1105.20 for 36 dwellings. The contribution would be used to pay

for adult learning classes or Outreach Adult Learning in Maidstone. It is clear that the proposed development of 36 dwellings would result in additional demand placed on the health facilities and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.

There is a request of £8.44 per dwelling sought by Kent County Council, which would be £303.84 for 36 dwellings. This contribution would pay towards the provision of staff and equipment for Maidstone Borough Youth Outreach services in the area. It is clear that the proposed development of 36 dwellings would result in additional demand placed on the youth facilities available in the area and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.

Kent County Council to provide £183.14 per dwelling which would be £6593.40 for 36 dwellings. This would be used to provide for expansion of Library services locally and additional bookstock & equipment to deal with the addition usage from this development. It is clear that the proposed development of 36 dwellings would result in additional demand placed on the bookstock at Maidstone library and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.

Kent County Council has sought contributions of £53.88 per dwelling, which would be £1,939.68 for 36 dwellings towards adult social services. The projects identified include the expansion of the services and facilities for older people care needs and adults with learning and physical disabilities. It is clear that the proposed development of 36 dwellings would result in additional demand placed on the social services provided by Kent County Council and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.

There is a request from KCC PROW to provide a contribution of £5400 for the purposes of improving the environment and furniture of Public Footpath KB22 and the legal dedication of additional width for adjoining Public Right of Way. It is clear that the proposed development of 36 dwellings would result in additional demand placed on the adjacent footpath and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.

Provision of 30% affordable housing (11 units) provided in two sections of the site. The affordable housing would consist of 5 two bed units and 6 three bed units with a tenure split of 60% for rental and 40% of dwellings as shared ownership.

CONCLUSION

Development at this site would extend the grain of development from Broadoak Avenue to the east and would infill the space between the urban area and the more sporadic development to the west of the site. The level of affordable housing would be contrary to policy, however, the 30% provision has been influenced by the overall density of the development and location of neighbouring listed buildings. Whilst the development would have an impact upon the setting of the listed buildings of Bockingford Farmhouse and the Loose Valley Conservation Area, I do not consider that this would be a significant impact to resist development altogether. In addition to this, the need to provide sites suitable for housing holds significant weight which outweighs this harm. The site on the boundary of the urban area in easy reach of a number of services and facilities as well as a well used bus route. The development of this site for residential purposes would represent an example sustainable development and would conform to the aspirations of the NPPF.

Furthermore, the site, being on the periphery of the urban area of Maidstone, would be in conformity with the Council's hierarchy of development which seeks to direct development to the urban area of Maidstone in the first instance followed urban fringe sites. Therefore, the

development of this site for residential purposes would conform with the Council's approach to the location of development.

It is therefore considered that the development of the site for residential purposes is acceptable and it is recommended that subject to the completion of a section 106 agreement planning permission is granted.

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 30% affordable residential units within the application site. 60% rental and 40% shared ownership.
- Contribution of £36,468 to be sought from the NHS towards improvements to local surgeries.
- Contribution of £4,000 per applicable house and towards construction of a new primary school in south east Maidstone and £2,701.63 per applicable house towards land acquisition costs and £675.41 per flat.
- Contribution of £2359.80 per applicable house towards secondary education provision in Maidstone and £589.95 per flat.
- Contribution of £30.70 per household sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both through dedicated adult education centres and through outreach community learning facilities local to the development.
- Contribution of £8.44 per household sought to be used to address the demand from the development towards youth services locally.
- Contribution of £183.14 per household sought to be used to address the demand from the development towards additional bookstock and services at local libraries serving the development.
- Contribution of £53.88 per household sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both on site and local to the development including assistive technology, and enhancement of local community facilities to ensure full DDA access.
- Contribution of £3,000 per dwelling towards strategic improvements to the A229 corridor from the A229/A274 junction to the Bridges Gyratory
- Contribution of £40.80 per dwelling towards the improvement of open space in the vicinity of the site and have identified South Park and Mangravet Recreation Ground.
- Contribution of £5400 sought for the purposes of improving the environment and furniture of Public Footpath KB22. The legal dedication of additional width for adjoining Public Right of Way.

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

CONDITIONS

(1) The development hereby permitted shall be begun before the expiration of one year 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 any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

(3) The development shall not commence until, details of all fencing, walling (including rag stone walls) and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

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

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

The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment 2012 and shall include details of the repair and retention of existing hedgerows and tree lines within the site; the provision of the wildflower planting; enhancements to the north, east and west boundary planting, SUDs and swales planting, street planting and private garden planting.

The implementation and long term management plan shall include long term design and objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens.

The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details over the period specified;

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

(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 external appearance to the development.

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

Reason: To ensure a satisfactory external appearance to the development and to safeguard the trees on site.

(7) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a habitat management plan detailing how all the ecological enhancements and protected species mitigation will be managed long term. The site shall be managed in accordance with the approved habitat management plan thereafter.

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

(8) Should ground works not commence within two years of the Ecology Report dated August 2014 a further reptile survey of the site shall be undertaken and submitted to and approved in writing by the Local Planning Authority.

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

(9) The proposed development shall not be occupied until provision for cycle storage has been made in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking and refuse/waste storage arrangements shall be retained thereafter.

REASON: To provide adequate transport arrangements.

(10) 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 and to safeguard the appearance of the area

(11) The development shall not commence until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development.

(12) 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. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: In the interest of residential amenity

(13) 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 storage of/disposal of surface water from the site.

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

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

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

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

(16) Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: To ensure suitable foul and surface water sewerage disposal is provided.

(17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Class(es) B, C, and F and within Schedule 2, Part 2 Class(es) A; 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 prospective occupiers and surrounding neighbours.

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

14032 P110, 14032 P111A, 14032 P113, 14032 P114, 14032 P115A, 14032 P116, 14032 P117, 14032 P118A, 14032 P119A, 14032 P120, 14032 P121, 14032 P122A, 14032 P123, 14032 P124, 14032 P125, 14032 P126, 14032 P127, 14032 P128, 14032 P129, 14032 P130A, 14032 P131A, 14032 P132, 14032 P133A; dated June 2014 and P260/PL/330; dated March 2015 and 14032 P102K; dated 22.05.2014 and 14032 S101; dated 7/08/2014 and 2940_DR_001B; dated 24/11/2014 and 2940_DR_002A; dated 12/08/2014, S13/4042/03; dated Nov 2013, Design and Access Statement by Millwood; August 2014, Arboricultural Report (2940_RP_003A) and Arboricultural Impact Assessment (2940_RP_002A) by Lloydbore; dated 1/08/2014, Landscape Appraisal (2940/RP001A) by

Lloydbore; dated 12/08/2014, Transport Statement by Monson Issue 1 (5500H); dated 24/07/2014, Site Waste Management Plan by Millwood; dated 21.07.2014, Planning Statement by Peter Court; dated August 2014, Flood Risk Assessment by Monson Issue A; dated 16/07/2014, Ecological Appraisal (E1791R1) by Bioscan; dated August 2014, Archaeological Desk-based Assessment (CSM14/108); dated July 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 should have regard to the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

(2) Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

(3) Flood Risk

36 houses will be introduced to the land. These homes and the accompanying driveways and landscaping, will increase the amount of impermeable ground present. Surface water drainage management should be clearly addressed. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity. The variety of SUDS techniques available means that virtually any development should be able to include a scheme based around these principles. Water butts and rain storage tanks cannot be included as part of the surface water drainage management as it cannot be assumed that the storage tanks will be empty.

Water Resources

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 properties, 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 (equivalent to Code for Sustainable Homes Levels 3/4). To achieve level 3/4 for water use will only cost around an additional £189 per property (over and above baseline cost for standard appliances).



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THE MAIDSTONE BOROUGH COUNCIL

Gatland House
Gatland Lane
Maidstone
Kent
ME16 8PF

MBC Ref: 14/503957



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Rob Jarman
Head of Planning

REFERENCE NO - 14/503957/FULL

APPLICATION PROPOSAL

Application for permanent change of use to a free school (Class D1)

ADDRESS Gatland House Gatland Lane Maidstone Kent ME16 8PF

RECOMMENDATION Approval

SUMMARY OF REASONS FOR RECOMMENDATION

- The proposal will increase the choice of schools to meet the needs of the community.
- The provision of new free school buildings is supported by the NPPF.
- Pre-application discussions have helped to ensure that the key planning issues have been resolved.
- Development supports the provision of new and expanded schools and the NPPF advises local authorities to use their planning powers to support schools applications.
- The proposal will not result in negative local impacts which substantially outweigh the desirability of establishing a new school as outlined in this assessment of the planning proposal.
- The Development Plan supports the provision of new and expanded schools.
- There are no significant arboricultural or ecological issues with this case. There are no significant highways issues and the development is too far removed from neighbouring residential property to significantly affect neighbours' amenity.

REASON FOR REFERRAL TO COMMITTEE

Councillor Paul Harper has requested this application be referred to planning committee for the reasons stated in the body of the report.

WARD Fant Ward

PARISH/TOWN COUNCIL

APPLICANT Education Funding Agency
AGENT Emily Cochrane

DECISION DUE DATE
07/11/14

PUBLICITY EXPIRY DATE
07/11/14

OFFICER SITE VISIT DATE

RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):

The site has been vacant since July 2012 and has an existing planning consent for 14 residential units which has not been implemented. Previous to this the site was used as clinical and administrative offices and clinical treatment facilities for child and adolescent mental health services.

A restrictive condition also limits the use of the building within Class D1 under Planning Permission 1996/0987.

MAIN REPORT

- 1.01 The application site is currently dominated by Gatland House which is a large two storey building that takes on a general L' shape. The building fronts onto Gatland Lane with a large area of hardstanding and a separate single storey building to the immediate rear of the site; and beyond this there is a grassed area that leads up to the rear boundary of the site. There are two existing vehicle access points into the site from Gatland Lane (either side of the buildings frontage); and there is a grass verge and low level wall for boundary treatment to the front of the site, with an area of hardstanding behind. Boundary treatment to the north (rear) and west largely consists of well established conifer trees; and to the east it is of close boarded fencing and some level of planting. To the east and south there are residential properties, with the rear gardens of properties in Sherbourne Drive backing onto the site: to the north a substation and then a playing field beyond; and to the west an access road and then a sports field.
- 1.02 The site covers an area of some 0.48 hectares and is within the defined urban area as identified by the Maidstone Borough-Wide Local Plan 2000 (MBWLP)

2.0 PROPOSAL

- 2.01 This application seeks permission to allow for the permanent change of the use of the site for educational purposes. The school was opened in September 2014 as the Jubilee Free School.
- 2.02 The school currently operates as a 2FE primary school admitting 60 pupils into two reception year classes each comprising no more than 30 pupils. It is proposed that the school will expand by 60 pupils per year until reaching full capacity of 420 pupils in September 2020.
- 2.03 Approximately 2.5 full time equivalent (FTE) members of staff are used for each classroom. Therefore it is estimated that at full capacity the school will employ up to 35 FTE members of staff in 2020.
- 2.04 A breakfast club is also proposed with operating hours beginning at 07.40 hours with after school activities concluding at 18.00 hours
- 2.05 The current use of the site has not resulted in its reconfiguration however a new 2.4m high fence is proposed to secure the exterior of the site and a 1.0m high picket fence to segregate outdoor play areas for the early years and the rest of the school.
- 2.06 Pedestrian and vehicular access to the site will be maintained through the existing access points at the eastern and western extents of the site on Gatland Lane.

- 2.07 The western entrance will be used for those parents and pupils arriving on foot to the front of the main building whereas the eastern entrance which currently allows access to 40 car parking spaces at the rear of the site will be restricted to vehicular access for visitors and staff.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	0.48 hectares	0.48 Hectares	0
No. of Storeys	2	2	0
Net Floor Area			
Parking Spaces	40	40	0

4.0 PLANNING CONSTRAINTS

Potential Archaeological Importance

5.0 POLICY AND OTHER CONSIDERATIONS

National Planning Policy framework (NPPF)
 Planning Policy Guidance (PPG)
 Maidstone Borough-Wide Local Plan, Policies CF2 and CF3
 Maidstone Borough Local Plan Regulation 18 Consultation 2014

6.0 LOCAL REPRESENTATIONS

Site notice: Expiry date 10/11/2014

- 6.01 Total of 80 letters of representations has been received from local residents objecting to the proposals.

- 6.02 The key objections are:-
- The building and site are unsuitable for the proposed use and cannot accommodate 420 pupils in the long term.
 - Impact on the road due to generation of additional traffic (including construction vehicles) and on street parking by visitors.
 - Lack of public consultation over the proposals.
 - The creation of the school will limit the choices for local parents who do not want a religious education for their children.
 - The site is too small to accommodate a Primary school, a 6th form would be more appropriate.
 - The proposed 40 car parking spaces is inaccurate, the submitted plans indicate that some of the early years play area include some parking spaces, however this is not reflected within the submitted Transport Report.
 - Insufficient outside play areas for the proposed pupils.

- The development would cause significant vehicle trips along a narrow residential road to the detriment of pedestrian and highway safety.
- The applicant has failed to demonstrate that there is real educational need for the proposed school within the local area.
- The application indicates that only internal reconfiguring of the school however the plans show a large extension is proposed at the rear of the school.
- The proposed school is an inefficient use of public funds.
- The school site will only cause further harm along the road and fails to provide suitable drop-off points for parents and pupils.
- The road is not suitable for large vehicles and vans, particularly when cars are parked on the road.
- The proposal will place further pressure on the local Gatland Park if the school are permitted to use it for recreational purposes.
- A petition with 130 signatures has also been submitted to the council with the following wording *"We Object to the Proposal to grant change of use of Gatland House to school. We consider this to be an inappropriate use of the building and site as no remediation in terms of the usage of the site is proposed"*

6.03 Councillor Paul Harper has requested that the application be heard at committee for the following reasons;

- 1) There is great opposition to the plan and little or no evidence of local support, at a public meeting on the 27th October over 90% of an audience of over 150 people were passionately against this proposal for the negative impact it will have.
- 2) No evidence has been presented to demonstrate that there is any support for Free School provided by the Jubilee Church based at Gatland House That is a fundamental requirement for the establishment of a Free School at a consultation stage.
- 3) The applicant states that there is light traffic in the area, during school opening and closing times this is simply not the case, Bower Grove School is just around the corner and is a Special Educational Needs (SEN) School which pupils from the whole of Kent travel to. Due to being an SEN school they require additional staff who will also have to travel to/from the site. This alone has a significant highways impact during school opening and closing times. This also reduces the number of safe parking spaces on the local roads as the site doesn't have enough parking to contain all the vehicles.
- 4) Great consideration should also be given to the high volume of cars that use Glebe Lane and then Gatland Lane to avoid the Fountain Lane junction which is currently running well over capacity especially in peak times. The applicant's only mitigation proposal is a breakfast club which is extremely weak in my view and does not address the issue for a school of over 400 pupils.
- 5) The highways and noise impact generated from this site will be significantly greater than that of its previous use as a child and Adolescent Mental Health service. It's important to note that as its previous use appointments were spread across the whole day not

putting a significant strain on the highways at any one time. The school will greatly increase traffic in two peak periods of the day which are already busy due to Bower Grove School and rat running vehicles. The applicant mentions public transport to the site, the first bus along Gatland Lane does not start until 9.30am. It should also be noted this is a primary school so its highly unlikely pupils will travel to and from the site via any means of public transport. This is also reflected in the figures given by the applicant of people who travel to school via public transport at other schools in the area. Therefore this will provide very limited mitigation at best.

- 6) 420 students on a site of this size is over development of the site, other schools in the area with similar numbers of pupils have much larger sites, such as Westborough School. I therefore question the quality of education they will be able to provide due to lack of amenity space.
- 7) Using the applicants own figures there will be a need for 137 temporary parking spaces in the area in addition to the need for a mixture of temporary and permanent parking spaces for Bower Grove School

6.04 A total of 58 letters in support of the application has been received.

6.05 A pre-application consultation was held at the council offices and the applicant organised a community consultation event on the 27 October 2014.

7.0 CONSULTATIONS

7.01 **MBC Heritage, Landscape and Design:** Heritage Officer states; "The trees do not appear to fulfill the criteria for the making of a TPO. I therefore, raise no arboricultural objection to the proposal subject to pre commencement conditions requiring a detailed tree protection measures in accordance with BS5837:2012".

7.02 **KCC Highway Services:**

"I note that this school has already opened and started education for some children. Under the County Councils car parking standards for new schools there is a recommendation that car parking is provided for primary and secondary schools at a rate of 1 space per staff + 10%. From reading the transport statement and studying the site it appears that there is scope for this to be satisfactorily accommodated by the current car park to the rear of the site (albeit that this appears to be currently, temporarily partitioned).

There is also a requirement however for new schools to provide for the settling down and picking up of children in a manner that does not unduly interfere with the operation of the public highway. This normally requires new schools to include an appropriately sized and designed car park which allows picking up and dropping off to be efficiently undertaken off road/ on-site.

The use of an existing building, the need for schools to have recreational space, the commencement of this school and the special government drive for free schools to be established does however leave me to question whether this requirement can be insisted upon by the Local Highway Authority.

It is considered however that there are a variety of traffic management measures for the locality that need to be addressed and implemented here for this school. This is for mitigation, road safety and sustainable transport reasons. It is considered that the applicant will need to enter into a section 278 agreement with the highway authority in order to establish the following:-

Corner protection car parking restrictions in a variety of places to enhance and enforce guidance to not park on corners already given in The Highway code (paragraph 243).

A school clearway marking it is considered that this should be established between the two entrances onto Gatland Lane.

Dropped kerbs not least between nos. 23 and 25 Gatland Lane and opposite to combine with the school clearway marking described above. There are a number of other locations where dropped kerbs at the corners of junctions would be beneficial and this would tie in with the corner protection markings also described above.

Should this schools enrolment continue to grow, the school should consider the employment of a school crossing patrol. This would not be part of a section 278 agreement with the Highway Authority but again would tie in with the dropped kerbs and school clearway marking described.

The establishment of school warning signs from each approach in accordance with the statutory instrument the Traffic Signs regulations and General directions 2002. It's considered that this should include signs which incorporate school flashing beacons to operate at school start and finish times.

Other measures that are considered necessary but not part of a S278 agreement are:-

A school crossing patrol as described above.

Provision of cycle parking in accordance with the County's parking standards for this use.

The issuing of an updated and progressive School Travel Plan for approval by the Local planning Authority with each academic year.

For reasons of integration with the surrounds and encouragement of sustainable travel to/from school, a pedestrian access at the north western area of the site. This is recommended both for walking to school from this quadrant and for picking up and dropping off from this area (Gatland Recreation Ground).

As a final measure to be included as part of the section S278 agreement, I note from my site visit that overrunning onto the footway at the eastern corner

of the entrance to Gatland recreation ground occurs, and that physical improvements with minor widening to this access junction would be beneficial for pedestrians and motorists.

Subject to the above, I write to confirm on behalf of the Highway Authority that I have no objection to this application”.

7.03 Environmental Services:

The proposed development is sited to the south of the Maidstone town in a residential area. Although the proposed development lies within the Air Quality Management Area, I do not consider that residents will be adversely affected by poor air quality, and therefore no further action is required. Historic contaminated land maps show that contamination is not likely in this location.

There are no sources of transportation noise (road or rail) which are likely to affect the residential amenity of the residents of the proposed development.

There are no other Environmental Health concerns in relation to this development.

8.0 BACKGROUND PAPERS AND PLANS

8.01 Application form, Site Plan; Ground Floor Plan MD-H041G-REVA, First Floor Plan MD-H0411 REV A, Proposed Ground Floor Plan, A200 REV A, Transport Statement, Noise Assessment, received 15/09/2014.

8.02 Restrictive condition limiting the D1 use (Class) of the building under planning permission 1996/0987.

9.0 APPRAISAL

9.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this instance the Development Plan comprises: The Maidstone Borough-Wide Local Plan (MBWLP) 2000, Saved Policies of the MBWLP and the Maidstone Borough Local Plan Regulation 18 Consultation (2014).

9.02 Consideration is also given to relevant national planning policy which includes the National Planning Policy Framework (2012).

9.03 National Planning Policy

9.04 Free Schools are non-profit-making, independent, state-funded schools. They are set up in response to what local people say they want and need in order to improve education for children in their community.

Groups running free schools cannot make a profit and the schools are subject to the same Ofsted inspections as all maintained schools.

The admissions arrangements of all free schools must be fair and transparent. Free schools are expected to be open to pupils of all abilities from the area and cannot be academically selective.

To set up a Free School, founding groups submit applications to the Department of Education. Ongoing funding is on an equivalent basis with other locally controlled state maintained schools, although additional start-up grants to establish the schools are also paid.

The National Planning Policy Framework (March 2012) sets out the Government's planning policies for England and how these are expected to be applied. The core purpose of the planning system is to contribute to the achievement of sustainable development [para 6] by creating high-quality built environments, with accessible local services, reflecting the community's needs and supporting its health, social and cultural well-being [para 7].

- 9.05 Great importance is placed on ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities [para 72]. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools; and work with schools promoters to identify and resolve key planning issues before applications are submitted.
- 9.06 Good design is seen as a key aspect of sustainable development and should contribute positively to making places better for people [para 56]. Para 58 goes on to state that planning policies should ensure that developments:
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
 - optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
 - respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
 - create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;
 - are visually attractive as a result of good architecture and appropriate landscaping

This echoes the earlier Policy Statement 'Planning for Schools Development' (August 2011) which states that;

'There should be a presumption in favour of the development of state funded schools as expressed in the National Planning Policy framework. Local Authorities should give full and thorough consideration to the importance of enabling the development of state funded schools in their planning decisions. The Secretary of State will attach significant weight to the need to establish and develop state funded schools when determining applications and appeals that come before him for decision'.

'Local authorities should make full use of their planning powers to support state funded schools'.

Development Plan Policy

Maidstone Borough-Wide Local Plan policies CF2 and CF3 are relevant to this application.

Policy CF2 states;

'In considering proposals for development of publicly owned land or for the change of use of existing redundant community facilities, the borough council will need to be satisfied that an identified need for community facilities that could be met on the site, does not exist'.

Policy CF3 states;

'Proposals which would lead to a significant loss of community facilities will not be permitted unless a replacement facility acceptable to the borough council is provided'.

Jubilee School

- 9.07 Jubilee Primary is proposed as a 2FE Primary School and at full capacity will accommodate 420 pupils. The school opened in September 2014 with the first intake of reception pupils. There will be an intake each academic year in September; the maximum intake can be up to 60 pupils. In September 2014 there was an intake of 30 pupils. There will be a further intake in September 2015, which could be up to 60 reception pupils, thus potentially increasing the number of pupils on site to 90 pupils in reception and year one classes.

As explained above the school will continue to expand by 60 pupils each academic year and is due to reach full capacity in September 2020, thus demonstrating the phasing of pupil intake at Gatland House.

As previously advised, the existing building is 1,330 sqm and this is sufficient to accommodate 240 pupils (2 classes of 30 pupils for each year group from reception through to year 3). To accommodate the remaining 3 year groups (years 4, 5 and 6) an extension of 742 sqm is required. The required extension will form a separate application and is planned to be in place by September 2018.

Principle of Development

- 9.08 With regards to Policies CF2 and CF3, It is considered that the crux of the issues revolve around greater choice to access education and the suitability of the site for the proposed use, as opposed to whether a need has been met by the proposals.

The National Planning Policy Framework strongly supports school development: *“The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen choice in education”*.

‘They should:

give great weight to the need to create, expand or alter schools; and

‘work with schools promoters to identify and resolve key planning issues before applications are submitted.’ [Para 72].

- 9.09 The Jubilee Free School (JFS) will provide a traditional, school style of education for 420, 4 to 11 year old students from the local area. It will have a curriculum based upon academically focused subjects such as humanities and science as well as specialising in the Creative and Performing Arts, preparing its students for their secondary education.
- 9.10 The school will have a faith ethos however it will be open to anyone and is non-selective.
- 9.11 The JFS school hours inclusive of both a breakfast club and after school activities will be 7.40am -18.00pm from Monday to Friday.

Pre-application discussions have helped to ensure that the key planning issues have been resolved. Furthermore the proposed development is supported by national planning policy which advises local authorities to use their planning powers to support schools applications.

It is also worth noting that the building currently benefits from (Class) D1 use as such therefore the principle has already been established for a high generating activity on the site. This being said, were the condition not imposed on the 96/987 application, then a change of use could have occurred without the need for planning permission. The condition stated the following:

‘the premises/land may be used for clinical centre for child and adolescent services only and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning Use Classes Order,

1987,) or any provision equivalent to the Class in any Order revoking and re-enacting that order’.

I consider the impact of a 240 pupil school is substantially less than a 420 pupil school. Clearly without an extension to the building the higher number of pupils cannot be accommodated.

The applicant states that an application would be submitted in 2018 for the extension to allow the school to operate to full capacity. The acceptability of the extension and potential loss of parking/play space cannot be pre-judged and I therefore propose a condition limiting the number of pupils to 240.

In conclusion it is considered that the proposals would not result in negative local impacts with pupil numbers limited to 240, the NPPF supports the provision of new and expanded school places and requires local authorities to take a proactive, positive and collaborate approach to meeting this requirement, the Maidstone Borough Wide Local Plan supports the provision of new and expanded schools, as such the principle of development is considered to have been met.

Visual Impact

9.12 The NPPF states that:

“Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.” [Para 56]

9.13 The proposal seeks to maintain most of the external façade of the building but proposes internal reconfiguration to accommodate the required classrooms. The proposal further includes an external play area to the rear which includes a separate early year’s play area.

The former use of the site as clinical and administrative offices for child and adolescent mental health services included a car park with 40 parking spaces.

Much of the proposed development is considered likely to have limited visual impact on the area and the overall building. As such the proposal is considered acceptable in terms of design and visual impact. This being said a landscaping and boundary treatment scheme should be submitted to enhance the visual impact of the site.

Residential Amenity

9.14 As mentioned above the site adjoins residential properties to the east, Gatland recreational ground to the west and an electrical sub station to the north. There would be no adverse impact from the development on residential property. The change of use would not cause significant loss of light, outlook or privacy.

Highways

- 9.15 The application is supported by a Transport Assessment prepared by Transport Consultants Robert West.
- 9.16 40 car parking spaces are proposed and the school has a no onsite drop-off policy, the existing 40 spaces to the rear of the building and two disabled parking spaces to the front of the main building will be retained for use by staff and visitors. There are no proposed changes to access or egress for pedestrians or vehicles and parking arrangements will remain the same.
- 9.17 Concern has been expressed from local residents that the use of Gatland Lane by parents dropping of children would cause congestion, however KCC Highways raise no objections to the development on highway safety grounds or impact on the local road network subject to a S 278 condition mentioned in paragraph 7.02 above. They also conclude that the level of car parking provision is acceptable. The proposed car parking spaces are deemed wide enough for use by disabled persons and the site is on a public transport route to Maidstone Town Centre and other local services
- 9.18 Further correspondence from Consultants Robert West on the 17th December 2014 details mitigating measures that would need to be introduced in order to deal with additional traffic generation and car parking demand. The report recommends the followings:
- Production of a School Travel Plan (STP) to encourage car sharing and reduce single car driver/lone passenger trips.
 - Monitoring of transport impact assessment through the STP as the school expands
 - Use of School warning signage to alert drivers.
 - Use of clear markings outside the school accesses to reduce congestions and maintain safe visibility for crossing pedestrians.
 - Use of double yellow line waiting restrictions at the junction of Gatland Lane with Ridgeway and Chamberlain Ave. to ensure parked cars do not reduce visibility to traffic on Gatland Lane.
- 9.19 It is considered that the mitigation measures proposed are in line with the KCC Highway services requests and these can be secured by planning conditions.
- 9.20 It is also considered that the site currently has limited capacity for on site car parking and as such any increase in the number of pupils beyond 240 could adversely impact on the highway safety and amenities of the local residents. For this reason it is recommended that a condition be imposed limiting the number of the pupils to 240.
- 9.21 It is appreciated that the school has the aspiration to increase the numbers of pupils to 420 by 2020 and this would involve the erection of over 740sqm of additional new building to enable the school to increase its capacity. The issue of impact of the future building and associated highway and increase in

the number of pupils to 420 can be considered when the application for the new building is submitted.

- 9.22 On balance therefore it is considered that the school in its present form can accommodate up to 240 pupils subject to the introduction of the mitigating measures proposed by the Robert West report and a section 278 condition proposed by KCC Highway Services without causing detrimental impact on the highway safety and amenities of the local residents.

Landscaping

- 9.23 No trees or hedgerows would need to be removed to facilitate the development. No new planting is proposed, however I consider that it would be appropriate to request a landscape scheme be submitted to enhance the site.

Other Matters

- 9.24 The application is supported by a Noise Assessment Report prepared by Hepworth Acoustics. The report concludes that it is predicted that the use of the external playground areas and student drop off/collection will not result in any unacceptable noise impact to residents at Gatland Lane and Sherbourne Drive. The environmental officer has stated that the development is unlikely to cause significant harm to local residential amenity.
- 9.25 The question has been raised regarding Sport England's views and whether there is adequate amenity/play space. Sport England are a consultee when there is to be a reduction in playing field space and not when a new school is proposed.
- 9.26 I note from the application documents that the school has an agreement with the Bower Grove School to share their playing fields. It is also likely to use Gatland Park on an informal basis. This again leads me to conclude that whilst the impact of a 240 pupil school can be accommodated, whether or not the higher pupil number could be is for a later assessment.

10.0 CONCLUSION

- 10.01 The proposed development involving the permanent change of use of the building to a free school, and the upgrading of the facilities to meet current standards is considered acceptable. The site has sufficient land at the rear of the site to facilitate expansion and the proposal to utilise the facilities at nearby Gatland Park will support the growth and development of the school. The proposed D1 use is entirely consistent with national, regional and local policy. In addition no dwellings are likely to be significantly affected by this scheme in terms of loss of privacy, loss of light or loss of outlook.

I consider the access road capable of accommodating any additional traffic generated by the change of use and there is, in my view, parking and turning space available around the buildings.

10.02 All other technical impacts in terms of transport, noise, daylight and sunlight, flood risk, archaeological impact, contamination and construction are all well within appropriate levels for this urban location.

11.0 RECOMMENDATION – GRANT Subject to the following conditions

CONDITIONS to include;

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

Annotated site location plan, Ground Floor Plan MD-H041G-REVA, First Floor Plan MD-H0411 REV A, Proposed Ground Floor Plan, A200 REV A, all received 15/09/2014.

2. The school shall not enrol more than 240 pupils at any time.

Reason: In the interests of highway safety and amenity of the area.

3. The applicant shall enter into a section 278 agreement with the highway authority within 3 months of the issuing of this decision in order to establish the following:-

a) Corner protection car parking restrictions in a variety of places to enhance and enforce guidance to not park on corners already given in The Highway code (paragraph 243).

b) Dropped kerbs not least between nos. 23 and 25 Gatland Lane and opposite to combine with the school clearway marking described above. There are a number of other locations where dropped kerbs at the corners of junctions would be beneficial and this would tie in with the corner protection markings also described above.

c) A school clearway marking shall be established between the two entrances onto Gatland Lane.

d) The establishment of school warning signs from each approach in accordance with the statutory instrument the Traffic Signs regulations and General directions 2002. It's considered that this should include signs which incorporate school flashing beacons to operate at school start and finish times.

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

Reason: In the interests of highway safety and amenities.

4). Within 3 months from the date of this decision a School Travel Plan shall be submitted for approval of the Local Planning Authority. The travel plan shall introduce mitigation measures proposed in Robert West Transport Statement dated September 2014.

Reason: In the interests of highway safety and amenities of the area.

5) Within 3 months from the date of this permission details of a cycle parking plan shall be submitted for approval by the Local Planning Authority. The approved plan shall be implemented within 6 months from the date of the approval of the plan and maintained as such.

Reason: In the interests of highway safety and amenity.

6) Within 3 months from the date of this permission details of a new pedestrian access along the northwest corner of the school ground shall be provided for approval by the Local Planning Authority. The approved plan shall be implemented within 6 months from the date of the approval of the plan and maintained as such.

Reason: In the interests of highway safety and amenity.

7) Within 3 months from the date of this permission details of a lighting scheme shall be submitted for approval by the Local Planning Authority. The approved lighting scheme shall be implemented within 6 months from the date of the approval of lighting scheme and maintained as such.

Reason: In the interest of safety and amenity

8) Within 3 months from the date of this permission details of a landscaping scheme shall be submitted for approval by the Local Planning Authority. The approved landscaping scheme shall be implemented in the first planting season from the date of the approved scheme and any trees or plants which within a period of five years from the implementation of the landscaping scheme 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 visual appearance of the school grounds.

9) Within 3 months from the date of this permission details of boundary treatment of the school grounds shall be submitted for approval by the Local Planning Authority. The approved boundary treatment shall be implemented within 6 months from the date of the approval details and maintained as such.

Reason: In the interests of safety and amenity

Case Officer: Ray Deans

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.

Item 17

Jubilee Free School

14/503957/FULL

Gatland House Gatland Lane

Maidstone ME16 8PF

Councillor Dan Daly has provided additional correspondence from KCC Education which reads as follows:

“Gatland House was not considered for use by KCC for primary provision because it would not meet the latest Building Bulletin for a 2FE primary school and would not therefore be deemed suitable for the establishment of a new academy. An example is that the site would have insufficient space for playing fields. Of course Free Schools have more flexibility over this, which is why I think the building /site was attractive to the EFA. On the example of playing fields, I understand the free school and /or EFA have been seeking use of the adjacent recreational ground.

It should be noted that the planning group of Maidstone West, in which Gatland House sits, was not forecast to experience significant demand for places in 2014, when the school opened.

As context, KCC has lobbied for the free school to open in Maidstone North, where there are significant pressures on primary provision. The Jubilee Group had also wanted the school to open in Maidstone North but the EFA were unable to identify an affordable site. The EFA therefore turned their attention to Gatland House which was on KCC’s disposals list and advertised commercially.

Therefore KCC Education did not consider the practicalities of operating a school from this site.”

Officer Comment

Jubilee Primary School has had meetings with KCC Highways in connection with traffic generation, parking and road safety matters, the attached conditions and section 278 Agreement which KCC Highways have requested the school enter into mitigates the many issues that have been raised in regards to highways and pedestrian safety.

The further expansion of the school (under proposed Phase 2 works) and the issue of adequate play space will be the subject of scrutiny under a separate planning application to be submitted later in the year. The attached conditions have limited the school to no more than 240 pupils which the site is considered capable of accommodating.

The bulletin referred to in the report by KCC Education although a relevant planning matter is given limited weight in determining the application when considered against Central Government guidance on Schools contained in the NPPF (2012) and the Policy Statement ‘Planning for Schools Development’ (August 2011).

Furthermore all applications to set up a free school must be approved by the Secretary of State for Education. Free schools must:

- meet a genuine need in the community, backed up by evidence
- have a good financial plan in place

- have 'fair and transparent' admissions criteria

Amendment to highways condition

The Highways condition should be amended to read as follows:-

- 3) The applicant shall enter into a section 278 agreement with the highway authority within 3 months of the issuing of this decision in order to establish the following:-
 - a) Corner protection car parking restrictions in a variety of places to enhance and enforce guidance to not park on corners already given in The Highway code (paragraph 243).
 - b) Dropped kerbs not least between nos. 23 and 25 Gatland Lane and opposite to combine with the school clearway marking described above. There are a number of other locations where dropped kerbs at the corners of junctions would be beneficial and this would tie in with the corner protection markings also described above.
 - c) A school clearway marking shall be established between the two entrances onto Gatland Lane.
 - d) The establishment of school warning signs from each approach in accordance with the statutory instrument the Traffic Signs regulations and General directions 2002. It's considered that this should include signs which incorporate school flashing beacons to operate at school start and finish times.
 - e) The entrance to the Gatland Recreational Park shall be improved and widened to prevent overrunning onto the footway at the eastern corner of the entrance.

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

Reason In the interests of highway safety and amenities

- A further Condition should be added and read as followed:-

Condition 10) A school crossing patrol shall be employed by the school prior to the next year intake of pupils in September 2015.

Reason: In the interests of highway safety and amenities.

Recommendation

The recommendation remains unchanged







































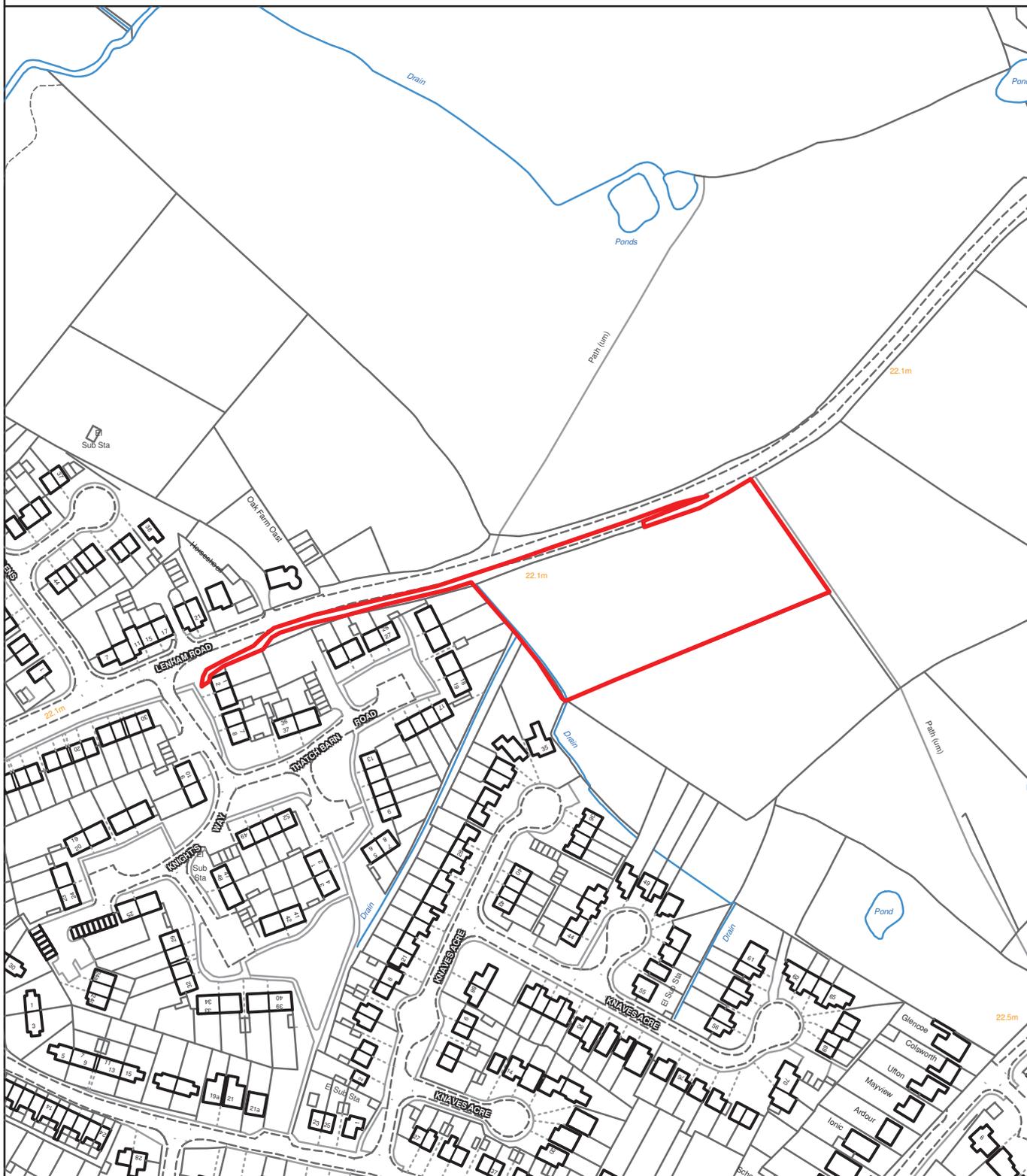




THE MAIDSTONE BOROUGH COUNCIL

Land East Of Thatch Barn Road And South Of
Lenham Road
Headcorn
Kent

MBC Ref: 14/503960



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 14/503960/OUT			
APPLICATION PROPOSAL			
Outline application for 13 dwelling houses with associated amenity space, shared access road and new footway with access, appearance, layout and scale to be considered at this stage with all other matters reserved for future consideration.			
ADDRESS Land East Of Thatch Barn Road and South of Lenham Road, Headcorn, Kent			
RECOMMENDATION Permission granted			
SUMMARY OF REASONS FOR RECOMMENDATION			
The site is identified as part of a larger housing allocation in the Draft Maidstone Borough Local Plan (Policy H1(40) between Lenham Road and Grigg Lane. The site is flat, has good access and is accessible to local services in Headcorn. In conjunction with adjacent land to the south and east it could make a significant contribution to meeting local housing needs.			
Although Cabinet recently resolved to delete the northern part of this housing allocation it remains necessary to determine the current application on its planning merits. It is considered that the principle of residential development on this site as part of a larger allocation to meet local housing needs remains generally acceptable. The proposed density, layout and scale of development is considered to be appropriate to a semi-rural location on the edge of the village. The application has been submitted in outline but the only reserved matter is landscaping. The details of appearance, layout, scale and means of access are otherwise considered to be acceptable.			
REASON FOR REFERRAL TO COMMITTEE			
Recommendation is a departure from the adopted Development Plan and is contrary to the Parish Council views.			
WARD Headcorn	PARISH/TOWN COUNCIL Headcorn	APPLICANT Strategic Land Kent Ltd AGENT Wealden Homes	
DECISION DUE DATE 02/01/15	PUBLICITY EXPIRY DATE 02/01/15	OFFICER SITE VISIT DATE 20/10/14	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
???	45 dwellings	Permission	??
<i>Summarise Reasons</i>			
<i>Summarise Reasons</i>			

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.1 The site is situated on the NE edge of the existing built-up area of Headcorn, to the east of Thatch Barn Road and Knaves Acre, approx. 500m from the village

centre. It is rectangular in shape and has an area of approx. 0.91 ha. The site has a frontage to Lenham Road (C258) of approx. 150m. between Thatch Barn Road and public footpath (KH606) which links Lenham Road and Grigg Lane and runs along the eastern boundary of the site.

2.0 PROPOSAL

2.1 This is an outline application for 13 dwellings with access, appearance, layout and scale to be considered at this stage. A new access is proposed from Lenham Road at the western end of the site. The site layout plan shows a mix of 13 detached and semi-detached dwellings grouped around a short cul-de-sac which terminates in the centre of the site. Details of landscaping are reserved for future consideration, although the site layout plan gives an indication of the location and extent of proposed landscaping.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	0.91 ha.	0.91 ha.	
Approximate Ridge Height (m)		9.2m	
Approximate Eaves Height (m)		5.0m	
Approximate Depth (m)		8.0m	
Approximate Width (m)		25.0m	
No. of Storeys		2	
Net Floor Area			
Parking Spaces		48	
No. of Residential Units		12	
No. of Affordable Units		0	

4.0 PLANNING CONSTRAINTS

Flood Zone 2
 Neighbourhood/Village Centre - 500m
 Allocated Site – housing/economic development (H1(40))
 Headcorn Airfield – 2.5km

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
 National Planning Practice Guidance (NPPG)
 Development Plan: ENV28

6.0 LOCAL REPRESENTATIONS

6.1 A site notice was displayed from 20/10/14 to 10/11/14. 25 representations were received objecting to the development for the following main reasons:

1. Excessive urbanisation which will detract from the rural character of the village
2. Inadequate foul and surface water drainage
3. No spare capacity in Headcorn Primary School

- 4 .Additional traffic – increased congestion, noise, pollution, injuries, etc.
5. Additional pressure on local services – doctors surgery, open space, public transport
6. MBC is ignoring the views of local residents.

7.0 CONSULTATIONS

7.1 Parish Council

“Please be advised that my Council would wish to see this application refused as constraints to the infrastructure relating to sewage and school capacity is contrary to the NPPF. Concern is expressed in relation to highway safety through additional developments being filtered into the surrounding roads. The Planning Committee acknowledges that this development does meet a number of requirements including the size of development, density, non-urban appearance and proximity to the local services.”

7,2 Natural England

“This application is in close proximity to the River Beult Site of Special Scientific Interest (SSSI).

Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(I) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

7,3 Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a ‘reasonable likelihood’ of protected species being present.

It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer’s responsibility) or may be granted.

7.4 Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR)

the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

7.5 Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework.

Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that ‘Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’. Section 40(3) of the same Act also states that ‘conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat’.

7.6 Landscape enhancements

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

7.7 **KCC Ecological Advice**

“Under the Natural Environment and Rural Communities Act (2006), “Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”. In order to comply with this ‘Biodiversity Duty’, planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.

The National Planning Policy Framework 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.”

Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that “It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision.”

Natural England has published Standing Advice on protected species and Ancient Woodland. When determining an application for development that is covered by the Standing Advice, Local Planning Authorities must take into account the Standing Advice. The Standing Advice is a material consideration in the determination of

applications in the same way as a letter received from Natural England following consultation.

The Preliminary Ecological Appraisal, Dormouse, Reptile and Amphibian Surveys report has been submitted in support of this application. The ecological survey work concludes that the proposed development has potential to result in impacts to nesting birds, reptile species and great crested newts, in addition to the loss of a section of BAP habitat hedgerow.

Mitigation requirements are proposed within the report, including reptile and great crested newt receptor sites, though it is somewhat unclear whether the measures have already taken place in relation to nearby developments.

We would like clarification regarding the consented and proposed ecological mitigation measures in relation to sites to the south-east of the proposed development. This will enable us to reach an informed conclusion regarding the appropriateness of the proposed mitigation measures. In addition, the presence of great crested newts and the need for a European protected species mitigation licence means that Maidstone BC will need to consider whether a licence is likely to be granted.

We advise that Maidstone BC should be considering the mitigation proposals for this area strategically, to ensure that the mitigation areas / receptor sites do not become isolated from the wider countryside, and that the potential for impacts is minimised, should additional plots of land come forward for development. We look forward to further consultation on this point.

One of the principles of the National Planning Policy Framework is that “opportunities to incorporate biodiversity in and around developments should be encouraged”. Swift boxes and bat bricks are recommended in the Preliminary Ecological Appraisal, Dormouse, Reptile and Amphibian Surveys report and we advise that the installation of these should be secured by Maidstone BC, in addition to the use of native species within the landscape planting.”

7.8 KCC Highways

“I note from the Transport Statement (TS) provided that it is intended to provide a footway connection to the west of the proposed site entrance and to extend the 30mph speed limit to include this site as part of the built up area of Headcorn. The footway works will be constructed over a highway drain and will therefore require a licence for that from this authority. The works on Lenham Road as a whole will also require the applicant to enter into a Section 278 agreement with this authority. I note the extent of surrounding drainage ditches in this area and it is considered that should this application progress to a full application, a Sustainable Drainage System (SUDS) scheme should be developed for this site.

I also note the area of Grasscrete (or similar material) proposed on the site which presumably is the route for the diverted public right of way (PROW) discussed in the TS. It is noted that currently between the footway and Grasscrete proposed some use of the shared surface is expected. It is considered bearing in mind the intended other phases of adjacent housing discussed that either the footway proposed should be extended to the Grasscrete or the alignment of the diverted PROW should connect directly with the footway.

I have undertaken some independent injury crash history studies of the area and concur with the conclusions made in the TS. There is no evidence to indicate that this

proposal will significantly exacerbate or be detrimental to road safety to the area. This is subject to the appropriate visibility splays being provided at the site entrance as discussed together with new footway and repositioned speed limit. As part of any full planning application car parking numbers will need to be confirmed for each dwelling and for visitors. These should accord to the County's Interim Guidance Note 3 (IGN3) for residential parking and should be proposed in accordance with standards given for a suburban edge/village/rural environment.

I consider that the traffic generated by this proposal can adequately be accommodated on the surrounding public road network and subject to the above comments I write to confirm on behalf of the Highway Authority that I have no objection to this outline application."

7.9 Southern Water

Please find attached a plan of the sewer records showing the approximate position of foul sewer and rising main in the access of the site. The exact position of the foul sewer and rising main must be determined on site by the applicant before the layout of the proposed development is finalised.

Please note:

- No works or new tree planting should be located within 3 metres either side of the centreline of the public sewer.
- All existing infrastructure should be protected during the course of construction works

Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 3030119) or www.southernwater.co.uk".

Southern Water requires a formal application for a connection to the foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

"A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 3030119) or www.southernwater.co.uk".

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is

to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

7.10 KCC Economic Development

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

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

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

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

Request Summary	Per House (x13)	Applicable	Total
Primary Education <i>(extension cost)</i>	£2360.96		£30,692.48
Primary Land acquisition	£2701.63		£35,121.18
Secondary Education			No current requirement

Total	
Community Learning	£399.07
Youth Service	£109.75
Libraries	£2005.16
Adult Social Care	£826.28
Highways	<i>Kent Highway Services will respond sep:</i>

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

7.11 Primary Education

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

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

The County Council requires a financial contribution towards construction of the additional school accommodation locally at **£2360.96 for each 'applicable' house** (x10) ('applicable' means: all dwellings except 1 bed of less than 56sqm GIA).

The County Council also requires proportionate contributions towards Headcorn Primary School site expansion at a cost of **£2701.63 per 'applicable' house** (x10) to accommodate the extension of the School accommodation.

The site acquisition cost is based upon current local land prices. The school site contribution will need to be reassessed immediately prior to KCC taking the freehold transfer of the site expansion land 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 3

7.12 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 insufficient capacity within the Youth Centres to accommodate the increased demand generated by the development, therefore KCC requires a contribution to provide additional capacity to meet the additional demand from this development.

The County Council therefore requests **£109.75** to address the direct impact of this development.

7.13 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 **£2005.16** to address the direct impact of this development.

7.14 Social Care

Facilities for Kent Social Care (SC) (older people, and adults with Learning or Physical Disabilities) are fully allocated. The proposed development will result in a demand upon social services which SC 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.

The mitigation will comprise the following projects:

Project 1: **Assistive Technology** (also referred to as Telecare): installation of technology items in homes on this development (including: pendants, fall sensors, alarms, etc.) to enable existing & future clients to live as independently and secure as possible in their own homes on this site.

Project 2: **Building Rural Community Capacity**: enhancement of local community facilities to ensure full DDA access to clients to participate in community activities and groups.

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

The County Council therefore requests **£826.28** to address the direct impact of this development.

7.15 Superfast Fibre Optic Broadband

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

7.16 Implementation

The County Council is of the view that the above contributions comply with the provisions of regulation 122 of the CIL Regulations and are necessary to mitigate the impacts of the proposal on the provision of those services for which the County Council has a statutory obligation. Accordingly, it is requested that the Local Planning Authority seek a section 106 obligation with the developer/interested parties prior to the grant of planning permission. The obligation should also include provision for the reimbursement of the County Council's legal costs, surveyors' fees and expenses incurred in completing the Agreement. 5"

The contributions requested are considered to be fair, reasonable and compliant with the Community Infrastructure Levy Regulations 2010 and satisfy the relevant tests referred to above. The contributions will be secured by means of a S106 Agreement and a copy of the draft agreement has been submitted by the applicant.

7.17 NHS Property Services

“A healthcare contribution is 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 local surgery premises:

- Headcorn Surgery

The above surgery is within a 2 mile radius of the development at Thatch Barn Road. This contribution will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity.

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

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

Predicted Occupancy rates

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

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

Predicted Occupancy rates – 3.5
Total number in planning application - 13
Total occupancy – 45.5
Contribution sought (Occupancy x £360) -£16,380

NHS Property Services Ltd therefore seeks a healthcare contribution of £16,380, plus support for its 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.”

7.18 Rural Planning Ltd:

Para. 112 of the NPPF states:

“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 application submissions include a detailed Agricultural Land Classification Study that reports the land to be Grade 3b quality, i.e. of moderate quality, and not within the “best and most versatile” category for land use planning purposes. Consequently I do not consider that the loss of this relatively small area of agricultural land here to be significant or in conflict with the above NPPF guidance.

7.19 MBC Parks and Leisure:

“It is clear this development offers no opportunity for provision of open space on-site.

It also exceeds the threshold number of dwellings that makes the development eligible for an off-site contribution.

We would therefore request an off-site contribution of £20475 from the developer the calculation for which is 13 units @ £1575 per unit.

The cost per dwelling is as set out in the ‘Supplementary Planning Guidelines’ and using Fields in Trust (the former National Playing Field Association) guidelines and cost for the provision of outdoor playing space.

The development site is located within Headcorn ward. Headcorn Ward is typically underprovided for in terms of open space in most categories.

We would request that an offsite contribution be made towards the enhancement, maintenance, improvement and renewal of Provision for Children (Equipped Play) and Outdoor Sports Facilities within a one mile radius of the development, but more specifically at Headcorn Recreation Ground (Also known as Day’s Green) which is Parish owned.

The site is within 600m of the development site and due to its close proximity (and being the only area in the ward for provision of these types of open space) it is likely to be used by inhabitants of the new development.

The contribution requested above would be used to improve some or all of the above open spaces to accommodate the additional usage created as a result of this development.”

7.20 MBC Heritage and Landscape:

“There are no protected trees on this site but there are significant trees on the western boundary and hedgerow along the Lenham Road.

The ‘updated report on tree inspections’ is acceptable in principle and there is sufficient room on site to accommodate the proposal for 13 dwellings without too much detriment to the existing significant trees.

The proposed soft landscaping scheme is not appropriate to the character of the area. I would want to see fewer ornamental and more native trees, particularly along site boundaries. The native hedgerow mix should contain fewer species but it should also include a small number of individual Oak trees at appropriate locations. I would add that it is not clear where the native hedgerow is proposed within the scheme. Clearly these are issues that can be dealt with by condition. I therefore raise no objection on arboricultural grounds.

If you are minded to grant consent I would want to see pre-commencement conditions requiring an arboricultural implications assessment in accordance with BS5837: 2012, including tree protection details, and a landscape scheme using predominantly indigenous species in accordance with our landscape guidelines.

8.0 BACKGROUND PAPERS AND PLANS

Design and Access Statement, Agricultural Land Classification Report, Report on Tree Inspections, Preliminary Ecological Appraisal, Transport Statement.

Submitted plans: Dwg. numbers PLWH-002, 003, 004, 007, PL-WH-P5-6-03, P7-8-01, P9-10-01, P11-12-01, P11-12-02, P13-01, P13-01, P13-02, P3-4-7-10-1, P3-4-01, P2-01, P2-02, P1-02.

9.0 APPRAISAL

This is an outline application for 13 dwellings with access, appearance, layout and scale to be considered at this stage. Details of landscaping are reserved for future consideration, although the site layout gives an indication of the location and extent of proposed landscaping.

9.1 Draft Maidstone Borough Local Plan

The site forms part of a larger housing allocation of 4 ha. in the Draft Local Plan – Policy H1(40) – which extends from Lenham Road along the northern boundary to Grigg Lane in the south. The net capacity of the whole site is approx. 120 units at a density of 30 dpha. The current application relates only to the northern part of the allocation, an area of approx. 0.9ha.

The site is rectangular in shape and has a frontage to Lenham Road of approx. 150m. between Thatch Barn Road and a public footpath (KH606) which links Lenham Road and Grigg Lane. It is proposed to erect 13 dwellings served by a new access from Lenham Road at the western end of the site. The site layout plan shows a mix of 13 detached and semi-detached dwellings grouped around a short cul-de-sac which terminates in the centre of the site.

The site has been identified in the emerging local plan as being suitable for housing development although the current application relates to only approx. 20% of the total allocation for this site. However, the Local Plan is a Consultation Draft and the various housing allocations are currently under review.

In February 2015 Cabinet considered a number of proposed housing allocations including Site H1(40), and resolved that the Southern portion of the site, consisting of two granted planning consents for 45 units should go forward to Regulation 19 consultation. It was resolved that the remaining northern portion of the site, including the current application site, where no consents exist, *“should go back to Regulation 18 consultation for deletion, on the grounds that it has not been demonstrated to the*

community's satisfaction that current foul water problems can be resolved and these will be exacerbated by any further development in this part of Headcorn and the unacceptable cumulative impact for the community and highways. In addition of community concerns that suitable highways access arrangements cannot be achieved at this point in time."

Notwithstanding the recent resolution by Cabinet the current application should be determined on its planning merits on the basis of the adopted policies in the Development Plan and other material considerations.

9.2 Principle of Development

The western boundary of the site adjoins the present built-up confines of Headcorn (Thatch Barn Road and Knaves Acre), which form part of a larger residential development on the eastern side of Headcorn dating from the 1970s. This enabled limited growth of the settlement and extended the built up area of the village on its eastern side.

The present extent of the village confines are defined by the rear boundaries of properties in Thatch Barn Road. The proposed development would extend the built up area to the NE of Headcorn into open countryside, bounded by Lenham Road to the north and a public footpath (KH606) to the east.

The Draft Local Plan has identified the area between Lenham Road and Grigg Lane as having potential for additional housing development subject to various criteria including retention of hedges and trees, primary access from Lenham Road, a Phase 1 ecological survey, appropriate contributions to community infrastructure and provision of publicly accessible open space.

The land is in a sustainable location approx. 500-600m from the village centre and within reasonable walking distance of the main facilities including shops, schools and railway station. The southern part of the housing allocation in the draft local plan has an extant permission for 45 dwellings but there are no permissions for the northern part, including the current application site. An application for the area immediately to the south of the current site has recently been received.

9.3 Visual Impact

The site has a long frontage to Lenham Road and the proposed development of 13 dwellings within 10m of the road would be clearly visible. Some degree of screening is provided by an existing hedgerow 3-4m high along the frontage to Lenham Road but there are several large gaps and it does not at present provide an effective screen, particularly during the winter months. Additional planting would be required along the road frontage but landscaping is a reserved matter and any additional planting will take some time to mature.

There are several mature trees along the rear boundaries of properties in Knaves Acre and Thatch Barn Road which it is proposed to retain. A gap of approx. 30m is proposed between the western boundary of the site and the proposed access road which will provide a landscaped buffer between the proposed development and the existing development to the west. The eastern and southern boundaries of the site adjoin the areas which form part of the larger housing allocation. Very little landscaping is shown along these boundaries which would be covered by subsequent phases of the development.

Street scene drawings have been submitted giving an indication of the elevational appearance to Lenham Road and Grigg Lane. A variety of house types and sizes are proposed in a traditional Kentish style which reflect the scale and character of the existing development in Thatch Barn Road. The proposed density is relatively low and the general layout and scale is considered to be appropriate to semi-rural location on the edge of the village.

9.4 Access

The Highway Authority considers that the traffic generated by the proposal can be accommodated by the surrounding road network and has raised no objection to the application.

It is proposed to retain the footpath link to the east of the site (KH606) and a new footpath will be provided along the south side of Lenham Road, through the application site to the woodland at the rear of Kent Cottage, subject to a S278 Agreement.

9.5 Community Services and infrastructure.

In accordance with CIL Regulations KCC has assessed the implications of the proposal in terms of the delivery of community services and has recommended the appropriate provision of infrastructure and/or financial contributions.

- **Education** - £2360.96 for towards construction of additional school accommodation and £2701.63 per dwelling for the expansion of Headcorn Primary School
- **Community learning** - £399.07
- **Youth Services** - £109.75
- **Libraries Contribution** - £2005.16
- **Assistive Technology & local community facilities** - £826.28
- **Open Space provision** - off-site contribution of £20,475 from the developer towards enhancement, maintenance, improvement and renewal of Provision for Children (Equipped Play) and Outdoor Sports Facilities

In addition, NHS Property Services Ltd seeks a **healthcare contribution** of £16,380 towards the cost of improving local doctors surgery premises, plus support for legal costs in connection with securing this contribution.

In the event of permission being granted it would be subject to the prior completion of a S106 Agreement requiring the contributions to the provision of the relevant community services.

9.6 Drainage

Concerns about the adequacy of the existing drainage system in the surrounding area have been raised by the Parish Council and local residents. Although Southern Water has not objected to the proposed development they will require a formal application for connection to the public sewage system to service the development. The nearest public sewer is in Thatch Barn Road and Southern Water will require

details of the proposed means of foul and surface water sewerage disposal to be approved before development commences.

10,0 Conclusion

The site has been identified in the Draft Local Plan as part of a larger area of land to the north-east of the existing built-up area of Headcorn which is considered suitable for residential development. The site is flat, has good access and is accessible to local services in Headcorn. In conjunction with adjacent land to the south and east it could make a significant contribution to meeting local housing needs.

Although Cabinet recently resolved to delete the northern part of housing allocation H1(40) in the draft Local Plan it remains necessary to determine the current application on its planning merits. It is considered that the principle of residential development on this site as part of a larger allocation to meet local housing needs remains generally acceptable. The proposed density is relatively low and the general layout and scale is considered to be appropriate to semi-rural location on the edge of the village. Although the application has been submitted in outline the only reserved matter is landscaping and the details of appearance, layout, scale and means of access are otherwise considered to be acceptable.

RECOMMENDATION

That subject to:

A. a S106 Agreement in such terms as the Head of Legal Services may advise to secure the following community infrastructure contributions under the following heads of terms:

- **Primary education** - £2360.96 per applicable dwelling towards construction of additional school accommodation and £2701.63 towards Headcorn Primary School expansion
- **Community learning** - £399.07 towards provision of new/expanded facilities in adult education centres and outreach facilities
- **Youth Services** - £109.75 towards providing additional capacity in youth centres
- **Libraries Contribution** - £2005.16 to provide additional bookstock and equipment at Local libraries
- **Assistive Technology & local community facilities** - £826.28
- **Healthcare** - contribution of £16,380 to invest in local surgery premises, plus support for legal costs in connection with securing this contribution.
- **Open Space provision** - off-site contribution of £20,475 from the developer towards enhancement, maintenance, improvement and renewal of Provision for Children (Equipped Play) and Outdoor Sports Facilities within a one mile radius of the development, but more specifically at Headcorn Recreation Ground

B. the applicant entering into a S278 Agreement regarding the proposed works within the highway to provide a new footpath along the south side of Lenham Road, through the application site to the woodland at the rear of Kent Cottage,

C. the Head of Planning be delegated authority to grant outline planning permission subject to the following conditions:

1. Approval of the details of hard and soft landscaping of the site (hereinafter called "the reserved matter") shall be obtained from the local planning authority in writing before any development is commenced.

Reason: No details have been submitted and in the interests of the visual amenities of the area

2. Plans and particulars of the reserved matters referred to in condition 1 above, relating to the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved. Before development commences an arboricultural implications assessment shall be carried out in accordance with BS5837: 2012, including tree protection details, and a landscape scheme using predominantly indigenous species in accordance with our landscape guidelines.

Reason: As 1 above

3. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this permission.

Reason: As 1 above

4. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, (numbers PLWH-002, 003, 004, 007, PL-WH-P5-6-03, P7-8-01, P9-10-01 ,P11-12-01, P11-12-02,P13-01, P13-01, P13-02,P3-4-7-10-1,P3-4-01,P2-01, P2-02, P1-02) and the supporting documents relating to Design and Access, Agricultural Land Classification Report, Report on Tree Inspections, Preliminary Ecological Appraisal and Transport Statement.

Reason: To ensure that the development conforms to the submitted plans

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

Reason: To ensure a satisfactory appearance to the development.

6. 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 by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: In the interests of the visual amenities of the area

7. The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by

the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the buildings or land and maintained thereafter;

Reason: In the interests of the visual and residential amenities of the area.

8. All planting, seeding or turfing approved pursuant to conditions 1 and 2 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.

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

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

10. No development shall take place until details of slab levels of the buildings and existing site levels have been submitted to and approved by the LPA and the details shall be completed in accordance with the approved levels.

Reason: To ensure a satisfactory form of development.

11. Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water

Reason: In the interests of safeguarding water supplies and to reduce the risk of flooding

12. No dwellings shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning and highway authorities

Where a sustainable drainage scheme is to be provided, the submitted details shall:

i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

ii) include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: as 6 above

13 No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority.

The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

The approved Statement shall be adhered to throughout the construction period.

Reason: In the interests of the amenities of the area

14. The garages and parking spaces hereby permitted shall be kept available for the parking of motor vehicles at all times. The garages/car parking spaces shall be used solely for the benefit of the occupants of the dwellings of which they form part and their visitors and for no other purpose and permanently retained as such thereafter

Reason: To ensure satisfactory parking provision within the site in the interests of highway safety

INFORMATIVES

Southern Water has advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, Please contact:

Southern Water,
Sparrowgrove House,
Sparrowgrove ,
Otterbourne,
Hampshire S021 2SW

(Tel: 0330 3030119) or www.southernwater.co.uk".

Case Officer: Tim Bloomfield

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

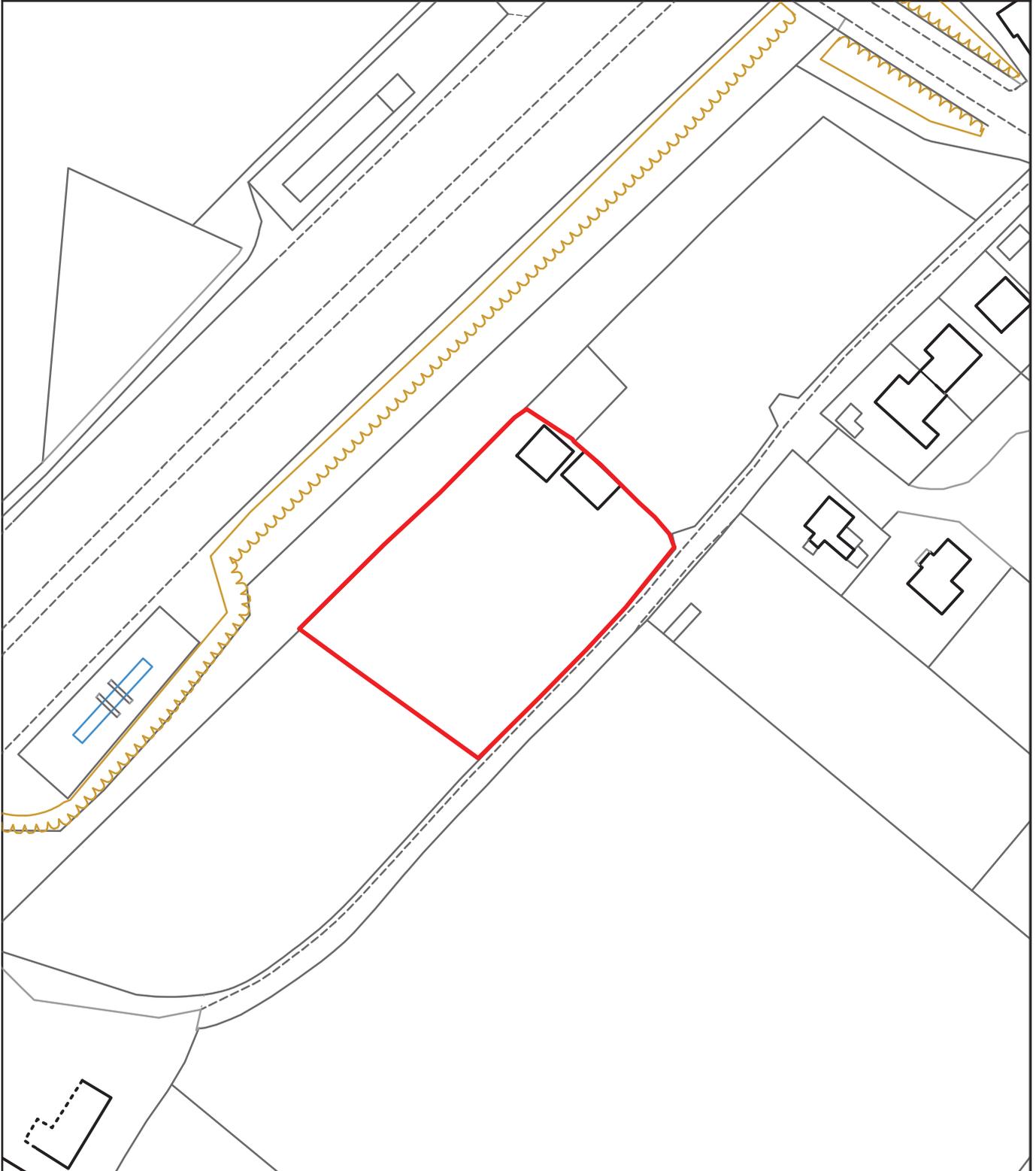
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Agenda Item 19

THE MAIDSTONE BOROUGH COUNCIL

Land At
Blind Lane
Bredhurst
Kent
ME7 3JR

MBC Ref: 14/504584



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 14/504584/FULL		
APPLICATION PROPOSAL Demolition of existing stable and erection of new 3 bedroom dwelling.		
ADDRESS Land At Blind Lane Bredhurst Kent ME7 3JR		
RECOMMENDATION - DELEGATED POWERS TO APPROVE SUBJECT TO CONDITIONS		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan.		
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none"> • The recommendation is a Departure from the Development Plan • The applicant is a Borough Councillor 		
WARD Boxley	PARISH/TOWN COUNCIL Bredhurst	APPLICANT Mr And Mrs Malcolm Greer AGENT Mr Jonathan Butler
DECISION DUE DATE 04/12/14	PUBLICITY EXPIRY DATE 06/03/15	OFFICER SITE VISIT DATE 10/12/15 & 22/01/15
RELEVANT PLANNING HISTORY None for this site		

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.1 The application relates to a roughly rectangular level parcel of land currently in equestrian/agricultural use on the northwest side of Blind Lane in Bredhurst. Blind Lane is a short single track road off of Forge Lane to the north, which serves a small number of houses and a scaffolding business at its south end. The site measures some 65m x 50m and has two timber/corrugated iron structures at its northeast end and other smaller structures used for keeping animals. The northeast boundary is made up of a sporadic line of trees with pasture land beyond. Along the northwest boundary is an established area of trees with the M2 motorway behind set at a lower level. The southwest boundary is made up of a post and wire fence with an open field beyond and the southeast boundary is a post and rail fence open to Blind Lane. The nearest house is 'Elspeth' around 30m east of the site.

1.2 The site is sandwiched between built development and the settlement boundary of Bredhurst in the adopted Local Plan (2000) to the east, and the M2 motorway to the west. It is outside the settlement and so in the countryside for planning purposes. The site also falls within the Kent Downs AONB, and within the Kent Downs SLA and strategic gap in the Local Plan.

2.0 PROPOSAL

- 2.1 Full permission is sought for the erection of a two storey detached 3 bedroom dwelling. The house would have a rectangular footprint and be sited centrally at the northeast end of the site. Access would be off Blind Lane in the northeast corner where there is an existing gated access and there would be a driveway on the north side of the house. The garden area would be to the southwest.
- 2.2 The house would be of a more contemporary design with a split roof form having two separate main roof pitches at different heights, and differing eaves heights to the front and rear. The maximum height would be approximately 7m, with eaves of 3m and 3.8m. There would be an attached double garage on the northwest side. Materials proposed are brick to the house with timber cladding to the garage, and slate to the roofs. The southwest facing roof of the main house would also be made up of roof tile integrated solar photovoltaic panels, and the garage would have a planted 'green' roof with solar thermal hot water panels. The house would include relatively large amounts of glazing, particularly on the southwest elevation. The dwelling has been designed to achieve Level 5 of the Code for Sustainable Homes.

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough-Wide Local Plan (2000): ENV28, ENV31, ENV33, ENV34

5.0 LOCAL REPRESENTATIONS

- 5.1 **Bredhurst Parish Council:** *"Wish to see the application rejected because the plot is outside the village boundary, where development is not usually allowed."*
- 5.2 **Local Residents:** 2 representations received raising the following (summarised) points:
- Harm to the AONB.
 - Construction noise and traffic.
 - Raising issues with consultation and publicity.
 - Stables have been erected in adjacent field.

6.0 CONSULTATIONS

- 6.1 **Kent Highways & Transportation:** No objections subject to conditions relating to a bound surface for the first 5 metres, and opening and set back of gates.
- 6.2 **MidKent Environmental Health:** Advises that the site is not considered suitable for residential accommodation due to noise that would be experienced outside of the dwelling. With regard to air quality conditions are recommended for mitigation. (See report below for discussion)
- 6.3 **KCC Ecology:** No objections. Enhancements should be secured by condition.

7.0 APPRAISAL

Principle of Development

7.01 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.

7.02 The site lies outside but immediately west of the settlement boundary of Bredhurst and is therefore in the countryside for policy purposes.

7.03 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.”

7.04 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.

7.05 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).

7.06 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;’

7.07 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge and Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Local Plan (2011 -31). The SHMA (January 2014) found that there is

the “objectively assessed need for some 19, 600 additional new homes over this period which was agreed by Cabinet in January 2014. Following the publication of updated population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014.

- 7.08 Most recently calculated (April 2014), the Council had a 2.1 year supply of housing assessed against the objectively assessed housing need of 18,600 dwellings.
- 7.09 This lack of a five year supply is a significant factor and at paragraph 49 of the NPPF it is states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a five year supply cannot be demonstrated. The presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.
- 7.10 The site adjoins the settlement boundary of Bredhurst and whilst this is a limited settlement in terms of facilities (primary school and some employment), it is located close to (just over 1km) the urban area of ‘Hempstead’ (Medway) to the north which provides many day to day facilities and to which there is a bus service. In the context of one dwelling, I do not consider the site is so unsustainable so as to warrant objection. It therefore needs to be considered whether there are any harmful impacts caused by the development and if there are, whether they would outweigh any benefits of the development. In this respect I consider the main issues are landscape impact and residential amenity.

Landscape Impact

- 7.11 The site falls within the Kent Downs AONB where Local Plan policy ENV33 outlines that the beauty of the landscape will be given priority, and any development that would adversely affect the natural beauty of the landscape will be strongly resisted.
- 7.12 I have viewed the site from Forge Lane to the north and the bridge over the motorway, and note that the site is well screened by the existing area of trees which run alongside the east edge of the motorway and by vegetation which runs along the south side of Forge Lane. This would be even more so during summer months when vegetation is in leaf. Having viewed the site from Dunn Street Road there is a short section of the road around 200m to the southeast where the top of the dwelling would be visible above existing hedgerows. From Blind Lane itself the dwelling would be partly screened by trees at its north end but highly visible when outside the site and further south. However, Blind Lane is not a through road and therefore its users are limited.
- 7.13 Therefore the main impact upon the landscape is short views from Blind Lane with no medium to long range impact. As such, negotiations have taken place to move the dwelling away from the northeast boundary to allow more room for landscaping to screen/soften views from the north, and a 3m landscape buffer with trees along the southeast boundary with Blind Lane. This, in addition to landscaping proposed along the rear southwest boundary and that existing on the northwest side, is considered to help mitigate any visual impact of the proposals. The dwelling is relatively low in height at 7m and the design with separate roofs and glazing serves to break up the

massing. Also important is that the site falls between built development in Bredhurst to the east and the strong physical barrier of the M2 motorway to the west and so is not protruding into open countryside. Therefore overall, I consider the landscape impact is not significantly harmful to the AONB.

- 7.14 Policy ENV31 relates to the strategic gap and outlines that development which significantly extends the defined urban areas or the built up extent of any settlement or development will not be permitted. The proposal is for a single dwelling and would replace a number of smaller buildings. To my mind this scale of development would not significantly extend the built up extent of the Bredhurst or the site itself, and so would not be contrary to this policy.
- 7.15 Houses along Blind Lane are bungalows with traditional pitched roofs with a mix of brickwork, render, and differing roof tiles. I consider the relatively low height and broken mass of the building would mean that its scale would not be out of keeping with that of nearby buildings. Whilst of more contemporary appearance than nearby buildings, it would still have a pitched roof form and be of good quality, and Level 5 of the CSH would be achieved which is a positive design feature.

Residential Amenity

- 7.16 In terms of noise, an assessment has been carried out for the site. The Environmental Health officer has agreed that acceptable internal habitable room noise levels would be achievable with suitably thick and sealed glazing, and mechanical ventilation as proposed. The specific details of the noise mitigation can be secured by planning condition.
- 7.17 The assessment reveals that noise levels within the garden would exceed the World Health Organisation guidelines, which advise no more than 50-55dB. The garden would actually be exposed to 55-60dB. The Environmental Health officer advises that this is a poor site for the location of residential accommodation and that noise levels are so high that it renders the garden area practically unusable. There isn't any practical mitigation that could overcome this as any walling/fencing would need to be impractically high to provide any additional benefit to that provided by the landscape buffer. The NPPF at paragraph 123 advises that decisions should aim to, "*avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.*" I note that there would be an area on the southeast side of the dwelling which would be shielded to a degree but to my mind this is certainly a factor that weighs against the development.
- 7.18 With regard to air quality, the Environmental Health officer does not raise any issues in terms of the use of outdoor areas but some concerns are raised with regard to internal rooms. Whilst a site specific air quality assessment has not been carried out, Environmental Health advises that the mitigation proposed with regard to noise (integral mechanical ventilation, and a heat recovery system with inlets placed away from the north elevation, and un-openable windows on the north elevation) may likely to be sufficient mitigation. It is however proposed by the applicant and recommended by Environmental Health that air quality monitoring be carried out for 6 months which would reveal if additional measures are necessary, which can then be implemented, and this can be secured by condition. To my mind, in recommending such a condition rather than insisting on an assessment up front, Environmental Health consider that appropriate mitigation can be achieved.
- 7.19 The dwelling would be a sufficient distance from any neighbouring properties so as not to have any harmful impacts in terms of outlook, light or privacy. Nor do I

consider the level of traffic generated by a single house would have any harmful impact upon residential amenity through noise or disturbance.

Other Matters

- 7.20 An ecology survey has been carried out which reveals the site has low ecological value with no potential for protected species. As such enhancements are proposed in the form of bird and bat boxes and landscaping including a pond, wildflower meadow, and new native hedge and tree planting which would serve to enhance the ecological value of the site. There are no highway objections to the proposals. Issues relating to disturbance from noise and traffic during construction are matters dealt with under Environmental Health and highways legislation. Notwithstanding this, I do not consider any disturbance would warrant an objection to the application.
- 7.21 The issue of publicity of the application has been raised. Nearby neighbouring properties were notified of the application, as is standard practice and a site notice was erected outside the site, in line with the regulations. All parties, including those who have made representations, have been re-consulted on the amended plans. I therefore consider appropriate publicity has been carried out.

8.0 CONCLUSION

- 8.01 In the absence of a 5 year housing land supply, the NPPF advises that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application. For the above reasons it is considered that the location is suitable for one house, there would not be any significant harm to the AONB, and the proposals represent a sustainable and good quality design. Against this are the relatively high noise levels that would be experienced within the outdoor areas for the dwelling. Balancing these matters up it is considered that in the context of a high need for housing and the NPPF tests, the limited harm would not outweigh the benefits of the development and that this is grounds to depart from the Local Plan. For these reasons, permission is recommended subject to the following conditions.
- 8.02 As the press notice advertising the application as a departure from the Development Plan expires on 20th March, delegated powers are sought to approve the application subject to conditions and subject to no new, material issues being raised.

9.0 RECOMMENDATION – DELEGATED POWERS TO APPROVE SUBJECT TO THE FOLLOWING CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of two 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 any buildings, walling, and hard surfaces have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

3. The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the 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 the specific noise mitigation measures as outlined in the 'Cass Allen Noise Assessment' (dated 09/10/14) have been submitted to and approved in writing by the Local Planning Authority. The subsequently approved measures shall be carried out in full and thereafter maintained.

Reason: To ensure a suitable level of amenity for future occupants.

5. The development shall not be occupied until, a post completion verification report by an acoustic consultant to establish that the correct acoustic mitigation has been provided to the envelope of the buildings to demonstrate that the internal noise levels within the residential units will conform to the "good" design range identified by BS 8233: 2014 Sound Insulation and Noise Reduction for Buildings - Code of Practice, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a suitable level of amenity for future occupants.

6. Before the development hereby permitted is first occupied, measurement of NO₂ from at least one location, to be approved by the local planning authority, shall be undertaken for a minimum of six consecutive months (including a minimum of three summer and three winter months) using diffusion tubes supplied by a Lab approved by the local planning authority, according to the methodology described in the Local Air Quality Management Technical Guidance LAQM.TG(09). The tubes will be collected monthly in accordance with the National diffusion tubes monitoring calendar. If the data capture is below 90% the survey will be extended until 90% capture is achieved. The results of the survey shall be submitted to and approved in writing by the local planning authority including details of a necessary mitigation measures in addition to those outlined in the 'ESG Air Quality Statement' (dated 26/02/15). Any approved mitigation shall be carried out in full prior to first occupation and thereafter maintained.

Reason: To ensure a suitable level of amenity for future occupants.

- 7.
8. The development shall not commence until, specific details of the landscaping including species, locations, and sizes, which shall use indigenous species, and include indications of all existing trees and hedgerows on the land to be retained and a programme for the approved scheme's implementation and long term management, has been submitted to and approved in writing by the local planning authority. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall include the following details:

- (i) At least a 5m deep native landscape buffer including new trees and retention of existing trees along the northeast boundary of the site.
- (ii) At least a 3m deep native tree and hedge buffer along the southeast boundary of the site.
- (iii) New native tree and hedge planting along the southwest boundary of the site.
- (iv) A wildflower meadow and pond at the southwest end of the site.
- (v) Details of the type and location of bird and bat boxes.

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

9. 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.

10. The dwelling shall achieve Level 5 of the Code for Sustainable Homes. The dwelling shall not be occupied until a final Code Certificate has been issued for it certifying that Code Level 5 has been achieved;

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

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

Plan numbers 1866/01/RevA received on 09/10/14, and 1866/3/RevF, 1866/4/RevE, and 1866/5/RevE received on 16/02/15.

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

Case Officer: Richard Timms

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

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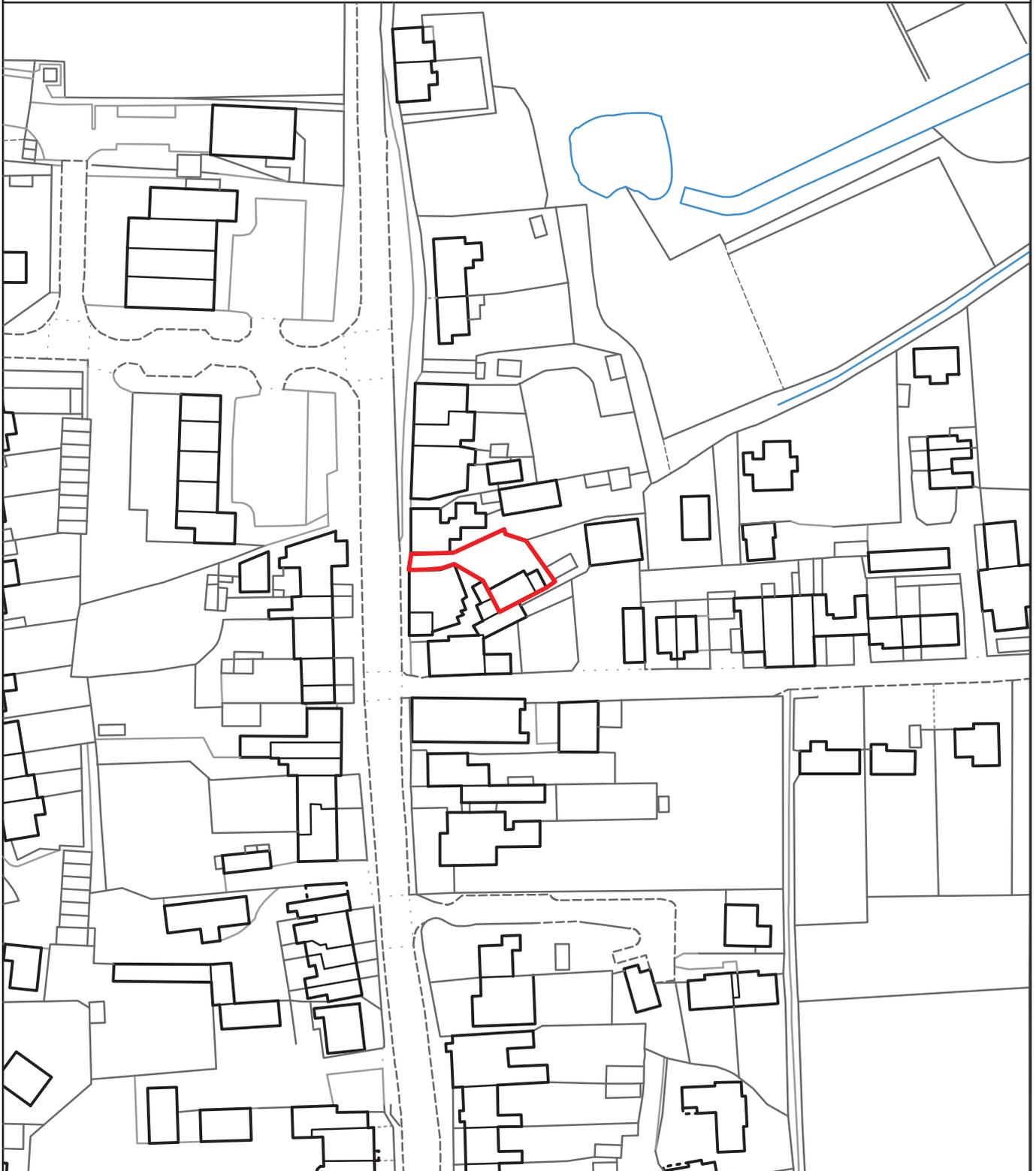
22/01/2015

Agenda Item 20

THE MAIDSTONE BOROUGH COUNCIL

Klh House
High Street
Staplehurst
Kent
TN12 0AH

MBC Ref: 14/504649



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 14/504649/FULL		
APPLICATION PROPOSAL Proposed change of use and conversion from office use (Use Class B1) to form 3 domestic dwellings as shown on drawing nos. 2620/L, 2620/1, 2620/2A, 2620/4 received on 15/10/14.		
ADDRESS Klh House High Street Staplehurst Kent TN12 0AH		
RECOMMENDATION: Permit		
SUMMARY OF REASONS FOR RECOMMENDATION This is a sustainable location for new dwellings and the building works proposed would represent an improvement to the appearance of the conservation area.		
REASON FOR REFERRAL TO COMMITTEE The Parish Council objects and requests committee consideration.		
WARD Staplehurst Ward	PARISH/TOWN COUNCIL Staplehurst	APPLICANT Mr Jason Wright AGENT Mr Lloyd Dennis
DECISION DUE DATE 10/12/14	PUBLICITY EXPIRY DATE 10/12/14	OFFICER SITE VISIT DATE 2/3/15 (and previously)
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): MA/07/0143 – Office block over 3 floors (incl. roof void) – refused and appeal dismissed. Enforcement Notice ENF/6944 served. MA/01/1790 – Demolition of garage, erection of two storey building and change of use of part of site for IT storage, together with provision of car parking spaces – permitted. MA/01/1789 – An application for conservation area consent for the demolition of garage building – permitted.		

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The application site is located in the centre of the village, off the east side of the High Street and within the Staplehurst Conservation Area. A private access road leads off eastwards, passing commercial premises that front the High Street and widening out into an informal 'yard' which is bordered by various small scale structures, including a garage block at the eastern end; and Justcroft House and KLH House (the latter being the subject of this application) on the southern boundary.

1.02 KLH House is a two storey office block with additional accommodation in the roofspace, of brick under a plain concrete tile roof. The building has no dedicated parking space available to it, although there is some space in front of the building for deliveries.

1.03 The building is bordered to the west by commercial premises fronting the High Street with residential above. Various outbuildings serving as garaging and storage are to the north

across the yard and the residential flats in Justcroft House are to the east. To the south there is land being redeveloped for residential purposes.

2.0 PROPOSAL

2.01 The background to this application is important. Planning permission was granted for the erection of a two storey building for IT storage on a similar footprint to KLH House under reference MA/01/1790 but the building subsequently constructed differs from what was approved in terms of scale, detailing and materials. Application MA/07/0143 to regularise the new building was refused and the subsequent appeal dismissed in March 2008. The Inspector found that the building was harmful to the character of the conservation area. She also concluded that there was insufficient parking and turning space for an office use and that the intensification in the use of the access to the High Street would be harmful to highway safety. Although an enforcement notice was served the building remains on site in essentially the same condition.

2.02 This application seeks to retain the building with significant alterations in an attempt to improve its impact on the conservation area. It seeks a change of use of the building to create a short terrace of 3 two-bedroomed houses with the roofspace acting as the second bedroom.

2.03 The physical changes involve 'hipping back' the roof and re-covering it in clay tiles. The 3 existing rooflights on the rear would be altered to 'conservation-style' rooflights, whilst the 3 rooflights to the front would be changed to 3 small pitched roof dormers. On the front of the building the existing garage doors and large porch would be replaced by 3 canopied entrance doors; whilst on the rear elevation a new bathroom window is needed at first floor level (this to be obscure glazed and fixed shut). On the eastern elevation the upper level window would be removed, as would the door/balcony arrangement and window at first floor level and the ground level entrance door and ground floor window. New windows would be constructed at ground and first floor level. The air-conditioning units would be removed. On the west elevation the attic level window would be removed. Both existing and new doors and windows around the building would have timber joinery.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: R10, T13

4.0 LOCAL REPRESENTATIONS

4.01 Two letters of objection have been received and the following points are made:

- a) The development would have no on-site parking space which is not acceptable and will lead to vehicles being parked on neighbouring streets causing inconvenience and highway danger. Local 'public' parking sites can not be relied upon.
- b) The development represents a loss of employment land.
- c) The houses would have no amenity space and no space for children to play.
- d) The development should not be allowed through 'lack of action'. A development of flats retaining the ground floor garage may have been more acceptable.

5.0 CONSULTATIONS

5.01 STAPLEHURST PARISH COUNCIL states:

“Councillors noted that the applicants appeal against refusal of site application MA/07/0143 had been dismissed by the Inspector in March 2008; they expressed disappointment that the sites planning status had remained irregular since then and questioned why no enforcement action had been taken. They expressed concern that the current proposal offered no parking provision and poor access which they felt would cause traffic problems. For these reasons Councillors recommend REFUSAL and wish that the application is reported to MBC Planning Committee. They made an advisory comment, without commitment, that they would be prepared to reconsider a proposal offering suitable parking provision.”

5.02 KCC Highways and Transportation has no objection stating:

“Thank you for inviting me to comment on this application, which proposes a change of use from B1 offices to C3 dwellings. This change of use is likely to generate less traffic movements. There is no parking proposed with this plan, this is the same as the existing use and is acceptable under KMPG: SPG 4. Furthermore there are a number of local car parks which could be used by residents. The site is located in a sustainable location, with access to public transport, therefore reducing demand on the car. For the reasons outlined above, I raise no objection on behalf of the local highway authority.”

5.03 The MBC Conservation Officer has no objection stating:

“The proposed change of use is acceptable in its impact on the conservation area and the proposed alterations to the building will improve its design. Overall, therefore, the proposal would result in an enhancement to the conservation area.”

6.0 APPRAISAL

Principle of Development

6.01 The application proposes the creation of 3 residential units in a highly sustainable location in the centre of Staplehurst. The general principle of that is clearly acceptable. Added weight must also be given to the fact that the Council can not currently demonstrate a 5 year housing land supply and this is a significant factor which can mean that negative aspects of a scheme can be set aside.

Visual Impact

6.02 The building affects the conservation area and it is regrettable, both that it was not built in accordance with planning permission MA/01/1790 and that effective remedial action has not been taken since then. In its current form the Inspector on MA/07/0143 found that it detracted significantly from the character and appearance of the conservation area. However, this application, as part of the conversion, proposes significant amendments to its appearance, most notably the ‘hipping’ of the roof; the removal of garage doors and balcony features; and the changes to materials including re-roofing in clay tiles and the change from UPVC windows to timber. I agree with the Conservation Officer that these changes improve design and enhance the conservation area. I regard the application acceptable therefore in terms of its visual impact.

Residential Amenity

6.03 The scale and design of the building is such that it would have no adverse impact on the residential amenities of local residents as a result of loss of light, privacy, excessive noise, etc. No objections have been received on that basis.

6.04 The objectors are correct in that the building has no private amenity space available for the prospective occupiers. This is a negative aspect of the proposals. However, it is often the case that small units of accommodation (like flats) in densely developed locations often do not have the benefit of gardens and private space.

Highways

6.05 The Inspector regarded the office building to be unacceptable in highways terms due to the unsuitability of the access to the High Street and the inadequacy of parking and turning space for that office use. However, an office use is not proposed here and new dwellings in sustainable locations often do not have on-site parking. In my view, some off-street parking and turning space would be desirable here but I do not find that the lack of that is critical here in a sustainable location. With the lack of such space use of the access is likely to be limited and I consider it acceptable for the use proposed. The High Street in this location is subject to parking restrictions including double yellow lines, white zig zag lines associated with the adjacent Pelican crossing, and a small number of restricted use parking bays. Nonetheless, there is on street parking available within reasonably close proximity to the site on side roads, and whilst parking on these streets may give rise to inconvenience, this is not a matter of highway safety. I note there is no objection from the Highways Officer.

Landscaping

6.06 This is built environment and there are no landscape or ecology-related issues in this case.

Other Matters

6.07 The issue of a loss of employment land is raised by objectors but the existing use as an office building is not lawful. There is no loss of retail floorspace here so there is no conflict with saved Policy R10 which seeks to retain retail uses in village centres.

7.0 CONCLUSION

7.01 The application proposes residential units in a highly sustainable location in the centre of Staplehurst. The general principle of that is clearly acceptable. Added weight must also be given to the fact that the Council can not currently demonstrate a 5 year housing land supply. Significant improvements are proposed to the building. Whilst I have some reservations as to lack of parking and amenity space, on balance I recommend that permission should be granted.

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: 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.

Planning Committee Report

(2) The development hereby permitted shall be carried out in accordance with the following approved plans:
drawing nos. 14-001/02, 11, 20 received 5/6/14; and drawing nos. 14-001A and 10/A received 10/11/14;

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

(3) The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

(4) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 1995 (as amended), no further development falling within Schedule 2, Part 1 of that Order shall take place on the site without the prior written consent of the Local Planning Authority;

Reason: To ensure the character of the site is maintained.

(5) The development shall not commence until full details of the proposed external joinery have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed in accordance with the approved details;

Reason: To ensure a satisfactory appearance to the development.

(6) The proposed first floor bathroom window on the southern elevation shall be fitted with obscured glazing and fixed shut before the first occupation of the dwellings hereby permitted and the window shall be subsequently retained in that condition;

Reason: In order to avoid a loss of privacy.

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 applicant/agent was provided with formal pre-application advice.

Planning Committee Report

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

Case Officer: Geoff Brown

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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REPORT SUMMARY

REFERENCE NO - 14/504795/FULL		
APPLICATION PROPOSAL Erection of 30 no. open market homes and associated garaging, and erection of 20 no. affordable homes, construction of access road and bridge, and provision of open space, ecology park and new public footpath. Demolition of 24 bay garage court and redevelopment to provide a 16 bay garage court and amenity storeroom		
ADDRESS Land to the South Of Cross Keys, Bearsted, Kent		
RECOMMENDATION GRANT PLANNING PERMISSION SUBJECT TO PRIOR COMPLETION OF AN APPROPRIATE LEGAL MECHANISM AND CONDITIONS		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development is at a sustainable location, immediately adjoins the existing urban boundary, and is not considered to result in significant planning harm. Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan. The applicant is prepared to enter into a legal agreement to ensure that justified contributions are met.		
REASON FOR REFERRAL TO COMMITTEE The proposal is a departure from the Development Plan. Councillor Val Springett objects to the application and has requested the application be reported to Committee for the reasons set out below. Councillor Mike Cuming objects to the application and has requested the application be reported to Committee for the reasons set out below. Bearsted Parish Council wish to see the application refused and have requested the application be reported to Committee for the reasons set out below.		
WARD Bearsted	PARISH/TOWN COUNCIL Bearsted	APPLICANT Country House Developements AGENT Mr Guy Osborne
DECISION DUE DATE 06/02/15	PUBLICITY EXPIRY DATE 06/02/15	OFFICER SITE VISIT DATE 4/12/2014

RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):

There is some planning history at this site. Including 1972 and 1967 applications for residential development which were refused.

- 67/0284/MK3 – Refused
- 72/0035/MK3 – Refused

- 88/1670 – Refused
- 89/0469 - Refused
- 11/1909 - Erection of a detached dwelling – refused for the following reasons.

'The development is considered to be contrary to PPS7 and Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 in that the dwelling would constitute additional sporadic development in the countryside and erode the open space between the existing dwellings. The development is therefore unacceptable in principle'. Dismissed at appeal.

- 13/1708 – Outline application for the erection of 39 dwellings including new access road, garaging and parking with the matters of access and layout to be considered at this time and all other matters reserved – Withdrawn by the applicant.

This site was submitted and assessed in the 2013 Call for Sites/SHLAA exercise (reference H1-18). The officer conclusion was that the site was suitable for development as set out below:

'Following the consideration of the issues raised above, the sustainable location and its close relationship to the urban residential area to the west, I consider that the site is suitable for development.

The site has some landscape importance locally and includes a number of established trees and planting, particularly concentrated to the western side of the site. This site also forms an important transitional space between the urban area of Bearsted to the west and the less developed area of Cross Keys to the east. As such, care would need to be taken in any design to ensure key elements of the character of this area are retained. The River Len also flows through this site and so the residential layout would need to allow sufficient spacing for this to mitigate the flood risk.

Similarly, the density of any residential development would need to be appropriate to be sympathetic to this character. Our development matrix indicates a density of 35dph for a site in this urban periphery location. However, due to the transitional character of this site and its existing constraints which are present to the western side of the site, I consider that a density of 30dph would be more appropriate.

As such, I recommend that the site is accepted for development'.

The site was subsequently recommended for inclusion in the Reg. 18 Consultation draft of the Maidstone Borough Local Plan. However, at the meeting of the Cabinet on 24 February 2014 Members rejected the site for the following reasons:

- Flooding issues – Occupation of the site would have an unacceptable impact on hydrology and local flood risk

The site was resubmitted for consideration during a further call for sites with additional information submitted to address the flooding issues raised by Members previously. Council officers were of the opinion that the additional flooding information (submitted by flood professionals following discussions with the Environment Agency) successfully overcame the previous reasons for rejecting the site and subsequently recommend the site for inclusion in the Reg.18 Consultation draft provided that:

'The Environment Agency are satisfied with the Flood Risk and Hydrology Assessment that has been undertaken (which I understand that they are) and that the long term management of and appropriate public access to the undeveloped areas of the site can be secured, in principle, development is considered acceptable'.

However, at the meeting of the Cabinet on 28 February 2015 Members rejected the site for a second time, for the following reasons:

- Flooding issues

The site is not therefore allocated in the Reg. 18 Draft Maidstone Borough Local Plan.

Allocated sites nearby:

Site H1(17) Barty Farm, Thurnham, located on land to the north of Roundwell and east of Water Lane has been allocated for 122 new residential units as agreed by Cabinet on 2 February 2015 subject to, inter alia,

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

Barty Farm site allocation has been agreed at Cabinet and will now move forward into the Regulation 19 document. The site at Barty Farm is located some 300m from the application site at Cross Keys.

MAIN REPORT

DESCRIPTION OF SITE

The site comprises a strip of land located to the east of Cross Keys and to the west of Sutton Street and to the south of The Street / Roundwell. The site borders the urban boundary of Bearsted village (Cross Keys and The Street) and is located within the countryside location and Special Landscape Area, for the purposes of the Local Plan 2000. The site is also located within an area of Archaeological Importance with the remains of Mott Hall, located in the south western section of the site adjacent to the Lilk stream.

An ordinary water course known as the Lilk flows broadly north to south across the site and is culverted under Roundwell. An ordinary water course flows from east to west and joins the Lilk approximately in the centre of the site. The Lilk continues south for approximately 1km where it joins the River Len. The site has a flat plateau area running through the middle with The Lilk stream. To the west of this the land rises sharply in places to its boundary with Cross Keys and to the east there is a gentle rise to the rear of the properties located on Sutton Street.

The land is largely not maintained and includes areas of established grassland and established trees and planting. In the past the grassland has been used for grazing horses and sheep.

The north, east and west of the site are bordered by built development while the area to the south has a more rural character.

The urban boundary of Bearsted is located to the west and north of the site, comprising residential properties in Cross Keys and The Street. The area to the east of the site also comprises residential properties. These properties front Sutton Street with their rear gardens generally backing onto the application site. The residential development along Sutton Street is mainly located along the west side of the street with some sporadic development along the eastern side. The western side of Sutton Street has a much more

built up character than the eastern side with a fairly close knit line of residential properties stretching from the junction with Roundwell down to a property known as The Barn Roundwell, with more sporadic residential development further south. Sutton Street and the area to the east are located within the open countryside with Gore Cottage; a grade II listed building with holiday lettings located in the grounds. Sutton House and barn, a grade II listed building is located on the west side of Sutton Street.

PROPOSAL

Erection of 50 dwellings in total, 30 no. open market homes and associated garaging and parking spaces, and 20 no. affordable homes, construction of access road and bridge, and provision of open space, ecology park and new public footpath. Demolition of 24 bay garage court and redevelopment to provide a 16 bay garage court and amenity storeroom.

The application site can be broadly divided into four sections.

An existing block of 24 garages located on the southern side of Cross Keys are proposed for demolition and would be replaced by two rows of terraces houses, comprising seven one bed houses in total with associated off-street parking. Plots 47 to 50 comprises a terrace of single storey one bed ground floor flats formed of facing bricks, plinth brick detail, exposed rafter feet, timber fenestration, and slate tiles. Plot 44 to 46 comprises three two storey one bedroom units. The terrace would be formed of facing brickwork with timber weather board and hanging tiles above, timber fenestration and clay roof tiles. All seven units would be provided private amenity area at the rear. Eight off-street parking spaces are proposed to the side and front of the houses. These seven houses would all constitute affordable housing.

The existing 16 bay garage court located to the south of Cross Keys (behind nos. 69 to 72 Cross Keys) would be replaced with a new 15 bay garage court and a purposes built store room serving the youth football club, located adjacent the site.

The eastern side of the main site would be developed with 43 houses, comprising a mix of two storey terrace and detached properties with garages and off road parking. A new vehicle and pedestrian access would be formed into the site from Cross Keys. The new vehicle access would bridge over The Lilk stream and connect to two main ancillary roads at a centralised junction, with further roads stemming off the these ancillary roads.

In the north eastern section of the site a row of five detached houses (Plot 29, 30, 40, 41 and 42) would be afforded frontage onto the access road and over the public open spaces located to the west. The most northern property (Plot 43) would be located at the end of the access road with orientation toward The Street and the western side of the site. Behind the five frontage properties is an L-shaped terrace of nine two storey houses (Plots 31 to 39) which would be served by a separate access. Parking for these properties would mainly be within a courtyard at the front with two additional parking spaces to the side of Plot 34 via an undercroft. 16 parking spaces would be provided in total for the nine houses. These nine properties would constitute affordable housing comprising a mix of two and three bed units each with their own private outdoor amenity space. (Plots 26 to 28) would front onto a separate shared access road and an area of public open space adjacent to The Lilk stream. Properties would be a variety of designs which are utilised in other areas of the site. Materials include facing brick, tile hanging, weatherboard, clay and slate roofs and timber fenestration.

Plot 25 would be a barn style development located on the eastern side of the site behind Sutton House and The Barn at Roundwell. This property would be afforded access via Sutton Street over a shared access located adjacent Sutton House. This is the only property

which would be afforded access via Sutton Street. However, Sutton Street would also afforded emergency access to the site via Plot 25 and a bollarded route.

The southern section of the proposed built development would be served by a curved access road. The houses in this section of the site would mainly be detached properties save for a row four terrace houses (Plots 4 to 7) which would accommodated the remaining affordable housing. All the houses would present onto the access roads with three or four different property designs utilised throughout this section of the development. Materials include facing brick, tile hanging, weatherboard, clay and slate roofs and timber fenestration which are used throughout the whole site.

The western section of the site would remain undeveloped with an area of public open space provided between The Lilk and the housing development. On the western side of The Lilk an area of wetland would be retained for water retention and an ecology park, containing ponds and reed beds for water filtration. To the south of the proposed access bridge the woodland area would remain untouched save for a new pedestrian footpath which link the site up to the Bearsted Woodland Trust parkland and run through the site joining Sutton Street and Roundwell. A number of information boards would be erected explaining the history and ecology of the site.

Cross Key road would be re-aligned / widen to include nine new parking car parking spaces at the front of nos. 3 to 10 Cross Keys. The road would be widened by removing a section of the existing pavement / grassed area on the western side of the road. The nine new parking spaces would be located in the widen section of the road allowing for two lanes of passing traffic adjacent the parking spaces.

POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV24, ENV26, ENV27, ENV28, ENV34, ENV49, T13, CF16.

Supplementary Planning Documents: Affordable Housing Development Plan Document (2006), Open Space Development Plan Document (2006)

Maidstone Borough Council Draft Local Plan: SS1, SP2, SP5, H1, H2, H3, DM2, DM3, DM4, DM6, DM10, DM11, DM13, DM23, DM24, DM30.

LOCAL REPRESENTATIONS

A site notice was displayed at the site on 4th December 2014.

Some 124 objections have been received from local residents. The following issues were raised:

- Flood risk – the site is a flood plain
- Highways safety and traffic congestion
- Parking provision
- Impact on archaeological remains
- Impact on the landscape / environment
- Impact on site ecology / wildlife
- Impact on local schools and doctors – lack of spaces
- Impact on the open countryside and Special Landscape Area
- Urban sprawl
- Misapplication of the flooding sequential test

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- Impact on Sutton Street and nearby listed buildings
- Location of the emergency access
- Contrary to the Green and Blue Infrastructure Strategy
- Impact on local amenities
- Pastiche housing design
- Poor location of new garages
- Overdevelopment of Bearsted
- Density of the development
- Inaccurate points made in the Design and Access Statement regarding the location of the site to local shops and Maidstone
- Impact on sewers
- Loss of open space
- The site has been omitted from the draft local plan
- Loss of a view
- Overlooking / loss of privacy
- Loss of public access
- Loss of amenity space
- Cumulative impact with Barty Farm development
- Maintenance of SUDs
- Affordable housing not integrated
- Impact of construction traffic (non material planning consideration)

Cllr Springett has objected to the proposal for the following (summarised) reasons:

- The site is not in a sustainable location in terms of schools, doctors, SUDs and future maintenance.
- Development in the open countryside
- Visually intrusive long range views of the North Downs and AONB
- Flood risk
- Impact on the character and setting of Sutton Street
- Impact on listed buildings
- Maintenance cost of the non developed sections of the site
- To few replacement garages proposed and inconveniently located
- Insufficient parking provision
- Vehicle tracking is inaccurate
- Provision of affordable housing

Councillor Cuming has objected to the proposal for the following (summarised reasons):

- Flood report is un-representative due to the date of the survey
- Impact on local infrastructure
- Impact on local schools and doctors surgeries
- Vehicle safety at the point of access
- Sutton Street is not suitable for use as an emergency access

CONSULTATIONS

Bearsted Parish Council: objects to the application on the following grounds:

'Bearsted Parish Council objects in the strongest possible terms to this application for the reasons that the proposal will:

1. be contrary to the policies of the NPPF and to saved policies ENV 22, ENV28 and ENV34 of the Maidstone Borough-wide Local Plan 2000 because it will comprise unsustainable and inappropriate greenfield development in an edge-of-town, semi-rural area that will do great harm to the setting of Bearsted and seriously erode the sensitive open countryside between Bearsted and Leeds Castle, the protection of which was fundamental to the Secretary of State's emphatic rejection of the KIG appeal in 2010;

2. destroy forever the historic and semi-rural setting of Sutton Street, Bearsted's oldest street, and seriously harm the setting of several nearby 'listed buildings';

3. create potentially insuperable land drainage and flooding problems related to not only the application site but also to the surrounding areas because the application site functions as a 'conveyor' of substantial volumes of surface water draining from the North Downs and the M20 in the north to Majors Lake and the Lilk Stream to the south;

3. create additional traffic flows in Sutton Street and Cross Keys and into Roundwell which will cause additional hazards to existing traffic movements and be detrimental to the amenities of local residents with regard to congestion and pollution;

4. have a serious detrimental impact upon the sensitive ecology of the wetland area within the site.

In addition, the Parish Council is very concerned about the shortage of places at local infant and junior schools. A recent FOI request to KCC has revealed that between 2009 and 2014, 341 Bearsted children failed to obtain their first choice at such schools and a further 271 failed to secure their second and third choices. Consequently, many Bearsted children are currently having to be sent to schools as far away as Cranbrook, Harrietsham and Sutton Valence which is a totally unacceptable situation.

As this planning application is proposing family housing, it is inevitable that this will create yet further pressure on local schools which cannot be met as there are no proposals in the pipeline for local schools to expand or for new ones to be built.

Bearsted Parish Council will wish to send a representative to address the Borough Council's Planning Committee when this planning application is considered'.

Environment Agency: No objections.

'We have reviewed the information submitted and have no objection to the proposed development but request the following 6 conditions be included in any permission granted:

CONDITION: Whilst the principles and installation of sustainable drainage schemes are to be encouraged, 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.

Reason: Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.

CONDITION: The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (14_504795_FULL-FLOOD_RISK_ASSESSMENT, 12th November 2014). Specifically, the mitigation measures detailed within the FRA include:

1. *Finished floor levels are set no lower than 39.95m above Ordnance Datum (AOD) (paragraph 4.7 FRA)*
 2. *The minimum level of the access road bridge is set at 39.50mAOD (paragraph 4.9, FRA) and the lowest level of this bridge is greater than one metre above the 39.20m (paragraph 4.10)*
 3. *Limiting the surface water run-off to the watercourse of 5 litres per second, generated by the 100 year critical storm (including climate change allowance), so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.*
 4. *Provision of compensatory flood storage (for the bridge piers) on the Lilk, as detailed in section 5 of the FRA and Appendix 12.0.*
 5. *Confirmation of culvert construction and improvement works, detailed in paragraph 4.4 and drawing A2164-SK1500 in Appendix 12.0.*
- The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.*

Reasons:

1. *To reduce the risk of property flooding to the proposed development and future occupants*
2. *To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and ensure safe access and egress from and to the site.*
3. *To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.*
4. *To reduce the risk of flooding from blockages to the existing culvert (s).*
5. *To reduce the risk of flooding (from all sources) to the proposed development and existing road infrastructure and properties surrounding the site.*

CONDITION: *No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, 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 100 years critical storm (including climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. These details shall include:*

- *The appropriate locations on the development site where infiltration techniques are appropriate. This will be informed by specific ground conditions (e.g. groundwater levels and infiltration rates) at each location where soakaways are proposed.*
- *Where soakaways are not appropriate, sustainable surface water drainage systems will be designed and incorporated into the development, in line with the FRA, paragraph 6.13. Updated rainfall runoff calculations based upon the detailed design will be included with the surface drainage scheme.*
- *Details of how the overall scheme shall be maintained and managed after completion*

Reason: *To prevent the increased risk of flooding, both on and off site.*

CONDITION: *Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:*

- 1) *A preliminary risk assessment which has identified:*

- *all previous uses*
- *potential contaminants associated with those uses*
- *a conceptual model of the site indicating sources, pathways and receptors*
- *potentially unacceptable risks arising from contamination at the site.*

2) *A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.*

3) *The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.*

4) *A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.*

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: *For the protection of Controlled Waters. The site is located over a Principal Aquifer and insufficient information has been provided to assess the potential for contamination to be present.*

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, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.*

Reason: *There is always the potential for unexpected contamination to be identified during development groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters.*

CONDITION: *Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved.*

Reason: *Should remediation be deemed necessary, the applicant should demonstrate that any remedial measures have been undertaken as agreed and the environmental risks have been satisfactorily managed so that the site is deemed suitable for use.*

KCC Education: *No objections*

'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: £4000 per 'applicable' house towards construction of a new primary school in south east Maidstone and £2701.63 per applicable house towards land acquisition costs.

'The proposal gives rise to 13 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 new Primary Schools in Hermitage Lane & Sutton Road 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.'

'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.'

Secondary Education Provision: £2359.80 per applicable house towards new secondary school accommodation will be provided in Maidstone through extensions to provide additional accommodation.

'The proposal is projected to give rise to 9 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'.

Community Learning: £31.75 per household sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both through dedicated adult education centres and through outreach community learning facilities local to the development.

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

Youth Services: £31.78 per household sought to be used to address the demand from the development towards youth services locally.

'Forecasts indicate that there is insufficient capacity within local Centres to accommodate the increased demand generated through the development, therefore KCC require contributions to provide increased centre based youth services in the local area.'

Libraries Contribution: £127.09 per household sought to be used to address the demand from the development towards additional bookstock and services at local libraries serving the development.

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

Social Care: £53.88 per household sought to be used to address the demand from the development towards the provision of new/expanded facilities and services in the area local to the development including assistive technology, and enhancement of local community facilities to ensure full DDA access.

The proposed development will result in additional demand upon Social Care (SC) (older people, and also adults with Learning or Physical Disabilities) services, however all available

care capacity is fully allocated already, and there is no spare capacity to meet additional demand arising from this and other new developments which SC are under a statutory obligation to meet.

Paul Crick Director of Environment, Planning and Enforcement: Objects on behalf of the Education Planning & Access department (received 5/02/2015). Objections summarised as below:

- Contrary to para. 38 and 72 of the NPPF
- Detrimental impact of the development on sustainable local education provision would not be outweighed by the contribution to housing land supply.
- Pressure on primary schools places in Maidstone East
- Significant demand for pupil places will require the expansion of more than one school
- The quantum of development in this application does not justify a new school
- The primary schools within the local area are not capable of accommodating the forecast pupil demand.
- Expansion of local schools is restricted by building and site constraints and availability of land
- Increased need to travel to schools further afield and cost of travel

KCC Highways: No objections.

'The applicant has demonstrated that the traffic generated from this proposal can adequately be accommodated on the surrounding public highway network. A robust analysis has been undertaken using future year forecasts. I note that apart from the bell mouth entrance onto Cross Keys, the internal roads are to remain privately managed. The development comprises three elements namely:-

- One unit constructed off Sutton Street*
- 42 units constructed off Cross Keys and*
- 7 units replacing garages adjacent to Cross Keys*

It is noted that an emergency access route of 2.5m width off Sutton Street is proposed and it is considered that the views of the Kent Fire and Rescue Service in relation to paragraphs 6.7.2 and 6.7.3 of the Department for Transport's Manual for Streets, should be sought. It is my understanding (although fire engine tracking has been provided) that the emergency access route width of 2.5m is insufficient. It is also unclear why the access road off Cross Keys is 5.750m wide, although it is suspected that this may be for traffic movement and management during potential bridge maintenance periods.

I have undertaken a study of the car parking provision proposed and confirm that this closely accords to Kent guidance given in Interim Guidance Note 3. I consider that the car parking allocations proposed are acceptable. This also applies to the 7 units proposed replacing garages adjacent to Cross Keys. Should this application be approved the crossover and integration with the Cross Keys public highway required for the construction of these units will necessitate the applicant to enter into a Section 278 agreement with this authority. This is also required for the interface of the main access road proposed.

I note that a sustainable drainage system is proposed for this site and it is considered important, for the ongoing performance of these systems, that a management plan is devised. A robust sustainable funding mechanism for the maintenance of private roads and structures will also be necessary'.

The agent provided further information (email dated 12.012.2014) to KCC Highways following their initial comments.

KCC subsequently provided the following highways response:

'I would recommend that the views of Kent Fire and Rescue Service are obtained to ensure that they are happy with the arrangements. Subject to this and my previous comments regarding S278 agreement(s), I confirm on behalf of the Highway Authority that I have no objection to this application'.

KCC Archaeology: No objections

'The site contains the remains of Mott Hall, a possible post medieval or earlier small holding which utilised channels of the River Lilk. Associated with this establishment are considerable earthworks, including a possible moat and linear pond. The site has been subject to two phases of archaeological deskbased and fieldwork investigations by Canterbury Archaeological Trust. The reports have been deposited on the HER and are provided as supplementary information as part of this application.

The developer has revised the scheme to the benefit of the heritage of the site. These revisions, which included a revised access road, are very welcome and should ensure that the remains of Mott Hall are conserved, understood and enjoyed by the community. They will form part of the ecology park and I welcome the proposals for interpretation panels. I do not entirely agree with the wording of the interpretation panels and would like the opportunity to discuss a few amendments but this could hopefully be achieved post consent.

The main housing development and infra-structure may disturb archaeological remains and as such it would be appropriate for a programme of archaeological works to take place prior to and/or during construction work and there needs to be mechanisms in place to secure heritage interpretation on site.

KCC Ecology: No objections.

'The Ecology Phase 1 Habitat Survey and Reptile Survey and Habitat Creation and Woodland Management reports have been submitted in support of this application. The potential for ecological impacts has been identified and the presence of reptiles on the site has been confirmed.

We advise that:

- *The principles of the proposed reptile mitigation are sufficiently acceptable to satisfy Maidstone BC that there is scope for securing adequate mitigation and that this should be a condition of planning, if permission is granted. We would expect a detailed mitigation strategy to incorporate all areas of potentially suitable habitat, and include an adequate number of translocation visits, informed by good practice guidelines;*
- *The measures recommended in the report to minimise the potential for impacts to nesting birds should also be secured within the mitigation strategy;*
- *The development and implementation of a detailed long-term habitat management plan for the woodland and retained grassland areas should be secured by condition, if planning permission is granted;*
- *There is potential for bats to use the site, i.e. roosting in the woodland, but also foraging and commuting over the grassland area and field boundaries. We advise that bat surveys, carried out by a suitably experienced and licensed bat ecologist will be necessary to inform the development of the proposed habitat management plan,*

particularly as it is stated in the Habitat Creation and Woodland Management report that there are 'unsafe' trees present that will be felled;

- *Detailed (NVC) surveys of the areas of the retained woodland and grassland habitats would provide a suitable baseline with which to inform the proposed habitat management plan;*

Further information was submitted to KCC indicating that the surface under the bridge is intended to be left as a natural habitat including confirmation that there will not be any construction surface or man-made materials.

Overall KCC Ecology raised no objections as a result.

KCC PROW: *'I note that this development proposes a new footpath link which would be fully supported by this office as an improvement to the current network. Please ensure the new route provides a pedestrian link between Cross Keys and the current alignment of Public footpath KM75. Also please ensure the proposed footpath is legally "dedicated" through Section 25 of the Highways Act as a Public Footpath. Also its construction should be in keeping with other paths in the existing park. Full consultation regarding the new path design must be completed with KCC PROW and Access and the Trustees of the Bearsted Woodland Trust.*

Furthermore I note that whilst the Public Rights of Way in the area are generally in good condition, the development will increase the number of local residents using the routes. I suggest the addition of two handrails for the slope steps on PROW KM75 shown on the map between the footbridge and Gore Cottage would be a useful safety enhancement.

I have attached a copy of the PROW development tariff. From this I calculate funding needed for the legal costs involved in a creation agreement would be around £1000 and construction and future maintenance of a new handrail would be £400. I would ask that these projected costs be included in any Section 106 contribution to KCC PROW and Access service.

*If the points made above are considered then I have **no objection** to the application'..*

NHS: *'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:*

- Bearstead Medical Practice
- The Spires Surgery (Downswood)

The above surgeries are within a 2 mile radius of the development at Cross Keys. This contribution will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity.

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

Predicted Occupancy rates

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

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

Predicted Occupancy rates	Total number in planning application	Total occupancy	Contribution sought (Occupancy x £360)
3.5	30	105	£37,800

NHS Property Services Ltd therefore seeks a contribution of £37,800.'

MBC Housing: *'The development is for a total of 50 units with the applicant proposing 40% affordable housing which equates to 20 affordable units.'*

Andrew Connors, Housing & Communities Funding Manager, has been in consultation with Country House Developments with regards to the affordable housing provision for this site.

The affordable provision is for the following size and tenure split:

Size	Total Units	Rental	Shared Ownership
1 Bedroom	7	7	0
2 Bedroom	10	5	5
3 Bedroom	3	1	2
Total	20	13	7

This is as agreed with Andrew during their discussions.

The area of the site has been extended to include the garage site at Cross Keys, which we would consider as off-site provision. We always expect affordable housing to be delivered on-site and off-site provision is only considered and allowed in exceptional circumstances.

However, Housing can confirm that we are happy with the proposals for this development, given:

- The affordable units being provided on-site provide a good range of accommodation and are only short by 4 units of which would normally be required.*
- The remaining 4 units are being proposed to be delivered on a site immediately adjacent of which is therefore in the same locality.*
- As the development consists of mainly larger family type housing (70% of which are 4 bedrooms or greater) a better mix of affordable units can be achieved to meet identified housing need by providing the 7 x 1-bed units at Cross Keys.*
- The proposal is actually generating an additional 3 affordable units of which would normally be required for a policy compliant scheme.*

The affordable housing is located in 3 separate locations around the site which is recommended along with the commitment to Lifetime Homes Standards and Code Level 4 of the Code for Sustainable Homes’.

MBC Conservation Officer: Objects

‘A number of listed buildings lie close to this site. Those most affected would be Gore Cottage, Sutton House and barn in Sutton Street and to a lesser extent Cross Keys Cottage.

Gore Cottage currently enjoys a largely rural setting, its appearance as an isolated house in the fields with no proper road access being a significant feature. Development is proposed to the north, immediately outside its curtilage; although this will be at a slightly lower level than Gore Cottage itself, there is likely to be some degree of adverse impact on the isolated setting of the listed building.

Sutton House lies at the Southern end of Sutton Street, again in a largely rural context. Development is proposed close to its curtilage which would undoubtedly impact on this open setting to the detriment of the building’s significance. Currently the rear and side of the listed building can be seen across the fields from the bridge over the Lilk in The Street, again emphasising its rural position. These views would be obscured by the new development, and development on the southern part of the application site, which is on higher ground, will dominate the views from this point, cutting off the uninterrupted rural views in this direction.

Cross Keys Cottage would not be so directly affected, but would nevertheless lose some of its rural outlook over the application site.

The site touches the boundary of the Bearsted (Holy Cross) Conservation Area at its south western tip. Although no development is proposed at this part of the site, an important part of the character of the conservation area is the feeling that it is at the edge of development with open countryside beyond. This would be compromised to some extent by development as proposed which would effectively join together the historically separate settlements of Bearsted and Sutton Street. The approved Conservation Area Appraisal and Management Plan for Bearsted identified this site as having potential for further study with a view to possible designation as an extension to the conservation area.

The western part of the site is occupied by important archaeological remains associated with the moated site of the Medieval Mott Hall and the possible associated fishponds and dams. Although not a Scheduled Ancient Monument I consider that these remains constitute a non-designated heritage asset. Whilst I accept the benefits of the proposal in relation to the better management and interpretation of the moated site itself, the impacts on its setting and in particular of the setting of the pond and dam (which are the most visible elements) by the construction of a new bridge carrying the major access to the development across the area of the dam and by development of houses on the adjacent fields will be severe in my view and remove the monuments from their historic landscape context.

Whilst generally the house designs proposed are reasonably acceptable, I do have concerns at the introduction of “fake” elements such as the oast house and “converted barn” which, in close proximity to the listed Sutton House would give a false impression of a farmstead associated with that building where historically none existed. I also have concerns at the housing layout which generally is less spaciouly arranged than surrounding development.

For all of these reasons I have strong heritage objections to these proposals.

Recommendation

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

Amended drawings were received removing the fake oast house from the proposal and reducing the height of the barn style property located at the rear of Sutton House. The conservation officer made the following comments in response to the amendments.

'Whilst the revised designs may be considered an improvement they do not overcome my fundamental objections to development of this site'.

MBC Parks and Open Space: No objections.

The level of public open space provided on site would be in accordance with council guidance.

MBC Landscape: No objections

'Raise no objection to the content of the landscaping proposals and tree removals proposed on the 'main' part of the site, where the new development is proposed. I note that the submitted tree report also includes details of some tree works to retained trees which I also raise no objection to.

The tree protection proposals are also acceptable. However, there appears to be some minor RPA conflicts, particularly in the vicinity of T21 and T21 on the tree survey – this should be addressed by a condition requiring an arboricultural method statement to demonstrate how tree root damage will be avoided.

The main part of the proposal is therefore generally acceptable on arboricultural and landscape grounds. However, it lacks any detail on the proposed management of the remainder of the site, particularly the woodland and wetland areas. These areas should also be protected from damage during construction, to prevent damage to soil structure from machinery movements and to prevent it being used for storage of materials, machinery, soil, spoil etc. and to prevent accidental contamination of the soil or watercourse. There may also be opportunity for additional planting on the northern boundary, to strengthen the visual separation of the site from the first stretch of Cross Keys, but this will depend on the management objectives for this part of the site'.

MBC Environmental Health: No objections.

'The report recommends an intrusive investigation. No objections based upon land contamination subject to conditions'

Natural England: No objections

'Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England'.

Kent Wildlife: *'No objection to the grant of permission subject to planning conditions and/or planning agreements to secure the following:*

- *Implementation of the enhancement proposals described by the applicant and as may be required by KCC biodiversity officers.*
- *A requirement to complete, for approval, a detailed management and ecological monitoring regime designed to continue the biodiversity enrichment of the site in the long term.*

- *Funding arrangements to secure implementation of the management and monitoring regime*.

Kent Police: No objections subject to conditions

Southern Water: Advise there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. Southern Water advise that additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location. Informatives and conditions recommended.

UK Power Networks: No objections

KCC Director of Planning and Environment (not a statutory consultee): 'Objects to the application for the following (summarised) reasons:

*'KCC recommends that Maidstone Borough Council **refuse** planning permission for this application for the following reasons:*

1. The proposed development is likely to have a significant landscape impacts, resulting from incursion of development into the open countryside and loss of character of a 'Special Landscape Area' as noted in the saved policies of the Maidstone Local Plan.

It is clear that, in assessing all previous applications, the impact on landscape and incursion of development into the countryside have been key issues of concern. The Borough Council have consistently maintained a logical objection to such development and this position has been supported (twice) by the Planning Inspectorate at appeal.

2. The site has significant issues relating to drainage and flooding – with the land located in the flood plain and proportion of the site being identified as within Flood Zone 3 according to the mapping carried out by the Environment Agency.

Given the abovementioned significant concerns relating to landscape/rural character, incursion into the open countryside and the impact on an identified Special Landscape Area, as well as the key matters relating to the flooding of the site, it is the view of KCC that refusal of the application outright on these concerns is the only appropriate course of action'.

Amended Plans:

Amended plans were received on 11.02.2015. The amended plans related to the omission of the oast style house and replacement with an alternative design, and the reduction in height of the barn style property (Plots 24 and 25). The amended plans also changed Plot 1 and 2 to a single attached garage each, two single garages serving Plot 22 and 23 and the altered position of the garage on Plot 25. The following amended plans were received and sent out to re-consultation:

500/RP/070A, 500/RP/027A, 500/RP/002 I REVA, 500/RP/047 REVA, 500/RP/026-C, 500/RP/052 Rev A; dated February 2015

APPRAISAL

Principle of Development

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. In this case the Development Plan comprises the Maidstone Borough-Wide Local Plan 2000, and as such the starting point for consideration of the proposal is policy ENV28 which relates to development within the open countryside. The policy states that:

“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.”*

In this case, none of the exceptions against the general policy of restraint apply, and therefore the proposal represents a departure from the Development Plan. It then falls to be considered firstly whether there are any material considerations which indicate that a decision not in accordance with the Development Plan is justified in the circumstances of this case, and (if so) secondly whether a grant of planning permission would result in unacceptable harm, such that notwithstanding any material justification for a decision contrary to the Development Plan, the proposal is unacceptable.

The key material consideration outside of the Development Plan in the determination of applications for residential development in the open countryside is national planning policy as set out in the National Planning Policy Framework 2012 (NPPF) and the Council's position in respect of a five year 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;”

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). Subsequent to this, the objectively assessed housing need was revised downwards to 18,600. This figure, which is based on central government population projections based on 2011 census data, was reported to, and accepted by, Cabinet on 10th September 2014.

At April 2014, the Council has a 2.1 year supply of housing assessed against the revised objectively assessed need figure of 18,600. The Council is unable to demonstrate a 5 year supply of housing land.

This lack of a 5 year supply is a significant factor and at paragraph 49 of the NPPF it is stated that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a 5 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.

In respect of the circumstances of the specifics of this case, the proposal site is located on the edge of the urban boundary of Maidstone to the east of Bearsted, in reasonable proximity to a range of key services available in the village as well as good public transport links via Bearsted train station and bus routes into Maidstone town centre.

The draft Local Plan states the town of Maidstone cannot accommodate all of the growth that is required on existing urban sites, and the most sustainable locations for additional planned development are at the edge of the urban area of Maidstone. The Maidstone urban boundary ends at Cross Keys to the west of the site and The Street / Mallings Drive housing development located to the north of the site. The application site is therefore located directly adjacent the edge of the urban area of Maidstone and is considered to represent a sustainable location in accordance with the draft Local Plan.

In this context, it is considered that the location of the site is sustainable in the terms of the NPPF as it is located on the edge of the defined urban area. The application site is located some 800m from Bearsted train station with frequent services to Maidstone, London and Ashford. Bearsted Green is located some 500m distance from the site with a range of services on the edge of the green including pubs, restaurants, a convenience store, butchers, delicatessen and a computer shop. All of these facilities can be accessed by foot from the application site along lit pedestrian pavements. The nearest bus stop is located adjacent the site on The Street which operates the no.19 bus into Maidstone, offering an hourly service in the morning and evening and a more limited service in between. The frequency of the service is not considered to reduce the sustainable location of the site due to the proximity of Bearsted station and the fast connection times and frequency of the train services. Also, Roseacre Junior school is located approximately 1.6km distance from the application site, with Madginford Park Infant School some 3.2km and St Johns C Of E Primary School some 3.7km distance from the application site. Additionally the centre of Maidstone lies just over 5km by road to the east with its extensive range of shops, services and businesses.

The Council is not in a position to demonstrate a five year housing land supply, and as such normal restraints on volume residential development in the open countryside do not currently apply as the adopted Local Plan is considered out of date. In such circumstances the NPPF advises that when planning for development through the Local Plan process and the determination of planning applications, the focus should be on sustainable development. The development of this site is therefore in accord with the objectives of the NPPF being located directly adjacent to the edge of the urban area of Maidstone and in a sustainable location.

Furthermore, the bringing forward of development on this sustainable would contribute towards the provision of housing and therefore help in meeting the shortfall in housing supply. This also represents a strong material consideration in favour of the development.

For these reasons, it is considered that the principle of the development is, by virtue of national planning policy as set out in the NPPF and local planning policy as set out in the emerging Local Plan, acceptable in the circumstances of this case. In the circumstances of this case, the key planning issues are considered to be visual impact, heritage, design,

density of the development (including whether the site can suitably accommodate 50 dwellings), residential amenity, flood risk, access/highway safety and ecology.

Flooding

A majority of the objections to the proposal relate to flood risk and past flooding on the application site and surrounding area.

It is evident from recent and historic photos that sections of the application site have experienced flooding in the past. Evidence has also been provided which demonstrates that flooding also occurs in the locality, in particular at the bottom of Water Lane and to the north of the site on The Street / Roundwell where standing water has been recorded in the road.

Environment Agency (EA) Flood Risk Maps indicates that the site is partially located in Flood Zone 3 and 2 along the corridor of The Lilk and the flatter wetland areas in the western sections of the site. The higher ground in the eastern section of the application site is designated as Flood Zone 1. The site is not identified by the EA as having a critical drainage problem.

The EA Flood Risk Maps indicate that some of the proposed development (Plots 29, 30 and 40-43) would be located in Flood Zone 3 with the remaining development located in Flood Zone 1. However, the EA advise that their flood zones have only been derived using generalised JFlow modelling method and are therefore not fully representative of the Flood Zones in this area. The EA advise that a more detailed flood modelling assessment of the Lilk stream and the site would be appropriate to support development in this section of the site. The more detailed modelling would be used to provide a more reliable estimate of flood levels under the 100 year flow condition.

The application is supported by a Flood Risk Assessment by CTP and detailed site specific flooding modelling has been completed by Herrington Consulting Limited with the results of the flood modelling contained in Outline Numerical Flood Model Report by Herrington.

The flood modelling by Herrington includes allowance for climate change, the impact from hydraulic control structures and the impact of pluvial and fluvial sources. The modelling results indicate that the lower section of the housing development (Plots 29, 30 and 40-41) would be located approximately 0.5m above the maximum flood level and therefore outside 1 in 100 year event (with allowance for 100 years of climate change) and therefore outside Flood Zone 2 and 3. The modelling method and results have been endorsed by the Environment Agency.

The NPPF requires that Local Authorities should apply a sequential test to ensure that development is located in areas least at risk from flooding. The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (Flood Zone 2 and 3 or land within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency), but where development is necessary, making it safe without increasing flood risk elsewhere. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

If, following application of the Sequential Test, it is not possible for the development to be located in zones with a lower probability of flooding the Exception Test can be applied if appropriate.

Table 1 of the NPPF sets out the definition of the flood zones.

Flood Zone	Definition
Zone 1 Low Probability	Land having a less than 1 in 1,000 annual probability of river or sea flooding. (Shown as 'clear' on the Flood Map – all land outside Zones 2 and 3)
Zone 2 Medium Probability	Land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding; or Land having between a 1 in 200 and 1 in 1,000 annual probability of sea flooding. (Land shown in light blue on the Flood Map)
Zone 3a High Probability	Land having a 1 in 100 or greater annual probability of river flooding; or Land having a 1 in 200 or greater annual probability of sea flooding. (Land shown in dark blue on the Flood Map)
Zone 3b The Functional Floodplain	This zone comprises land where water has to flow or be stored in times of flood. Local planning authorities should identify in their Strategic Flood Risk Assessments areas of functional floodplain and its boundaries accordingly, in agreement with the Environment Agency. (Not separately distinguished from Zone 3a on the Flood Map)

The application site crosses Flood Zone 1, 2 and 3 and when applying the Sequential Test for this development and the site as a whole, the proposed housing would be wholly located in Flood Zone 1 (as indicated by the Herrington flood modelling). As stated in the above table Zone 1 land represents a low risk of flooding and relates to all land outside Zones 2 and 3. It is therefore considered that the applicant has sufficiently applied the Sequential Test in this instance as the proposed housing would be wholly located in Flood Zone 1 as indicated in the Herrington flood model.

The proposed vehicle access and bridge would cut across the Flood Zones 3, however, the bridge would be constructed using piling and bridge struts which would significantly reduce the built footprint which would come into contact with the Flood Zone / ground. Further, the vehicle access would be constructed a minimum of 300mm above 39.20mAOD which would provide clearance over the 1 in 100 year flood level, ensuring safe access and egress to the site. Further, the bridge would be set 1m above this flood level at its lowest point.

As stated above the proposed houses would all be located in Flood Zone 1 in accordance with the NPPF. In addition, the FRA advises that the minimum internal floor levels for the proposed dwellings would preclude risk to flooding and the minimum internal floor levels throughout the site would provide a minimum freeboard of 750mm above the 1 in 100 year flood level including allowance for climate change.

The Environment Agency have engaged with the applicants flood consultants during pre-application discussions and during the call for sites allocation and have raised no objections to the application based on the evidence submitted within the FRA and Herrington flood model report.

A number of the objections received in relation to flooding have raised concerns that the development of this site would result in increased flooding in the locality, particularly with regard to the use of SUDs. Concerns have been raised with respect to the timing of the Subsoil Investigations which were completed in June, a typically drier month of the year.

In this regard the FRA by CTP indicates that further groundwater monitoring and further soakage tests are to be carried out prior to the detailed design of the drainage systems to confirm areas of the site where infiltration techniques are suitable. In areas where infiltration methods are not found to be suitable other SUDs components would be considered. The Environment Agency have requested several conditions (as set out above) to ensure that the development does not commence until suitable methods of surface water drainage have been submitted to and approved in writing by the council. The discharge of these conditions would be subject to consultation with the Environment Agency. If SUDs infiltration techniques are not found to be acceptable in certain areas of the site the FRA Note by CTP (A2164/January 2015) advises that an alternative SUDs drainage strategy would be adopted which would include storing surface water in, inter alia, cellular storage tanks and tiered sub-base storage, before it is discharged to the Lilk stream at a controlled discharge rate of 5 litres per second.

Southern Water advises that there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system and have advised that additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. In this regard the applicants flood reports indicate that the surface water would not be directed into the existing sewer network and any improvements to the existing sewerage system can be addressed by way of condition as requested by Southern Water.

The FRA modelling has sufficiently demonstrated that the proposed development of the site would not exacerbate flooding within the site or in the surrounding area, as agreed by the Environment Agency. Additionally, the proposal also includes a number of betterment techniques aimed at reducing the level flooding in Flood Zones 2 and 3 of the application site and also on the land immediately adjacent the site in the road on Roundwell / The Street which is known to flood.

The following flood mitigation methods are proposed in the Herrington Flood report:

- Removal of the over ground foul sewer that currently dissects the site improving surface water drainage in these areas.
- Removal of the brick arch culvert to the south of The Street thus improving the flow of water and reducing the likelihood of the culvert blocking and overflowing.
- Removal of silt and debris from The Lilk and culverts thus increasing the conveyance of the channel.
- Improvements to the culvert under the entrance near Sutton House. Replacement of the existing culvert and overly with an increase cross sectional area thus increasing the conveyance of the channel.
- Incorporation of a wetland area in the western section of the site providing compensatory flood storage. A number of flood ponds would be excavated in this area for increased flood storage.
- Incorporation of reed bed system to provide natural filtration to assist in removing hydrocarbons from the water course.
- Inclusion of two drainage ditches running parallel to The Street to link up with the existing drainage system on the road to capture surface water run-off from the existing highway.

Overall the proposed mitigation measures are considered acceptable and are predicted to achieve an improvement over the existing situation which sees the public highway and footpath in The Street / Roundwell flooded in events of heavy rain. The Environment Agency have raised no objections in relation to increased flood risk subject to a number of conditions and have stated:

'We find the model done by Herrington to be comprehensive, considering both the impacts of design fluvial and surface water impacts from the whole catchment. There is a margin of safety too as the model does not take into account beneficial impacts from SUDS'.

Education

Allan Gilbert of KCC Education (Economic Development department) provided consultation response in a letter dated 19 November 2014, confirming KCC raised no objection to the proposed development on education grounds and set out suggested contributions to primary and secondary schools in Maidstone.

Paul Crick Director of KCC Environment, Planning and Enforcement wrote to the council in a letter dated 5 February 2015 setting out objections on education grounds from the KCC Education Planning & Access (EPA) department.

The letter from Paul Crick contradicts the earlier letter received from KCC which raised no objections on education grounds. Paul Crick's letter raises objections to the application due to the impact on local primary school places which he considers are not able to accommodate the forecast additional children.

Primary Schools within the immediate vicinity of Crosskeys and Barty Farm (site allocation H1(17)) include Madginford Park (approx. 1.6miles away), Thurnham COFE Infants (approx 1 mile away), St Johns COFE Primary (2.9 miles) and Roseacre Junior School (approx 1 mile away). At present all of these schools are full.

However, the KCC Commissioning Plan for Education Provision in KENT, 2015 – 2019 indicates that planning groups in Maidstone should not be reviewed in isolation and that the overall school capacity within the Maidstone Urban area should be considered when assessing proposed housing developments.

KCC is currently in the process of obtaining permission and building a new 2 form entry school at Langley Park (420 spaces) and has plans for a new primary school at Hermitage Lane (up to 420 spaces) creating a total of up to 840 additional school spaces in the borough. KCC also intends to commission up to 2.1 forms of entry at existing schools in the RSCs (approx. 440 spaces) and a form of entry expansion in Headcorn/Sutton Valance (210 spaces). KCC are therefore seeking to significantly increase the capacity of primary school provision in the borough.

Whilst KCC do not propose to increase the size of the primary schools closest to the site, by building new schools at Langley Park and Hermitage Lane KCC anticipate that adding additional provision within these strategic sites will add capacity to the Maidstone urban area as a whole. With the opening of Langley Park KCC anticipate that there will be a realignment of pupils' school choices freeing up space at schools in the Maidstone urban area.

Additionally, it is noted that KCC has not objected to similar development within the borough. KCC Education did not object to a similar site at Land to the rear of Milton Street and Hartnup Street, Milton which is approx. 5.1 miles drive away from Langley Park and gives rise to 5 additional primary pupil places. KCC Stated in their response to this application:

“This need, cumulatively with other new developments in the vicinity, can only be met through the provision of new Primary Schools in Hermitage Lane & Sutton Road 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” KCC did not object to this development on the grounds of distance from primary education.

Therefore, whilst the proposed development would have an impact on local schools it is considered that the provision of new / expanded schools within the borough would free up space in the Maidstone urban area, as anticipated by KCC. Further, pupils entering primary school at age 4/5 will have their applications assessed using KCC’s over subscription criteria, i.e the distance from school or sibling rule. With extra school capacity coming up at Langley Park pupils arising from these new sites in Bearsted are more likely to be offered a school place at Bearsted or other closer local schools as opposed to children living further away in Parkwood/Shepway who will be able to be accommodated where the new capacity is at Langley Park.

Visual Impact

With the exception of the two Cross Keys garage sites the application site is located on the edge of the urban boundary in the open countryside and within a Special Landscape Area. Saved policy ENV34 of the adopted Maidstone Borough-Wide Local Plan (2000) advises particular attention will be given to the protection and conservation of the scenic quality and distinctive character of these areas and priority will be given to the landscape over other planning considerations.

The majority of the site is a greenfield site and its development for residential development would clearly have an impact visually on the site. It is important to assess the impact with regard to the coverage of the development proposed.

The proposed residential development is comprised of detached and terrace single storey and two storey residential dwellings with associated garages, parking and access roads. Approximately half the site would remain undeveloped and preserved as woodland and ecology park.

The application site is boarded by other residential properties on three sides, (north, east and west) with the urban boundary of Maidstone located along the northern and eastern boundaries of the site. The area to the east of the site also comprises residential properties. These properties front the west side of Sutton Street with their rear gardens generally backing onto the application site. The western side of Sutton Street is characterised by a fairly close knit line of residential properties stretching from the junction with Roundwell down to a property known as The Barn Roundwell, with more sporadic residential development further south. The proposed development would therefore be seen in the context of the immediate neighbouring residential development and would not appear out of character in this setting given the built up nature along the boundaries of the site.

There are several short range public vantage points from which the site can be seen, in particular from The Street / Roundwell located to the north of the site where there is limited boundary treatment and the proposed development would be clearly visible. The site would also be visible from the northern parts of Cross Keys and also from Sutton Street, where Plot 25 would be visible between Sutton House and The Barn Roundwell. Partial views would also be afforded between the gaps in the houses along Sutton Street. Additionally, Partial views would also be afforded from Mallings Drive between gaps in the houses and the bottom of Water Lane. Views into the east of the site from the public footpath running from Sutton Street to the Bearsted Woodland Trust site would be largely screened by the hedgerow along the edge of the footpath. The south western boundary of the site would be

largely screened from view by the topography of the site including woodland area located around Mott Hall. Short range views of the proposed development would be afforded from these locations and there would be a considerable change in the character, especially from the short range views immediately adjacent the site, that would clearly have a visual impact.

However, short range views are to be expected when developing a greenfield site for housing and in certain circumstances may generally be considered acceptable. In this instance it is considered that the proposed development would be seen in the context of the built development located to the north, east and west of the site, and in my view, would constitute visually acceptable infill development, located between the urban boundary of Maidstone at Cross Keys, The Street and Mallings Drive and the fairly close knit row of residential properties located on the western edge of Sutton Street. The proposed development would therefore be seen against the backdrop of other built development immediately surrounding it on three sides. In addition, the proposed development would be lower in height and more subordinate than the properties fronting onto Sutton Street and the development would not appear overly prominent in the Sutton Street streetscape as a result.

Limited medium range views of the proposed development would be afforded from the south of the site along the A20 and the public footpath that approaches Gore Cottage and from the Bearsted Woodland Trust site. The site would not be significantly visible from views from the North Downs as demonstrated by the applicant's long range impact assessment. The lower lying application site and considerable vegetation screening would ensure that the proposed development does not appear adversely prominent from North Downs. The location of existing built development on three sides of the application site would also serve to limit the visual impact of the development from any possible long range views as the housing development would be viewed in the setting of the neighbouring residential development.

Taking all of the above into consideration the visual impact of the development would be acceptable. Whilst it would change the character of the site, there would not be any significant wider visual harm that would be harmful to the character and appearance of the area, in particular from long range views from the North Downs. I consider that the general principle of development of this site to be acceptable in relation to the visual change to the site and the development of this site represents an extension to the urban boundary and would also partially constitute infill development being located between residential properties on three sides.

In addition to this, the NPPF attaches less weight to the protection of locally designated landscapes such as the Special Landscape Area which is applicable in this case.

Heritage Impact

The council conservation officer has objected to the development of the application site due to the impact on the setting of a number of listed buildings located close to the site. The conservation officer advises that those most affected would be *'Gore Cottage, Sutton House and barn in Sutton Street and to a lesser extent Cross Keys Cottage'*.

The proposed development would inevitably have a visual impact on the setting of the nearby listed buildings however it is necessary to assess whether the impact is of significant harm to warrant refusal of the planning application.

Gore Cottage is located to the south of the site in an largely rural setting, however, in my view the lower lying development site and separation distance between Gore Cottage and proposed housing development would ensure that the setting of this grade II listed building is not unacceptably harmed. In addition, holiday lets and other outbuildings located within the curtilage of Gore Cottage would partially screen the proposed development from the grade II listed building. It is also noted that the rural setting of Gore

Cottage would remain unaltered on the east, south and west therefore I am of the view that its isolated setting would remain largely intact especially from key vantage points.

Sutton House is located at the southern end of the Sutton Street at the end of a fairly close knit line of houses located on the western side of Sutton Street. A further residential property is located to the south of Sutton House. The existing built development to the north and south of Sutton House are considered to detract from its original rural setting. The proposed development would undoubtedly have an impact on the setting of the Sutton House and Plot 25 would be viewed in the same setting as Sutton House from public vantage points on Sutton Street. However, the application site, in my view, is not considered wholly rural in nature, given the proximity to the Maidstone urban boundary and existing residential development situated on three sides of the site. At present Sutton House is not located in a wholly rural setting due to the surrounding built development and the principle elevation of Sutton House would still be afforded a rural / open outlook in a south eastern direction across Sutton Street. Further, following initial comments from the council conservation officer, the house on Plot 25 has been reduced in height so as to be lower, and more subservient, than Sutton House. It is also noted that historic aerial photos indicated that there once was an outbuilding / barn located at the rear of Sutton House in a similar position to the proposed house on Plot 25. I am therefore of the opinion that the proposed layout and design of the buildings in proximity to Sutton House have been designed so as to have regard to the setting of this grade II listed building.

The conservation officer states that 'Cross Keys Cottage would not be so directly affected, but would nevertheless lose some of its rural outlook over the application site' however this is not considered to be significant given the separation distance from the application and should not restrict the development of the site.

The council's conservation officer also advises that the development of this site would harm the setting of the Bearsted (Holy Cross) Conservation Area which is located at its south western tip. However, as the conservation officer states there is no development proposed at this part of the site, therefore, I am of the view the visual separation between the proposed built development and the conservation area, together with the tree screening, would be successfully maintained and, the proposal would not unacceptably harm the character or setting of the conservation area as a result.

The conservation officers views regarding the Medieval Mott Hall, pond and dam are noted however they are contradictory to the advice provided by the County Archaeological Officer which has been sought throughout the pre-application stages of the proposal. The advice of the County Archaeological Officer has steered the relocation of the vehicle access bridge to the current proposed position and has appraised the pedestrian footpath and historic information panels proposed throughout the site.

The proposed development would undoubtedly have a visual impact on the setting of the nearby grade II listed buildings and archaeological features within the site, however, in my view the level of harm would be less than substantial, therefore this needs to be weighed against any public benefit arising from the proposals in accordance with the tests set out in the NPPF.

In this instance it is therefore considered that the significant public benefits arising from the additional houses would, in my view, outweigh the limited harm to the setting of the conservation area, archaeological remains and grade II listed buildings and should not prohibit the development of the site.

Design and layout

In terms of the acceptability of the layout, this has been the subject of discussion between the applicant, case officers and Kent Design Panel at the pre-application stage in order to achieve the most effective outcome.

The number of units and density is considered appropriate for the semi-rural edge of urban boundary location and the retention of the eastern sections of the site would ensure a sense of openness to the site and allow a better provision of open space on the site, which would also serve to reduce the impact on the open countryside and improve the sustainability of the development. A lower density scheme has been led by a need to locate the development outside Flood Zones 2 and 3, reduce the impact on the setting of the conservation area and listed buildings and improve the suitability of the development.

The Design and Access Statement considers existing styles of development in the surrounding area and the materials used. The development has been designed to fit into its surroundings through the use of vernacular materials and styles including facing brick, hanging tiles and weatherboarding, clay and slate roof tiles. Materials will be subject to a condition requiring detailed samples to be submitted, however in principle I consider the proposals acceptable subject to finalisation of finishes.

Throughout the site dwellings generally front the internal roads and turn corners where appropriate. The main entry into the site over the bridge is a requirement dictated by the wetland area and the position of this main access and bridge has been approved and dictated by County Archaeologists and Highways officers. The design of the bridge is considered acceptable subject to a high standard of materials which can be sought via condition.

The proposed buildings are considered to be individually of a high design standard and the use of a simple palette of materials would ensure a uniform identity throughout. The palette of materials, form and design of the houses is considered appropriate for this edge of town setting and would respect the surrounding local vernacular. The council conservation officer and Kent Design Panel have endorsed the overall design of the houses. In addition, the fake oast house has been replaced by an arts and crafts style property and aerial historic photographic evidence of a barn / outbuilding previously located at the rear of Sutton House, in broadly the same location as the barn style property proposed on Plot 25, has sought to address the conservation officer's objections to these elements of the proposal.

No objections are raised to the demolition of the existing garage blocks on Cross Keys as these developments are considered to have a visually harmful impact on the character of the area. The proposed new dwellings located on Cross Keys would be a visual improvement on the existing garages and would enhance the character of Cross Keys streetscene. The two rows of terraced properties proposed on Cross Keys would be of a high design standard and would not appear incongruous in this predominantly residential setting. The replacement garages in the southern section of Cross Keys would represent a visual improvement in comparison to the existing garages which are in a dilapidated state.

All of the proposed units would provide a good level of private amenity space, including the affordable units, and the low density scheme would create a sense of spaciousness, allowing dwellings to be set well back from the site boundaries. Significant landscaping is proposed throughout the site and on the boundaries (no close boarded fencing is proposed), all of which are considered appropriate and sympathetic to this location on the periphery of the urban area. All units would benefit from off-street parking in the form of garages and allocated parking spaces which have been sited and designed in order to limit the level of hard surfacing. Porous hard surfaces would be used throughout the site.

There is good connectivity within and through the site. The site would be permeable to pedestrians via new footpaths linking up The Street / Roundwell and Sutton Street to the Bearsted Woodland Trust parkland located to the south of the site. The introduction of a new public footpath along The Lilk and Mott Hall have been endorsed by the County PROW officers and Archaeological officers and would open this previously private area to the public with information boards highlighting the history of the area located at three different points within the site.

The boundary treatment throughout the site will be essential to achieving a good scheme, in particular the southern end of the site adjacent the open countryside which will require an appropriate mix of indigenous landscaping and, the northern boundary adjacent to the road which would need to remain largely open to preserve the character of the road. A comprehensive landscaping scheme would be sought via condition.

Residential Amenity

A number of objections have been received relating to loss of amenity including loss of privacy and loss of outlook.

The neighbouring residential development located on Cross Keys would be separated from the proposed development by the width of the public highway therefore no objections are raised with regard to loss of amenity to these properties.

The residential properties located on the south side of Roundwell and the west side of Sutton Road would abut the application site and would be located in closest proximity to the proposed development site with rear gardens backing onto the site.

Whilst the outlook from some of these properties would undoubtedly change as a result of the proposed development, overall it is considered that there would be sufficient separation distances between the new houses and the existing neighbouring properties and, the proposed development is considered not to result in an unreasonable loss of amenity in terms of loss of light, outlook or privacy.

A majority of the properties fronting onto Sutton Street benefit from long rear gardens which back onto the application site, and the proposed built development would be set away from the boundaries of the site which in most case would allow sufficient separation distances of more than 20m between the proposed and existing houses.

Roundwell Cottage is located in closer proximity to the application site. The property proposed on Plot 43 would be located some 20m distance from the rear / side elevation of Roundwell Cottage to ensure no unreasonable loss of amenity would occur. The house on Plot 42 would be located just under 20m distance from the side / rear of Roundwell Cottage, however, the orientation between the two properties would ensure that only oblique views are afforded between the houses. The rear / private amenity space at Roundwell Cottage is located on the northern side of the house adjacent to the road and would not be overlooked by the proposed development as a result. The garages for Plots 42 and 43 would be located in closer proximity to the boundary of Roundwell Cottage, however, the garage building would be single storey, set at a lower ground level, screened by existing and proposed boundary treatment and located adjacent the drive / parking area of The Cottage. I am therefore of the opinion that this garage building would not result in an unreasonable loss of amenity in terms of outlook or loss of light.

Plot 25 would not be located directly behind any neighbouring residential properties fronting onto Sutton Street therefore limiting the visual impact of this building and, only oblique views would be afforded between habitable windows due to the orientation of this property.

The house proposed on Plot 26 would be located some 18m from the main rear elevation of The Barn Roundwell. This separation distance coupled by the existing and proposed boundary screening is considered sufficient to ensure that no unreasonable loss of amenity would occur.

Residential properties proposed within the southern most section of the site would be located a sufficient distance from Gore Cottage so as not to result in any unacceptable loss of amenity and would be partially screened by the outbuilding and the holiday let building located in the grounds of Gore Cottage. The holiday let building in the curtilage of Gore Cottage is a single storey structure with no openings facing towards to the application site.

Overall, it is considered that the proposed development, by virtue of the siting, design, ground levels, boundary screening and distances from neighbouring properties, would not result in any unreasonable loss of residential amenity in terms of loss of light, outlook or privacy.

Transport

Concern has been raised with regard to the impact on the existing road network. Existing residents are concerned that the proposal will increase traffic congestion on the local road network. Accompanying the application was a full Transport Assessment. Detailed comments from Kent Highways have been provided and no objections are being raised in relation to the increased traffic generation, highways safety and parking provision which are in accordance with KCC Highways guidelines.

A new vehicle access would be provided into the site via Cross Keys. Cross Keys would be widened to allow nine cars to park off the carriageway which would enable sufficient swept paths into the new access, by removing parked cars from Cross Street. Swept path diagrams, which have been approved by KCC Highways, have been provided indicating that refuse vehicles can turn into the site from Cross Keys.

The application was submitted with an accompanying transport assessment by CTP which includes a Manual Classified Turning Count (MCT) survey at the junction of Cross Keys and The Street, a Proposed Traffic Generation survey in accordance with the TRICS database in accordance with KCC guidance, and a junction analysis utilising PICADY.

TRICs has been used to estimate the traffic generated by the development and this indicates that there is likely to be 14 arrivals and 31 departures during the AM peak and 35 arrivals and 25 departures during the PM peak. The number of trips generated is not considered to be a significant increase in this location and is considered not to result in an unacceptable highways impact onto Cross Keys or The Street / Roundwell.

A number of objections have been received regarding the date that the TRICS data was obtained. In this regard the transport assessment has factored the TRICS data using TEMPRO software to current day levels, a method which has been accepted by KCC Highways.

Cross Keys is a looped road however the Transport Statement predicts that 100% of the development traffic would utilise the junction between Cross Keys and The Street due to the proximity of this junction.

A capacity assessment of the junction at Cross Keys and The Street has been undertaken using PICADY to assess the impact of the development at this junction. Again the original data provided was dated therefore the transport assessor has utilised the TEMPRO software to predict the level of traffic at the beginning of 2015

The results indicate that the junction currently operates at a maximum 10% capacity at AM peak periods and a maximum 6% capacity in PM peak periods. Further analysis indicates that the proposed development is predicted to function at approximately 18% capacity in AM peak periods and 14% PM peak periods. These predicted figures are well below the capacity of the junction therefore it is considered that the existing junction at Cross Keys and The Street would be able to accommodate the proposed development and additional traffic.

Concerns initially raised with by Kent Highways have been overcome through discussions / amended details. Further, Kent Fire and Rescue Service have confirmed that the emergency access proposed via Sutton Street would be of a sufficient width.

Turning to the internal layout of the site, there is no objection to the siting and size of the parking bays, nor to the overall number of parking spaces provided which are in accordance with KCC parking standard guidance. Cycle parking storage would be secured via condition.

Affordable housing

The proposed scheme comprises the provision of 40% affordable housing which is in accordance with the councils Affordable Housing DPD. The applicants have been in pre-application consultation with the council housing department to agree the size and tenure split.

20 affordable units are proposed in total and would be distributed throughout the site so as not to form an over concentration of affordable units in accordance with the NPPF. The affordable units would be a high standard of design utilising the same palette of materials as the private housing on the site, including timber fenestration, tile hanging, weatherboard and clay and slate tiles. The affordable housing would also be completed to Code Level 4 which is above policy requirement.

A number of objections have referred to the off-site location of the seven of the affordable units which would be located on Cross Keys, stating that these would not be in accordance with policy as they are located within the urban area, not the open countryside.

In this instance all the proposed affordable housing (20 units) would be accommodated within the defined red boundary of the application site and therefore constitute on-site provision in accordance with policy. Additionally, council housing advises that the proposal is actually generating an additional 3 affordable units of which would normally be required for a policy compliant scheme. It should also be noted that had the garage site on Cross Keys been developed independently the number of units proposed would not have triggered a requirement for affordable houses. The mix and tenure of units has also been agreed by the councils housing department.

Landscaping

A comprehensive landscaping scheme has been proposed which would see a majority of the existing boundary trees and hedgerows retained with enhancements in a number of places through new tree and native hedgerow planting. The landscaping scheme has been endorsed by the councils Landscape officer and would be secured via appropriate conditions.

Few trees would be removed from the application site. The councils Arborist has not raised any objections to the removal of these trees subject to the additional tree planting proposed in the landscaping scheme. Protection of the trees located on the boundaries of the application site could be secured by a suitably worded condition.

Ecology

The site and adjacent land is not subject to any statutory nature conservation nature designations. The housing development would be located on the grassland fields of low ecological value, with the seasonally wetland area, adjacent grassland and woodland preserved and enhanced to be part of a habitat strategy to improve its nature conservation value.

A phase 1 ecological statement has been submitted. This reveals that there are no identified protected species on the development section of the site and overall no significant ecological constraints found on the sections of the site proposed for development.

Planning guidance states that in addition to mitigation, development should seek to enhance ecological interests. The application promotes ecological enhancement through the provision of open spaces, new tree planting and hedgerow planting in the development section of the site.

Other ecological enhancements proposed are as follows:

- Habitat creation and woodland management
- Clean up of The Lilik
- Enhancement of habitats for reptiles and bats
- Erection of bat boxes
- New reed bed and restoration of coppicing along the Lilik
- Retention of all arisings on site to create decaying timber and hibernacula
- Excavation of three ephemeral ponds

Natural England and KCC Ecology have raised no objections to the development of the site advising that no protected species would be affected.

The applicant has proposed that the woodland area and ecology park be handed to Maidstone Borough Council Parks and Leisure department for future ongoing management. However, MBC Parks and Leisure department have advised they are not in a position to take on this site, or any other sites for future management, in immediate future. The developer would therefore retain the land and the terms surrounding the future management of the woodland and ecology park would be addressed in the S106 Agreement.

Other issues:

A number of objectors have highlighted a previous application on this site which was refused. In particular an application in 2011 (ref: 11/1909) for a single house which was refused due to loss of an open space between existing dwellings and sporadic development into the open countryside contrary to ENV28.

There is a requirement to assess the current application on its own merits. As set out above policy ENV28 is superseded by the NPPF and housing development in the open countryside is assessed, inter alia, in terms of its sustainability. Further, I see no strong comparison between the 2011 application and the current proposal as the 2011 scheme involved a single house which was classed as infill development being located between The Barn Roundwell and The Cottage with frontage onto Sutton Street.

A number of objections have been raised in relation to the demolition of the existing garage blocks on Cross Keys and the replacement new garages in less inconvenient location. There is no control over the demolition of the existing garages therefore the loss of existing off-street parking spaces cannot be taken into consideration. Additionally, 15 new garages are proposed and would be built to current parking standards and therefore able to accommodate a modern car. Visually the proposed garages would be represent an

improvement over the existing block. The community benefit for a storeroom of the local youth football club is also acknowledged.

Heads of Terms

The consultees have requested a number of contributions to be secured through the application. It is important that any contributions that are secured through a Section 106 agreement would meet the requirements of the three tests of Regulation 122 of the CIL Regulations 2010 and paragraph 204 of the NPPF 2012.

These are set out below:-

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The NHS have requested £37,800 based on an average occupancy in relation to the size of the residential units towards improvements at the named surgeries of Bearsted Medical Practice and The Spires Surgery which are within 2 mile of the site. It is clear that the proposed development of 50 dwellings would result in additional demand placed on the health facilities and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.

There are requests made by Kent County Council as the Local Education Authority towards primary school education contributions that amount to £4000 per applicable house and £2701.63 per applicable house towards acquisition costs. The monies would be put towards the provision of new schools in the borough at Hermitage Lane and Sutton Road. There will be a greater demand placed on schools within the borough from the occupants of the new 50 dwellings and information submitted by County shows that these are at capacity and as such the contribution is considered justified and appropriate.

In addition to a new primary school Kent County Council as the Local Education Authority require contributions towards additional secondary school places by extending existing secondary Schools in the Town at a cost of £2359.80 per applicable house. There will be a greater demand placed on the local schools from the occupants of the new 50 dwellings and information submitted by County shows that these are at capacity and as such the contribution is considered justified and appropriate.

Kent County Council has sought contributions of £31.75 per dwelling towards community learning which would be used to pay for adult learning classes or Outreach Adult Learning in Maidstone. It is clear that the proposed development of 50 dwellings would result in additional demand placed on the health facilities and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.

There is a request of £31.78 per dwelling sought by Kent County Council which would pay towards the provision of staff and equipment for Maidstone Borough Youth Outreach services in the area. It is clear that the proposed development of 50 dwellings would result in additional demand placed on the youth facilities available in the area and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.

There is a request from Kent County Council to provide £127.09 per dwelling which would be used to provide for expansion of Library services locally and additional bookstock & equipment to deal with the addition usage from this development. It is clear that the proposed development of 50 dwellings would result in additional demand placed on the

bookstock at Maidstone library and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.

Kent County Council has sought contributions of £53.88 per dwelling which would put towards projects including the expansion of the services and facilities for older people care needs and adults with learning and physical disabilities. It is clear that the proposed development of 50 dwellings would result in additional demand placed on the social services provided by Kent County Council and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.

Contribution of £1400 sought for the purposes of improving the environment and furniture of Public Footpath KM75 and the legal dedication of the new footpath through the site.

The provision of 40% affordable residential units within the application site, 65% rental and 35% shared ownership.

CONCLUSION

The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development is at a sustainable location, immediately adjoins the existing urban boundary, and is not considered to result in significant planning harm. Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan.

Development at this site would extend the grain of development from the Maidstone urban boundary to the east and would infill the space between the urban area at Cross Keys and the line of residential development located along the western side of Sutton Street. Whilst the development would have an impact upon the setting of nearby listed buildings, I do not consider that this would be a significant impact to resist development altogether. The site is on the boundary of the urban area in easy reach of a number of services and facilities located within Bearsted, including the Bearsted train station. The development of this site for residential purposes would represent an example sustainable of development and would conform to the aspirations of the NPPF.

Furthermore, the site, being on the edge of the urban area of Maidstone, would be in conformity with the Council's hierarchy of development which seeks to direct development to the urban area of Maidstone in the first instance followed urban fringe sites. Therefore, the development of this site for residential purposes would conform with the Council's approach to the location of development.

It is therefore considered that the development of the site for residential purposes is acceptable and it is recommended that subject to the completion of a section 106 agreement planning permission is granted.

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, 65% rental and 35% shared ownership.

- Contribution of £37,800 to be sought from the NHS towards improvements to local surgeries.
- Contribution of £4,000 per applicable house and towards construction of a new primary school in south east Maidstone and £2,701.63 per applicable house towards land acquisition costs.
- Contribution of £2359.80 per applicable house towards secondary education provision in Maidstone.
- Contribution of £31.75 per household sought towards community learning to be used to address the demand from the development towards the provision of new/expanded facilities and services both through dedicated adult education centres and through outreach community learning facilities local to the development.
- Contribution of £31.78 per household sought to be used to address the demand from the development towards youth services locally.
- Contribution of £127.09 per household sought to be used to address the demand from the development towards additional bookstock and services at local libraries serving the development.
- Contribution of £53.88 per household sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both on site and local to the development including assistive technology, and enhancement of local community facilities to ensure full DDA access.
- Contribution of £1400 to be provided to KCC for the purposes of improving the environment and furniture of Public Footpath KM75 to mitigate the impact of the development.
- Details of a long term management plan of the woodland and ecology park including; responsibility for management, funding, restriction of public access to certain areas and full habitat and ecology management details.

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

CONDITIONS

(1) The development hereby permitted shall be begun before the expiration of one year 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) Whilst the principles and installation of sustainable drainage schemes are to be encouraged, 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.

Reason: Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.

(3) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (14_504795_FULL-FLOOD_RISK_ASSESSMENT, 12th November 2014). Specifically, the mitigation measures detailed within the FRA include:

1. Finished floor levels are set no lower than 39.95m above Ordnance Datum (AOD) (paragraph 4.7 FRA)
2. The minimum level of the access road bridge is set at 39.50mAOD (paragraph 4.9, FRA) and the lowest level of this bridge is greater than one metre above the 39.20m (paragraph 4.10)
3. Limiting the surface water run-off to the watercourse of 5 litres per second, generated by the 100 year critical storm (including climate change allowance), so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
4. Provision of compensatory flood storage (for the bridge piers) on the Lilk, as detailed in section 5 of the FRA and Appendix 12.0.
5. Confirmation of culvert construction and improvement works, detailed in paragraph 4.4 and drawing A2164-SK1500 in Appendix 12.0.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reasons:

1. To reduce the risk of property flooding to the proposed development and future occupants
2. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and ensure safe access and egress from and to the site.
3. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
4. To reduce the risk of flooding from blockages to the existing culvert (s).
5. To reduce the risk of flooding (from all sources) to the proposed development and existing road infrastructure and properties surrounding the site.

(4) No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, 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 100 years critical storm (including climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. These details shall include:

- o The appropriate locations on the development site where infiltration techniques are appropriate. This will be informed by specific ground conditions (e.g. groundwater levels and infiltration rates) at each location where soakaways are proposed.
- o Where soakaways are not appropriate, sustainable surface water drainage systems will be designed and incorporated into the development, in line with the FRA, paragraph 6.13. Updated rainfall runoff calculations based upon the detailed design will be included with the surface drainage scheme.
- o Details of how the overall scheme shall be maintained and managed after completion

Reason: To prevent the increased risk of flooding, both on and off site.

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

Reason: There is always the potential for unexpected contamination to be identified during development groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters.

(6) Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved.

Reason: Should remediation be deemed necessary, the applicant should demonstrate that any remedial measures have been undertaken as agreed and the environmental risks have been satisfactorily managed so that the site is deemed suitable for use.

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

Reason: To ensure that heritage interpretation is appropriately integrated into the development.

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

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

(9) The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.

- 2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

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

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

Reason: In the interests of public health and safety.

(10) The development hereby permitted shall not be commenced until the following highways / parking details have been submitted to and approved, in writing, by the local planning authority:

- o Provision of construction vehicle loading/unloading and turning facilities.
- o Provision of parking facilities for site personnel and visitors.
- o Provision of wheel washing facilities.
- o Provision and permanent retention of the vehicle parking spaces and/or garages.
- o Provision and permanent retention of the vehicle loading/unloading and turning facilities.

These facilities shall be provided in accordance with the approved details and remain available for the duration of the construction and where relevant shall be retained for use at all times thereafter.

Reason: In the interests of highway safety.

(11) The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

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

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

(13) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a habitat management plan detailing how all the ecological enhancements and protected species mitigation, including details of the future management of the woodland and ecology park, will be managed long term. The site shall be managed in accordance with the approved habitat management plan thereafter.

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

(14) 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 and to safeguard the appearance of the area

(15) The development shall not commence until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development.

(16) 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. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: In the interest of residential amenity

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

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

(18) No development shall take place until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall detail a planting specification, a programme of implementation and a 10 year management plan and include details of the responsibility for management of any area that falls outside of private residential gardens of the new properties.

Reason: To ensure a satisfactory landscaped setting for the development.

(19) The use or occupation of the development hereby permitted shall not commence until all planting, seeding and turfing specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

REASON: To ensure a satisfactory landscaped setting for the development.

(20) No development shall take place until details of barriers and/or ground protection in accordance with the current edition of BS 5837, for areas designated for retention as soft landscaped areas of the whole site, have been submitted to and approved in writing by the local planning authority.

Reason: To ensure the protection of trees on the site in the interests of visual amenity and ecology.

(21) No development shall take place until an Arboricultural method statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS shall include details of hard surfacing and any other conflicts within the root protection areas of any retained trees.

Reason: To ensure the protection of trees on the site in the interests of visual amenity and ecology.

(22) No equipment, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority.

Reason: To ensure the protection of trees on the site in the interests of visual amenity and ecology.

(23) No development shall commence on site until details of the exact location of the new pedestrian route including the point of attachment with public footpath KM75 have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In pursuit of sustainable transport objectives.

(24) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Class(es) B, C, and F and Schedule 2, Part 2, Class(es) A; 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 prospective occupiers and surrounding neighbours.

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

Reason: In the interest of pollution and flood prevention.

(26) No development shall commence on site until a signed S278 Agreement, covering the alterations to Cross Keys road layout, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the highways works covered in the S278 have been completed.

Reason: In the interests of highways safety.

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

CK/TSP/915-01A, CK/TRP/915-02A, CK/TRP/915-03A; dated 26 June 2014 and 500/RP/048, 500/RP/061; dated August 2014 and A2164-SK1500 P5, A2164-SK1501 P2, A2164-SK1505 P3, A2164-SK1506 P3, A2164-SK1510 P1, A2164-SK1615 P1, A2164-SK1615 P2, A2164-SK1616 P2; dated July 2014 and A2164-SK1600 P6, A2164-SK1601 P6, A2164-SK1612 P3, A2164-SK1613 P3; dated June 2014 and 2020/14/B/4A, 2020/14/B/5A; dated July 2014, 2020/14/B/2A; dated June 2014 and 500/RP/001, 500/DA/008; dated April 2014 and 500/RP/004; received 12/11/2014 and 500/RP/009, 500/RP/010, 500/RP/015; dated June 2014 and 500/RP/043, 500/RP/46, 500/RP/049, 500/RP/054; dated July 2014 and 500/RP/039, 500/RP/040, 500/RP/062; dated September 2014 and 500/RP/006, 500/RP/007, 500/RP/011, 500/DA/012 500/RP/013, 500/RP/014, 500/RP/016, 500/RP/017, 500/RP/018, 500/RP/019, 500/RP/020, 500/RP/021, 500/RP/022, 500/RP/023, 500/RP/024, 500/RP/025, 500/RP/028, 500/RP/029, 500/RP/030, 500/RP/031, 500/RP/032, 500/RP/033, 500/RP/034, 500/RP/035, 500/RP/042, 500/RP/043; dated May 2014 and 500/RP/070A, 500/RP/002 I REVA, 500/RP/047 REVA, 500/RP/052 Rev A; dated February 2015 and 500/RP/02A, 500/RP/026/C, 500/RP/027/A, 500/RP/041/A, 500/RP/042/A, 500/RP/044/A, 500/RP/045/A, 500/RP/047/B, 500/RP/053/B, 500/RP/057/A, 500/RP/058/A, 500/RP/070/A and LaDellWood Woodland Management Plan & Wetland Habitat Ref: 2020/14/B/3/B; dated February 2015 and Arboricultural Impact Assessment REF: SA/915/14A; dated 7 October 2014, Ecology Phase 1 habitat survey and reptile survey; dated September 2014, Flood Risk Assessment A2164/October 2014, Habitat creation and woodland management, Issue 2; dated September 2014, Phase 1 Geo Desk Study Ref: 3082/14; dated October 2014, Phase 2 archaeological investigation Ref: 2014/51; dated October 2014, Transport Assessment A2164/October 2014.

Reason: For the purpose of clarity and to ensure a satisfactory appearance to the development and a high quality of design.

Informatives:

- (1) The wording of the interpretation panels should be agreed with KCC archaeology.
- (2) As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.
- (3) Fuel, Oil and Chemical Storage
All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention, the applicant should refer to our guidance "PPG1 - General guide to prevention of pollution", which can be found at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/290124/LIT_1404_8bdf51.pdf

Waste

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2), provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste.

Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore its handling, transport, treatment and disposal is subject to waste management legislation which includes:

- i. Duty of Care Regulations 1991
- ii. The Waste (England and Wales) Regulations 2011
- iii. Hazardous Waste (England and Wales) Regulations 2005
- iv. Pollution Prevention and Control Regulations (England and Wales) 2000
- v. Environmental Permitting (England and Wales) Regulations 2010

Advisory

Ordinary watercourse

Please note, any watercourse within the boundary of the site would be classified as an ordinary watercourse and would not be maintained by us or by an Internal Drainage Board. In the absence of any express agreement to the contrary, maintenance is the responsibility of the riparian owners. Under the terms of the Land Drainage Act 1991 (as amended by regulations of the Flood and Water Management Act 2010), any culvert, diversion, weir, dam, or like obstruction to the flow of the watercourse requires the consent from the Lead Local Flood Authority (Kent County Council). For details of the ordinary watercourse consent application process in Kent, please refer to the Kent County Council website at www.kent.gov.uk/land_drainage_consent. Enquires and applications for ordinary watercourse consent should be made to Kent County Council via email at suds@kent.gov.uk

(4) No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority:

There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development without the permission of this office.

There should be no close board fencing or similar structure over 1.2 metres erected which will block out the views:

No hedging or shrubs should be planted within 1.0 metre of the edge of the Public Path.

No Materials can be stored on the Right of Way.

The granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

(5) 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 Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858688), or www.southernwater.co.uk

Condition

HERITAGE & BIO-DIVERSITY INTERPRETAT



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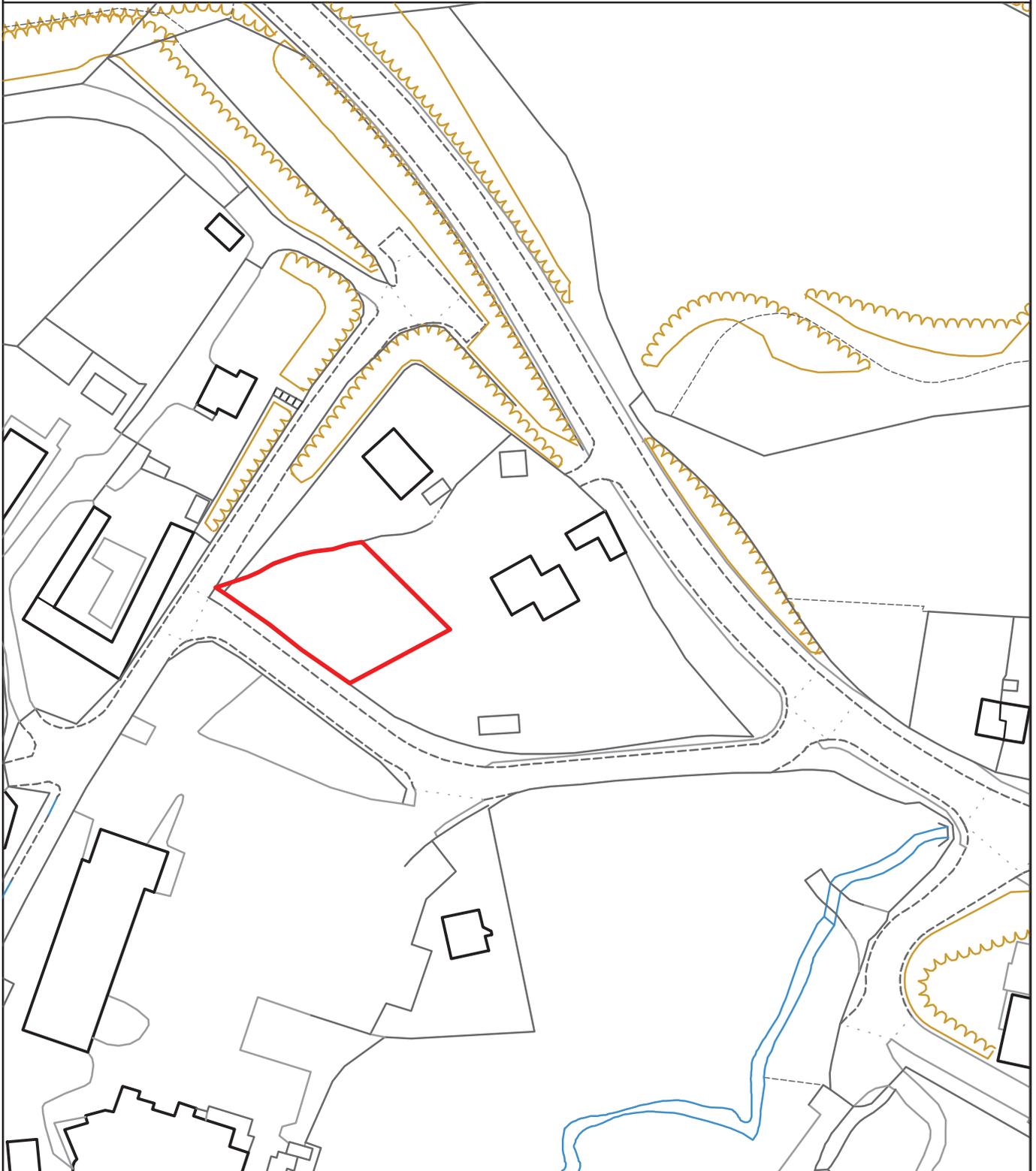


Agenda Item 22

THE MAIDSTONE BOROUGH COUNCIL

Medway Cottage
Forstal Road
Sandling, Kent
ME14 3AR

MBC Ref: 14/504931



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 14/504931/OUT		
APPLICATION PROPOSAL Outline application (all matters reserved) for the erection of one 4 bedroom dwelling as shown on Design and Access Statement received 23/10/14, drawing no. DHA/10372/04 received 10/11/14 and drawing nos. DHA/10372/01, 02 and 03 received 17/12/14.		
ADDRESS Medway Cottage Forstal Road Sandling Kent ME14 3AR		
RECOMMENDATION – Approve with conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development is not in accordance with Development Plan policy. However, in the context of a lack of 5 year housing supply, it is considered that the low adverse impacts would not significantly and demonstrably outweigh the benefits of this proposal. For the reasons set out, the proposal is considered to accord with the National Planning Policy Framework and represent circumstances that can outweigh the existing Development Plan policies and there are no overriding material considerations to indicate a refusal of planning consent.		
REASON FOR REFERRAL TO COMMITTEE - It is a departure from the Development Plan.		
WARD Boxley	PARISH COUNCIL Boxley	APPLICANT Mr McFarlan AGENT Mr Collins
DECISION DUE DATE	PUBLICITY EXPIRY DATE 11/01/15	OFFICER SITE VISIT DATE 05/12/14
RELEVANT PLANNING:		

None.

1.0 Relevant policy

Development Plan: ENV6, ENV28, ENV31, ENV34, T13
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Draft Local Plan: SP5, H1, DM2, DM4, DM5, DM30

2.0 Consultation responses

- 2.01 **Boxley Parish Council:** Does not wish to object.
- 2.02 **KCC Highways Officer:** Raises no objection.
- 2.03 **Environmental Health Officer:** Raises no objection.
- 2.04 **Landscape Officer:** Raises no objection.

3.0 Neighbour representations

- 3.01 1 representation received raising concerns over land ownership (which has been dealt with), and loss of privacy.

4.0 Site description

- 4.01 The proposal site is a parcel of land that is currently garden land associated to 'Medway Cottage'. The land is to the west of this property,

with its south-western boundary adjacent to Lock Lane. To the north is neighbouring property 'Willow Lodge'; to the west is the Kent Museum of Kent Life; and to the north are a hotel with car park, and the Malta Inn public house.

- 4.02 For the purposes of the Maidstone Development Plan, the application site is within the designated countryside that falls within the North Downs Special Landscape Area and Strategic Gap as shown by the Maidstone Borough-Wide Local Plan 2000 (MBWLP).

5.0 Proposal

- 5.01 This proposal is an outline application for the erection of a single dwelling with all matters reserved for future consideration. Indicatively, the proposal shows a 4-bed detached chalet-style bungalow sited to the west of 'Medway Cottage', with a new vehicle access and parking/turning area.

6.0 Principle of development

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

- 6.02 The application site is outside of the defined settlement boundary of Maidstone. It is therefore upon land defined in the Local Plan as countryside.

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

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

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

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

- 6.04 The proposed development does not fit into any of the exceptions set out in policy ENV28, which is why it has been advertised as a departure from the Development Plan. The proposal site is also within a Strategic Gap, and policy ENV31 seeks to resist development which significantly extends the built up extent of any settlement or development.

- 6.05 It is necessary therefore to consider two main issues in relation to the proposals. Firstly, whether there are any material considerations that

would indicate that a decision not in accordance with the Development Plan is justified, and secondly whether the development would cause unacceptable harm. Detailed issues of harm will be discussed later in the report.

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

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

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

- 6.08 Most recently calculated (April 2014), the Council had a 2.1 year supply of housing assessed against the objectively assessed housing need of 18,600 dwellings. The Council is unable to demonstrate a 5 year supply of housing land.

- 6.09 This lack of a five year supply is a significant factor and at paragraph 49 of the NPPF it states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a five year supply cannot be demonstrated. The presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.

- 6.10 Whilst it is acknowledged that the proposal site is within 300m of a bus stop on either side of Forstal Road that are served by regular bus services between Maidstone and Chatham, I am of the view that it is not in a

particularly sustainable location, however it is not so unsustainable to warrant refusal given the current policy climate and the lack of a five year land supply. I would also add that putting it into context this proposal is for a single dwelling only which would not generate significant numbers of vehicle movements to and from the site.

- 6.11 For the above reasons, I consider the policy principle of residential development at the site to be 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.

7.0 **Visual impact**

- 7.01 In terms of the proposal's impact on the wider area, the proposal site is bordered by road to the south and west, and immediately beyond this are various buildings and areas of hardstanding and car parking (randomly dispersed) associated to the Kent Museum of Life, the hotel and the public house. In addition, the site's northern and eastern edges are bounded by the remaining garden area of 'Medway Cottage' and the front garden of 'Willow Lodge'; and beyond this is Forstal Road and the M20. With this considered, the proposal is not seen as a significant development that would prejudice the character and independence of Maidstone as a settlement. Moreover, views of the site would only be from short distance, what with it being well screened from Forstal Road and beyond; and given the site's location I cannot argue that a development of this nature here would erode the countryside hereabouts or have a significant impact on the character and appearance of the countryside that falls within a Special Landscape Area and Strategic Gap. The proposal site cannot be considered as 'isolated' in terms of the NPPF, and given the extent and variation of built development around the site I am satisfied that the indicative layout shown here would not be at odds with the prevailing pattern and grain of development in the area.
- 7.02 Indicatively, in terms of scale the proposal is for 1 detached dwelling that is 1.5 storey, measuring approximately 6.5m in height, and some 9m by 13m (117m²) in its footprint. The proposal site is relatively flat, and in my view a chalet-style bungalow design, with its low eaves height; the potential set back of 15m or more of the property from the road; the appropriate boundary treatments; and the retention and enhancement of the established landscaping, would minimise the visual impact of the proposed development on the wider area. Given the likely harm a dwelling taller than a chalet-style bungalow could have on the amenity of the area and the living conditions of the neighbours, I do consider it reasonable to ensure its scale by way of condition. With everything considered, I therefore raise no objection to there being a dwelling of this scale on this site.
- 7.03 Indicatively, in terms of layout the proposal shows a single detached property located close to the eastern boundary of the site, with a driveway and parking/turning area to the front; and its main garden area would be

to the south of the property. In my opinion the layout shown could be further improved by way of reducing the width of the driveway and the level of hardstanding shown; and by softening the scheme through appropriate native planting throughout the site. This said, the layout shown is indicative only and I am satisfied that it demonstrates that a proposal for a dwelling here is possible without the development appearing dominant, cramped, over engineered, or awkward in terms of layout. This said, I do consider it reasonable to control the siting of the dwelling, and in my view a minimum of a 10m set back from the proposal site's south-western boundary would ensure the visual amenity of the surrounding area, whilst also reflecting the generous set back of both 'Medway Cottage' and 'Willow Lodge'.

7.04 In terms of appearance, the applicant has not specifically shown what palette of external materials would be used (except for tile hanging elements and use of ragstone), both in terms of the building and the areas of hardstanding. However, I am satisfied that the the external built form of the development, in terms of its architecture, materials and surrounding finishes can be sufficiently dealt with by way of condition to ensure a satisfactory appearance to the development.

8.0 Access

8.01 The applicant has indicatively shown an access (both vehicle and pedestrian) into the site from the south-western boundary. On other highway matters I am of the view that adequate parking and turning facilities would be possible within the site; and the local road network would be able to cope with the addition of 1 new dwelling in this location. The KCC Highways Officer also raises no objection on these issues. The KCC Highways Officer also raises no objection to the proposal in terms of access and highway safety and I consider the details for this matter to be acceptable.

9.0 Landscaping

9.01 In terms of landscaping, the applicant has indicatively shown the existing south-western boundary to be enhanced with additional planting, although no other details have been provided.

9.02 There are no protected trees on or adjacent to the site, and the Landscape Officer raises no objection to the application on arboricultural grounds. As layout is not for consideration at this stage, I am satisfied that any potential impact on existing trees can be dealt with at the reserved matters stage. It is also important to ensure appropriate native planting on the site boundaries, and so a relevant landscaping condition will be duly added. Details for all boundary treatments would be secured by way of condition to ensure a satisfactory appearance to the development.

10.0 Other considerations

10.01 The application is in outline with all matters reserved, and so it is not known at this stage the position, design and scale of the dwelling.

However, I am of the view that a chalet-style bungalow could be sited here without causing unacceptable harm to the living conditions of the existing neighbouring properties; and without having an adverse impact on the residential amenity of future occupants. I therefore raise no concerns on this issue at this stage.

- 10.02 Given the scale, nature and location of the site, I am satisfied that there is unlikely to be potential harm caused to protected species and their habitats and therefore consider it unreasonable to request further details in this respect at this stage. However, in the interest of ecological enhancements, a condition will be imposed to ensure that when the reserved matters are submitted, the appearance of the building will include details of bat and/or bird boxes and swift bricks.
- 10.03 The applicant has confirmed that the proposal would achieve a minimum of code level 4 in terms of the Code for Sustainable Homes and this will be conditioned accordingly.
- 10.04 The Council's Environmental Health Officer raised no objections to the proposal and I am satisfied, given the proposal's location that no further details are required regarding noise, land contamination and air quality.
- 10.05 The site is within Flood Zone 1, as designated by the Environment Agency and the proposed dwelling would make use of a soakaway. With this considered, I am of the view that the proposal would not be prejudicial to flood flow, storage capacity and drainage within the area.

11.0 Conclusion

- 11.01 The issues raised by the 1 neighbour have been dealt with in the main body of this report.
- 11.02 The proposed development is contrary to policy ENV28 in that it represents housing development outside a settlement boundary in the Local Plan. However, in the absence of a five year supply of housing the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development, and policies such as ENV28 cannot form grounds to object in principle.
- 11.03 The proposal site is not considered to be so unsustainable as to warrant refusal given the current land supply issue; and the visual impact of the proposal would be localised and would not result in any protrusion into open countryside. There are also no residential amenity, highway, landscape/arboricultural and ecological objections. Considering the low level of harm caused by the development, in the context of a lack of 5 year housing supply, I consider that the low adverse impacts would not significantly and demonstrably outweigh the benefits of this proposal. On balance, I consider that compliance with policy within the NPPF is sufficient grounds to depart from the adopted Local Plan. I therefore recommend approval subject to the appropriate conditions.

RECOMMENDATION – THE HEAD OF PLANNING BE GIVEN DELEGATED POWERS TO GRANT PLANNING PERMISSION SUBJECT TO THE EXPIRY OF THE NEWSPAPER ADVERT AND NO NEW ISSUES RAISED:

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

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

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

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

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

(3) The details of scale submitted pursuant to condition 1 above shall not have a dwelling exceeding 1.5 storey in height;

Reason: In the interests of visual amenity and to protect the amenities of the neighbouring occupiers.

(4) The details of layout submitted pursuant to condition 1 above shall have the dwelling set back a minimum of 10 metres from the south-western boundary of the site;

Reason: In the interests of visual amenity.

(5) The details of landscaping submitted pursuant to condition 1 shall provide for the following:

(i) Retention and strengthening of native planting along the south-western and south-eastern boundaries of the site.

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

(6) The details of landscaping submitted pursuant to condition 1 above shall include a scheme of landscaping using indigenous species which shall be in accordance with BS:5837 (2012) 'Trees in relation to design, demolition and construction - Recommendations' with indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

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

(7) 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.

(8) The details of appearance of the building submitted pursuant to condition 1 above shall include details of bird and/or bat boxes/tubes/bricks and swift bricks;

Reason: In the interest of ecological enhancement.

(9) The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

(10) 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 dwellings hereby approved are occupied.

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

(11) The dwelling shall achieve at least Level 4 of the Code for Sustainable Homes. The dwelling shall not be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.

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

INFORMATIVES

(1) 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.

(2) 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 Environmental Health Team regarding noise control requirements.

(3) Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc. to nearby residential properties.

(4) 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.

(5) 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.

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

Case Officer: Kathryn Altieri

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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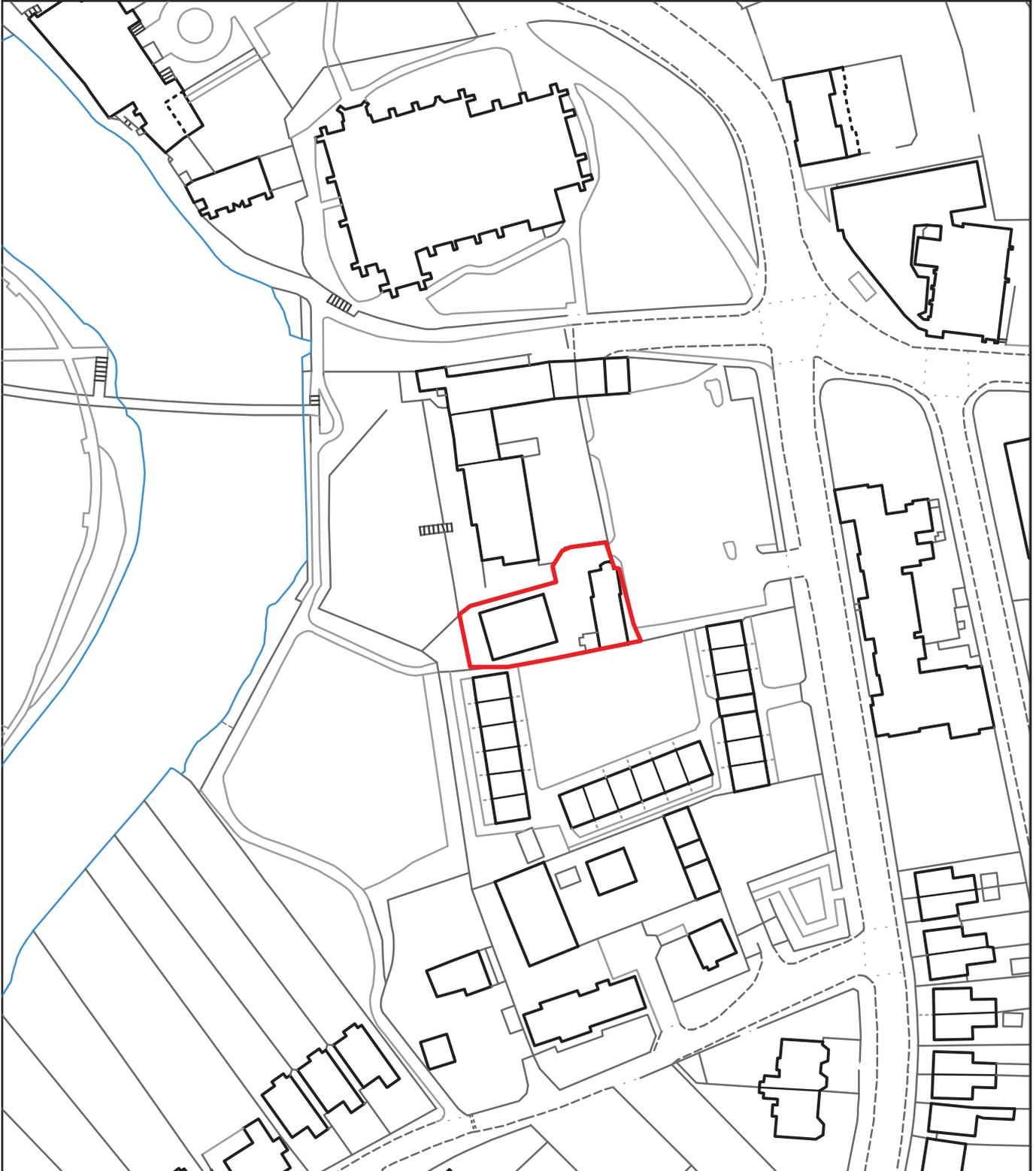
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Agenda Item 23

THE MAIDSTONE BOROUGH COUNCIL

The Masters Tower
College Road
Maidstone
Kent
ME15 6YF

MBC Ref: 14/505200



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 14/505200/LBC			
APPLICATION PROPOSAL Listed building consent for widening of existing gated opening including demolition of an existing section of wall.			
ADDRESS The Master's Tower, College Road, Maidstone, Kent ME15 6YF			
RECOMMENDATION – Approve			
SUMMARY OF REASONS FOR RECOMMENDATION There would be minimal loss of historical fabric involved in the proposed alterations and therefore the proposed development is considered acceptable in heritage terms.			
REASON FOR REFERRAL TO COMMITTEE The applicant is Maidstone Borough Council			
WARD High Street Ward	PARISH/TOWN COUNCIL	APPLICANT Mr Tom Hayes AGENT	
DECISION DUE DATE 20/01/15	PUBLICITY EXPIRY DATE 20/01/15	OFFICER SITE VISIT DATE 12/12/2014	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
14/506681/FULL	The proposal is to widen the existing gated opening to provide vehicular access.	Recommending Approval	
MA/01/1417 & MA/01/1418	'Old College' - An application for listed building consent and planning permission for the installation of a new metal vertical bar railing fence on the existing brick wall and gate across central stairs, at the rear of the property.	Approved	18.01.2002
MA/05/2438	An application for listed building consent for the removal of softwood gates and section of ragstone wall at The Masters House	Approved	13.04.2006
MA/07/2323	Construction of new railings and gates at The Masters House	Approved	11.02.2008

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is located within the town centre as outlined on the Maidstone Borough Wide Local Plan Proposals Map, adopted December 2002. The Masters Tower is Grade II listed, and is located within the All Saints Church Conservation Area, and the College of All Saints is a Scheduled Ancient Monument. The immediate area of the site has a collection of historical buildings including the Archbishops Palace.
- 1.02 A public car park is located between the site and College Road, and there is a further private car park located between the boundary of the site and the nearby The Masters House.

- 1.03 The Master's Tower is a two storey building made from Kentish ragstone, with a pyramidal tiled roof, which was originally used as the main entrance gateway to the College from the river.
- 1.04 The application refers an alteration to existing gated opening on the east elevation of the building which is currently used by The Sea Cadets to gain access to the River Medway. The existing gate is visible from the east and west elevations of the site, and from the public car park off College Road.

2.0 PROPOSAL

- 2.01 The applicant is seeking to gain listed building consent for alterations to an existing gated opening adjacent to The Master's Towers.
- 2.02 This will include demolition of a small section of Kentish ragstone wall to accommodate the proposal for the widening the existing gate. A 1m section of the wall will be removed to accommodate the widened gate. This will leave a 1.1m gap along the existing wall before the edge of The Master's Towers.
- 2.03 The gates will be in the same style as the existing gate, made from iron, in black with a decorative design. They will cover a width of 3.1m rather than 2.1m as existing.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: N/A

4.0 LOCAL REPRESENTATIONS

- 4.01 The site notice was displayed on a lamp post along College Road, next to the car park adjacent to the site. No comments have been made by members of the public.

5.0 CONSULTATIONS

- 5.01 English Heritage, 30.12.14

"We do not have specific comments to make regarding the Listed Building Consent in relation to the widening of the gateway, however we note that the ground underneath the gate and wall are part of the scheduled monument known as The College of All Saints (National Heritage List no 1011029). It is not clear from the plans submitted with the application whether any groundwork's will be required, for example for insertion of a new gatepost or wall foundation, but if groundwork's are required, then the applicant will also need to obtain Scheduled Monument Consent (SMC) for this modification."

- 5.02 Conservation, 23.12.14

"This access has been altered a number of times since the 1950s and the section of wall now proposed for removal seems largely to consist of modern work which blocked a pedestrian gate which existed in 1955. There would therefore appear to be minimal loss of any historic fabric involved in these proposed alterations."

RAISES NO OBJECTION to this application on heritage grounds subject to a condition requiring the submission of large scale drawings to show the design of the proposed gates and details of their fixing to the wall."

6.0 APPRAISAL

6.01 Impact on Heritage Asset

As this is a Listed Building Application, only the impact on the character of the listed building can be assessed and not other planning issues.

The proposal would result in a 1m section of the existing wall being demolished, and replaced with a widened gate. This point of access has been altered a number of times since the 1950's and this section of wall largely consists of modern work which blocked a pedestrian gate which existed in 1955. Therefore the loss of this section of wall would result in a minimal loss of historic fabric.

A 1m gap between the widened gate and The Masters Tower will remain, and the proposed gate is proposed to match the existing gate, I would not consider that the proposals cause significant harm to the heritage of The Master's Towers, other nearby listed buildings or to the character of the conservation area.

The proposals do not show detailed designs of the gates or their fixtures to the walls, this will be addressed via a condition. No groundwork's appear to be required as the gate appears to be fixed to the wall, therefore Scheduled Monument Consent would not be necessary, however this information has been included as an informative.

English Heritage and MBC's Conservation Officer made no objections to this proposal, there would be no significant harm caused to either the listed building or character of the conservation area, therefore I am recommending approval subject to conditions.

7.0 RECOMMENDATION – Approve subject to the following conditions

CONDITIONS to include

1. The works to which this consent relates must be begun before the expiration of three years from the date of this consent;

Reason: In accordance with the provisions of 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. Prior to the commencement of the development, submission of large scale drawings showing the design of the proposed gates and their fixing to the wall must be submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details.

Reason: To ensure the appearance and the character of the listed building and conservation area is maintained.

INFORMATIVES

(1) The ground underneath the gate and wall are part of the scheduled monument known as The College of All Saints. If any groundwork's are required (e.g. the insertion of a new gatepost or wall foundation) then Scheduled Monument Consent will need to be obtained before works begin.

Case Officer: Corinna Griffiths

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

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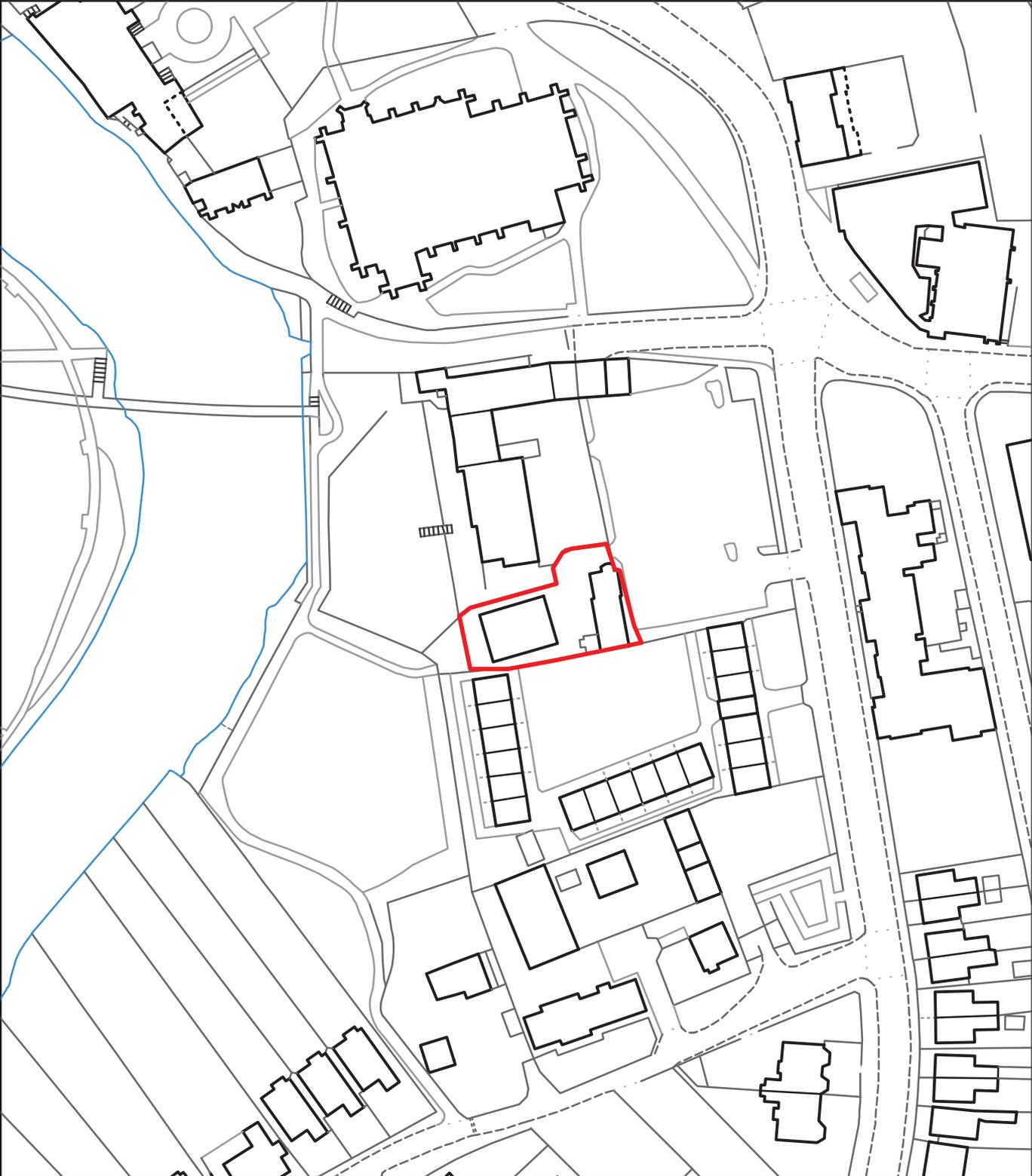
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THE MAIDSTONE BOROUGH COUNCIL

Masters Tower
The Old College
College Road
Maidstone, Kent
ME15 9YQ

MBC Ref: 14/506681



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 14/506681/FULL			
APPLICATION PROPOSAL The proposal is to widen the existing gated opening to provide vehicular access.			
ADDRESS Masters Tower The Old College College Road Maidstone Kent ME15 9YQ			
RECOMMENDATION Approve			
SUMMARY OF REASONS FOR RECOMMENDATION The proposals would result in a minimal loss of historic fabric, and would not cause harm to visual impact, residential amenity, highways and landscaping, and therefore the development is considered acceptable.			
REASON FOR REFERRAL TO COMMITTEE The applicant is Maidstone Borough Council			
WARD High Street Ward	PARISH/TOWN COUNCIL	APPLICANT Mr Tom Hayes AGENT	
DECISION DUE DATE 13/04/15	PUBLICITY EXPIRY DATE 13/04/15	OFFICER SITE VISIT DATE 25/02/2015	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
14/505200/LBC	Listed building consent for widening of existing gated opening including demolition of an existing section of wall.	Approve (Recommended)	TBC
MA/01/1417 & MA/01/1418	'Old College' - An application for listed building consent and planning permission for the installation of a new metal vertical bar railing fence on the existing brick wall and gate across central stairs, at the rear of the property.	Approved	18.01.2002
MA/05/2438	An application for listed building consent for the removal of softwood gates and section of ragstone wall at The Masters House	Approved	13.04.2006
MA/07/2323	Construction of new railings and gates at The Masters House	Approved	11.02.2008

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The application site is located within the town centre as outlined on the Maidstone Borough Wide Local Plan Proposals Map, adopted December 2002. The Masters Tower is Grade II listed, and is located within the All Saints Church Conservation Area, and the College of All Saints is a Scheduled Ancient Monument. The immediate area of the site has a collection of historical buildings including the Archbishops Palace.

- 1.02 A public car park is located between the site and College Road, and there is a further private car park located between the boundary of the site and the nearby The Masters House.
- 1.03 The Master's Tower is a two storey building made from Kentish ragstone, with a pyramidal tiled roof, which was originally used as the main entrance gateway to the College from the river.
- 1.04 The application refers an alteration to existing gated opening on the east elevation of the building which is currently used by The Sea Cadets to gain access to the River Medway. The existing gate is visible from the east and west elevations of the site, and from the public car park off College Road.

2.0 PROPOSAL

- 2.01 The applicant is seeking planning permission for alterations to an existing gated opening adjacent to The Master's Towers.
- 2.02 This will include demolition of a small section of Kentish ragstone wall to accommodate the proposal for the widening the existing gate. A 1m section of the wall will be removed to accommodate the widened gate. This will leave a 1.1m gap along the existing wall before the edge of The Master's Towers.
- 2.03 The gates will be in the same style as the existing gate, made from iron, in black with a decorative design. They will cover a width of 3.1m rather than 2.1m as existing.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF): Paragraphs 126 – 141
National Planning Practice Guidance (NPPG)
Development Plan: N/A

4.0 LOCAL REPRESENTATIONS

- 4.01 The site notice was displayed on a lamp post along College Road, next to the car park adjacent to the site. No comments have been made by members of the public.

5.0 CONSULTATIONS

- 5.01 English Heritage, 30.12.14

"We do not have specific comments to make regarding the Listed Building Consent in relation to the widening of the gateway, however we note that the ground underneath the gate and wall are part of the scheduled monument known as The College of All Saints (National Heritage List no 1011029). It is not clear from the plans submitted with the application whether any groundwork's will be required, for example for insertion of a new gatepost or wall foundation, but if groundwork's are required, then the applicant will also need to obtain Scheduled Monument Consent (SMC) for this modification."

- 5.02 Conservation, 23.12.14

"This access has been altered a number of times since the 1950s and the section of wall now proposed for removal seems largely to consist of modern work which blocked a

pedestrian gate which existed in 1955. There would therefore appear to be minimal loss of any historic fabric involved in these proposed alterations.

RAISES NO OBJECTION to this application on heritage grounds subject to a condition requiring the submission of large scale drawings to show the design of the proposed gates and details of their fixing to the wall.”

6.0 APPRAISAL

Principle of Development

- 6.01 There are no specific policies in the Maidstone Borough Wide Local Plan which refer to the demolition of wall affecting a listed building. Chapter 12 of the NPPF ‘Conserving and enhancing the historic environment’ outlines the importance of heritage assets and how planning applications should be determined. The applicant has applied for listed building consent (ref 14/505200/LBC) which is recommended for approval as the impact on the heritage assets would be minimal.

The principle of development for the widening of the gate is considered acceptable.

Visual Impact

- 6.02 The proposals will widen the existing gated opening at The Masters Tower, involving the demolition of a 1m section of ragstone wall. The gates will be replaced with gates of the same design or a black decorative design iron gate. The change in visual impact would be minimal, not causing significant harm to any users of this area, nor would it harm the character or setting of the Grade II listed building or conservation area. In terms of visual impact the proposal is acceptable.

Residential Amenity

- 6.03 The proposals would have no impact on residential amenity.

Highways and Access

- 6.04 The proposals alter an existing gate within the site, used to access the River Medway by the Sea Cadets to improve the ease of access for their boat. It would have a negligible impact upon the buildings users, or public car park users. It would no impact on the public transport network or highways.

Landscaping

- 6.05 The proposals will have no impact on landscaping of the site.

6.06 Impact on Heritage Asset

This point of access has been altered a number of times since the 1950’s and this section of wall largely consists of modern work which blocked a pedestrian gate which existed in 1955. Therefore the loss of this section of wall would result in a minimal loss of historic fabric.

A 1m gap between the widened gate and The Masters Tower will remain, and the proposed gate is proposed to match the existing gate, I would not consider that the

proposals cause significant harm to the heritage of The Master's Towers, other nearby listed buildings or to the character of the conservation area.

7.0 CONCLUSION

7.01 For the above reasons it is recommended that planning permission is granted.

8.0 RECOMMENDATION – GRANT Subject to the following conditions

CONDITIONS to include

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. Prior to the commencement of the development, submission of large scale drawings showing the design of the proposed gates and their fixing to the wall must be submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details.

Reason: To ensure the appearance and the character of the listed building and conservation area is maintained.

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

Proposed Elevations, Proposed Plan View both received 22nd December 2014.

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

INFORMATIVES

Case Officer: Corinna Griffiths

- 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 25

THE MAIDSTONE BOROUGH COUNCIL

Integra
Bircholt Road
Maidstone
Kent
ME15 9GQ

MBC Ref: 14/506715



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 14/506715/FULL		
APPLICATION PROPOSAL Installation of mezzanine floors to be used as B8 (Storage and Distribution) use, and the installation of two new windows as shown on drawing numbers DMWR/A1/3006/PL-10005; dated 19/12/14, DMWR/A1/3006/PL-10111 REV A; dated 08/12/2014, DMWR/A1/3006/PL-10302; dated 09/12/14, Transport Statement by Vectos; dated January 2014 and Transport Technical Note by DW Transportation; dated December 2014		
ADDRESS Integra Bircholt Road Maidstone Kent ME15 9GQ		
RECOMMENDATION: Approve with conditions		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposal site is located within a designated employment site and is in accordance with policy ED2 of the MBWLP and the National Planning Policy Framework (NPPF) which seeks to promote sustainable economic growth.		
REASON FOR REFERRAL TO COMMITTEE Maidstone Borough Council owns the land		
WARD Park Wood Ward	PARISH/TOWN COUNCIL Boughton Monchelsea	APPLICANT Mr Howard Moss AGENT Mr Shawn Cullen
DECISION DUE DATE 05/03/15	PUBLICITY EXPIRY DATE 05/03/15	OFFICER SITE VISIT DATE 19/01/15

POLICIES

Maidstone Borough-Wide Local Plan 2000: R18(iii), ED2(iv), T13
 Government Policy: National Planning Policy Framework
 Planning for Growth Ministerial Statement (March 2011)
 National Planning Practice Guidance
 Draft Local Plan Policy: SP2, DM17

RELEVANT HISTORY

14/0555 – Installation of mezzanine floor for additional office space – approved with conditions

14/0145 – Application for full planning permission for the erection of 7 units for a mixture of B1, B2 and B8 uses, including the renovation of the existing – Approved with conditions

12/1524 - Variation of condition 6 of permission MA/07/1094 (Erection of 40 Commercial units for a mixture of B1, B2 and B8 use and renovation of existing building) to allow the creation of a mezzanine floor for storage purposes only within Unit 3 'Intregrame' - Approved with conditions

MA/09/1869 - Variation to condition 6 of MA/07/1094 – Approved with Conditions

MA/09/1292 - Provision of mezzanine floor to provide storage and office space, tea station, and service cupboard – Approved with conditions

MA/09/0072 - Provision of mezzanine floor to create two offices, a store room and goods store area – Approved with conditions

07/1094 - Erection of 40 Commercial units for a mixture of B1, B2 and B8 use and renovation of existing building – Approved with conditions

MA/06/1211 - Erection of 41 Industrial Units comprising a mixture of B1, B2 and B8 use and renovation of existing building – Approved with conditions

CONSULTATIONS

Boughton Monchelsea Parish Council: Gave no response.

KCC Highways Officer: Raises no objection.

Environmental Health Officer: Raises no objections.

REPRESENTATIONS

No representations received.

DESCRIPTION OF SITE

The application site relates to Block H at Integra Business Park, Bircholt Road which is occupied by five units with B1, B2 and B8 uses. Block H has allocated parking for 54 cars within the site around the perimeter of the building. .

The application site is within the defined urban area and is a designated employment/car showroom area as shown by the Maidstone Borough-Wide Local Plan 2000 (MBWLP).

PROPOSAL

The proposal is for the installation of a mezzanine floor in block H located at the front of the site. Mezzanine floor is proposed in five units and would be utilised for additional B8 use. The total floor space created would measure some 535m², four of the units would increase by some 97m² while a fifth unit would increase by some 147 m². Two new windows are proposed in the northeast elevation in Unit H3. The existing floor space measures 1514 m² and the proposal would increase this to 2049m² – a 30% increase.

Principle of development

The proposal site is located within a designated employment site under policy ED2 of the MBWLP, as well as within an area where vehicle showrooms are permitted under policy R18 of the MBWLP. Given the existing use of the site and the ancillary nature and use of the proposal, I am satisfied that the development under consideration here would be in accordance with these policies.

The proposal is also in line with the National Planning Policy Framework (NPPF) which seeks to promote sustainable economic growth. Indeed, a key reason for the proposal here is to maximise the site's economic potential.

The principle use of the Block H has been established as being a mix of B1, B2 and B8 under MA/07/1094. The issue to consider here is the impact of the proposed mezzanine floor, and whether there is sufficient parking for the floorspace proposed.

Highway safety implications

The reason for restricting the level of floor space to each unit is to ensure that the car parking provided continues to meet the needs of the building approved in the interests of highway safety.

The proposed mezzanine floor would increase the overall floor area of Block H by 535m². Block H has the benefit of 54 parking spaces at present. There are currently no locally adopted parking standards, but as guidance only the Kent County Council Supplementary Planning Guidance (SPG 4) – ‘Kent Vehicle Parking Standards’ is of use. These standards indicate that Block H should provide 60 parking spaces if it increased by 535m², six more spaces than at present. Given the shortfall in spaces the applicant has submitted a Transport Statement to assess the level of parking provision and trip generation.

The Transport Statement has been reviewed by KCC Highways who raise no objections to the shortfall of 6 parking spaces in this instance.

Given the relatively minor shortfall in parking provision I am satisfied that the parking provision available is acceptable and therefore raise no objection on highway safety grounds.

The proposal site lies within an established business area and it does make use of the existing access; and I would not expect the proposal to lead to a significant increase in traffic movements to and from the site as confirmed by the Transport Statement.

Design, siting and appearance

The proposed mezzanine floors are internal alteration and the addition of two new windows in the northeast elevation would have a limited impact on the external appearance of the building. I am therefore of the view that the proposal would not appear visually harmful to the character of the building and the surrounding area.

Residential amenity

There are no residential properties within a significant distance of this proposal which is for internal alterations only. I am therefore satisfied that the proposed works would not have an adverse impact on the amenity of any residential occupant.

Other considerations

There is no ecological, drainage or arboricultural issues to consider as part of this planning application.

CONCLUSION

Boughton Monchelsea Parish Council gave no response and so it is therefore assumed that they raise no objection.

I therefore consider that this proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant and recommend conditional approval of the application on this basis.

11.0 RECOMMENDATION – GRANT Subject to the following conditions

CONDITIONS to include

(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 permitted shall be carried out in accordance with the following approved plans:

Drawing Nos. as shown on drawing numbers DMWR/A1/3006/PL-10005; dated 19/12/14, DMWR/A1/3006/PL-10111 REV A; dated 08/12/2014, DMWR/A1/3006/PL-10302; dated 09/12/14, Transport Statement by Vectos; dated January 2014 and Transport Technical Note by DW Transportation; dated December 2014

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

INFORMATIVES

to Applicant: APPROVAL

The Council's approach to this application:

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

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

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

In this instance:

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

Case Officer: Andrew Jolly

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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NO ENTRY



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Agenda Item 26

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 19th March 2015**

APPEAL DECISIONS:

- 1. MA/13/2215** Use of land for the stationing of a mobile home, a touring caravan and a dayroom for one gypsy/traveller family

APPEAL: Allowed with Conditions

Land Rear of The Meadows, Lenham Road,
Headcorn, TN27 9LG

(Committee Decision)

- 2. MA/14/0651** Change of use of existing outbuilding for use as a separate dwelling

APPEAL: Allowed

1 Bockingford Mill Cottages, Bockingford Lane,
Maidstone, ME15 6DP

(Delegated Decision)

- 3. MA/14/0606** Detached garden room/playroom in rear garden (Amended proposal following previous refusal MA/13/1219).

APPEAL: Dismissed

25 Marion Crescent, Maidstone, ME15 7DZ

(Delegated Decision)

- 4. MA/14/501365** Detached Garden Room and Playroom to the rear garden.

APPEAL: Dismissed

27 Marion Crescent, Maidstone, ME15 7DZ

(Delegated Decision)

- 5. MA/13/2182** Application for the removal of condition 2 of permission MA/12/1699 (Extension and conversion of stable to

form two holiday lets) so that the building can be used as two dwellings

APPEAL: Dismissed

27 Broomfields, Hogbarn Lane, Harrietsham,
ME17 1NZ

(Delegated Decision)

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

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By virtue of paragraph(s) 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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