

AGENDA

PLANNING COMMITTEE MEETING



Date: Thursday 27 October 2016

Time: 6.00 p.m.

Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Boughton, Clark, Cox, English,
Harwood, Hastie, Hemsley, Munford,
Perry (Chairman), Powell,
Prendergast, Round and Mrs Stockell

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 3 November 2016

Continued Over/:

Issued on 19 October 2016

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Alison Broom

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

6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
10. Minutes of the meeting held on 6 October 2016 1 - 7
11. Presentation of Petitions (if any)
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PLEASE NOTE

The following applications will be rolled over to the adjourned meeting of the Committee scheduled to be held on 3 November 2016:

16/504798 – Land at Forge Lane, Bredhurst, Kent

16/505695 – 1 Fancy Row, Thurnham Lane, Thurnham, Kent

16/505930 – Land at Hawthorn Place, Greenway Forstal, Harrietsham, Kent

The order in which the remaining 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.

For full details of all papers relevant to the applications on the agenda, please refer to the relevant public access pages on the Maidstone Borough Council website. Background documents are available for inspection by appointment during normal office hours at the Maidstone Borough Council Reception, The Mall, Maidstone, Kent.

Agenda Item 10

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 6 OCTOBER 2016

Present: Councillor English (in the Chair) and Councillors Boughton, M Burton, Clark, Cox, Harwood, Munford, Powell, Prendergast and Wilby

153. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from the Chairman (Councillor Perry) and Councillors Hastie, Hemsley, Round and Mrs Stockell.

154. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor M Burton for Councillor Hemsley
Councillor Wilby for Councillor Hastie

155. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

156. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

157. URGENT ITEMS

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

158. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Clark said that since he had provided comments on application 16/504509, he would not speak or vote when the report of the Head of Planning and Development relating to the application was discussed.

With regard to the report of the Head of Planning and Development relating to application 16/505808, Councillor Powell said that he was a Member of Harrietsham Parish Council which objected to the proposed development. However, he had not pre-determined the application, and he would make his decision on the basis of all of the information put before the Committee.

Councillor Wilby said that since he had been Chairman of Tovil Parish Council's Planning Committee when it provided comments on application 16/504509, he would not speak or vote when the report of the Head of Planning and Development relating to the application was discussed.

During consideration of the report of the Head of Planning and Development relating to application 16/506114, Councillor Munford said that he was the Chairman of Boughton Monchelsea Parish Council, but he had not participated in the Parish Council's discussions on the proposed development, and intended to speak and vote.

159. EXEMPT ITEMS

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

160. MINUTES OF THE MEETING HELD ON 15 SEPTEMBER 2016

RESOLVED: That the Minutes of the meeting held on 15 September 2016 be approved as a correct record and signed.

161. PRESENTATION OF PETITIONS

There were no petitions.

162. DEFERRED ITEMS

14/504109 - ADVERTISEMENT CONSENT FOR THE INSTALLATION OF 2 NO. NON-ILLUMINATED METAL POLE MOUNTED SIGNS (RETROSPECTIVE APPLICATION) - HUNTON C OF E PRIMARY SCHOOL, BISHOPS LANE, HUNTON, KENT

The Development Manager advised Members that the Case Officer had been in touch with the Chairman of the Governors of the School who was in contact with the Parish Council which had objected to the application. The issue of the signs had been discussed by the School Governors in July 2016, with representatives of the Parish Council present, and it was agreed that the sign on the West Street frontage could be relocated. The Chairman of the Governors had acknowledged the slow progress and the Case Officer was awaiting a further update on where the relocated sign might go. As soon as this information became available, the application would be reported back to the Committee.

16/503786 - OUTLINE (NO MATTERS RESERVED) - PROVISION OF A NEW ACCESS DRIVEWAY TO BARMING WATER TOWER FROM DRIVEWAY OF NO.80 REDE WOOD ROAD COMPRISING DEMOLITION OF EXISTING GARAGE AND CONSTRUCTION OF A NEW DRIVE ACROSS REAR GARDEN OF NO.80; CONSTRUCTION OF NEW SINGLE GARAGE AT REAR; AND EXTENSION OF EXISTING DRIVEWAY TO WATER TOWER - BARMING WATER TOWER, NORTH POLE ROAD, BARMING, KENT

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

163. 16/504014 - RETROSPECTIVE APPLICATION FOR CHANGE OF USE OF LAND FOR THE STATIONING OF 2 STATIC MOBILE HOMES FOR GYPSY/TRAVELLER OCCUPATION WITH ASSOCIATED HARD AND SOFT LANDSCAPING WORKS - HIGHLANDS FARM, YALDING HILL, YALDING, KENT

There were no disclosures of lobbying.

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: 10 – For 0 – Against 0 - Abstentions

164. 16/504509 - VARIATION OF CONDITION 15 OF 14/503167 (RESIDENTIAL DEVELOPMENT FOR 36 UNITS AND RE-ALIGNMENT OF CRIPPLE STREET) - BY AMENDING THE ACCESS ARRANGEMENT SERVING THE SITE BY WIDENING NOT REALIGNING CRIPPLE STREET - LAND AT CRIPPLE STREET, CRIPPLE STREET, MAIDSTONE, KENT

There were no disclosures of lobbying.

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

RESOLVED: That subject to the prior completion of a Deed of Variation and Supplemental Deed linking the Section 73 application to the previously agreed and signed Section 106 agreement, the Head of Planning and Development be given delegated powers to grant permission subject to the conditions set out in the report.

Voting: 8 – For 0 – Against 2 – Abstentions

Note: Having stated that they had provided comments on this application, Councillors Clark and Wilby abstained from voting.

165. 15/507450 - RESERVED MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO OUTLINE PERMISSION MA/10/2159 FOR THE ERECTION OF A TOTAL OF 16 RESIDENTIAL UNITS, COMPRISING 14 SEMI-DETACHED AND 2 DETACHED DWELLINGS - FORMER SYNGENTA WORKS, HAMPSTEAD LANE, YALDING, KENT

There were no disclosures of lobbying.

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

RESOLVED: That permission be granted subject to the conditions set out in the report as amended by the second urgent update report.

Voting: 10 – For 0 – Against 0 – Abstentions

166. 16/506114 - ADDITIONAL TEMPORARY CAR SHOWROOM, AND ASSOCIATED EXTERNAL CAR DISPLAY, REMAINING FOR UP TO 5 YEARS, ON AN EXISTING CAR DEALERSHIP (SUI GENERIS) SITE - F G BARNES AND SONS LTD, SUTTON ROAD, MAIDSTONE, KENT

There were no disclosures of lobbying.

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: 10 – For 0 – Against 0 – Abstentions

167. 16/501631 - EXTENSION OF LESTED FARM FARMYARD INTO AN ADJACENT AGRICULTURAL FIELD (REVISED SCHEME TO 15/506233/FULL). DEVELOPMENT OF AN ON-FARM AGRICULTURAL ANAEROBIC DIGESTION PROJECT THAT WILL GENERATE CLEAN RENEWABLE ENERGY FROM ANIMAL MANURES AND SLURRIES, AGRICULTURAL BY-PRODUCTS FROM THE GROWING AND PROCESSING OF FRUIT AND VEGETABLES, WITH THE ADDITION OF SOME ENERGY CROPS - LESTED FARM, PLOUGH WENTS ROAD, CHART SUTTON, KENT

All Members except Councillors M Burton, Harwood and Wilby stated that they had been lobbied.

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

The Development Manager advised the Committee that the second page of the urgent update report circulated at the meeting had been inadvertently omitted. The final paragraph and the amended recommendation should read:

"I note that the red line marking the extent of the application site on the Site Location Plan (FR1003-A-06) is drawn so that the proposed gas flare (in the north west corner of the facility) and the proposed shallow depression known as a 'swale' (to the east of the facility) are omitted. These elements are clearly shown on the plans; they form a part of the development and should be included within the application site. I consider this necessitates a revised Site Location Plan which, at the time of writing, has not been submitted and therefore I recommend that Members give delegated powers to approve the application subject to the receipt of a satisfactory amended plan. I do not consider it necessary to re-consult third parties on that amended plan as the drawings already clearly show the features concerned.

AMENDMENT TO RECOMMENDATION: That subject to the receipt of an amended site plan correctly marking the extent of the application site, the Head of Planning and Development be given delegated powers to grant permission subject to the conditions in the committee report as amended as shown above."

Mr Chappell, an objector, Councillor Waring of Chart Sutton Parish Council (against) and Mr Collins, for the applicant, addressed the meeting.

RESOLVED: That subject to the receipt of an amended site plan correctly marking the extent of the application site, the Head of Planning and Development be given delegated powers to grant permission subject to the conditions set out in the report, as amended by the urgent update report, with the amendment of condition 10 as follows:

The facility shall not exceed a combined throughput capacity of **17,000** tonnes per annum. Monitoring records of the total throughput shall be made and retained at the site and made available for inspection at any reasonable time following a request from the Local Planning Authority.

Reason: The impact of the facility on highway safety and residential amenity has been assessed on the basis of the estimates of throughput provided and the Local Planning Authority would wish to maintain control over any future increase in the capacity of the site.

Voting: 7 – For 1 – Against 2 – Abstentions

168. 16/503947 - RETENTION OF EXISTING DWELLING AT NO.3 HOCKERS LANE. CONSTRUCTION OF NEW SINGLE STOREY DWELLING AT REAR OF NO.3. DEMOLITION OF EXISTING DWELLING AND ANCILLARY BUILDINGS INCLUDING GARAGES AT NO.1 HOCKERS LANE AND CONSTRUCTION OF REPLACEMENT CHALET DWELLING AND GARAGE - 3 HOCKERS LANE, DETLING, KENT

The Chairman and Councillors Boughton, Clark, Cox, Harwood and Munford stated that they had been lobbied.

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

Councillor Bowie of Detling Parish Council (against) and Mr Collins, for the applicant, addressed the meeting.

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 extending beyond the village boundary would be detrimental to the Area of Outstanding Natural Beauty and its design and built form was not appropriate to the character and quality of the Area of Outstanding Natural Beauty and its rural setting. This was contrary to policies ENV28 and ENV33 of the Maidstone Borough-Wide Local Plan 2000 and paragraphs 61, 64 and 115 of the National Planning Policy Framework.

RESOLVED: That permission be refused for the following reason:

The development extending beyond the village boundary is detrimental to the Area of Outstanding Natural Beauty and its design and built form is not appropriate to the character and quality of the Area of Outstanding Natural Beauty and its rural setting. This is contrary to policies ENV28 and ENV33 of the Maidstone Borough-Wide Local Plan 2000 and paragraphs 61, 64 and 115 of the National Planning Policy Framework.

Voting: 6 – For 3 – Against 1 – Abstention

169. 16/505808 - SUBDIVISION OF DWELLING TO CREATE 2 SEPARATE DWELLINGS (PART RETROSPECTIVE) - 12 WEST STREET, HARRIETSHAM, KENT

Councillors Powell and Wilby stated that they had been lobbied.

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

Councillor Dean of Harrietsham Parish Council (against) and Mr McCall, the applicant, addressed the meeting.

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

Voting: 9 – For 1 – Against 0 – Abstentions

FURTHER RESOLVED: That the Strategic Planning, Sustainability and Transportation Committee be requested to look, in consultation with the appropriate County Council Member, at traffic and parking issues in West Street, Harrietsham, and the surrounding area, and how they might be addressed by Traffic Regulation Orders.

170. 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. It was noted that the appeals against four decisions taken under delegated powers had been dismissed.

RESOLVED: That the report be noted and that the Officers be congratulated on their success at appeal.

171. CHAIRMAN'S ANNOUNCEMENTS

The Chairman expressed deep regret at the death of Councillor Paul Butcher of Staplehurst Parish Council who had represented the Maidstone Area Committee of the Kent Association of Local Councils on the Joint Transportation Board and the Audit, Governance and Standards Committee, and who had had a particular interest in planning matters.

172. DURATION OF MEETING

6.30 p.m. to 9.00 p.m.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

27 OCTOBER 2016

REFERENCE FROM COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE

1. Air Quality Mitigation

- 1.1 On 20 September 2016 the Communities, Housing and Environment Committee considered a reference from the Planning Committee requesting that consideration be given to how the Sutton Road/Loose Road area can be built into any action plan (or similar programme should one be formulated) for air quality mitigation having regard to the housing developments coming forward.
- 1.2 The committee noted that item 19 – Air Quality Working Group on the agenda of 20 September 2016 recommended the establishment of a five member working group, and that, if agreed, this would be the appropriate forum within which matters regarding air quality mitigation should be raised. The committee agreed that the details of said working group, if established, should be reported to the Planning Committee in response to the reference received.
- 1.3 After consideration of item 19 – Air Quality Working Group the committee resolved:
 1. That a member working group of five members be established.
 2. That the three representatives of Communities, Housing and Environment Committee be appointed as follows:

Councillors M Burton, Mortimer and Robertson.
 3. That a reference be made to Strategic Planning, Sustainability and Transportation Committee to request the nomination of two Members to represent that committee on the working group.
 4. That the terms of reference of the working group be agreed at the first meeting of the group.

2. RECOMMENDED:

- 2.1 That Planning Committee note the establishment of the air quality working group.

Background Documents

None

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

27 OCTOBER 2016

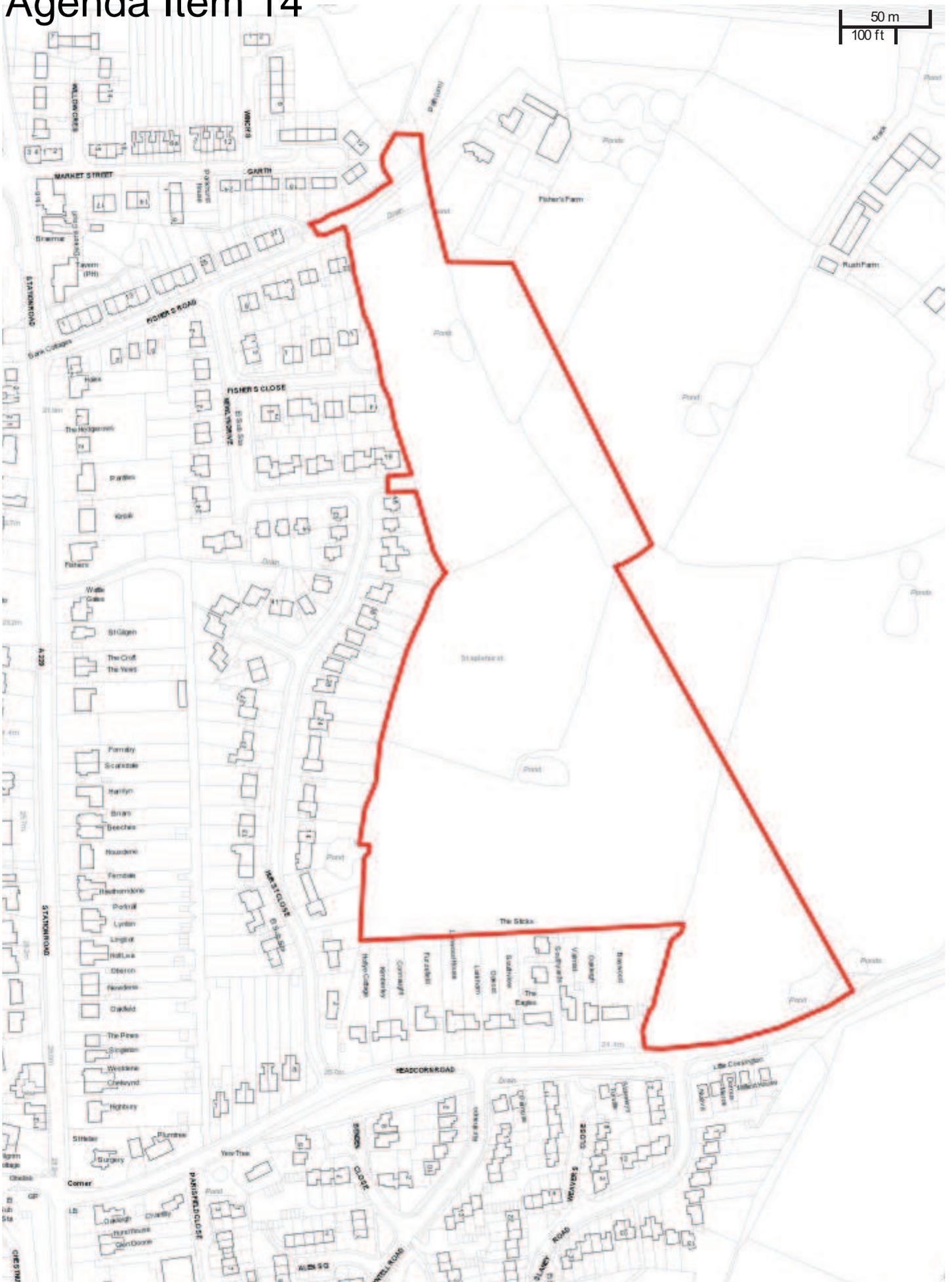
REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

DEFERRED ITEM

The following application stands deferred from a previous meeting of the Planning Committee. The Head of Planning and Development will report orally at the meeting on the latest situation.

APPLICATION	DATE DEFERRED
<u>14/504109 - ADVERTISEMENT CONSENT FOR THE INSTALLATION OF 2 NO. NON-ILLUMINATED METAL POLE MOUNTED SIGNS (RETROSPECTIVE APPLICATION) - HUNTON C OF E PRIMARY SCHOOL, BISHOPS LANE, HUNTON, KENT</u> Deferred to enable the Officers to negotiate movement of the signage to locations that are less visually intrusive.	14 January 2016

Agenda Item 14



14/505432 Land north of Headcorn Rd

Scale: 1:2850

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REPORT SUMMARY

REFERENCE NO: 14/505432/FULL			
APPLICATION PROPOSAL: Residential development to provide 167 dwellings, areas of public open space, associated landscaping and infrastructure and the formation of new vehicular access from Headcorn Road and pedestrian access from Fishers Road, Hurst Close and Headcorn Road.			
ADDRESS: Land North of Headcorn Road, Staplehurst, Kent, TN12 0DT			
RECOMMENDATION: DELEGATED POWERS TO APPROVE SUBJECT TO CONDITIONS AND A LEGAL AGREEMENT (see section 8 of report for full recommendation)			
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development is at a sustainable location, immediately adjoins an existing settlement, is not considered to result in any significant planning harm, and accords with the submitted Maidstone Local Plan (2011-2013) and the Staplehurst Neighbourhood Plan. These matters and that the development is considered to be in compliance with the National Planning Policy Framework is sufficient grounds to depart from the Borough-wide Local plan 2000.			
REASON FOR REFERRAL TO COMMITTEE			
<ul style="list-style-type: none"> • Departure from the Development Plan • Staplehurst Parish Council has requested the application be reported to Committee for the reasons set out below. 			
WARD Staplehurst	PARISH COUNCIL Staplehurst	APPLICANT: Bovis Homes Ltd AGENT: Bovis Homes Ltd	
DECISION DUE DATE: 29/05/15	PUBLICITY EXPIRY DATE 03/12/15	OFFICER SITE VISIT DATE 24/12/14, 03/02/15, 17/08/16	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
80/0709	'Outline application for residential development of 10 houses to the acre i.e. 400 houses from two to five bedrooms'	WITHDRAWN	12/12/80

MAIN REPORT

BACKGROUND

The application site, along with the adjoining site to the east, where there is an application for 185 houses (ref. 15/510186) which is also on this Planning Committee Agenda, is allocated for housing development in the emerging Local Plan (submission version) under policy H1 (50). This policy states:

Policy H1 (50) Fishers Farm, Fishers Road, Staplehurst

Fishers Farm, as shown on the policies map, is allocated for development of approximately 400 dwellings at an average density of 30 dwellings per hectare. In addition to the requirements of policy H1, planning permission will be granted if the following criteria are met.

Design and layout

1. *Retain and enhance hedges and trees along the northern and eastern boundaries of the site in order to screen new housing from the railway line and adjacent open countryside.*
2. *The eastern section of the site will be built at a lower density to reflect the existing open character of the countryside beyond.*
3. *The proposals will be designed to include areas of open space that retain the integrity and connectivity of the existing framework of ponds, hedgerows and trees within the site.*

Access

4. *Primary access will be taken from Headcorn Road subject to agreement with the Highways Authority.*
5. *Secondary and/or emergency access will be taken from Fishers Road subject to agreement with the Highways Authority.*
6. *Pedestrian and cycle access will be taken from Fishers Road and Hurst Close.*
7. *Pedestrian and cycle linkages will be provided, to ensure good links to existing residential areas and the village centre.*

Noise

8. *Development will be subject to a noise survey to determine any necessary attenuation measures in relation to the railway line.*

Open space

9. *Provision of a minimum of 4.47ha of natural/semi-natural open space within the site together with contributions towards off-site provision/improvements required in accordance with policy DM22. Should the site be sub-divided through the development management process proportionate provision/contributions will be required. Open space should be sited to maximise accessibility to new and existing residents.*

Community infrastructure

10. *Appropriate contributions towards community strategic infrastructure in particular foul water drainage will be provided where proven necessary so that there is nil detriment to existing infrastructure capacity.*

Highways and transportation

11. *Package of measures in north eastern Staplehurst including the provision of a pedestrian and cycle crossing on Headcorn Road, bus infrastructure improvements, extension of the 30 mph speed limit on Headcorn Road.*

Strategic highways and transportation

12. *Capacity improvements at the junction of A229, Headcorn Road, Station Road and Marden Road, Staplehurst.*
13. *Improvements to public and passenger facilities at Staplehurst Rail Station.*

1.0 DESCRIPTION OF SITE

- 1.01 The site is grass pasture land largely in equestrian grazing use with an area of some 6.67ha. The site is immediately east of Staplehurst village with houses on Fishers

Road & Close, Newlyn Drive, and Hurst Close to the west; houses fronting Headcorn Road to the south; open pasture land to the east; and Fishers Farm to the north. The site adjoins the settlement boundary of the village in the Local Plan on its west and south sides. There are no significant land level changes on the site and the land generally slopes gently downwards from west to east away from the village.

- 1.02 The site is made up of a number of fields divided by hedge/tree lines and there are a number of ponds within the site. The eastern boundary of the site does not follow any physical feature on the ground and cuts through the middle of existing fields and hedge/tree lines.
- 1.03 The site adjoins settlement boundary of Staplehurst in the Local Plan but is located within the countryside for Development Plan purposes. The land has no special landscape designation, although there is a Special Landscape Area on the south side of Headcorn Road. There are no nearby listed buildings and the site falls outside of any flood zone.
- 1.04 There is a pending planning application for 185 houses on land adjoining the site to the east (ref. 15/510186) which is also on this Planning Committee Agenda to be considered by Members. To the south east on the south side of Headcorn Road is a pending outline application for 110 houses at ‘Stanley Farm’ which is also on this Planning Committee Agenda.

2.0 PROPOSAL

- 2.01 This is a full detailed application for 167 dwellings together with areas of open space, associated landscaping, infrastructure, formation of new vehicular access from Headcorn Road, and pedestrian/cycle access from Fisher Road, Hurst Close and Headcorn Road.
- 2.02 A single vehicular access point is proposed from Headcorn Road at the south end of the site. There are pedestrian/cycle links with Hurst Close to the west and with Fishers Road at the north end of the site, where there is also an emergency access.
- 2.03 More detailed analysis of the design will be carried out below but in general terms, the houses are arranged around a central spine road running from Headcorn Road, south to north through the site, with secondary roads running off the central road. There would be a mix of detached, semi-detached, and terraced houses and an apartment block. Driveways, garages and car barns would provide off-street parking for properties and some visitor parking would also be provided. The houses would be of 2 storey height with the apartment block three storey, within the centre. The density of the development would be 25 dwellings per hectare. Affordable housing is proposed at 40% (66 dwellings) with 60% of this rental and 40% intermediate/shared ownership.

The following housing mix is proposed:

1 bed	9
2 bed	37
3 bed	82
4 bed	35
5 bed	4
Total	167

2.04 A total of 391 parking spaces (inclusive of garages) would be provided of which 33 would be visitors. This would be broken down as follows:

1 bed	1 space per 3 dwellings
2/3 bed	2 spaces
4/5 bed	3 spaces
Visitors	33
Total	391

2.05 In terms of landscaping and open space, existing hedge/tree lines are retained and strengthened throughout the site, areas of landscaping and open space are shown around existing ponds, and an area of public open space is shown along the northeast part of the site. Landscaped front gardens are proposed and new tree planting along streets. The area given over to landscaping and open space is 2.14ha, roughly a third of the site.

3.0 POLICY AND OTHER CONSIDERATIONS

- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, T3, T13, T21, T23, CF1
- MBC Affordable Housing DPD (2006)
- MBC Open Space DPD (2006)
- Minerals and Waste Local Plan (2013 – 2030): N/A - Not in safeguarding area
- The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended)
- Draft Maidstone Borough Local Plan (2011-2031): SS1, SP5, SP10, H1, H1(50), DM1, DM2, DM5, DM7, DM11, DM12, DM13, DM23, DM24, DM25, DM27, ID1
- Draft Staplehurst Neighbourhood Plan (2015-2031): PW, E1, H1, H2, H3, H5

4.0 LOCAL REPRESENTATIONS

4.01 Approximately 104 representations, (including two letters each signed by 27 people and a petition with 37 signatures), have been received raising the following main (summarised) points:

- Highway safety, pedestrian safety & congestion, particularly at the crossroads
- Criticisms of transport assessment.
- Rat running will occur in Hurst Close, estate roads and Pile Lane
- Works to crossroads are not acceptable and are dangerous
- Poor access to village amenities
- Lack of parking at site and in village
- Poor/lack of existing infrastructure and it will be insufficient to support development
- Foul and surface water drainage is not adequate and not sufficient capacity
- Flooding
- Noise & disturbance

- Increased pollution
- Density along east boundary is high
- Loss of light
- Overshadowing
- Loss of privacy
- Visual harm & loss of natural habitat
- Loss of trees
- Loss of views
- Loss of property value
- Lack of local employment
- Archaeology
- Lack of a play area
- How will it link to potential site to the west
- Ponds need to be protected
- Grouping of affordable housing
- Poor design
- Greenfield site
- Hedges must be protected
- Overdevelopment of village
- Brownfield sites should be used first
- Public transport is poor and does not have sufficient capacity
- Ignores and is contrary to Neighbourhood Plan
- Premature application
- Impact of construction traffic
- Harm to ecology
- Land ownership dispute

4.02 The Council has been made aware that there is an online petition titled 'A Safe Crossing at Cuckolds Corner, Staplehurst' which has comments on the crossroads in the village, and which at the time of writing this report had 149 supporters.

4.03 **Cllr Brice:** Raises the following concerns/issues:

- *Foul water / drainage. Residents who live along the Hurst Close boundary, report they have a ditch that runs alongside the proposed development, which then carries on to the site. It appears that no building is planned along this outlet, but it is vital that this is respected, as we have had severe localised groundwater flooding, when these existing drainage provisions are not respected.*
- *Please could you also confirm the arrangements for dealing with Foul Water – there is concern in the village that the current sewage treatment centre is at capacity.*
- *Clean water provision – the MBC Water Cycle Study 2010: concluded mains serving Sutton Road, Marden and Staplehurst have limited capacity for future development and indicated that there would need to be significant investment to upgrade provision from the Bewl Reservoir.*
- *Traffic constraints – the recent Mott McDonald survey indicated significant capacity issues at the Headcorn Road crossroads.*
- *Or how we can encourage traffic to the exit the village and drive North towards Maidstone via Hawkenbury. A key constraint here is the single file bridge system – how can this be improved to remove the single file? Also this bridge was unsafe due*

to flooding a few years ago – will this be reviewed, due to the likely increase in road traffic?

- *The pavements are very narrow along the Headcorn road, and traffic parks along this road, in effect reducing it to a single lane and contributing to traffic build up at the lights. Could implementation of double yellow lines here be considered as part of this scheme?*
- *Encouraging fewer car journeys. Contributing to improvements at the station, I am afraid will only increase the volume of traffic to Staplehurst not decrease it, having precisely the opposite effect of your objective. Could we investigate a cycle path at the north of the site, along the railway tracks to allow quicker access?*
- *Construction traffic – could we consider how the traffic will deal with the left turn in to Headcorn Road from Maidstone? The turn will be narrow and the turning circle will cause the body of the lorry to cut across the corner of the pavement. This is where school children congregate to cross, many of whom walk to school over the age of 9 without an adult. We need to ensure there is a review of construction access traffic*
- *The site itself. Provision of a play area.*
- *There is no current play park at Jubilee fields. There is a skate park only. This resides at the end of a long, unlit and narrow access, which is why a play area is not there – it is not safe to encourage small children to use. Surrenden fields has already been allocated funding, and will encourage children to cross the busy traffic lights. Therefore provision of a small play area, similar to that on the Lime Trees estate, should be strongly considered.*
- *S106 contributions – the community has outlined projects in their Neighbourhood plan that include*
 - a. *Youth centre improvements – £10k to landscape and improve the outside area, extending the space able to be used*
 - b. *Enhancing Jubilee fields for families and older residents – e.g provision of a Pavilion, providing sports showers and improvement to the Kathie Lamb guide centre, providing better lighting, pavement widening and crossings (e.g. from Poyntell over the Headcorn road) - £10-£50k*
 - c. *Contribution to our Village Centre re-development appeal*
 - d. *Provision of allotments (we have 2 allotments in the whole of Staplehurst, two!)"*

4.04 **Kent Wildlife Trust:** Suggest the imposition of a condition to ensure the implementation of all prescriptions identified in the Habitat Maintenance & Management Plan (including its routine maintenance schedules) and that the Council should satisfy itself that the funding arrangements for this work are adequate and secure before granting planning permission.

5.0 CONSULTATIONS

5.01 **Staplehurst Parish Council:** Recommend refusal and request that the application be reported to MBC Planning Committee.

December 2014 comments:

- *the application does not take into account the emerging Staplehurst Neighbourhood Plan and draft MBC Local Plan;*
- *the Neighbourhood and Local Plans deal with the proposed development site as part of a larger area encompassing land lying to its east (MBC Local Plan reference H1-37) - the application makes no reference to this land;*
- *consequently the application offers no vision or master plan for the overall site;*
- *the application is therefore considered to be premature;*
- *the application contains outdated information, inconsistencies, errors and omissions, such that it appears rushed and generates little confidence in its claims and projections, e.g. access points are missing from some plans, documentation confuses Fishers Road and Fishers Close, incorrect dwelling numbers are quoted, some information is contradictory, there is an acknowledged absence of a report on sewage management;*
- *the proposed green space fails to deliver recreational facilities and ignores any consideration of creating community land on the western boundary as advanced in the emerging Neighbourhood Plan;*
- *the application fails to demonstrate convincingly how flooding, drainage and sewage issues will be managed, submitting a flood risk assessment that pre-dates Christmas 2013 floods and taking no account of work under way to redraw surface water drainage maps (ref. KCC's Staplehurst Surface Water Management Plan) and manage flows on the River Beult; drainage management is based on a SuDS strategy inappropriate for an area of Wealden clay with a high water table; there is no report on sewage management;*
- *The applicant does not show in any way how the site would drain to the River Beult but merely states in 3d of the flood risk assessment that "there is an informal drainage network made up of ditches and ponds which then flow into the River Beult to the north-east." This is completely inadequate and unacceptable bearing in mind public safety is involved. The entire route must be described in text and on the map with details of how the applicant will maintain the downstream system.*
- *the Transport Assessment appears based on flawed assumptions - e.g. Cranbrook schools apparently 'can be accessed by bicycle'; there is no mention of many local children who travel to Maidstone schools; information about bus frequency is incorrect and the service issues are not acknowledged; a more current analysis than the March 2012 Appendix 2 'Manual Peak Hour Turning Count' should be presented; the directional analysis of traffic leaving the development appears unsubstantiated but, if it were to materialise, the many more vehicles heading east would encounter both a single carriageway road bridge with an accident history and a stretch of road prone to severe flooding; critically, the assessment shows no evidence of considering the cumulative impact arising from current and planned development in Staplehurst and further afield (both within and beyond the borough boundary) – this is a grave omission given the likely impact, on the Cuckolds' Corner crossroads and its feeder roads, of potential development north and south along the A229 (e.g. in South Maidstone, Coxheath, Linton, Cranbrook, Hawkhurst, Sissinghurst) and in neighbouring villages to the west and east, all of which must be seen in the context of the known attraction of the railway station to commuters from those areas;*
- *the Headcorn Road access point gives rise to safety concerns, being located close to the edge of the 30mph limit which traffic is likely to approach at higher speeds and for which the visibility appears inadequate.*

December 2015 comments:

- *Access from the site onto the Headcorn Road is positioned on a bend and the proposed visibility splays will not be adequate, especially in wet weather. The Headcorn Road is already congested with tailback from the junction with the traffic lights at the A229 causing delays. This is likely to result in traffic using 'rat runs' either through Hurst Close or along Couchman Green Lane which is a narrow lane unsuitable for heavy traffic.*
- *The lack of any formal recreation and playground facilities on the site is extremely disappointing. A letter from MBC Parks & Leisure requests funding from the developer towards improvements and refurbishment to Jubilee Playing Fields and Play Area. However, there is currently no children's play equipment at Jubilee Field. Councillors would wish to see some formal play area on the east side of the village but preferably on site.*
- *The application does not include any reference to the Neighbourhood Plan currently at the advanced stage of Regulation 16. Both the Local Plan and the Neighbourhood Plan deal with the development as part of the larger site referred to as Fishers Farm (NP Policy H5). The proposals do not demonstrate how the new development will integrate and respond to the master plan or the needs and requirements of the existing residential development. There is no circular footpath, cycleway, fitness trails or sports facilities (NP Policy E1). The design of the proposed housing is bland with no landmark buildings (NP Policy H1).*
- *A number of Hurst Close residents have raised concerns regarding the issues of safety relating to a pond at the rear of their gardens, on the boundary with the Bovis development. It is not clear from the application how this area is going to be protected from inquisitive children living in the proposed housing. We would be grateful for clarification of this matter.*
- *Councillors are disappointed that despite the number of documents received the concerns previously raised have not been addressed, and the core principles of the Local Plan and the Neighbourhood Plan have not been acknowledged.*

June 2015 comments:

- *There is a need for a traffic assessment to be provided on a cumulative basis, including reference to (a) the recently approved Hen & Duckhurst Farm outline application for 250 dwellings (which will bring the Marden Road/Headcorn Road crossroads above capacity) and (b) the requirement for full funding of improvements to the Marden Road/Headcorn Road crossroads including provision of turning lanes from south to east, north to east and east to north, together with widening of footpaths and ensuring their gradients at crossings meet full Kent Highways standards.*
- *Fishers Farm must be considered as a single site, in line with MBC Local Plan and draft Regulation 16 consultation of the Staplehurst Neighbourhood Plan, and not as two separate developments.*
- *Investment required in Staplehurst Primary School: Any monies arising from the development will be held by KCC, and discussions must take place between the school and the Authority as to its best educational use.*

- *Staplehurst Parish Council formally request that if (contrary to its recommendation) the Planning Authority is minded to grant consent to application 14/505432, then the consent includes conditions requiring the applicant to enter into agreements for contributions towards improvement/mitigation projects in accordance with Section 106 of the Town and Country Planning Act 1990; and Section 278 of the Highways Act 1980; and for other matters in the following areas:*
 - **Improved Village Centre**
Feasibility study to understand the cost/benefit of redeveloping the site through demolition, rebuild, conversion or refurbishment, with the aim of creating a community hall fit for purpose. An improved village hall and/or village centre is a priority for the village and so will also be a priority for any s106 and/or CIL contributions; and the present Village Centre site should be protected as being in community use. The study must include all surveys, design and full planning application costs; development of a business plan; and other necessary elements. This is likely to cost in the region of £100,000, plus about £21,000 (plus indexation) for the acquisition of the freehold of the Youth Club site.
 - **Investment in the school**
Investment in the primary school, see above.
 - **Better retail opportunities**
Development of two retail clusters, one in the village heart, another at the railway station. Feasibility study, including surveys and architectural and landscape designs and land owner agreements, will be needed for the station area.
 - **Investment in the medical centre, sports facilities + the library**
Continued investment will be required in the medical facilities and the library, in the village heart. New sports investment should be focused at facilities in Jubilee Field subject to funding applications.
 - **Buses, parking + traffic**
A rationalisation of parking provision in the village heart; the installation of two new signalled pedestrian crossings, one near the village centre and one slightly north of Pinnock Lane; the provision of improved bus services.
 - **Better broadband communications**
Use the expected growth of the village, to be managed through the Neighbourhood Plan, to argue for better telecommunications and broadband technology in Staplehurst: the co-operation of utility companies is needed.
 - **Improved drainage infrastructure**
All new developments to use best practice techniques in mitigating against further drainage problems.
- 5.02 **MBC Housing Officer:** No objections. Advises that the 40% provision of affordable housing with tenure split of 63% affordable rent and 37% shared ownership is acceptable. Also advise that the range of affordable housing unit sizes is acceptable to meet the need
- 5.03 **MKIP Environmental Health Officer:** No objections subject to conditions regarding contaminated land and air quality mitigation.

5.04 **MBC Parks & Leisure:** Request an off-site open space contribution of £98,196 towards improvements and refurbishment of the Jubilee Playing Fields and play area.

5.05 **KCC Development Contributions:**

Primary Education: £585,333.36 (new build) + £97,862.76 (land acquisition) towards the second phase of expansion of Headcorn Primary School from 1FE to 2FE.

“The proposal gives rise to additional primary school pupils during occupation of the development. This need, cumulatively with other new developments in the vicinity, can only be met through the enlargement of Headcorn Primary School from 1 form entry to 2 forms of entry as the forecast primary pupil product in Staplehurst & Headcorn results in the maximum capacity of local primary schools being exceeded. There are strong links between Staplehurst and Headcorn Primary Schools. It is known the travel to school patterns in the rural service centres of Maidstone are broad with pupils travelling up to 5 miles to their preferred school. KCC’s intention is to enlarge Headcorn Primary School to act as a strategic provision contributing to meeting the overall increase in demand across both Staplehurst and Headcorn.

This proposal has been assessed having regard to the indigenous pupils, overlain by the pupil generation impact of this and other new residential developments in the locality, and then proportionate allocation of spare places available at Staplehurst Primary School.”

Secondary School Provision: £371,078.55 sought towards the Phase 3 expansion of Cornwallis school.

Library Bookstock: £8,018.64 sought to address the direct impact of this development (supplied to Staplehurst Library).

Youth Services: £1409.86 sought towards equipment to expand the range of youth focused activities able to take place in Staplehurst by KCC’s commissioned youth worker.

Community Learning: £5,126.39 sought towards the cost of providing additional laptops and software to the Adult Education delivery point at Staplehurst Library.

5.06 **KCC Highways:**

1. No objection in respect of development itself subject to conditions and off-site highway works.
2. Objection raised in respect of the cumulative impact of development on the crossroads in the centre of the village – specifically in relation to congestion/traffic impact and highway safety issues.

(See paragraph 6.30 onwards for further discussion/detail)

5.07 **KCC Ecology:** No objections subject to conditions relating to GCN and Reptiles mitigation strategy, landscape/ecology management plan, and enhancements.

5.08 **KCC Flood Team (Lead Local Flood Authority):** No objections subject to conditions relating to a detailed SUDs scheme and long-term management.

- 5.09 **KCC Heritage:** No objections subject to a condition requiring a programme of archaeological work.
- 5.10 **Natural England:** No objections
- 5.11 **UK Power Networks:** No objections.
- 5.12 **Rural Planning Ltd:** No objections.
- 5.13 **NHS:** Seeks a healthcare contribution of £93,060 towards extension, refurbishment and/or upgrade of Staplehurst Health Centre.
- 5.14 **Environment Agency:** No objections subject to conditions requiring a SUDs scheme.
- 5.15 **Southern Water:** Outline that there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development but advise a condition is attached to provide details
- 5.16 **Upper Medway Internal Drainage Board:** No objections provided any permission includes an appropriate condition requiring attenuation of surface water runoff to Greenfield rates (or less) the Board's interests should remain unaffected.
- 5.17 **Kent Police:** Recommend condition re. crime prevention.

6.0 APPRAISAL

Policy Background

- 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 the defined settlement boundary of Staplehurst. It is therefore upon land defined in the Local Plan as countryside and policy ENV28 is relevant.
- 6.03 Paragraph 215 of the NPPF states that, *“due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”*
- 6.04 Saved policy ENV28 seeks to protect the countryside by restricting development beyond identified settlement boundaries. In general terms, this policy is consistent with the NPPF, which at paragraph 17 recognises the intrinsic character and beauty of the countryside. However, the submitted draft MBLP evidence base identifies objectively assessed needs for additional housing over the plan period 2016-2031, which the submitted draft MBLP addresses, in part, by way of site allocations for housing sites outside existing settlement boundaries. The submitted draft MBLP is currently at the examination stage and the public hearing is currently taking place and concluding in November 2016. The submitted draft MBLP will deliver the development (and infrastructure to support it) to meet objectively assessed need over the plan period.

- 6.05 The existing settlement boundaries defined by the adopted Local Plan (2000) will be revised by the draft MBLP to deliver the development necessary to meet identified needs in accordance with the site allocations in submitted draft MBLP policies and H1. In this instance the weight attached to ENV28 should be reduced due to the allocation of the site in the emerging Local Plan under policy H1 (50).
- 6.06 Paragraph 216 of the NPPF states that,
"From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
 - *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
 - *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."*
- 6.07 Inevitably any major development on a greenfield site will clearly have an impact upon the environment. In this respect at paragraph 152 the NPPF advises that,
"Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate."
- 6.08 In allocating the site, the Council considers its use for housing is appropriate subject to the criteria outlined within draft MBLP policy H1(50) to mitigate the impact as far as possible. On this basis, it is considered that in general, the proposed allocation is consistent with the principles and policies set out in the NPPF when taken as a whole.
- 6.09 The site forms part of a larger site allocated for housing (400 dwellings) titled 'Fishers Farm' (policy H1(50)). The application site forms the western part of this wider site and makes up just over one third of its area. The policy allocates the site for 400 dwellings and has criteria relating to design/layout (retaining landscape features), access (main access form Headcorn Rd and pedestrian/cycle linkages with existing roads), noise, open space (minimum of 4.47ha of natural/semi-natural open space), community infrastructure, and highways (improvements to crossroads, train station, and bus services).
- 6.10 As such, the non-compliance with saved policy ENV28 must be considered in the context of the site's inclusion within the planned expansion to Staplehurst. The Council can demonstrate a five-year housing land supply that is based, in part, on the allocation of housing sites in the submitted Local Plan, which will alter existing development boundaries. Those allocations include this site. Accordingly, although this application does not comply with ENV28 as it proposes development in the 'countryside' under the 2000 Local Plan, limited weight should be accorded to that non-compliance, as the site is allocated for development in the submitted Local Plan.

- 6.11 The Staplehurst Neighbourhood Plan (NP) is a material consideration, and allocates the wider site for 400 dwellings under policy H5, in line with the submitted Maidstone Local Plan. Criteria relates to an overall site masterplan; connections and linkages with the village and countryside; respecting existing properties amenities; sufficient space for ecological requirements/retention of hedgerows and trees, SUDs and open space; and recreational routes. The NP has now been examined and the examiner recommended modifications. These do not change the aims of the criterion referred to above but would add to criterion relating to on-site sewerage provisions and protecting amenity due to the proximity off the wastewater works to the north of the site. Having been examined and with only referendum as the next stage which is scheduled for 3rd November 2016, before it can be 'made', it is considered that the NP attracts significant weight.
- 6.12 In terms of the suitability of the location of the development, the NPPF advises as one of its core principles to, *“actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.”* Staplehurst is defined as a Rural Service Centre, which outside of the town centre and urban area, are considered the most sustainable settlements in Maidstone's settlement hierarchy, under the submitted Local Plan. The submitted Local Plan outlines that, *“Rural service centres play a key part in the economic and social fabric of the borough and contribute towards its character and built form. They act as a focal point for trade and services by providing a concentration of public transport networks, employment opportunities and community facilities that minimise car journeys.”* The settlement clearly offers a good range of key services including a primary school, doctor's surgery, employment, shops, public house, regular public transport bus connections to Maidstone and a train station, and as such, the site is considered to be at a sustainable location immediately adjoining an existing settlement.
- 6.13 In conclusion, the proposal does not comply with the settlement boundaries of the Local Plan 2000 but in order to meet current housing needs these boundaries must change. To meet this need, the submitted Local Plan allocates the site for housing development under H1(50) and the NP also allocates the site for housing which are both considered to attract significant weight. With this in mind, I consider the policy principle of residential development at this location is acceptable, this being a sustainably located site adjacent to a settlement with a range of services and public transport links, and the provision of 167 houses would provide a meaningful contribution towards housing need and this is considered to be a strong material consideration in favour of the development.
- 6.14 The report will now go on to consider the key planning issues which are considered to be visual impact/design, access/highway safety, infrastructure, ecology, drainage/flood risk, and residential amenity. It will also be necessary to assess whether the proposal accords with policy H1 (50) of the new Local Plan and policy H5 of the NP.

Visual/Landscape Impact

- 6.15 The site is visible from Headcorn Road to the south although there is an established tree/hedge line fronting the road, which would provide some screening/softening. Some views and glimpses would also be possible from Hurst Close, Newlyn Drive and Fishers Road to the west between houses and at the end of cul-de-sacs. Pile Lane to the east benefits from a strong tree/hedge line such that views of the site are well screened. There is significant built development immediately to the west within the village settlement; development at Fishers Farm (albeit relatively limited) to the

north but the railway line further north provides a strong physical edge to the settlement in this direction; and development to the south, where the settlement protrudes eastwards roughly in line with the application site. There is some more limited and sporadic development on Pile Lane further east.

- 6.16 Due to the existing containment of development to the north, west, and south, the impact of the development would be mainly limited to close range views. The village settlement has an irregular shape which is relatively narrow in the south and widens towards the north, and development of the site would follow the general morphology of the village being wider at the northern end. For these reasons, development would not be out on a limb or result in any significant protrusion beyond the current settlement.
- 6.17 Overall, development of the site would inevitably result in a visual and character change from the current grassed fields but this would well contained and limited to close range views. Development would undoubtedly cause some harm and therefore result in some conflict with policy ENV28 of the Local Plan but this is considered to be relatively low and localised harm. I will return to the balancing of this harm in the conclusion.

Design Matters

Density/Scale

- 6.18 The density would be 25 dwellings per hectare, which although slightly lower than policy H1(50) which states 30/ha, is considered appropriate for this edge of rural settlement site and not out of keeping with development to the west. The houses would be of 2 storey height some with rooms in the roof space, and with the apartment block in the centre at three storeys. Garages and car barns would be single storey. Houses in the vicinity are generally 2 storeys so this would be in keeping, and the three storey building would be within the site rather than on the edge. Overall, it is considered that the density and scale is acceptable and in line with policy H1(50) of the submitted Local Plan and the NP.

Layout

- 6.19 In terms of layout, the houses are arranged around a central spine road running from Headcorn Road, south to north through the site, with secondary roads running off the central road. The existing landscape character of the site is that of small to medium sized level fields, divided by established hedge/tree lines with a number of ponds with scrub areas. The development retains these existing features using them to shape the development. For example, one of the ponds forms part of an entrance feature to the site and two others are focal points for public open space within the centre of the development, and around a larger area of open space towards the north end of the site. The hedge/tree lines are retained and strengthened whilst used to divide housing areas, providing breathing space, and doubling up as pedestrian routes throughout the site in places.
- 6.20 In terms of the development, houses are set back from roads with small front gardens creating attractive streetscenes throughout. At the main entrance the layout is such that the existing hedge/tree line would be retained and strengthened which is considered appropriate in this case and in line with the NP. Parking areas are generally positioned to the side of houses in tandem, with garages, which reduces the levels of hardstanding.

- 6.21 The entrance to the site has houses addressing Headcorn Road and a focal building on the right hand side which provides an end stop, which has been negotiated. Through negotiation, buildings address corners with dual frontages through materials and detailing, and buildings frame the open space areas particularly in the centre of the site. Buildings address the northern end of the site which should form a well-used pedestrian/cycle access to the site.
- 6.22 As outlined above, the east boundary of the site does not follow any physical feature on the ground and cuts through the middle of existing fields and hedge/tree lines. The land to the east is in different ownership and forms part of the wider draft allocation for housing development and is subject to a separate planning application for 185 houses (ref. 15/510186) that was submitted after this application, and is also being considered at this Committee Meeting. As the wider site has been subdivided and planning applications have been submitted by different developers, a master plan for the whole site has not been submitted and it has not been possible to provide vehicle routes connecting the Bovis and Redrow schemes as required by the NP. However, through negotiations pedestrian and cycle routes would link the Redrow and Bovis housing developments and the formal play areas for both sites would join up acting as a central focal point to create a visual area of connectivity between the two sites. A pedestrian route would also link the two play space areas. Whilst each application must be assessed on its own merits, officers have been careful to ensure both sites would appropriately link with one another in the interest of good planning.
- 6.23 Landscaping is proposed along parts of the boundary with the adjoining site but there would not be any hard boundary treatments to enclose the site, and this can be ensured by condition. Connections are proposed but a condition can be attached to ensure they link up with the neighbouring site. On the other hand, it could be the case that both applications were not approved or implemented so the same condition could be used to cover this eventuality with suitable landscaping or boundary treatments to provide an appropriate edge. Pedestrian/cycle access is also provided through to existing estate roads to the west at Newlyn Drive and Fishers Road, which would ensure good permeability and connections with the existing Staplehurst settlement.
- 6.24 Overall, it is considered that the layout is of a high quality standard and whilst the landscape features of the site are limited, the layout retains those that exist, and this would serve to create a quality sense of place unique to this site. Connections between both sites have been secured and the layout is considered to be in accordance with policy H1(50) of the submitted Local Plan and the NP.

Appearance/Materials

- 6.25 There would be a mix of detached, semi-detached, and terraced houses and an apartment block. Buildings would be of traditional form with gabled roofs, some gable projections, bay windows, porch overhangs, and chimneys on some properties. Brick detailing for lintels, soldier courses and plinths is also proposed. Focal buildings would have additional detailing including gabled dormer windows, and flint with brick edging on some properties. Materials would include weatherboarding, hung tiles, render, brickwork, and flint with clay roof tiles. It is considered that the traditional design of the buildings would be appropriate for this location, the materials draw on aspects of local vernacular picked up in the NP at page 23, the building's would have sufficient detailing, and the use varied of materials would provide a quality appearance. Whilst materials are listed I considered it would be necessary to require samples by condition in order to determine whether these are appropriate.

- 6.26 Surfaces would include tarmac for the main roads and pavements, although pavements would only be used on parts of the main spine road. Driveways, parking areas, and cul-de-sacs would have block paving and pathways through landscaped areas would be finished with gravel, which would provide good variation. Conditions could ensure high quality materials.

Boundary Treatments/Landscaping

- 6.27 Boundary treatments within public areas include black steel railings on the right-side of the entrance to frame the pond/open space area, and ragstone/brick walling just north of the access to provide an entrance feature, and framing the main spine road in places towards the central open space. These treatments are considered to be of good quality. I also consider it appropriate for measures to prevent parking on landscaped areas such as timber bollards, and around ponds for safety and ecology reasons, which could be secured by condition.
- 6.28 As outlined above, established hedge/tree lines within the site would be retained and strengthened and ponds used as features. There would be landscaped front gardens and new street and feature trees throughout. Wildflower planting and bulbs would also be used. It is considered that the boundary treatments and landscaping proposals would provide a high quality environment.
- 6.29 In conclusion on design matters, it is considered that the design of the development is of a high standard. It provides for good permeability throughout the site and connections with development to the west, and the proposed development to the east. The layout works with the existing landscape features retaining hedge/tree lines and ponds. Strong streetscenes would be created with buildings addressing roads and corners, and appropriate landscaping and boundary treatments. Buildings are of good quality reflecting local vernacular would use good quality materials, and surface materials are varied. with policy H1(50) of the submitted Local Plan and the NP. The application has also been assessed under the Design South East (DSE) surgery used by the Council (where DSE members provide advice), and the proposals were considered to be of a good quality.

Highways/Transport Matters

Access

- 6.30 There would be a single vehicular access onto Headcorn Road at the south end of the site and pedestrian/cycle links with Hurst Close/Newlyn Drive to the west and with Fishers Road at the north end of the site, where there is also an emergency access. This is in accordance with policy H1(50). Kent Highway Services (KHS) raise no objections to the access points, and their safety.

Cumulative Traffic

- 6.31 A transport assessment (TA) has been submitted which has been assessed by KHS. The trip generation from the development is expected to result in 94 movements during the AM peak (8am to 9am) and 109 in PM peak (5pm to 6pm). This is an average of between 1-2 movements per minute in both the AM and PM peak.
- 6.32 The TA demonstrates that the traffic for this development alone would not take the signalised crossroads in the centre of the village over capacity. However, a cumulative assessment of planning applications and allocated sites within the

submitted Local Plan of which one at ‘Hen & Duckhurst Farm’ for 250 houses has a resolution to approve at Planning Committee (and including the pending outline application just to the south of this site at ‘Stanley Farm’ for 110 houses), would take the junction over desirable capacity (which is 90% saturation). Whilst this is not above the theoretical capacity (100%), KHS have raised ‘holding objections’ and consider that it is necessary to ensure mitigation to this junction based on the cumulative impact. On this basis, lengthy discussions have been carried out with KHS and the developers. The costs would be divided between developments that come forward in the village.

6.33 Table 1 below illustrates the impact upon the junction if no physical changes were made (but includes a 10% reduction in development traffic by use of Travel Plans, which is discussed in more detail at paragraph 6.37 below.) This uses the most recent traffic modelling data produced by the Department for Transport (TEMPro 7.0: July 2016). This shows that 3 arms would operate above desirable capacity (90% saturation) in the AM and PM peaks and one arm would be above theoretical capacity (100%) in the PM peak.

6.34 Table 2 shows the impact excluding the outline application for 110 houses at ‘Stanley Farm’ on the basis that Members may wish to know these results as this site is recommended for refusal on this Agenda, and is not within the draft Local Plan or Neighbourhood Plan. Should Members agree with the recommendation then the results with this site excluded are shown below, which shows that 3 arms would operate above desirable capacity (90% saturation) in the AM and PM peaks but none above theoretical capacity (100%). It must be noted that the application is subject to an appeal and an Inspector could find the development acceptable so this is for illustration purposes.

Table 1: The impact on the junction from development traffic (including Stanley Farm) (with no mitigation and 10% Travel Plan reduction in traffic) is shown in the table below:

Arms	AM		PM	
	Degree of Saturation (%)	Mean Max Queue (Cars)	Degree of Saturation (%)	Mean Max Queue (Cars)
A229 Station Rd	70.3%	19	86.0%	24
Headcorn Road	97.6%	28	100.2%	31
A229 High Street	98.5%	40	99.9%	48
Marden Road	97.8%	34	99.4%	26

Table 2: The impact on the junction from development traffic (excluding Stanley Farm) (with no mitigation and 10% Travel Plan reduction in traffic) is shown in the table below:

Arms	AM		PM	
	Degree of Saturation (%)	Mean Max Queue (Cars)	Degree of Saturation (%)	Mean Max Queue (Cars)
A229 Station Rd	76.8%	20	76.4%	22
Headcorn Road	92.4%	23	98.6%	29
A229 High Street	93.6%	34	97.7%	37
Marden Road	94.0%	31	98.5%	25

- 6.35 Based on KHS objections, work has been carried out on potential improvements by the Council's transport consultants the developers, based on an assessment of traffic in 2022, as these sites are anticipated to come forward over this period. The crossroads is relatively constrained by existing properties and third party land meaning that a wholesale re-design of the junction is not possible, as can be the case for rural junctions. As such, mitigation that maximise vehicular capacity whilst staying within the highway boundaries have been designed. These improvements (including a new crossing to the south) cost a total of approximately £277,100 which equates to £59,953 for this development.
- 6.36 The main change involves the footway on the southwest side of the junction (High Street arm) being removed to create an additional lane for traffic (creating a right turn) and changes to the stop line position with pedestrians routed via Chestnut Avenue. Consequently the crossing point here and bus stop would also be removed and relocated further south. On the Marden Road arm the stop line and crossing would be moved back slightly with the road widened, and a new footway would be provided to Chestnut Avenue. On the Headcorn Road arm the stop line and crossing would be moved back slightly. There would be no changes on the Station Road arm.
- 6.37 In addition, a comprehensive and robust Residential Travel Plan has been sought and submitted by the applicant in order to seek a 10% reduction in development traffic by 2022 (and also for the other sites). This would raise awareness of the alternate sustainable travel options available (buses and trains); provide each household with a Travel Information Pack; and offer each household subsidised vouchers to encourage and incentivise sustainable travel choices to the value of £100.00, to be redeemed either on local bus services or at a local cycle retailer potentially totalling £16,700 across the development. Management, monitoring, and review would be built into the Travel Plan over a 10 year period to seek to ensure the plan is working. This would be secured under the Section 106 agreement with a monitoring fee. Also proposed are mitigation measures targeting existing residents within the village should the 10% target not be achieved (at the developer's expense). This would seek to achieve a 5% reduction covering the development and the wider village. The Travel Plan has been accepted by KHS.
- 6.38 Table 3 below illustrates the impact upon the junction if the physical changes outlined above were made (including the 10% reduction from Travel Plans). This shows that 1

arm would operate above desirable capacity (90%) in the AM peak and 3 arms in the PM peak but none above theoretical capacity (100%). The results largely show a reduced saturation of the junction and car queue lengths in all but one case being reduced.

Table 3: The impact on the junction from all development traffic (with mitigation and 10% Travel Plan reduction in traffic) is shown in the table below:

Arms	AM		PM	
	Degree of Saturation (%)	Mean Max Queue (Cars)	Degree of Saturation (%)	Mean Max Queue (Cars)
A229 Station Rd	79.6%	20	89.1%	27
Headcorn Road	89.2%	23	93.5%	26
A229 High Street	90.0%	29	91.1%	20
Marden Road	90.4%	29	92.1%	22

6.39 KHS consider that this impact in terms of traffic/congestion would be severe, “as three of the four junction arms are shown to operate above practical capacity (90%).” It should be noted that KHS have provided advice on the results excluding Stanley Farm which are set out in Table 4 below. They did not raise any objections to traffic/congestion in this scenario and therefore set the threshold for traffic/congestion ‘severity’ at 90%. The implications for breaching the 90% level result in an increase in 1 additional car queuing on three arms in the AM, and 2 additional cars on one arm and 1 on another arm in the PM (as set out in Table 4 below). It is considered that this impact above 90% does not result in the traffic impact being severe and is therefore not sound grounds to refuse the application.

6.40 Again, Members may wish to know the model results with Stanley Farm traffic excluded which are shown below in Table 4. This shows all arms within desirable capacity (90%) and to which KHS raise no objections on traffic/congestion grounds. It is outlined again that the application is subject to an appeal and an Inspector could find the development acceptable so this is for illustration purposes. However, it is reiterated that even with Stanley Farm included, the impact with mitigation is considered to be acceptable from a traffic/congestion perspective.

Table 4: The impact on the junction from all development traffic excluding Stanley Farm (with mitigation and 10% Travel Plan reduction in traffic) is shown in the table below:

Arms	AM		PM	
	Degree of Saturation (%)	Mean Max Queue (Cars)	Degree of Saturation (%)	Mean Max Queue (Cars)
A229 Station Rd	78.0%	20	89.2%	27
Headcorn Road	87.8%	22	90.0%	24
A229 High Street	87.9%	28	86.6%	20
Marden Road	88.5%	28	89.1%	21

- 6.41 In terms of road user safety and convenience, as outlined above, the footway on the southwest side of the junction (High Street arm) would need to be removed to create an additional lane for traffic, and consequently the crossing point here and bus stop would also be removed. The mitigation scheme therefore provides for a new crossing and bus stop further south. KHS raise objection to this on safety grounds on the basis that pedestrians may still attempt to cross the High Street near the junction. However, a safety audit of the works to the crossroads also raised this issue but recommended that measures are incorporated to deter pedestrians crossing at this location, such as the installation of pedestrian guard rail and/or landscaping features. It is considered that a guard rail could be provided to overcome this issue and as such the KHS objection is not considered grounds to refuse planning permission for this application. As this issue can be resolved, this is certainly not considered to result in a 'severe' impact such to warrant objection to the development, this ultimately being the test within the NPPF.
- 6.42 Suggestions have been made to use the adjacent verge to the west of Station Road (in third party ownership) to provide a pavement which could potentially mean the crossing point could remain. Being in third party ownership, the applicant has no control of this land and therefore cannot ensure any proposals would be carried out. To impose such a condition would not be enforceable or reasonable and so would not pass the tests for planning conditions.
- 6.43 KHS have raised two other issues, firstly relating to assumptions made in terms of the number of cars that can wait to turn right without blocking through movements on Station Road and High Street, and secondly, the waiting time for pedestrians to cross at the traffic lights being over three minutes, which they consider could encourage more pedestrians to undertake uncontrolled crossing movements. Rather disappointedly, KHS only raised these matters under their latest set of advice (despite them being part of the modelling previously). The transport consultants for the adjoining 'Redrow' site have respond to these points and provided photographic evidence of 3 cars waiting and a car/van passing which vindicates this assumption. With regard to the waiting time, they advise that the signals operate under a MOVA controller (software that responds to the demand on each arm) and they have observed that there are currently numerous examples of waiting times in the 3 to 4 minute range and the maximum (238 seconds) were noted to be utilised at some of

the busiest periods. As such, the situation would be no worse than existing and this is not considered to be grounds to object.

- 6.44 Local representations have also raised objections on the basis that pedestrians, including those with disabilities, will be negatively affected by the changes. The main impact upon pedestrians will be from the removal of the crossing and pavement on the Station Road arm. For people walking east to west from Headcorn Road to reach Marden Road (and vice versa), this would mean potentially carrying out three crossings as opposed to one. For all other routes no additional crossing would be necessary. For those heading north or south on the west side of the crossroads, they would have to walk via Chestnut Avenue. This is not considered to be a significantly longer or less attractive route to use. It is acknowledged that the changes would make some routes slightly longer but this is not considered to warrant refusal of the planning application. For clarification, the latest proposals do not narrow any pavements that would remain.

Public Transport Improvements

- 6.45 In addition, in order to facilitate a traffic reduction and promote sustainable transport use by future residents and in line with the NPPF aim of managing pattern of development that facilitates the use of sustainable modes of transport and make the fullest possible use of public transport, improvements to the frequency of bus services and improvements to the train station would be secured.
- 6.46 Through negotiation, the bus operator 'Arriva' has committed to increase the frequency of services from hourly to half hourly with s106 funding to support this for the first 3 years of service. This would be at a cost of £146,300 per year and this would be divided between the outstanding developments within the village. For this development it would mean a financial contribution of £140,280. Bus stops are located with walking distance of the site meaning that future residents would utilise such improved bus services, and this would reduce reliance on the use of private motor vehicles.
- 6.47 With regard to the train station, 'Southeastern' have been working on a scheme of improvements to the station including a new forecourt and transport interchange, improving public and passenger facilities to the station frontage and on the approach to provide a safer and clearer route, and improved cycle parking facilities. The costs of the works has been assessed as being approximately £1.1million and would be divided between developments within the village equating to £238,643 for this development. This would be secured under the Section 106 agreement. In addition, a new pedestrian crossing on the A229 Station Road between Station Approach and Fishers Road would be secured which would provide a suitable link to the railway station.
- 6.48 These improvements to public transport would serve to promote sustainable travel for new residents in line with the NPPF, which encourages opportunities for sustainable transport modes to be taken up (para. 32), and such improvements would be in accordance with policy T23 of the Local Plan, policy H1(50) of the submitted Local Plan and policy PW1 of the NHP. The scale of the contributions are reasonably related to the proposals and based on costs provided by 'Arriva' and 'Southeastern'. Accordingly, I am satisfied that the necessary legal and policy tests would be met.
- 6.49 Policy T3 of the Local Plan refers to the requirement, where necessary and appropriate, for public transport facilities within significant developments. In this case the site provides good access to existing public transport points, including through

Fishers Road, Hurst Close, and Headcorn Road, and through a dedicated crossing on the A229, which is in accordance with policy T21 of the Local Plan and H1(50) of the submitted Local Plan.

Parking

- 6.50 In terms of parking provision, there would be 2 spaces for the 2/3 bed dwellings, 3 spaces for the 4/5 bed dwellings, and 3 spaces for the nine 1 bed units. Visitors parking of 33 spaces over the site would be provided, along with room for on-street parking. Whilst Kent Highway Services (KHS) have raised some concerns regarding tandem parking, I don't see this as a significant constraint to people using their parking spaces. In addition, it provides for more space for landscaped areas, rather than hardstanding so on balance this is considered to be acceptable. Overall, the parking provision is considered to strike the right balance between a sensible provision and providing a good quality design,
- 6.51 Some concerns have been raised by KHS regarding some minor visibility issues within the site (not onto Headcorn Road) but it is acknowledged that this may act as an indirect traffic calming measure, and on balance I do not consider this is a significant safety issue to warrant objection.

Off-site Highways Works (specific to this development)

- 6.52 Various off-site highways works and conditions have been requested and it is considered that these are necessary in the interest of safety, providing good connectivity with the local area, and promoting sustainable transport use. These include new footways; extending the 30mph speed limit; new pedestrian crossings; pedestrian/cycle access to the west; and a construction management plan.
- 6.53 KHS have also raised the issue of Hurst Close, Newlyn Drive and Fishers Road and roads to the east potentially being used as an alternative route to access the A229. It is considered that a suitable head of terms for the s106 could be used to address this and which could require appropriate measures, if necessary, such as traffic calming. Any contribution would be pooled between relevant sites.
- 6.54 The NPPF states at paragraph 32,

"Plans and decisions should take account of whether:

- The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- Safe and suitable access to the site can be achieved for all people; and*
- Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."*

- 6.55 In conclusion, there are no objections from KHS to the development itself. The development would provide a robust Travel Plan, and contribute towards improvements to the bus service and train station, involving a total financial contribution of £438,876. Based on this, significant improvements to public transport would be secured, safe access to the site is possible, and works to the crossroads

would be funded to mitigate the cumulative impact of this development with others in the village, and safety issues raised could be overcome through the use of guard railing. This would serve to limit any significant impacts and any residual impacts are not considered to be severe subject to the mitigation, despite the view of KHS.

Community Infrastructure

6.56 A development of this scale is clearly likely to place extra demands on local services and facilities and it is important to ensure that the development can be assimilated within the local community. As such suitable contributions to make the development acceptable in planning terms can be sought in line with policy CF1 of the Local Plan and the Council's Open Space DPD.

6.57 However, any request for contributions needs to be scrutinised, in accordance with Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criterion that sets out that any obligation must meet the following requirements: -

It is:

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

*And

A planning obligation ("obligation A") may not constitute a reason for granting planning permission to the extent that —

(a) obligation A provides for the funding or provision of an infrastructure project or type of infrastructure; and

(b) five or more separate planning obligations that—

(i) relate to planning permissions granted for development within the area of the charging authority; and

(ii) which provide for the funding or provision of that project, or type of infrastructure have been entered into before the date that obligation A was entered into.

6.58 *This section came into force on 6th April 2015 and means that planning obligations cannot pool more than 5 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010).

6.59 The following contributions have been sought:

6.60 For primary education provision, £683,196.12 is sought towards the Phase 2 expansion of the Headcorn Primary School (new build and land acquisition). The question as to why monies are being diverted to Headcorn and not Staplehurst has been raised. KCC have advised that, *"there are strong links between Staplehurst and Headcorn in terms of educational demand. Staplehurst PS currently has a surplus of places which will diminish over coming years and is not enough to accommodate the full effect of development in Staplehurst, Headcorn PS does not have a current surplus. The nature of Staplehurst PS is such that an expansion would yield an increase of 105 places across all year groups, the expansion of Headcorn PS will yield 210 pupil places. The expansion of Headcorn PS by 1FE for September 2017 will act as strategic response to the growth in Headcorn and Staplehurst. Staplehurst PS is also likely to need additional places in the medium term as the existing surplus*

capacity is diminished; at that point development contributions in the area will likely be directed to Staplehurst.”

- 6.61 For secondary education £371,078.55 is sought towards the Phase 3 expansion of Cornwallis school to address the increased impact the development would have.
- 6.62 For youth services, £1,409.86 is sought towards equipment to expand the range of youth focused activities able to take place in Staplehurst by KCC's commissioned youth worker.
- 6.63 For libraries, £8,018.64 is sought towards libraries to address the demand from the development towards additional bookstock (supplied to Staplehurst Library).
- 6.64 For adult education, £5,126.39 is sought towards the cost of providing additional laptops and software to the Adult Education delivery point at Staplehurst Library.
- 6.65 In terms of open space, the development would provide approximately 2.14ha of onsite open space, which would largely be natural/semi-natural space due to ecological requirements and retaining landscape features. A LEAP is also to be provided which has been secured through negotiation. Notwithstanding this, there would still be an increased pressure on nearby facilities and so an off-site contribution of £98,196 is also sought towards improvements and refurbishment of Jubilee Playing Fields and Play area, which is considered acceptable to mitigate the impact.
- 6.66 In terms of healthcare, the NHS are seeking a contribution of £93,060 towards extension, refurbishment and/or upgrade of Staplehurst Health Centre, which is considered acceptable to mitigate the increased impact on the centre.
- 6.67 It is considered that the requested contributions are sufficiently justified to mitigate the additional strain the development would put on these services and comply with policy CF1 of the Maidstone Borough-Wide Local Plan (2000), policy PW1 of the NHP where relevant, and the CIL tests above.
- 6.68 Requests for contributions towards the youth centre, village centre, feasibility studies for retail opportunities in the village, and broadband have been raised by the Parish Council and Cllr Brice. In terms of the youth centre, KCC have secured monies to youth services. In terms of the village centre there is no detailed evidence of the specific expansion or works that are required as a result of this development, detailed proposals or costs, and so at present any request for monies would not pass the legal tests. With regard to retail development in the village, this is not necessary to make the development acceptable. In terms of broadband standards, the development cannot be expected to solve a perceived existing problem.

Drainage & Flood Risk

- 6.69 Southern Water has advised that there is insufficient capacity in the local network to accommodate the development but have raised no objections stating that improvements can be secured under the Water Industry Act. The proposed foul sewer system is being designed as gravity sewers in accordance with Southern Water requirements. There is an existing foul water sewer which runs through the site to which the development will connect. The applicant has been liaising with Southern Water as to the requirements for offsite works to provide sufficient capacity within this sewer. This would include the upgrading of 40m of 300mm diameter sewer to 375mm to the north of the site, and increasing the pump capacity within the

Staplehurst Waste Treatment Works from 109 l/s to 120 l/s. The detailed designs have since been submitted to Southern Water for technical approval. It is therefore considered that the applicant has demonstrated that foul drainage measures can be provided, (which have been carried out in consultation with Southern Water), and that adequate foul drainage could be provided to mitigate the impact of the development. Conditions could ensure that these works are carried out prior to occupation of the development.

- 6.70 In terms of surface water and flood risk, a Flood Risk Assessment (FRA) and Surface Water Management Strategy have been submitted. The site does not fall within a high risk flood area and as such the development is not at risk from river flooding. There is some risk from surface water flooding and the development proposes a Sustainable Urban Drainage scheme (SUDs) to deal with surface water drainage to ensure the run-off rates would not exceed the current situation. It is outlined that given the poor permeability of ground conditions across the site the potential for infiltration of surface water is considered unsuitable and based on the ditches and ponds present it is proposed to discharge surface water from the development to these existing features which are to be retained. The methods within the SUDs scheme would restrict flows to greenfield run-off with a 30% allowance for climate change as required and include the recycling of roofwater via water butts; soakaways or shallow attenuation tanks; permeable paving; and a swale for attenuation and improvement of biodiversity towards the north end of the site.
- 6.71 The Environment Agency has raised no objections (as they were the relevant body when the application was submitted) subject to a condition securing the surface water drainage details and on-going maintenance of the SUDs. KCC as 'Lead Local Flood Authority' (LLFA) have also been consulted and do not raise any objections to the surface water management proposals subject to conditions to secure the details.

Ecology

- 6.72 Ecological surveys have been carried out and identified the following were present within the site:
- Reptiles
 - GCN
 - Breeding Birds
 - Features suitable for roosting bats
- 6.75 KCC Ecology advise that sufficient information has been provided to determine the planning application.
- 6.76 In terms of GCN and reptiles, the three existing ponds support GCN and they would be retained and enhanced and GCN also move throughout the site and would be impacted. The proposal is to retain and enhance green corridors and green space essentially as the receptor site for GCN and reptiles. Where existing hedge/tree lines would be broken in places to provide roads culverts are proposed under roads to maintain connectivity and wildlife friendly kerbs would be installed. Additional and enhanced habitat would be created through wildflower grassland creation and shrub and hedgerow creation/reinforcement.
- 6.77 KCC have raised no objection in terms of any impact upon GCN and reptiles subject to the proposed mitigation being secured. They advise that, *"the green corridors and green space to be incorporated in to the development are vital for the success of the mitigation strategy there is a need to ensure that the site will be managed*

appropriately in perpetuity. A habitat maintenance and management plan has been submitted with the planning application and it demonstrates that the applicant is proposing to manage the site to benefit GCN and Reptiles. From reviewing the document we are aware that a Landscape Management Plan (LMP) will be produced if planning permission is granted – we suggest that the proposed LMP include details of interpretation boards to be incorporated in to the development site to inform residents of the sites management. The site is currently sub-optimal and there is a need to ensure that the receptor site is sufficiently established prior to the translocation commencing. We are satisfied with the proposed methods to establish the receptor site (detailed within the habitat and management plan) but we have concerns that the receptor site will not be established prior to the translocation of GCN and Reptiles (if planning permission is granted). We recommend that the detailed GCN and Reptiles mitigation strategy (to be submitted as a condition of planning permission) provides details of the timings for the establishment of the receptor site and triggers for when translocation can commence. If planning permission is granted the translocation cannot begin until the receptor site has established to an acceptable standard.”

- 6.78 Conditions are recommended to secure the GCN and reptile mitigation and a landscape and ecology management plan (LEMP) to ensure appropriate mitigation of these protected species.
- 6.79 In terms of bats, a number of mature trees are present which contain suitable features for roosting bats. These trees would be retained and so no emergence surveys have been requested. A lighting condition could be attached to ensure no direct impact on these trees and to generally limit the potential impact upon bats.
- 6.80 With regard to general enhancements, green corridors and a wildflower meadow are being created/retained within the proposed development site. There is a need to ensure that a management plan is produced for these areas and it is implemented to retain their ecological interest. The green corridors will also include bat and bird boxes and a condition would be attached to increase the bird nesting and bat roosting opportunities within the buildings.

Residential Amenity

- 6.81 It is considered that the houses would be positioned a sufficient distance from any existing and proposed properties bordering the site so as not to cause any unacceptable loss of privacy, outlook or light. The proposal is for housing development which is clearly a compatible use with adjoining uses. It is also considered that the new properties would benefit from sufficient amenity standard in terms of privacy, outlook, light and house and garden sizes.
- 6.82 Pedestrian and cycle connections to the west would result in increased use of local roads and introduce residents walking to the front and side of properties, however, this is not considered to result in any unacceptable impact upon amenity.

Other Matters

- 6.83 Affordable housing is proposed at 40% in line with the 2006 DPD and emerging policy. The housing mix in terms of tenure and size has been amended in response to the Housing Section's comments and they are satisfied with the proposals.
- 6.84 Conditions could suitably deal with archaeology and contaminated land. It is considered that the travel plan and proposed public transport improvements are

sufficient measures to limit any impact upon air quality. In terms of agricultural land loss, there is a mix of partly 3a (good quality, within the best and most versatile category) and partly 3b (moderate quality not within the best and most versatile category). The Council's advisors states that, *"in practice the interplay of the Grade 3a and Grade 3b within the fields concerned, the irregularly shaped and fairly small fields bounded by hedgerows, and the presence of various ponds, tends to limit the potential for any more intensive use of the land than use for grass, which appears to have been the practice for many years. Thus it may be that as part of the overall Planning balance, the issue of loss of agricultural land under this scheme should be afforded relatively little weight."* Based on this I do not consider this is grounds for an objection to the application, and the benefits and need for housing outweighs any loss of agricultural land.

- 6.85 Other matters raised, where relevant to planning, have been addressed in the relevant sections in the main report.
- 6.86 A separate Screening Opinion has been adopted by the Council for the application where it has been concluded that the development would not have significant environmental effects in the context of the EIA Regulations alone or cumulatively with other developments, would not be of more than local importance, and any environmental implications from the development would not be so significant or wide-ranging so as to warrant an EIA. Therefore it is not considered that an EIA is required for this application in light of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).

7.0 CONCLUSION

- 7.01 The proposed development is contrary to policy ENV28 in that it represents housing development outside a settlement boundary in the Local Plan. However, the draft MBLP evidence base identifies objectively assessed needs for additional housing over the plan period 2016-2031, which the draft MBLP addresses, in part, by way of site allocations for housing sites outside existing settlement boundaries. The existing settlement boundaries defined by the adopted Local Plan (2000) will be revised by the MBLP to deliver the development necessary to meet identified needs in accordance with the site allocations in draft MBLP policies and H1. In this instance the weight attached to ENV28 should be reduced due to the allocation of the site in the emerging Local Plan under policy H1 (50).
- 7.02 There would be some impact upon the landscape (and thus conflict with the countryside protection element of policy ENV28) but this would be limited and localised and is considered to result in low environmental harm. However, this is a factor that weighs against the development.
- 7.03 In favour of the development, the site is considered to be at a sustainable location adjoining the settlement boundary of Staplehurst in the Local Plan, which offers a good range of facilities and services. The works to the crossroads would mitigate the traffic impact of the developments cumulatively in the village and highway safety matters can be overcome. Improvements to the bus and train services within the village and a Travel Plan would be secured in accordance with the NPPF. Appropriate community infrastructure would be provided and affordable housing at 40%. Drainage issues have been fully considered and mitigation for the development could be achieved and secured by condition. There are no objections from the Environment Agency in terms of flooding or the LLFA in terms of surface water drainage. There are no ecology objections or any other matters that result in an objection to the development.

- 7.04 In accordance with advice in the NPPF, there are three dimensions to sustainable development giving rise to the need for the planning system to perform environmental, economic and social roles. It is considered that the development would provide economic benefits through delivering houses, associated construction jobs, and the likelihood of local expenditure (economic benefits commonly recognised by Inspectors at appeal). It is considered that there would be social benefits through providing much needed housing, including affordable housing, community infrastructure, and I do not consider the impact upon existing resident's amenity would be harmful. There would be some impact upon the landscape but this would be limited and localised and so is considered to result in low environmental harm. There would be no other significant harm to the environment. As such, it is considered that the development would perform well in terms of economic, social and environmental roles required under the NPPF.
- 7.05 All representations received on the application have been fully taken into account, and in balancing matters, it is considered that the low level of landscape harm caused by the development is outweighed by the economic and social benefits of providing much needed housing, including affordable housing, at a sustainable location, including at a location identified in the emerging Local Plan and Neighbourhood Plan. As such, it is considered that compliance with policy within the NPPF is sufficient grounds to depart from the adopted Local Plan and it is recommended that permission is granted subject to conditions and a legal agreement as set out below. Delegated powers are sought to finalise the terms of the legal agreement.

Conditions

- 7.06 Conditions are recommended to cover slab levels, ecology, surface and foul water drainage, construction method statement, archaeology, contaminated land, renewable energy, materials, landscaping, lighting, off-site highways works, access and parking, and boundary treatments.
- 7.07 KHS have also suggest conditions relating to on-site facilities relating to construction vehicles, preventing surface water on the highways, wheel washing, details of roadways footways street lighting, street names etc. is required prior to the commencement of work on site and this should be agreed with KCC Highways. It is considered that these conditions are not necessary to make the development acceptable and so do not pass the tests for conditions.

8.0 RECOMMENDATION

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

- The provision of 40% affordable residential units within the application site.
- Financial contribution of £585,333.36 towards the Phase 2 expansion of the Headcorn Primary School.
- Financial contribution of £97,862.76 towards land acquisition costs of the Headcorn Primary School expansion.
- Financial contribution of £371,078.55 towards the Phase 3 expansion of Cornwallis school.

- Financial contribution of £238,643 towards train station improvements at Staplehurst Station.
- Financial contribution of £140,280 towards bus service enhancements to increase the frequency of services through Staplehurst village.
- Financial contribution of £59,953 towards junction improvements at the A229/Headcorn Road/Marden Road junction.
- Financial contribution of £1,409.86 towards equipment to expand the range of youth focused activities able to take place in Staplehurst by KCC's commissioned youth worker.
- Financial contribution of £8,018.64 towards libraries to address the demand from the development towards additional bookstock (supplied to Staplehurst Library).
- Financial contribution of £5,126.39 towards the cost of providing additional laptops and software to the Adult Education delivery point at Staplehurst Library.
- Financial contribution of £98,196 towards improvements and refurbishment of Jubilee Playing Fields and Play area.
- Financial contribution of £93,060 towards extension, refurbishment and/or upgrade of Staplehurst Health Centre.
- The provision of a Residential Travel Plan to aim to achieve a 10% reduction in development traffic flows covering a 10 year monitoring period, and to include monitoring costs.
- Annual monitoring and reporting of the effect of displaced traffic on highway routes surrounding the site ("rat-running" monitoring).
- A financial contribution towards suitable mitigation measures to combat any significant adverse traffic flow conditions as may be established by the monitoring exercise to be conducted.

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

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

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

2. The development shall not commence until 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.

3. The development shall not commence until a Landscape and Ecological Design and Management Plan has been submitted to and been approved in writing by the local planning authority.

The Landscape and Ecological Design and Management Plan shall include the following:

- a) Purpose and conservation objectives for the proposed habitat creation and enhancements;
- b) Detailed design to achieve stated objectives;
- c) Extent and locations of proposed works on appropriate scale plans;
- d) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) Description and evaluation of features to be managed;
- f) Aims and measurable objectives of management;
- g) Appropriate management prescriptions for achieving aims and objectives;
- h) Preparation of a work schedule for the duration of the plan;
- i) Ongoing habitat and species monitoring provision against measurable objectives;
- j) Procedure for the identification, agreement and implementation of contingencies and/or remedial actions where the monitoring results show that the objectives are not being met;
- k) Details of the body/ies or organisation/s responsible for implementation of the plan.
- l) Details of interpretation boards to be incorporated in to the development site to inform residents of the sites management.

The Landscape and Ecological Design and Management Plan shall also include details of the legal and funding mechanism by which the short and long-term implementation of the Management Plan will be secured by the developer with the management body responsible for its delivery. The approved Plan will be implemented in accordance with the approved details.

Reason: To ensure a high quality design, appearance and setting to the development, and to protect and enhance biodiversity.

4. The development shall not commence until (including any demolition, ground works, site clearance) until a detailed Great Crested Newt and Reptile mitigation strategy has been submitted to and approved in writing by the local planning authority. The content of the strategy shall include:

- a) Details of the timings for the establishment of the receptor site and triggers for when translocation can commence
- b) Identification of ecological impacts, informed by updated ecological surveys where necessary;
- c) Purpose and ecological objectives for the proposed works;
- d) Practical measures (both physical measures and sensitive working practices) necessary to achieve stated objectives (may be provided as a set of method statements);
- e) Extent and location of proposed works, shown on appropriate scale maps and plans;
- f) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- g) Persons responsible for implementing the works, including times when specialist ecologists need to be present on site to oversee works;

The works shall be carried out in accordance with the approved details, unless varied by a European protected species mitigation licence subsequently issued by Natural England. In the interests of securing the maximum benefit for biodiversity, any variation of the agreed mitigation required by Natural England must not result in the reduction of the quality or quantity of mitigation/compensation provided.

Reason: In the interest of ecology and biodiversity enhancement.

5. The development shall not commence until details of measures to enhance biodiversity have been submitted to and approved in writing by the Local Planning Authority and shall include the following:
 - a) Swift bricks and bat boxes integral to buildings
 - b) Bird and bat boxes throughout the site
 - c) Wildlife friendly gullies
 - d) Retention of cordwood on site

Reason: To protect and enhance biodiversity.

6. The development shall not commence 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 incorporate details appropriate to the construction operations being undertaken and shall include, but not be limited to, a working methodology/phasing for operations with the Root Protection Area (RPA) of any retained tree; consideration of the location and installation of services and drainage; a programme of site monitoring and arboricultural supervision if appropriate; a detailed schedule of pre-commencement tree works and; a revised Tree Protection Plan showing the design and location of fencing and/or ground protection necessary to ensure all retained trees can be successfully integrated within the permitted scheme.

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 a satisfactory external appearance to the development.

7. The development shall not commence until a detailed surface water drainage strategy for the site has been submitted to (and approved in writing by) the local planning authority. It shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated with any offsite discharge limited to either QBAR or greenfield runoff rate as approved by the Local Planning Authority. The detailed drainage design will also provide details of any works on the existing drainage system, including ditches, proposed headwalls, and ponds to be approved by the Local Planning Authority.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions

8. The development shall not commence until a construction phasing plan of the surface water drainage scheme has been submitted to (and approved in writing by) the local planning authority. This phasing plan must be coincident with the appropriate phases of development and must include:

- a) A description of any temporary works to provide for uninterrupted surface flow during construction within the existing drainage systems which cross the site; and,
- b) A description of erosion and sediment control measures to protect the capacity of the existing drainage system and ensure that water quality of the surface water flows which leave the site are not contaminated by sediment or other pollutants.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

9. The development shall not commence until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. The parking of vehicles of site operatives and visitors
- ii. Loading and unloading of plant and materials
- iii. Wheel washing facilities
- iv. Measures to control the emission of dust and dirt during construction
- v. A scheme for recycling/disposing of waste resulting from demolition and construction works
- vi. Provision of measures to prevent the discharge of surface water onto the highway.

Reason: In the interest of highways safety.

10. The development shall not commence 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.

11. The development shall not commence 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;

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: In the interests of public safety and pollution prevention.

12. No development above damp proof course level shall take place until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter;

Reason: To ensure an energy efficient form of development.

13. Notwithstanding drawing no. STFF-004 Rev D, no development above damp proof course level shall take place 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.

14. No development above damp proof course level shall take place until measures to prevent parking on landscaped/amenity areas and any measures to enclose ponds 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 and in the interest of safety.

15. No development above damp proof course level shall take place until details of 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 during the course of development in the form of a Tree Protection Plan undertaken by an appropriately qualified party in accordance with BS5837:2012 and a programme for the approved scheme's implementation and long term management, shall be submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall be designed using the principle's 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 implementation and long term management plan shall include long term design 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 and a high quality of design.

16. Details of foul water drainage, which shall include details of on-site drainage and off-site improvements to the local network, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water prior to the occupation of the development. The approved details shall be implemented in full prior to the first occupation of the development.

Reason: In the interest of pollution and flood prevention.

17. The occupation of the development hereby permitted shall not commence until specific details of connections to the adjoining housing site including pedestrian and cycle links (in the event the adjoining housing site has been implemented), or a scheme of landscaping following the principles of condition 15 (in the event that it has not been implemented) 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: To ensure appropriate connections and in the interested of visual amenity.

18. The 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.

19. No building hereby permitted shall be occupied until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter alia, details of measures to shield and direct light from the light sources so as to prevent light pollution 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

20. Prior to the occupation of the building(s) hereby permitted, a minimum of one electric vehicle charging point shall be installed at every residential dwelling with dedicated off street parking, and shall thereafter be retained for that purpose.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 35 of the NPPF.

21. Details of a “lighting design strategy for biodiversity” for the site shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and in which lighting must be designed to minimise disturbance, and;
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.
- c) Include measures to reduce light pollution and spillage.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: In the interest biodiversity protection and visual amenity.

22. No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the drainage measures, including permeable pavement, ditches, ponds and all outfalls, have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

23. No occupation of the development hereby permitted shall take place until the following off-site highways improvements have been made in full. Full details shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highways Authority:

- New footway on the western side of the new site access on Headcorn Road to link with the existing footway fronting Little Cossington on the south side of Headcorn Road.
- Extension of the existing 30mph speed limit and the associated gateway treatment to the east.
- New pedestrian crossing on the A229 Station Road between Station Approach and Fishers Road.
- Bus boarders at the pair of bus stops to the north of Fishers Road on the A229.
- Pedestrian access to Newlyn Drive/Hurst Close widened to enable use by cyclists.
- Dropped kerb crossings on Slaney Road, Poyntell Road and Hurst Road along Headcorn Road.

Reason: In the interests of highway safety.

24. No occupation of the development hereby permitted shall take place until details of a scheme for the preparation, laying out and equipping of the play/amenity area, and its on-going maintenance have been submitted to and approved in writing by the Local Planning Authority. The facility shall be completed in accordance with the approved details prior to the first occupation of the development.

Reason: To provide open space to contribute to meeting the recreational needs of prospective occupiers.

25. The access point onto Headcorn Road shall be carried out in accordance with drawing no. STFF-GIA prior to the occupation of the development. Visibility splays shall be maintained in accordance with the approved drawing and kept free of obstruction above 0.9m thereafter.

Reason: In the interests of highway safety.

26. The development shall be carried out in accordance with the boundary treatments as shown on drawing nos. STFF-003 Rev D and STFF-031 and shall be implemented before the first occupation of the building(s) or land and maintained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

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

27. The vehicle parking spaces and/or garages and vehicle loading/unloading and turning facilities shown on the submitted plans shall be permanently retained for parking and turning and shall not be used for any other purpose.

Reason: In the interest of highways safety and parking provision.

28. No physical boundary treatments shall be erected along any part of the eastern boundary of the site (excluding any temporary structures during construction).

Reason: To ensure appropriate connectivity.

29. The development hereby permitted shall be carried out in accordance with the approved plans as listed under the 'Schedule of Additional & Amended Application Drawings' document dated 10/11/15

Reason: For the purposes of clarity.

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.



15/507124 Stanley Farm
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REPORT SUMMARY

REFERENCE NO - 15/507124/OUT			
APPLICATION PROPOSAL Outline application for the erection of up to 110 dwellings (access being sought with all other matters reserved for future consideration).			
ADDRESS Stanley Farm Headcorn Road Staplehurst Kent			
RECOMMENDATION – That the planning committee informs the Planning Inspectorate that had the appeal not been submitted, the Council would have refused planning permission for the reasons set out at the end of the report (paragraph 11).			
SUMMARY OF REASONS FOR REFUSAL The development lies outside the development boundary for Staplehurst and is not one of the emerging allocated sites set out in the emerging Maidstone Local Plan 2011-2031 or that of the Staplehurst Neighbourhood Plan. The Council is able to demonstrate a five year housing supply and therefore its housing policies are up-to-date. The development would cause localised landscape harm and therefore would be contrary to policies ENV6, ENV28 and ENV34 of the Maidstone Local Plan 2000 and the emerging policies of the Neighbourhood Plan which has been accepted subject to modifications and the Maidstone Emerging Local Plan which both retain the site as an area of countryside. The development also fails to secure the appropriate contributions towards infrastructure in order to mitigate its impact on local infrastructure			
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none"> • Appeal made in relation to non-determination of application • Staplehurst Parish Council request the application be heard at Committee • Application represents a departure from the MBWLP 2000. 			
WARD Staplehurst Ward	PARISH/TOWN COUNCIL Staplehurst	APPLICANT Countryside Properties AGENT DHA Planning	
DECISION DUE DATE 02/12/15	PUBLICITY EXPIRY DATE 02/12/15	OFFICER SITE VISIT DATE 11.9.2016	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): None on application site but adjacent sites			
App No	Proposal	Decision	Date
15/510186	Land at Fishers Farm- Full application for 185 units	Pending	
14/505432	Land north of Headcorn Road – Full application for 167 dwellings	Pending	

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site is a rectangular area of agricultural land which extends to 4.3 hecatres and is located to the east of the village of Staplehurst. It is located to the south of Headcorn Road and is adjacent to the rear gardens of residential properties in Slaney Drive which lies to the west. The land rises gently away from its boundary with Headcorn Road, where there is an existing access, to the south. The site boundaries consist of

mature hedging to its northern boundary with Headcorn Road with a ditch and hedging to its eastern boundary. The adjacent field to the east is included in the ownership of the applicant but not within the red line application site. This adjoining field contains a public footpath which runs from Headcorn Road in the north to the south east corner of the application site and a further footpath runs to the south of the site.

- 1.02 The site is within 600m of the village which is accessible via a pedestrian footpath which runs along the southern extent of Headcorn Road. To the north of the site are business units along with a bike track and sports field which are located to the north and north east respectively. To the north-west is an area of land which is allocated for housing in the emerging Maidstone Local Plan 2011-2031 and the Staplehurst Neighbourhood Plan.

2.0 PROPOSAL

- 2.01 The application seeks outline planning permission for the erection of up to 110 dwellings of which 40% would be affordable units (44 dwellings) along with associated vehicular access, car parking, garaging, landscaping and amenity space. The density of this development would be about 28 dwellings per hectares. The land to the east is included within the applicant's ownership and it is proposed to provide further structural landscaping to reintroduce the former field structure of this land through further hedgerow planting.
- 2.02 The application is submitted in outline form with only the means of access to be considered at this stage. This will take the form of a simple priority junction in the north east boundary of the site with Headcorn Road. The indicative masterplan plan shows a mix of dwelling types and sizes with the primary access road running southwards down the eastern part of site connecting to a number of perimeter blocks of housing further into the site. An area of open space is to be provided within the southern part of the site to provide access to the adjoining footpath network.
- 2.03 Since April 2016 the applicant has been working with adjoining landowners, the council and KCC Highways regarding mitigation regarding potential impact on local highway network. This work has included traffic modelling and a general improvement program in relation to the Cuckold Crossroads and Staplehurst Station.

3.0 SUMMARY INFORMATION (based on indicative plan)

	Proposed
Site Area (ha)	4.3 hectares
Density	28dph
No. of Residential Units	66 market
No. of Affordable Units	44 affordable

4.0 PLANNING CONSTRAINTS

Public Right of Way KM303 and KM304

Low Weald

5.0 POLICY AND OTHER CONSIDERATIONS

- Development Plan - Maidstone Borough-wide Local Plan (MBLP_ (2000). Relevant policies ENV28, ENV34, T13 and T23.
- Affordable Housing DPD 2006
- Open space development draft local plan 2006.
- Staplehurst Neighbourhood Plan (SNP)
- The National Planning Policy Framework (NPPF) 2012
- National Planning Practice Guidance (NPPG)
- Submitted version MBLP (SVMBLP)- relevant policies SS1, SP3, H2, DM2, DM3, DM11, DM12, DM13, DM23, DM24, ID1.

6.0 LOCAL REPRESENTATIONS

This application was advertised by Site notice and in the press. Also adjoining neighbours were notified by letter.

20 letters have been received objecting to the application for the following reasons;

- Surface water run off flowing towards houses and cause flooding.
- Potential loss of access from to the adjoining farm land from the garden of properties in Slaney Road.
- These houses are not needed as people cannot afford them. Not enough affordable homes for the young people
- Inadequate infrastructure (school space, doctor surgery),
- Detract from the open countryside and takes land away from agricultural production
- Detract from the local landscape value of the area
- Add to the traffic at the Cross roads.
- Village has not enough infrastructure.
- There is not enough affordable housing.
- The development will detract from the character of the countryside and adds to the noise in the area.
- Sewerage system in the village is an issue.
- Not enough school places are available for children.
- Properties in Slaney Road will be over looked and any screening by trees will take more than 10 years to establish.
- This proposal is contrary to the NP and wishes of local people.
- This will be an intrusive development in the countryside.
- There will be harm to the wildlife including bats

Since the publication of the Stage 1 Safety Audit, the proposed suite of highway improvements were released for further public consultation on the 28th July 2016. As a result of this exercise 16 further public comments have been received from members of the public. The further comments can be summarised as follows;

- Highway safety issues not considered to have been resolved.
- A229 a main route with HGV traffic lanes not adequate
- Effects of Travel plan not credible
- Removal of crossing and footpath from main route to primary school is a safety hazard

- Site not in emerging local plan or neighbourhood plan – will add to congestion caused by allocated sites
- Narrowing of footpath – contrary to Equalities Act and use by disabled people
- Congestion – traffic modelling underestimates existing issue and fails to account for growth elsewhere in area

7.0 CONSULTATIONS

7.1 Staplehurst Parish Council

- Concerns regarding expected increase in traffic would put a further strain on Headcorn Road and crossroads;
- Site is unsustainable; the area was known to flooding; there were issues with existing sewage problems in the vicinity
- Lack of access to the centre of the village other than via Headcorn Road following the recently submitted amendment to remove the footpath link to the High Street exiting opposite The Bower
- No children's play area was planned on the site.
- The site is neither in the Staplehurst Neighbourhood Plan nor in the MBC Local Plan.
- For all of these reasons Councillors voted to recommend REFUSAL and wish the application be referred to MBC Planning Committee.

After further Highway information

- Issues regarding narrowness of lane widths having regard to main HGV routes
- Narrowness of footpaths and equalities act
- Proposed location of bus stops and crossing gave cause for concern
- 5% reduction in travel untested and uncertain
- Failed to take account of the SNP and the promotion of safer walking route
- Proposals did not change the Parish's original position of refusal for the three applications, including Stanley Farm

7.2 KCC Sustainable Urban Drainage System

- Confirmed existing ditch is online of a watercourse and therefore recommend a strategy is developed based on surface water storage offline
- Satisfied that the development can manage its own surface water flows adequately using the noted combinations of detention basins and area of permeable surfacing
- No objections subject to conditions regarding design and maintenance of sustainable urban drainage scheme.

7.3 KCC Archaeology

Has no objection subject to the imposition of an appropriately worded planning condition regarding implementation of archaeological field evaluation prior to commencement of development.

7.4 Mid Kent Environmental Health

Has no objection subject to the imposition of planning conditions regarding sustainable transport welcome packs for residents, air quality and condition regarding if in the event contamination was found. :

7.5 NHS property Services

There is an identified need for contributions to support the delivery of investments highlighted within the Strategic Service Development Plan. Staplehurst Health Centre is within 1km of the site and the developer would be expected to pay contributions towards the extension/upgrade of the surgery as per the NHS West Kent Formulae which was calculated at £55,598 (excluding the proposed social housing)

7.6 Southern Water

Following initial investigations, there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. Additional off site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to the specific location. They advise should planning consent be granted, the developer should enter into a formal agreement with Southern Water to provide the necessary infrastructure.

7.7 KCC PROW & Access Service

No objections. Comments upon the master plan which propose pedestrian link to village and school using existing Public Rights of Way KM303 and KM304. KCC consider the current surfacing and width of these routes are of insufficient standard and would request Section 106 contribution towards off-site improvements to the surfacing and condition of the route which would be in the region of £26,400

7.8 KCC Highways

1. No objection in respect of development itself subject to conditions and off-site highway works.
2. Objection raised in respect of the cumulative impact of development on the crossroads in the centre of the village – specifically in relation to congestion/traffic impact and highway safety issues.

7.9 Environmental Agency

This application site has a low environmental risk. No objections

7.10 MBC Housing

No objections. Advice provided in respect of 40% affordable provision and preferred mix of affordable housing units in terms of unit size and tenure.

7.11 Heritage, Landscaping and Design

Comments regarding the location of the site within the Staplehurst Low Weald area(44) of the Maidstone Landscape Character Assessment and with the principles of the Landscape and Visual Impact Assessment, dated August 2015, produced by Barton Willmore, are considered acceptable.. Despite the fact that no arboricultural information appears to have been provided by the applicant, the indicative layout suggests that there are unlikely to be any arboricultural constraints. Conditions suggested in respect of tree issues.

7.12 UK Networks

No objections to the proposed works.

7.13 Rural Planning Agricultural Consultant

It is doubtful that the land will fall within BMV land category and does not consider that the loss of agricultural land would form a determining issue in this instance.

7.14 KCC Ecology

KCC consider the applicant to have a good understanding of the protected/notable species present on site. No objections subject to appropriate mitigation and enhancements.

7.15 KCC Development Contributions

Have assessed the potential impact on infrastructure and have no objections subject to securing contributions relating to Primary and Secondary Education, Community, Youth services, Library, Elderly care and contribution towards Broadband connection

8.0 BACKGROUND PAPERS AND PLANS

- Application form
- 21953A 42A Site plan
- 21953-210 Rev K Site Location Plan
- Geo-environmental Desk Study Report August 2015
- Travel Plan report March 2016
- Archaeology Report August 2015
- Phase 1 Habitat Survey August 2015
- Phase 2 Ecological survey and assessment August 2015
- Great Crested Newt Survey August 2015
- Planning Statement August 2015
- Design and access Statement. August 2015
- Tree survey Report and drawing TSP1 April 2015
- Flood Risk Assessment by WERW July 2015
- 21953A 110J indicative plan site lay out plan
- 10894-T01 Rev P2 Detailed drawing proposed access design
- 10894-T02 Rev P2 Visibility Splay
- 10894-T05 Rev P1 Vehicular Swept Path Analysis
- 10894-T06 Rev P1 Vehicular Swept Path Analysis
- 10894-T04 Rev P1 Traffic calming
- Transport Assessment August 2015 JSI/10894/A
- Topographical survey SURV1824
- Landscape and visual Impact Assessment August 2015 and attached drawing figure 1, 2, 3, 4, 5 and Landscape and Visual Opportunities and Constraints/ Development Principles Plan
- 21953A 370A Aerial Perspective
- Further Junction capacity assessment and results December 2015
- Stage 1 Road Safety Audit 2016
- Traffic Capacity Modelling Note
- Concept Highway Plan
- Technical Note 1 and 2
- Addendum Technical Note
- Designers and Auditors Response

9.0 APPRAISAL

Principle of Development

- 9.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise
- 9.02 The site is outside but abuts the eastern part of the settlement boundary of Staplehurst which was defined by the MBLP 2000 and thus in development plan terms is classified as countryside which is subject to policy ENV28 of the MBLP. This policy restricts development in these areas to specific types of development and its policy aim is to protect the character of the countryside. This policy is subject to the implementation policies of the NPPF which state the weight to be given to such a policy should be determined by its consistency with the policies of the framework. It is considered the main thrust of the policy is consistent with the NPPF in terms of its role in conserving or enhancing the character of the countryside which aligns with one of the core principles of the NPPF in protecting the intrinsic beauty of the countryside. The site also lies with the Low Weald which is a special landscape area as protected by policy ENV34 of the Local Plan 2000 and particular attention will be given to the protection and scenic quality of the area. This protection is continued in policy SP17 of the Emerging Local Plan.
- 9.03 Whilst the environmental role of ENV28 is consistent with the framework it is acknowledged that these boundaries will be required to be breached in order for the council to meet its objectively assessed needs over the forthcoming plan period. This is to be met through the implementation of the housing strategy which is contained within the SVMBLP which will be delivered through a number of allocated housing sites throughout the Borough. It is also acknowledged that these sites are, on the most part, located outside of the settlement boundaries set in the 2000 local plan and therefore in locations where it is clear that these development boundaries will need to be adapted to accommodate these new housing allocations, it is accepted the weight to be afforded to ENV28 as a restraint policy will diminish as a result.
- 9.04 In the case of Staplehurst, the council has considered 18 potential housing sites under its SHLAA process, one of which one was Stanley Farm and this was discounted on account of the impact of development on the character of the locality. The SVMBLP proposes three housing allocations in Staplehurst including Fishers Farm (H1-50), which lies to the north-west and Hen and Duckhurst Farm (H1-49) and Henhurst Farm (H1-51) which are both located to the western edge of the village. This housing delivery forms an integral part of the emerging strategy for Staplehurst which is set out in policies SP5 and SP10 of the SVMBLP. This strategy and approach to the future growth of the village has been subject to consultation under Regulation 18 version which was published for public consultation in March 2014, a partial and additional Regulation 18 document published in October 2015. The Regulation 19 version which was published in February 2016 has now been submitted for examination which is taking place between October-December 2016.
- 9.05 The application site at Stanley Farm, has been considered as part of the above process, but was considered to perform less well against the chosen sites to the North East and West of the village on account of its further projection into the countryside to the east and its impact on the character of the locality. Consequently, it is shown as remaining outside of the village settlement in the emerging plan and is restricted to an area of countryside over the future plan period. It is therefore necessary to consider two issues in relation to the proposals, firstly whether there are any material considerations that would justify a departure from the development plan and whether the need for the development would outweigh any harm that would arise from the development. The issue of harm will be addressed later in this report.

- 9.06 The applicant has put forward a case which is predicated on a lack of five year housing supply (this is due to the submission of the application in 2015) which may have introduced a different policy context on the basis the council's policies are out-of-date on account of paragraph 49 of the NPPF. However, following the submission of the Maidstone Local Plan 2011-2031, it is the council's position that it is able to demonstrate a five year housing supply having regard to paragraph 47 of the NPPF and its role as a material consideration in decision making.
- 9.07 Paragraph 47 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;'*
- 9.08 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 (OAN) 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. Since that date revised household projection figures have been published by the Government and as a result the SHMA has been re-assessed. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed a new OAN figure of 18,560 dwellings.
- 9.09 The new Local Plan has advanced and was submitted to the Secretary of State for examination on the 20 May 2016. Examination has commenced and is expected to run until early December 2016. The Plan allocates housing sites considered to be in the most appropriate locations for the Borough to meet the OAN figure and allows the Council to demonstrate a 5 year supply of deliverable housing sites.
- 9.10 The yearly housing land supply monitoring carried out at 1 April 2016 calculated the supply of housing, assessed extant permissions, took account of existing under delivery and the expected delivery of housing. A 5% reduction from current housing supply was applied to account for permissions which expire without implementation. In conformity with the NPPF paragraph 47, a 5% buffer was applied to the OAN. The monitoring demonstrates the council has a 5.12 year supply of housing assessed against the OAN of 18,560 dwellings.
- 9.11 The recent appeal at Ham Lane and its commentary on the council's five year supply position is noted, but it should be recognised this is only one appeal decision and the inspector in this case did not fully test the appellant's evidence on the five year position as he found the appeal development to be otherwise acceptable and not solely reliant on the lack of a five year supply. It is considered the council's case

remains justified on this point, particularly as those allocations counted in the five year supply are continuing to come forward and in some cases approved by the council.

- 9.12 Therefore, having regard to this position, the development would be contrary to policy ENV28 of the adopted Local Plan, a position which is reinforced by the policy approach of the emerging neighbourhood plan and the local plan both which seek to maintain the application as an area of countryside whilst delivering the housing requirements on other sites within the village. These are matters which will weigh against the development in planning terms and whilst it is clear this position would indicate the development is unacceptable in principle, it is pertinent to assess whether there are any other material considerations that would outweigh this policy conflict.
- 9.13 The applicant has indicated that even if the council can demonstrate a five year supply then the development would still represent sustainable development as defined by the NPPF and should be approved on the basis the housing targets are a minimum and this would form a material consideration that would justify the development. However, it is considered the NPPF does not alter the plan-led system, indeed paragraph 14 of the NPPF reinforces this position in respect of the presumption in favour of sustainable development and on the basis there is unjustified harm, which will be set out below, this is not considered to be a circumstance that would justify a departure from the development plan,.
- 9.14 The development also needs to be seen within the context of the neighbourhood plan and the overall localism agenda which is a material consideration in this application. Paragraph 216 of the NPPF states weight can be given to emerging plans subject to the stage they are at in the adoption process, the absence of any unresolved objections to the policies within the plan and the consistency of the policies with that of the framework. The Staplehurst Neighbourhood Plan (SNP) has recently passed through its formal examination and the examiner confirmed the plan can proceed to referendum (subject to modification). As such, this is also a material consideration and significant weight can be given to this emerging plan having regard to its stage in the adoption process. Of particular relevance to this application, is the approach of the SNP to housing delivery. The plan contains two housing allocations which align with policy SP10 of the submitted MBLP and show the application site beyond the limits of the settlement, in an area annotated as 'protected open land'. The site was also considered as a housing allocation within the SNP up until the land was removed from the plan in February 2014.
- 9.15 Thus, both in relation to adopted and emerging policy the application site falls within a countryside policy area to which a priority is placed upon the protection of the character of the countryside and to which there is a presumption against new development of the type proposed by the application. This point is amplified by the further protection offered by Policy ENV34 which placed a higher degree of protection to the landscape on account of its location with the Low Weald, a special landscape area and landscape of local value.
- 9.16 Furthermore, the site is located on one of the main routes into the village and therefore presents a more sensitive environment to which new development is proposed. It is a further pertinent point that whilst the settlement boundary is proposed to be altered in other parts of the village, the settlement boundary is consistent on the part of Stanley Farm, both in terms of the adopted plan and the two emerging plans which will, in time form the development plan for the area. It is also a key point that the housing needs of the village will be delivered through the other

sites, a level of growth which is considered to be sustainable in relation to the village and the level of local infrastructure. The boundary is still considered to fulfill a useful purpose in protecting the setting of the village in this location, on a prominent approach, and the character of the countryside and thus the role of ENV28 of the MBWLP can still be given full weight in this regard. Therefore, the development would be contrary to policy ENV28 and the emerging policies of the SNP and the SVMBLP.

Visual Impact

- 9.17 The application is supported by a Landscape and Visual Impact Assessment (LVIA) (including a landscape strategy plan) which considers the character of the site, its landscape sensitivity and likely impact of the development in terms of visual and landscape effects. This report acknowledges the role of policy ENV28 and emerging policy SP17 of the MBLP. The report assesses the existing character of the site and the baseline conditions including the surrounding context of the site and uses. This included consideration of the location of the site within the special character area of the Low Weald. The report then proceeded to undertake a visual appraisal and the likely landscape and visual effects of the development.
- 9.18 The report recommended a number of landscape principles which is reflected in the landscape strategy plan, which includes the retention of hedgerows, trees and the existing ditch and vegetation on the eastern boundary along with additional planting. The report concludes a minor adverse significance of effect but as the landscape enhancements mature is likely result in a minor beneficial effect on the landscape character area. It identifies a number of residential properties that lies adjacent to the site that will suffer a major or moderate effect but beyond this no other residential property will be affected. The report predicted that the users of the adjacent PROW's will suffer a major adverse to moderate significant of effect with a moderate to minor adverse effect of users of Headcorn Road with this diminishing the closer to Staplehurst.
- 9.19 The Council's Landscape Officer has reviewed this document and referred to the Staplehurst Low Weald Classification and the Maidstone Landscape Capacity Study: Site Assessment that was carried out as part of the emerging plan evidence base. This latter report concluded that the area had a low Landscape Sensitivity, a moderate visual sensitivity and concluded the site had some capacity for medium density housing and that it relates well to the residential extent of Staplehurst. The MBC officer considers the principles of the LVIA were acceptable and that the Landscape Strategy plan broadly follows the key principles that were established within the suite of MBC landscape studies. However, whilst this initial assessment was made through the local plan process, it is recognised the site lies beyond the development and within a special landscape area, the Low Weald, where there is a particular policy aim to protect the landscape value of the area.
- 9.20 It is clear from the MBC landscape reports and views of the landscape officer that the landscape impact at a strategic level is limited and that the site is mostly absent in longer range views. It is however a pertinent point that these reports were undertaken as part of a general assessment of the opportunities for delivering sustainable housing growth within the village at a strategic level which would allow the council to determine the most appropriate sites for allocation. The LVIA is a more focused document dealing with the landscape and visual impact of the development alone and considers the development at the both the completion stage and once landscaping mitigation has matured. Having regard to both the local plan evidence base and the LVIA, it is accepted that the landscape visual effects are that of a

localised impact but those which would alter the character of the countryside in this location and the value of the site as part of the setting to the village particularly its location on one of the main approach roads to the village centre. The proximity of public rights of way adjacent to the site and the location of the site on this main route into the village creates a more sensitive context to new development particularly in combination with the allocated sites to the north west.

- 9.21 The creation of a new access, which will be facilitated by a removal of 76m of hedgerow would be contrary to policy ENV6 which seeks to retain hedgerows which contribute to the landscape character of the area. Furthermore, greater visibility of development during winter months and visibility of the two storey built development from local footpath networks will result in development which will have a harmful impact both in terms of physical impact and perception of urbanising effects on the countryside. The LVIA did acknowledge this visibility, stating that there would be a moderate adverse impact on users of Headcorn Road and those users of the adjacent footpath network and a minor adverse impact for users of the sports ground and golf course, locations where the development will be most visible.
- 9.22 Whilst, at a strategic policy level the evidence base for the emerging plan considered the site to have potential for housing, this was as part of a formal process for informing a future strategy for the Borough. The development will also cause localised adverse harm, which will adversely harm the character of the countryside contrary to ENV28, the SNP and policies SP17 of the SVMBLP

Residential Amenity

- 9.23 Residential properties to the west would be separated from the application site by the existing boundary hedge and back garden of properties in Slaney Road. The indicative plan shows any dwellings would not be sited in such close proximity or orientation that harm the amenities of the occupiers of houses to the west or the amenities of the future occupiers of this development. Whilst the site layout plan is indicative at this stage, it shows the closest proposed properties backing onto the adjacent properties on and with long rear gardens. Therefore, there is sufficient certainty that any detailed scheme could protect the amenities of existing properties. Whilst concern has been raised regarding the impact on outlook and loss of views, this matter is not a planning consideration which could be taken into account in the decision making process. In terms of the amenities of future occupiers of the new development, it is also considered the development could achieve an acceptable level of amenity for future occupiers. On this basis the development would accord with the core principles of the NPPF and the SVMBLP.

Highways/Transport Matters

Access

- 9.24 There would be a single vehicular access onto Headcorn Road (in the form of a priority side road junction) at the north eastern part of the site with pedestrian/cycle links shown running parallel (but within the application site) to Headcorn Road. Kent Highway Services (KHS) raise no objections to the access point, or its safety.

Cumulative Traffic

- 9.25 A transport assessment (TA) has been submitted which has been assessed by KHS. The trip generation from the development is expected to result in 62 movements

during the AM peak (8am to 9am) and 64 in PM peak (5pm to 6pm). This is an average of between 1-2 movements per minute in both the AM and PM peak.

- 9.26 The TA demonstrates that the traffic for this development alone would not take the signalised crossroads in the centre of the village over capacity. However, a cumulative assessment of planning applications and allocated sites within the submitted Local Plan of which one at ‘Hen & Duckhurst Farm’ for 250 houses has a resolution to approve at Planning Committee would take the junction over desirable capacity (which is 90% saturation). Whilst this is not above the theoretical capacity (100%), KHS have raised ‘holding objections’ and consider that it is necessary to ensure mitigation to this junction based on the cumulative impact. On this basis, lengthy discussions have been carried out with KHS and the developers. The costs would be divided between developments that come forward in the village.
- 9.27 Table 1 below illustrates the impact upon the junction if no physical changes were made (but includes a 10% reduction in development traffic by use of Travel Plans, which is discussed in more detail at paragraph 9.31 below.) This uses the most recent traffic modelling data produced by the Department for Transport (TEMPro 7.0: July 2016). This shows that 3 arms would operate above desirable capacity (90% saturation) in the AM and PM peaks and one arm would be above theoretical capacity (100%) in the PM peak.
- 9.28 Table 2 shows the impact excluding this application on the basis that Members may wish to know these results as this site is recommended for refusal, and is not within the draft Local Plan or Neighbourhood Plan. Should Members agree with the recommendation then the results with this site excluded are shown below, which shows that 3 arms would operate above desirable capacity (90% saturation) in the AM and PM peaks but none above theoretical capacity (100%). It must be noted that the application is subject to an appeal and an Inspector could find the development acceptable so this is for illustration purposes.

Table 1: The impact on the junction from development traffic (including Stanley Farm) (with no mitigation and 10% Travel Plan reduction in traffic) is shown in the table below:

Arms	AM		PM	
	Degree of Saturation (%)	Mean Max Queue (Cars)	Degree of Saturation (%)	Mean Max Queue (Cars)
A229 Station Rd	70.3%	19	86.0%	24
Headcorn Road	97.6%	28	100.2%	31
A229 High Street	98.5%	40	99.9%	48
Marden Road	97.8%	34	99.4%	26

Table 2: The impact on the junction from development traffic (excluding Stanley Farm) (with no mitigation and 10% Travel Plan reduction in traffic) is shown in the table below:

Arms	AM		PM	
	Degree of Saturation (%)	Mean Max Queue (Cars)	Degree of Saturation (%)	Mean Max Queue (Cars)
A229 Station Rd	76.8%	20	76.4%	22
Headcorn Road	92.4%	23	98.6%	29
A229 High Street	93.6%	34	97.7%	37
Marden Road	94.0%	31	98.5%	25

- 9.29 Based on KHS objections, work has been carried out on potential improvements by the Council's transport consultants and developers, based on an assessment of traffic in 2022, as these sites are anticipated to come forward over this period. The crossroads is relatively constrained by existing properties and third party land meaning that a wholesale re-design of the junction is not possible, as can be the case for rural junctions. As such, mitigation that maximise vehicular capacity whilst staying within the highway boundaries have been designed. These improvements (including a new crossing to the south) cost a total of approximately £277,100 which equates to £39,490 for this development.
- 9.30 The main change involves the footway on the southwest side of the junction (High Street arm) being removed to create an additional lane for traffic (creating a right turn) and changes to the stop line position with pedestrians routed via Chestnut Avenue. Consequently the crossing point here and bus stop would also be removed and relocated further south. On the Marden Road arm the stop line and crossing would be moved back slightly with the road widened, and a new footway would be provided to Chestnut Avenue. On the Headcorn Road arm the stop line and crossing would be moved back slightly. There would be no changes on the Station Road arm.
- 9.31 In addition, a comprehensive and robust Residential Travel Plan has been sought and submitted by the applicant in order to seek a 10% reduction in development traffic by 2022 (and also for the other sites). Management, monitoring, and review would be built into the Travel Plan over a 10 year period to seek to ensure the plan is working. This would be secured under the Section 106 agreement with a monitoring fee. Also proposed are mitigation measures targeting existing residents within the village should the 10% target not be achieved (at the developer's expense). This would seek to achieve a 5% reduction covering the development and the wider village. The Travel Plan has been accepted by KHS.
- 9.32 Table 3 below illustrates the impact upon the junction if the physical changes outlined above were made (including the 10% reduction from Travel Plans). This shows that 1 arm would operate above desirable capacity (90%) in the AM peak and 3 arms in the PM peak but none above theoretical capacity (100%). The results largely show a reduced saturation of the junction and car que lengths in all but one case being reduced.

Table 3: The impact on the junction from all development traffic (with mitigation and 10% Travel Plan reduction in traffic) is shown in the table below:

Arms	AM		PM	
	Degree of Saturation (%)	Mean Max Queue (Cars)	Degree of Saturation (%)	Mean Max Queue (Cars)
A229 Station Rd	79.6%	20	89.1%	27
Headcorn Road	89.2%	23	93.5%	26
A229 High Street	90.0%	29	91.1%	20
Marden Road	90.4%	29	92.1%	22

9.33 KHS consider that this impact in terms of traffic/congestion would be severe, “as three of the four junction arms are shown to operate above practical capacity (90%).” It should be noted that KHS have provided advice on the results excluding Stanley Farm which are set out in Table 4 below. They did not raise any objections to traffic/congestion in this scenario and therefore set the threshold for traffic/congestion ‘severity’ at 90%. The implications for breaching the 90% level result in an increase in 1 additional car queuing on three arms in the AM, and 2 additional cars on one arm and 1 on another arm in the PM (as set out in Table 4 below). It is considered that this impact above 90% does not result in the traffic impact being severe and is therefore not sound grounds to refuse the application.

9.34 Again, Members may wish to know the model results with Stanley Farm traffic excluded which are shown below in Table 4. This shows all arms within desirable capacity (90%) and to which KHS raise no objections on traffic/congestion grounds. It is outlined again that the application is subject to an appeal and an Inspector could find the development acceptable so this is for illustration purposes. However, it is reiterated that even with Stanley Farm included, the impact with mitigation is considered to be acceptable from a traffic/congestion perspective.

Table 4: The impact on the junction from all development traffic excluding Stanley Farm (with mitigation and 10% Travel Plan reduction in traffic) is shown in the table below:

Arms	AM		PM	
	Degree of Saturation (%)	Mean Max Queue (Cars)	Degree of Saturation (%)	Mean Max Queue (Cars)
A229 Station Rd	78.0%	20	89.2%	27
Headcorn Road	87.8%	22	90.0%	24
A229 High Street	87.9%	28	86.6%	20
Marden Road	88.5%	28	89.1%	21

- 9.35 In terms of road user safety and convenience, as outlined above, the footway on the southwest side of the junction (High Street arm) would need to be removed to create an additional lane for traffic, and consequently the crossing point here and bus stop would also be removed. The mitigation scheme therefore provides for a new crossing and bus stop further south. KHS raise objection to this on safety grounds on the basis that pedestrians may still attempt to cross the High Street near the junction. However, a safety audit of the works to the crossroads also raised this issue but recommended that measures are incorporated to deter pedestrians crossing at this location, such as the installation of pedestrian guard rail and/or landscaping features. It is considered that a guard rail could be provided to overcome this issue and as such the KHS objection is not considered grounds to refuse planning permission for this application. As this issue can be resolved, this is certainly not considered to result in a 'severe' impact such to warrant objection to the development, this ultimately being the test within the NPPF.
- 9.36 Suggestions have been made to use the adjacent verge to the west of Station Road (in third party ownership) to provide a pavement which could potentially mean the crossing point could remain. Being in third party ownership, the applicant has no control of this land and therefore cannot ensure any proposals would be carried out. To impose such a condition would not be enforceable or reasonable and so would not pass the tests for planning conditions.
- 9.37 KHS have raised two other issues, firstly relating to assumptions made in terms of the number of cars that can wait to turn right without blocking through movements on Station Road and High Street, and secondly, the waiting time for pedestrians to cross at the traffic lights being over three minutes, which they consider could encourage more pedestrians to undertake uncontrolled crossing movements. Rather disappointedly, KHS only raised these matters under their latest set of advice (despite them being part of the modelling previously). The transport consultants for the adjoining 'Redrow' site have responded to these points and provided photographic evidence of 3 cars waiting and a car/van passing which vindicates this assumption. With regard to the waiting time, they advise that the signals operate under a MOVA controller (software that responds to the demand on each arm) and they have observed that there are currently numerous examples of waiting times in the 3 to 4 minute range and the maximum (238 seconds) were noted to be utilised at some of the busiest periods. As such, the situation would be no worse than existing and this is not considered to be grounds to object.
- 9.38 Local representations have also raised objections on the basis that pedestrians, including those with disabilities, will be negatively affected by the changes. The main impact upon pedestrians will be from the removal of the crossing and pavement on the Station Road arm. For people walking east to west from Headcorn Road to reach Marden Road (and vice versa), this would mean potentially carrying out three crossings as opposed to one. For all other routes no additional crossing would be necessary. For those heading north or south on the west side of the crossroads, they would have to walk via Chestnut Avenue. This is not considered to be a significantly longer or less attractive route to use. It is acknowledged that the changes would make some routes slightly longer but this is not considered to warrant refusal of the planning application. For clarification, the latest proposals do not narrow any pavements that would remain.

Public Transport Improvements

- 9.39 In addition, in order to facilitate a traffic reduction and promote sustainable transport use by future residents and in line with the NPPF aim of managing pattern of development that facilitates the use of sustainable modes of transport and make the fullest possible use of public transport, improvements to the frequency of bus services and improvements to the train station would be secured.
- 9.40 Through negotiation, the bus operator 'Arriva' has committed to increase the frequency of services from hourly to half hourly with s106 funding to support this for the first 3 years of service. This would be at a cost of £146,300 per year and this would be divided between the outstanding developments within the village. For this development it would mean a financial contribution of £92,400. Bus stops are located with walking distance of the site meaning that future residents would utilise such improved bus services, and this would reduce reliance on the use of private motor vehicles.
- 9.41 With regard to the train station, 'Southeastern' have been working on a scheme of improvements to the station including a new forecourt and transport interchange, improving public and passenger facilities to the station frontage and on the approach to provide a safer and clearer route, and improved cycle parking facilities. The costs of the works has been assessed as being approximately £1.1million and would be divided between developments within the village equating to £157,190 for this development. This would be secured under the Section 106 agreement. In addition, a new pedestrian crossing on the A229 Station Road between Station Approach and Fishers Road would be secured which would provide a suitable link to the railway station.
- 9.42 These improvements to public transport would serve to promote sustainable travel for new residents in line with the NPPF, which encourages opportunities for sustainable transport modes to be taken up (para. 32), and such improvements would be in accordance with policy T23 of the Local Plan and policy PW1 of the NHP. The scale of the contributions are reasonably related to the proposals and based on costs provided by 'Arriva' and 'Southeastern'. Accordingly, I am satisfied that the necessary legal and policy tests would be met.
- 9.43 Policy T3 of the Local Plan refers to the requirement, where necessary and appropriate, for public transport facilities within significant developments. In this case the site provides good access to existing public transport points, which is in accordance with policy T21 of the Local Plan.
- 9.44 The NPPF states at paragraph 32,

"Plans and decisions should take account of whether:

- *The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *Safe and suitable access to the site can be achieved for all people; and*
- *Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be*

prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

- 9.45 In conclusion, there are no objections from KHS to the development itself. The development would provide a robust Travel Plan, and contribute towards improvements to the bus service and train station, involving a total financial contribution of £249,590. Based on this, significant improvements to public transport would be secured, safe access to the site is possible, and works to the crossroads would be funded to mitigate the cumulative impact of this development with others in the village, and safety issues raised could be overcome through the use of guard railing. This would serve to limit any significant impacts and any residual impacts are not considered to be severe subject to the mitigation, despite the view of KHS.

Ecology

- 9.46 The application is supported by an extended Phase 1 Ecology Survey which assessed the site for potential protected species and habitats. This report confirmed the biodiversity value of the site was largely confined to the boundaries of the site and the southern part of the site where natural habitats persist. The reports recommended further surveys in bats, hedgerows, Great Crested Newts (GCN), Reptiles, Dormice and Hedgehogs/Brown Hare/Harvest Mice.
- 9.47 A Phase 2 Ecology Appraisal was undertaken which carried out these additional surveys and concluded the following;
- Bat Activity was very low in terms foraging and commuting and 16 trees were identified as having potential for roosting bats. These are largely located on the eastern and southern boundaries
 - The site is of little value to GCN and its value is restricted to the field boundaries and the development may result in a low-medium habitat loss. However, the impact can be mitigated through appropriate translocation and fencing and the creation of new habitat, amphibian friendly drainage and provision of good connectivity.
 - Survey results shown an absence of dormice
 - Reptile levels would be low and have submitted a mitigation strategy
 - Potential for European Hedgehog only and foraging habitat is not considered to be reduced as result of development. Fencing with access points recommended.
 - Breeding bird survey found that most habitat is associated with site boundaries and these should be retained and improved where possible.
 - Hedgerows on site have potential to meet criteria of important hedgerows on the site
- 9.48 KCC Biodiversity have reviewed the information submitted by the applicant and consider there to be a good understanding of any protected species on the site and the applicant's approach to mitigation and enhancement is appropriate in relation to biodiversity issues. Therefore, the development will follow the policy approach set out in paragraph 118 of the NPPF and the overall NPPF core principle of conserving the natural environment. Such measures could be secured by condition.

Flood Risk and Drainage

- 9.49 The application was supported by a flood risk assessment which confirms the site lies wholly within Flood Zone 1. The development would seek to drain to the existing

stream and ditch through use of sustainable urban drainage measures which would limit run-off to the existing greenfield rates. The report sets out the required attenuation volume and concludes this can be accommodated within the site. This information has been reviewed by KCC Drainage and the Environment Agency. Further discussion was held with KCC drainage regarding the potential use of SUDS in order that sufficient certainty could be had in respect of this in relation to the proposed development. The advice was that any SUDS should be provided offline of the watercourse and that the culvert should be built over. The conclusion of these further discussions is that KCC are of the view that the development can manage its own surface water flows using detention basins and areas of permeable paving.

- 9.50 The Parish and local residents have raised the issue of foul water drainage in the village and Southern Water has stated that the proposal would increase flows to the public sewerage system, and as a result additional off site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Southern Water has asked for an informative to be added to any planning permission asking the applicant to contact ~Southern Water prior to commencement of the development in order to establish the additional infrastructure works needed.
- 9.51 The Surface Water Strategy and the Flood Risk Assessment submitted have been considered by the KCC SUDs officer; who was pleased to note the inclusion of open drainage features to provide treatment, conveyance and storage of surface water run-off within the site, prior to a controlled discharge off-site and the inclusion of source control features such as areas of permeable pavements for additional source control. The KCC officer therefore has no objection to the proposal subject to the conditions recommended
- 9.52 The Environmental Agency also has assessed the environmental implication of this development and are not opposing the construction of a pond on this site and do not object to the development provided an informative dealing with the issues of waste and pollution is imposed.
- 9.53 Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested. Southern Water requests that an informative setting out the need for the applicants to enter into formal agreement with them should be attached to any formal grant of planning consent. Also to ensure that the necessary foul water infrastructure measures are in place before the proposed dwellings are occupied. A planning condition could deal with such matters.

Archaeology/Heritage

- 9.54 The application was supported by a desk top archaeology report which considered the site to have low potential in terms of all archaeological periods. It also concludes that post-medieval activity on the site may have had impact on any underlying archaeological deposits should they exist. This report has been reviewed by KCC Archaeology who consider further post application investigation would be an appropriate approach in case of archaeological remains being found on the site. This could be dealt with by way of an appropriately worded planning condition which has been suggested by KCC.
- 9.55 There are no designated heritage assets on the site nor does the application lie within or affect the setting of any designated heritage asset.

Agricultural land classification

- 9.56 The site has also been assessed in relation to the agricultural quality of the land by The Council's agricultural advisor.. He is of the view that the land is not likely to fall within the Best and Most Versatile Land and the loss of agricultural land is not considered to form a likely determining issue in the application. Thus I do not consider this matter is a matter which could justify the refusal of the application.

Infrastructure contributions

- 9.57 The development would have an impact on local infrastructure and capacity of local services and facilities. KCC Economic Development have reviewed the application and consider the development to have an impact on primary and secondary education, community services, youth services and the NHS have requested contributions towards the local healthcare facilities. Any request for contributions needs to be scrutinised, in accordance with Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criterion that sets out that any obligation must meet the following requirements:

It is:

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

A planning obligation ("obligation A") may not constitute a reason for granting planning permission to the extent that —

- (a) obligation A provides for the funding or provision of an infrastructure project or type of infrastructure; and .
- (b) five or more separate planning obligations that— .
 - (i) relate to planning permissions granted for development within the area of the charging authority; and
 - (ii) which provide for the funding or provision of that project, or type of infrastructure, have been entered into before the date that obligation A was entered into.

- 9.58 The above section came into force on 6th April 2015 and means that planning obligations cannot pool more than 5 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010).

- 9.59 The NHS have requested £55,598 based on an average occupancy in relation to the size of the residential units towards improvements at the named surgeries of Staplehurst Health Centre Village) both of which are within 1 mile of the site. It is clear that the proposed development of 110 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.

- 9.60 There are requests made by Kent County Council as the Local Education Authority towards primary school education contributions that amount to £259,705.60 (£2360.96 per applicable house) towards the increase in teaching space at Staplehurst Primary School. There will be a greater demand placed on schools within the area from the occupants of the new 110 dwellings and information submitted by County shows that these are at capacity and as such the contribution is considered justified and appropriate.

- 9.61 In addition to a new primary school, there is also a request for contributions of £259,578.00 (£2359.80 per applicable house) towards the enhancement of teaching space at Maidstone Grammar School. There will be a greater demand placed on the local schools from the occupants of the new 110 dwellings and information submitted by County shows that these are at capacity and as such the contribution is considered justified and appropriate.
- 9.62 There is a request of £933.38 (£8.49 per dwelling) toward youth services sought by Kent County Council. This contribution would pay towards youth focused activities in Staplehurst. It is clear that the proposed development of 110 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.
- 9.63 Kent County Council has sought £5281.74 (48.02 per dwelling) towards library services for new bookstock supplied to Staplehurst Library. It is clear that the proposed development of 110 dwellings would result in additional demand placed on the facilities at Staplehurst library and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.

10.0 CONCLUSION

- 10.01. The site was lies to the edge of the settlement of Staplehurst, adjacent to the development boundary of the adopted MBLP 2000 local plan. The site has been considered through the preparation of the SVMBLP and the SNP and was not chosen to form part of the future development of Staplehurst. The council are able to demonstrate a five year supply and therefore can give due weight to the status of the existing development boundaries and the fact the development boundaries are retained in this location in the emerging plans, significant weight can be placed on the protection of this village edge. The plans would be contrary to ENV6, ENV28, ENV34 and the strategy of the emerging plans, particularly that of the neighbourhood plan which implants the localism agenda with a local planning context. The development will have localised adverse effects on the character of the countryside which is brought by the urbanising impact of the development which will be visible from Headcorn Road and the adjacent public rights of way and the loss of the hedgerow to create the new access. This impact of the development would cause harm to the Low Weald Landscape which is designated as a special landscape area within the 2000 plan and a landscape of local value within the emerging plan Therefore, as the housing needs of the village will be delivered by other allocated sites in the village and the development would be contrary to ENV28 there are no overriding reasons that would outweigh this harm and justify a departure from the development plan.

11.0 RECOMMENDATION

THAT THE PLANNING COMMITTEE INFORMS THE PLANNING INSPECTORATE THAT HAD THE APPEAL NOT BEEN SUBMITTED, THE COUNCIL WOULD REFUSED PLANNING PERMISSION FOR THE REASONS SET OUT BELOW:

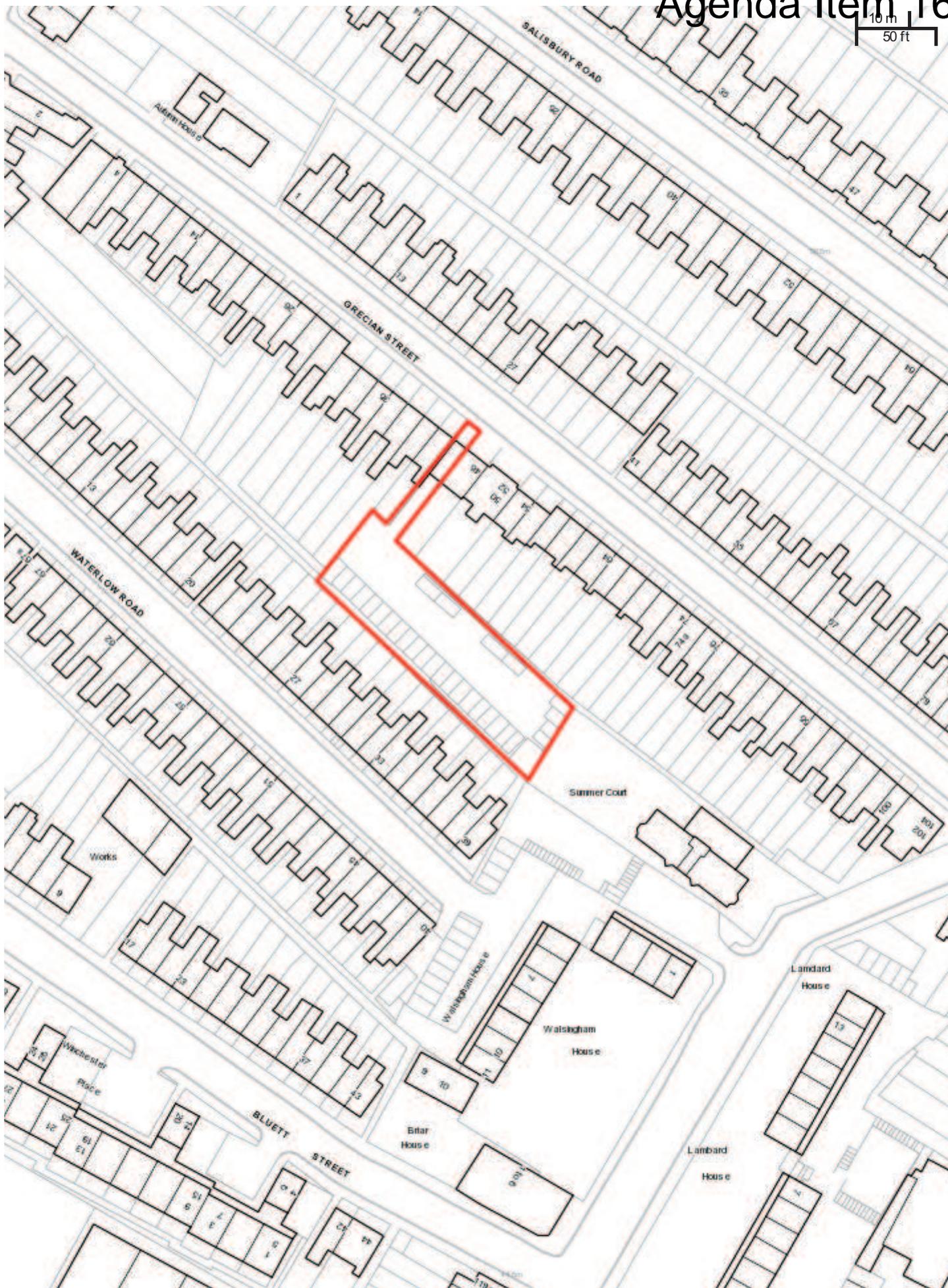
1. The development would result in an unjustified and unacceptable form of development which has associated urbanising effects that would be harmful to the countryside in this location which is located on a prominent gateway route into the

village. The effects of the development by reason of the new access and built form which would be visible from Headcorn Road and the adjacent footpaths would cause harm to the character of the countryside and the Special Landscape Area, the Low Weald. Therefore the development would be contrary to Policies ENV6, ENV28 and ENV34 of the adopted Maidstone Local Plan 2000 and emerging policies SP5, SP10 and SP17 of the emerging Maidstone Local Plan 2011-2031 and emerging policies PW2 of the Staplehurst Neighbourhood Plan 2015-2031.

2. The development has not secured the relevant mechanism to provide towards the relevant local infrastructure including education, community, healthcare, community and youth services and thus in the absence of this the development will have unacceptable impacts on local infrastructure contrary to CF1 of the adopted Maidstone Local Plan and ID1 of the emerging plan and the NPPF. Furthermore, in the absence of such a mechanism the development also fails to secure the requisite level of affordable housing in line with the Affordable Housing DPD and emerging policy DM13.

Case Officer: Ashley Wynn

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



15/509461 R/o 48 Grecian Street

Scale: 1:1000

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REPORT SUMMARY

REFERENCE NO - 15/509461/FULL		
APPLICATION PROPOSAL Demolition of the existing concrete garages and erection of 4 x two bedroom dwellings.		
ADDRESS Garages R/o 48 Grecian Street Maidstone Kent ME14 2TS		
RECOMMENDATION		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development, subject to imposition of the recommended conditions, is considered to comply with the policies of the Development Plan (Maidstone Borough Wide Local Plan 2000) and there are no overriding material planning considerations justifying a refusal of planning permission.		
REASON FOR REFERRAL TO COMMITTEE Cllr Naghi wishes the application to be considered by the Planning Committee as development of the site has been comprehensively refused on previous occasions and objections based on scale, mass and impact on the locality have not been addressed. In addition the ecology report is flawed and the proposal does not accord with the Kent Design Guide in relation to access, parking and refuse disposal.		
WARD East	PARISH/TOWN COUNCIL	APPLICANT Mr Rodger Dudding AGENT Mr Christopher Barnes
DECISION DUE DATE 18/01/16	PUBLICITY EXPIRY DATE 24/06/16	OFFICER SITE VISIT DATE 02/12/15

MAIN REPORT

1.0 SITE DESCRIPTION

- 1.01 The site comprises 27 lock-up garages with space for additional parking for non-garaged vehicles. The site is accessed through an archway from Grecian Street which passes under part of 48 Grecian Street currently used by the Samaritans. The north east side of the application site abuts the rear gardens of terraced houses fronting Grecian Street while the south west side of the application site backs on to the rear gardens of terraced properties fronting Waterlow Road.
- 1.02 Whilst the application site is relatively flat there are level differences with adjoining land. This is most apparent to the south-east where a substantial retaining wall exists on the site boundary. There is also level differences between the application site and the lower dwellings and gardens in Waterlow Road and. The properties on Grecian Street which are at a higher level to the north east.

- 1.03 The site lies within the urban built up area of Maidstone in area which is covered by a residents parking scheme restricting on street parking to permit holders. The area is predominantly residential with some minor commercial uses.

RELEVANT PLANNING HISTORY:

- 2.01 MA/14/504580: Demolition of the existing twenty seven concrete garages and the erection of five houses with 1 allocated parking space per dwelling –**REFUSED**- 2nd October 2015 on the grounds that the development would be a cramped form of overdevelopment representing poor design that would be out of character with the local area and result in poor living conditions for future occupiers and due to its scale, proximity, and the height difference caused by the falling land profile, would have an overbearing and oppressive impact on the residential amenity of the occupiers of neighbouring properties in Waterlow Road.
- 2.02 MA/11/1659: Demolition of 27 existing lock-up garages to the rear of 48 Grecian Street and the erection of six three bedroom Mews Houses with associated integral parking and two visitor spaces, on-site fire hydrant, and pergola refuse storage. **REFUSED** 8th March 2012 – **APPEAL DISMISSED** the Inspector concluded the proposal would not provide adequate living conditions for neighbouring and future occupiers with regard to outlook and provision of amenity space while the location of the proposed refuse storage would result in potential for conflict and inconvenience as a result of the use of the access and the bin collection area.

3.0 PROPOSAL

- 3.01 Planning permission is again sought for the demolition of 27 garages and the redevelopment of the site for housing. The proposal as originally submitted was for 4 no: 3 bedroom dwellings in the form of two pairs of essentially semi detached houses almost abutting the boundary with properties to the south east of the site in Waterlow Road.
- 3.02 It was considered this proposal still materially failed to address the reasons for refusal in connection with application 14/504580 set out above. The scheme has been amended as follows.
- 3.03 Four no: 2 bedroom dwelling are still proposed with the site layout amended showing one detached dwelling in the north west part of the site longitudinally orientated with properties Waterlow Road with a terrace of 3 properties located in the site south east part of the site. This terrace is also orientated at right angles with both site boundaries in Waterlow Road and Grecian Street. All the proposed dwellings have assymetric pitched and tiled roofs to have regard to the levels on adjoining land.
- 3.04 One parking space will be provided for each dwelling with the existing access onto Grecian Street being retained.
- 3.05 Cross section details have also been provided showing levels of adjoining houses abutting the application site both in Waterlow Road and Grecian Street along with a plan showing the site layout of the current proposal superimposed on the proposal refused under application ref: MA/ 14/504580:
- 3.06 Site contamination and ecology reports have also been submitted.

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: ENV6, T13
Submission version of the draft local plan: DM1, DM2, DM4, DM12,

5.0 LOCAL REPRESENTATIONS

5.01 A site notice was posted. In addition 65 neighbouring properties were notified of the proposal. 7 objections were received to the proposal as originally submitted which are summarised below:

- Will have an adverse impact on the outlook, amenity, privacy and access of sunlight and daylight of houses abutting the site both in Waterlow Road and Grecian Street.
- Will result in cramped and overcrowded development out of character with the locality.
- Proposed development overly cramped lacking garden and amenity space for future residents.
- Only one access into the site and as proposal lacks on site turning resulting in vehicles having to back out onto Grecian Street.
- Challenge statement that garages are as being let for storage or parking on a month by month basis.
- Loss of garages will result in further parking conflict in the locality.
- Ecology report incorrectly refers to 5 dwellings when proposal is for 4 dwellings.
- Concerned demolition will affect asbestos roofed buildings.
- Not possible for emergency vehicles to access the site.
- Concerned whether all the land within the application site falls within the ownership or control of the applicant and that existing rights of way are being adversely affected by the development.

5.02 4 objections were received in connection with the revised proposal reiterating the objections set out above.

6.0 CONSULTATIONS

6.01 Responses received in connection with the proposal as originally submitted.

6.02 **Kent Highways:** No objection subject to conditions to secure a construction management plan, provision of wheel washing facilities and on site parking and turning.

6.03 **EHO:** Though the site lies in an urban area traffic noise is unlikely to be a significant problem for this particular site. The site is within the Maidstone Town Air Quality Management Area, and within 140m of a known Air Quality hotspot but do not consider the scale of this development and/or its site position warrants either an air quality assessment or an Air Quality Emissions Reduction condition applied to it.

A Preliminary Risk Assessment regarding potential land contamination, has been submitted with the report recommending intrusive investigations due to the historical use of the site for brick kilns and associated quarries and potential contamination associated with site's use as garages, plus further enquiries/investigations into potential risk of ground gases from identified on and off-site pits. The risk of ground gases from the pits is considered low since they are over 100 years old and were not designated as historic landfills.

A contaminated land condition should therefore be attached to any permission granted.

6.04 **Kent Fire and Rescue Service:** From the submitted plans it appears access to the site is inadequate. Consideration has also been given to on site access as required by Building Regulations Approved Document B Section 5.

1. The width of the access to the site is inadequate; a minimum of 3.7m is required.
2. The proposed plans show that the parking place for a fire appliance is more than the required 45m from all points within the dwelling.
3. As the access to 2 of the proposed dwellings is over 45m from the parking place for a fire appliance, British Standard 9991 can be applied to extend this distance to 90m / 75m by the installation of domestic sprinkler systems in the dwellings.

6.05 Responses received in connection with the amended scheme.

6.06 **Kent Highways:** The reconfigured arrangements are adequate in enabling vehicles to be parked and turned in a manner that will not interfere with the public highway. However the positioning of the parking spaces in relation to the row of three dwellings could result in vehicles being parked in areas that are intended to be used for turning. KCC Highways previous comments requested that the emergency services are consulted on the proposals, having regard to the constrained nature of the site access from Grecian Street in terms of height and width.

It is noted that three of the dwellings are now positioned towards the eastern end of the site and beyond the requisite 45 metre distance from where a fire appliance would be parked. A planning condition will therefore be required to ensure sprinkler systems are installed at these properties. Clarification on the requirements of the ambulance service should also be sought.

Other large vehicles, such as refuse and delivery vehicles, will be unable to access the site and will have to park on Grecian Street for periods of time. This could inconvenience other road users and nearby residents.

The proposed development will replace the garages that currently occupy the site. This is likely to result in some displacement of parked vehicles onto surrounding streets, which are already heavily subscribed. The potential effects of displaced vehicles was considered by the Planning Inspectorate in determining the appeal in connection with application ref: MA/11/1659. While these effects continue to be relevant to local amenity and traffic flow conditions, it is concluded an objection on this basis cannot be sustained.

As such continue to raise NO OBJECTION subject to the recommended conditions.

BACKGROUND PAPERS AND PLANS

The development proposals are shown on site location plan received on the 16th November 2015 and drawing nos: 00(02) and P(11)01, 02, 03, 04 and 05.

The application is supported by a Design, Access and Planning statement, ecology appraisal and land contamination preliminary risk assessment.

7.0 APPRAISAL:

- 7.01 It has already been determined there is no objection in principle to the redevelopment of this site for housing although so far the applicant has been unable to formulate a development package which is capable of unlocking the housing potential of this constrained and enclosed site. Most recently an application ref: MA/14/504580 for 5 houses, which was favourably recommended by officers, was refused by Members on the following summarised grounds:
- (a) the development would be a cramped form of overdevelopment representing poor design that would be out of character with the local area and result in poor living conditions for future occupiers and:
 - (b) the height difference caused by the falling land profile, would have an overbearing and oppressive impact on the residential amenity of the occupiers of neighbouring properties in Waterlow Road.
- 7.02 It is acknowledged the design and layout now being proposed is similar in concept to that already refused by Members under ref: MA/14/504580. Nevertheless it remains to assess whether the revised proposal can be seen to materially overcome the objections to developing the site for housing set out above.

Visual and Impact and layout:

- 7.03 The proposed development is set behind properties in Grecian Street and Waterlow Road in an enclosed site hidden from wider view. However the application site is overlooked from the rear of numerous properties backing onto it in Grecian Street and Waterlow Road. There is a natural fall in the topography from Grecian Street (3/4 Storey units) to the application site, which itself is relatively flat.
- 7.04 The proposed dwellings continue to be of contemporary design and in the context of this enclosed and self contained site will not be viewed as part of the adjoining street scene. As such there continues to be no objection to the proposal on design grounds. It should be noted the scheme dismissed at appeal did not include design objections and this current follows a similar design approach. It is considered the key impact continues to be the effect on the outlook and amenity of properties overlooking and abutting the site in Grecian Street and Waterlow Road and whether the scheme would result in a overdevelopment of the site.
- 7.05 Regarding layout considerations, the previously refused proposal was for 5 units and was considered to represent a cramped development. However it is considered the reduction in the number of units from 5 to 4 has secured a better balanced development which will be assessed in more detail later. Furthermore, the reduced scale of the 3 terraced properties has enabled the built form to be located further from the boundary with the properties Waterlow Road which is considered to be an improvement to the previous scheme.

Residential Amenity

- 7.06 Though the design and layout (which is considered the optimum format in unlocking the development potential of this site) reflects the concept of that already refused under application ref: MA/14/504580, there has been a reduction in the number of units from 5 to 4 along with layout amendments. Plans have been submitted showing the layout of the scheme refused under application MA/14/504580 superimposed on the proposal currently under consideration.

- 7.07 Dealing first with the amenity of existing houses overlooking and abutting the site, it was previously concluded the most sensitive relationship is with the properties in Waterlow Road running along the south west site boundary which are set at a lower level than the application site. The 27 garages on the site mostly run parallel to the rear boundary with these properties. The garages project approximately 1.8m above the fence line of the properties on Waterlow Road due to changes in levels resulting in these properties already being partly enclosed to the rear. The comparison layout plan shows the terrace of 3 units now set on average 3 metres back from the site boundary whereas that refused under ref:MA/14/504580 came to within 1 metre of the site boundary. The detached property to the west of the terrace it is set just under 4 metres back from the boundary with properties in Waterlow Road (the semi-detached properties on the refused scheme were just under 1 metre). Taking also into account that 1st floor bulk is further reduced by the use of lower eaves heights and asymmetric roof profiles stepping up across the site, it is considered no material loss of outlook will now occur to houses in Waterlow Road either from the siting of the terrace or the detached house.
- 7.08 The impact on privacy has been safeguarded by the internal layout of the properties but the outlook of any 1st floor side facing windows overlooking properties in either in Grecian Street or Waterlow Road will be restricted by requiring obscure glazing to these windows.
- 7.08 Turning to the impact on houses abutting the site to the north east in Grecian Street the terrace of 3 house now comes to within 1 metre of the site boundary whereas this distance was 2.5 metres for the scheme refused under ref: MA/14/504580. However this still leaves a separation distance of just under 17 metres which is still considered sufficient to ensure there is no material harm to the outlook of the houses in Grecian Street affected by this part of the development. Regarding the impact of the detached house this is set even further into the site and as such is also considered acceptable in its impact on houses in Grecian Street.
- 7.09 Regarding loss of sunlight and daylight, it is evident some loss of sunlight will occur to gardens of houses in Grecian Street sited to the north and north east of the proposed terrace of 3 units. Loss of sunlight will be greatest in the winter months. However in the Spring, Summer and Autumn when the gardens are most likely to be used, only the rear part of the gardens will be overshadowed. As such no significant harm based on loss of sunlight is identified. The impact of the detached house to the west in terms loss of sunlight will be minimal. In connection with houses in Waterlow Road, as the application site lies to the north east of these access of sunlight will be unaffected by the proposed development.
- 7.10 Regarding daylighting, this refers to background light levels irrespective of whether the Sun is visible or not. Given the separation distance to houses both in Grecian Street and Waterlow Road it is considered no harm based on loss of daylight can be identified.
- 7.11 The amenity of the proposed residents also needs to be assessed as it was considered the previously refused scheme resulted in an unacceptable living environment. The amended scheme enables the size and proportions of rear amenity areas and spacing between units to achieve a secure inward looking development resulting in an acceptable residential environment.

Highways and Parking

- 7.12 The highways and parking implications of the development were considered as part of the previously refused and proposals dismissed on appeal. In connection with the appeal proposal the Inspector stated:

'Considerable concern has been expressed locally about the implications of the proposal on access and parking arrangements on and around the site, including representations from a constituent submitted by Helen Grant MP. I have had full regard to these concerns, although it appears to me that some of the matters raised would potentially need to be addressed through other legislation or regulations. Nonetheless, from my visit to the site and the area around it, it was clear that there is a significant amount of local parking demand, which the appeal site currently appears to contribute towards meeting. However, regardless of the outcome of this appeal, I recognise that the use of the garages may cease or may no longer be made available to meet local needs.'

- 7.13 The Inspector went on to say in relation to the proposed access that:

7.14 *'The access to the appeal site also serves 5 parking spaces adjacent to it, used by the Samaritans, together with other parking areas access via the appeal site but within a number of neighbouring properties. In addition to vehicular access, there are also pedestrian access provided between the garages and the boundaries of the site to the north-east and south-west and also through the north-west corner of the site to a pathway beyond...Based on the current use of the access and the site it appears to me that in addition to its use by the future occupiers of the proposal and visitors or servicing vehicles connected to them, the access also has the potential to continue to be used by a number of other people.'*

- 7.15 In the absence of objection by the Inspector regarding the parking implications of the proposal for 5 units including loss of the existing garaging, concerns regarding the increased pressure of parking in local roads cannot be sustained. Access to and appearance of the proposed bin store was also an issue. However this is now to be sited in a small area just north of the detached unit and will therefore not conflict with on site turning while being close enough to the access to enable refuse collection.

- 7.16 The dwellings each have one parking space which is considered acceptable given the sustainable location of the site close to the town centre with its public transport, shopping and other facilities.

- 7.17 Regarding the comments of Kent Highways, it states, amongst other things, that positioning of the parking spaces in relation to the row of three dwellings could result in vehicles being parked in areas intended to be used for turning. Furthermore that large vehicles, such as refuse and delivery vehicles, will be unable to access the site and will have to park on Grecian Street for periods of time which could inconvenience other road users and nearby residents. Though these comments are noted they have not been raised as formal objections. It is considered a planning condition could be placed on any permission which would prevent parking in the hatched turning area and the location of the bin store close to the access would enable occupiers to put bins out for collection as is usual with such a backland site.

- 7.18 Consequently while it may be desirable to secure these amendments the applicant is of the view the proposed layout represents the optimum balance in satisfying all requirements given the constrained nature of the site in size and shape terms and this view is accepted.

- 7.18 The Kent Fire and Rescue Service advise that the site has (a) an inadequate access width (b) that a parking place for a fire appliance is more than the required 45 metres from all points within the dwellings and (c) that access to 2 of the proposed dwellings is over 45m from the parking place for a fire appliance. In connection with the previously application refused under ref: 14/504580 it was stated the site was previously considered accessible for both ambulance and police vehicles. In accordance with the Fire Service advice, the dwellings will be fitted with sprinkler systems and the dwelling are within a distance whereby a fire hydrant dry-riser is an acceptable alternative. This will be positioned within the site to compensate for a fire engine being unable to gain access to the site. This will be secured by condition. Therefore subject to the above measures, access to the site, including that for emergency vehicles, is considered acceptable . Furthermore these matters were not raised as a reason for objection previously. It is considered there has been no material change circumstances to alter to this view particularly given the more spacious layout due the reduction in the number of units from 4 to 5.

Other Matters

- 7.19 The submitted ecological appraisal concludes the site is of low ecological value and given the nature of the site with large areas of hardstanding with lock up garages facing directly onto the opportunities for wildlife are clearly limited. Nevertheless in accordance with the provisions of the NPPF the opportunity should be taken to secure wildlife enhancements. It is therefore proposed to include native species planting, bird and hedgehog box provision along with provision for insects with a stag beetle 'loggery' and 'bug boxes'. In the circumstances of this constrained site this combination of measures represents substantial and acceptable provision for wildlife that can be seen to meet the requirements of the NPPF.
- 7.20 Withdrawal of the Code for Sustainable Homes introduced a system of optional Building Regulations on water and access, and a new national space standard ("the new national technical standards"). This system complements the existing set of Building Regulations which are mandatory. This does not preclude renewable or low-carbon sources of energy within new development which is considered intrinsic to high design standards and sustainable development in accordance with the provisions of the NPPF.
- 7.21 Such measures contribute towards achieving the NPPF's key sustainability aim by supporting the transition to a low carbon future and encouraging the use of renewables as one of the core planning principles of the NPPF. A condition should therefore be imposed to secure renewable energy as part of the proposal.
- 7.23 An additional sustainability consideration is surface water attenuation to secure water saving and flood prevention normally achieved by a sustainable drainage scheme (SUDS) and which can be secured by condition.
- 7.24 Concern continues to be raised whether all the land within the application site falls within the ownership or control of the applicant and that existing rights of way are being adversely affected by the development. However as the appropriate ownership certificate has been submitted this does not represent an impediment to the determination of the application while concerns regarding existing or future private rights of way are private matters to be resolved between the relevant parties.

8.0 CONCLUSIONS

- 8.01 There is no objection in principle to the redevelopment of this area of previously developed land which occupies a sustainable location within the built up area of Maidstone.
- 8.02 The amended proposal is considered to materially overcome Members previous objections to the development of this site with a less intense development which succeeds in safeguarding the outlook and amenity of residents overlooking and abutting the site while being acceptable on highway and parking grounds.
- 8.03 In conclusion it is considered the proposal represents a valuable windfall addition of, smaller housing units while representing a balanced proposal in maximising the housing potential of this constrained and enclosed site in an acceptable manner. It is therefore recommended planning permission be granted.

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 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.

Reason: To ensure a satisfactory appearance and a high quality of design.

3. The parking/turning areas shown on the approved plans shall be completed before first occupation of any of the dwelling hereby approved and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 2015 (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 and turning provision is likely to lead to parking inconvenient to other road users and result in conditions detrimental to the interests of road safety.

4. Prior to first occupation of the development hereby approved a native species landscaping scheme and a programme for the approved schemes implementation and long term management shall be submitted for prior approval in writing by the Local Planning Authority. The approved landscaping scheme shall be implemented in the first available landscaping season following first occupation of the development hereby permitted. 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.

5. 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;

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: To prevent harm to human health and pollution of the environment.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Classes A-E shall be carried out without the permission of the Local Planning Authority.

Reason: To safeguard the character and appearance of the development and amenities of existing and future occupiers.

7. The development hereby permitted shall be undertaken strictly in accordance with the recommendations outlined within Ecological Enhancement Section of the report titled 'Code for Sustainable Homes Ecology Component Appraisal' carried out by J Taylor Ecology Consulting dated 11th February 2015.

Reason: To enhance the sites biodiversity assets.

8. Before first occupation of any part of the development hereby permitted all windows above ground floor level facing towards houses in Grecian Street or Waterlow Road shall be glazed in obscured glass and any window opening shall be restricted by limiters to opening no more than 150mm in any direction. These measures shall be retained at all times thereafter.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers.

9. The development shall not commence until details of all fencing, walling and other boundary treatments have been submitted to the Local Planning Authority and approved in writing.

Reason: To ensure a satisfactory appearance to the development.

10. The development shall not commence until details of ecological enhancements within the development site, to include provision of swift bricks within buildings; spaces beneath rear boundary fences to allow movement of hedgehogs; and buried timber for saproxylic organisms, have been submitted to and approved in writing by the Local Planning Authority and the approved details shall be maintained thereafter;

Reason: In the interests of ecology and biodiversity enhancement.

11. The development shall be carried out at the levels shown.

Reason: In the interests of amenity.

12. The development hereby approved shall not commence until details have been submitted for prior approval in writing by the Local Planning Authority of decentralised and renewable or low-carbon sources of energy and how they will be incorporated into the development. The approved details will be in place before first occupation of the development hereby approved and maintained as such at all times thereafter.

Reason: To secure an energy efficient and sustainable form of development to accord with the provision of the NPPF.

13. The development hereby permitted shall not commence until a scheme for the disposal of surface water (which shall be in the form of a SUDS scheme) has been submitted to and approved by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To in the interests of sustainability to ensure satisfactory drainage in the interests of flood prevention.

14. No development shall take place until a construction management plan has been submitted in writing and approved by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: In the interests of highway safety and the free flow of traffic.

15. Wheel washing facilities shall be provided on site prior to the commencement of the development hereby approved and retained for the duration of the development.

Reason: In the interests of highway safety and the free flow of traffic.

16. Before first occupation of any of the dwellings hereby permitted (a) sprinkler systems shall be installed in all dwellings and (b) a fire hydrant dry riser shall be installed. Both systems shall be installed in accordance with details to be approved in writing by the Local Planning Authority and shall be retained in working order at all times thereafter.

Reason: In the interests of health and safety.

17. The rectangular area of land shown diagonally hatched abutting the bin enclosure as shown on drawing P(11) 01 shall not be used for parking. A sign shall be displayed to this effect before first occupation of any of the dwellings hereby permitted and retained as such at all times thereafter.

Reason: In the interests of highway safety and the free flow of traffic.

18. The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan received on the 16th November 2015 and drawing nos: 00(02) and P(11)01, 02, 03, 04 and 05. May 2016?

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

INFORMATIVES:

HOURS OF WORKING (DEMOLITION/CONSTRUCTION)

No demolition/construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.

Construction

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.

Noise and Vibration transmission between properties (informative).

Attention is drawn to Approved Document E Building Regulations 2010 "Resistance to the Passage of Sound" – as amended in 2004 and 2010. It is recommended that the applicant adheres to the standards set out in this document in order to reduce the transmission of excessive airborne and impact noise between the separate units in this development and other dwellings.

Asbestos

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

Highways:

Should any works be required in the highway applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack for a statutory licence to be obtained.

The Council's approach to this application:

Planning Committee Report

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 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, following amendment, was acceptable.

Case Officer: Graham Parkinson

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



15/510186 Land at Fishers Farm
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REPORT SUMMARY

REFERENCE NO - 15/510186/FULL			
APPLICATION PROPOSAL Development of site to accommodate 185 dwellings, together with associated access road (including reconfiguration of Pile Lane), car parking, landscaping and open space.			
ADDRESS Land At Fishers Farm Fishers Road Staplehurst Kent			
RECOMMENDATION DELEGATED POWERS TO APPROVE SUBJECT TO CONDITIONS AND A LEGAL AGREEMENT			
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the site is located in sustainable location on the edge of Staplehurst, is not considered to result in any significant planning harm, and accords with the submitted Maidstone Local Plan (2011-2013) and the Staplehurst Neighbourhood Plan. These matters and that the development is considered to be in compliance with the National Planning Policy Framework is sufficient grounds to depart from the Borough-wide Local plan 2000.			
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none"> • Departure from the Development Plan. • Staplehurst Parish Council has requested the application be reported to Committee for the reasons set out below. 			
WARD Staplehurst Ward	PARISH/TOWN COUNCIL Staplehurst	APPLICANT Redrow Homes Limited AGENT Judith Ashton Associates	
DECISION DUE DATE 15/03/16	PUBLICITY EXPIRY DATE 15/03/16	OFFICER SITE VISIT DATE 08/01/16	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
80/0709	'Outline application for residential development of 10 houses to the acre i.e. 400 houses from two to five bedrooms'	Withdrawn	12/12/80
Planning history on adjoining site to the west:			
14/505432/FULL	Residential development to provide 167 dwellings, areas of public open space, associated landscaping and infrastructure and the formation of new vehicular access from Headcorn Road and pedestrian access from Fisher Road, Hurst Close and Headcorn Road.	Pending decision	
Land to the south of Headcorn Road (Stanley Farm):			
15/507124/OUT	Outline application for the erection of up to 110 dwellings (access being sought).	Pending decision	

Land to the northwest of the site (top corner of housing allocation site H1 (50):			
15/506021/FULL	Erection of nine dwellings with associated landscaping and access via a private drive off Fishers Road, Staplehurst.	Approved at committee	02.06.2016

BACKGROUND

The application site, along with the adjoining site (14/505432/FULL) is allocated for housing development in the emerging Local Plan (submission version) under policy H1 (50). This policy states:

Policy H1 (50) Fishers Farm, Fishers Road, Staplehurst

Fishers Farm, as shown on the policies map, is allocated for development of approximately 400 dwellings at an average density of 30 dwellings per hectare. In addition to the requirements of policy H1, planning permission will be granted if the following criteria are met.

Design and layout

1. Retain and enhance hedges and trees along the northern and eastern boundaries of the site in order to screen new housing from the railway line and adjacent open countryside.
2. The eastern section of the site will be built at a lower density to reflect the existing open character of the countryside beyond.
3. The proposals will be designed to include areas of open space that retain the integrity and connectivity of the existing framework of ponds, hedgerows and trees within the site.

Access

4. Primary access will be taken from Headcorn Road subject to agreement with the Highways Authority.
5. Secondary and/or emergency access will be taken from Fishers Road subject to agreement with the Highways Authority.
6. Pedestrian and cycle access will be taken from Fishers Road and Hurst Close.
7. Pedestrian and cycle linkages will be provided, to ensure good links to existing residential areas and the village centre.

Noise

8. Development will be subject to a noise survey to determine any necessary attenuation measures in relation to the railway line.

Open space

9. Provision of a minimum of 4.47ha of natural/semi-natural open space within the site together with contributions towards off-site provision/improvements required in accordance with policy DM22. Should the site be sub-divided through the development management process proportionate provision/contributions will be required. Open space should be sited to maximise accessibility to new and existing residents.

Community infrastructure

10. Appropriate contributions towards community strategic infrastructure in particular foul water drainage will be provided where proven necessary so that there is nil detriment to existing infrastructure capacity.

Highways and transportation

11. Package of measures in north eastern Staplehurst including the provision of a pedestrian and cycle crossing on Headcorn Road, bus infrastructure improvements, extension of the 30 mph speed limit on Headcorn Road.

Strategic highways and transportation

12. Capacity improvements at the junction of A229, Headcorn Road, Station Road and Marden Road, Staplehurst.

13. Improvements to public and passenger facilities at Staplehurst Rail Station.

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site is grass pasture land largely in equestrian grazing use with an area of some 9.83 hectares. The site is located to the east of Staplehurst village and adjoins the proposed Bovis housing development for 167 houses (14/505432) which is located to the west of the site. To the east of the lower section of the site is Pile Lane with grazing land located to the northeast of the site with Couchman Green Lane / Sweetlands Lane beyond. The northern boundary meets the railway line running between Staplehurst and Ashford. Further to the east, on the opposite side of Pile Lane, is a greyhound dog training facility with outdoor track. To the south and west of the site are residential properties fronting Headcorn Road. There is a proposed housing development for up to 110 houses (15/507124) to the south on the opposite side of Headcorn Road. Open pasture land is located to the northeast and Fishers Farm is to the northwest with Fisher Farm sewerage disposal located to the north on opposite side of the railway. To the northwest is a residential development site at Fishers Oast, Fishers Road (15/506021) with planning permission for 9 houses which comes under the same draft housing allocation as this site and the adjoining Bovis site (Policy H1 (50)).
- 1.02 There are no significant land level changes on the site and the land generally slopes gently downwards from west to east away from the village. The site is made up of a number of fields divided by hedge/tree lines and there are a number of ponds within the site. The western boundary of the site does not follow any physical feature on the ground and cuts through existing fields and hedge/tree lines. The west boundary adjoins the 167 units housing development proposed by Bovis.
- 1.03 PROW KM296 runs from east to west across the northern section of the site. PROW KM296 links up with Fishers Road to the west and the junction at Pile Lane / Couchman Green Lane to the east. PROW KM296 also links with PROW KM295 to the northwest of the site and heads north.
- 1.04 The site is located to the east of the settlement boundary of Staplehurst in the Local Plan and is located within the countryside for Development Plan purposes. The land

has no special landscape designation, although there is a Special Landscape Area on the south side of Headcorn Road. There are no nearby listed buildings. The site is location in Flood Zone 1.

2.0 PROPOSAL

- 2.01 This is a full and detailed application for 185 dwellings together with areas of open space, formal play space, associated landscaping and infrastructure and the formation of new vehicular access from Headcorn Road and Pile Lane.
- 2.02 A primary vehicular access point is proposed from Headcorn Road at the south end of the site. The primary junction onto Headcorn Road would merge with the existing junction at Pile Lane. A secondary vehicle access point is proposed onto the existing Pile Lane / Sweetlands Lane junction to the east. There are pedestrian/cycle links proposed with the adjoining site to the west (14/505432/FULL) which links through to Hurst Close to the west and with Fishers Road at the northwest end of the site. PROW KM296 runs through the northern section of the site and connects with Fishers Lane to the west and Couchman Green Lane to the east. The existing PROW will be maintained within the proposed development layout.
- 2.03 The houses are arranged around a central spine road running from Headcorn Road, south to north through the site, with secondary roads running off the central road. There would be a mix of detached, semi-detached, and terraced houses and four three storey apartment blocks. Driveways, garages and parking courts for the apartments would provide parking for properties. Visitor parking spaces would also be provided. The houses would be predominately of 2 storey height with some 2.5 storey houses and the apartment blocks would be three storey. The density of the development would be approximately 19 dwellings per hectare.
- 2.04 40% of the proposed units (74 units) are to be set aside as affordable housing in a mix of affordable rented units, shared ownership homes and 25 starter homes as currently being agreed between the developer, a local housing provider and the council's housing department.

The following housing mix is proposed:

No. Beds	Private	Affordable
1 bed	0	12
2 bed flat	0	36
2 bed house	0	24
3 bed	42	26
4 bed	55	0
5 bed	14	0
Total	111	74
Total	185	

- 2.05 A total of 394 parking spaces would be provided with a further 37 visitors parking spaces.

2.06 In terms of landscaping and open space, existing hedge/tree lines are largely retained and strengthened throughout the site and along the boundaries. Areas of landscaping and open space are shown around existing ponds and tree clusters, and an area of formal public open space / play space (LEAP) is shown along the west boundary adjacent the adjoining proposed housing development. Landscaped front gardens are proposed and new tree planting along streets. There are areas of semi-natural open space throughout the site, including on the north and northeast sections and a landscape buffer adjacent Headcorn Road.

3.0 POLICY AND OTHER CONSIDERATIONS

- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, T3, T13, T21, T23, CF1
- MBC Affordable Housing DPD (2006)
- MBC Open Space DPD (2006)
- Minerals and Waste Local Plan (2013 – 2030): N/A - Not in safeguarding area
- The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended)
- Draft Maidstone Borough Local Plan (2011-2031): SS1, SP5, SP10, H1, H1(50), DM1, DM2, DM5, DM7, DM11, DM12, DM13, DM23, DM24, DM25, DM27, ID1
- Draft Staplehurst Neighbourhood Plan (2015-2031): PW, E1, H1, H2, H3, H5

4.0 LOCAL REPRESENTATIONS

4.01 Some 41 representations have been received including some 31 objections and 10 comments, raising the following main (summarised) points:

- Highway safety & congestion, particularly at the crossroads
- Pedestrian safety, particularly at the crossroads
- Insufficient infrastructure in Staplehurst, schools, doctors, road network.
- Rat running will occur in Hurst Close and Pile Lane
- Highways safety at proposed access onto Pile
- Additional impact on sewerage system
- Flooding
- Foul and surface water drainage
- Disturbance to dogs in the kennels adjacent the site
- Traffic congestion on local road network
- Errors in the traffic survey data
- Impact on biodiversity / habitats, particularly great crested newts
- Loss of trees and hedgerows
- The level of social housing will adversely affect both the quality of life and value of existing residents and their properties
- Contrary to Staplehurst Neighbourhood Plan
- Lack of engagement with the local and Parish by the developer
- Transport assessment is flawed in terms of number of vehicle movements predicted

- A master plan should be provided for the whole draft allocation site
 - Poor connectivity with the adjoining Bovis housing site and village
 - Loss of views
 - Overshadowing
 - Overlooking another property and loss of privacy
 - Visual appearance
 - Parking Provision
 - Noise, smells and disturbance resulting from use
 - Loss of property value
 - Lack of local employment and shopping
- Junction alterations are unacceptable, including; over 3 minute waiting time for pedestrians; pedestrian / wheelchair user safety; railing cause safety hazard for cyclists; flawed traffic modelling; forecast population growth not for the full plan period; narrowed footpath; removal of footpaths; traffic capacity; additional vehicle lanes at the junction; pedestrian desire line unsafe; relocation of bus stops; impacts on neighbouring listed buildings; no further development should be approved in Staplehurst until a satisfactory scheme for the junction can be implemented; the only way forward would appear to be to Compulsory Purchase land adjacent the junction; access to services; travel plans are not based on facts.

4.02 Weald of Kent Protection Society: Objects raising the following (summarised) points:

- Housing too close to sewage works and dog kennels
- Flooding and sewerage
- Traffic congestion
- Pressure on local schools and doctors
- Housing mix should include bungalows
- Balconies should be included in the flatted blocks

4.03 The Council has been made aware that there is an online petition titled 'A Safe Crossing at Cuckolds Corner, Staplehurst' which has comments on the crossroads in the village, and which at the time of writing this report had 149 supporters.

5.0 CONSULTATIONS

5.01 **Staplehurst Parish Council:** Initial comments received on 20.01.2016. The PC recommends refusal and requests the application be referred to committee for the following (summarised) reasons:

- Layout and design
- Layout has not in accordance with the master plan for the whole site
- Housing mix unsatisfactory, lack of bungalows
- Proximity to dog kennels and sewage works
- Travel data and forecasts questioned
- Fails to acknowledge the required highways improvements identified in the Staplehurst NP
- Fails to address the implications for transport and sustainability in the village
- No explanation as to how the proposals would address the capacity issues at the A229/Headcorn Road crossroads

- Fails to demonstrate how the new streets and related movements would integrate into the existing village
 - Flooding and drainage
 - No S106 contributions for education in Staplehurst
 - Key information is missing and there are too many errors, questionable assumptions and statements.
- 5.02 Additional comments were received from the Parish Council in March 2016 regarding the proposals at Staplehurst crossroads. Comments are summarised as follows:
- Congestion already occurs at the crossroads.
 - Additional housing development with increase traffic in Staplehurst and the surrounding area.
 - The NP puts forward proposals to address the problems at the crossroads.
 - Current proposals for crossroads are unacceptable to pedestrian (including young, disabled and elderly) safety / accessibility.
 - Crossroad proposal are contrary to NP.
 - The modelling and survey for the crossroads has no explanation or justification and lack clarity.
 - Traffic congestion would increase.
- 5.03 Additional comments from the PC received on 16.08.2016 in response to junction proposal. The PC confirmed the proposals did not change their reasons or recommendations for refusal. Objections to the junction alterations relate to:
- The narrowness and rerouting of footpaths would cause pedestrian and cyclist safety issues.
 - The proposals showed complete disregard for the mobility-impaired.
 - The narrowness of the proposed vehicle lanes would increase the risk of vehicles mounting the pavements and would not accommodate HGV manoeuvres.
 - Traffic speeding is already an issue in the area.
 - The proposed new locations of the bus stop and crossing in the High Street would present a serious hazard.
 - Assumptions about future traffic movements appeared flawed.
 - Assumptions that new development traffic could be reduced by 5% appeared both untested and unrealistic.
 - The design of the submitted proposals was unsympathetic to the nature of a rural village high street.
 - Contrary to the NP.
- 5.04 **MBC Conservation Officer:** No objection subject to conditions re: samples of materials, landscaping and the preservation of the identified historic hedgerows.
- 5.05 **MBC: Landscape Officer:** No objections subject to conditions.
- 5.06 **MBC Housing Officer:** No objection 40% provision of on-site affordable housing. Discussions are on ongoing between the developer, housing officers and registered providers regarding the on-site mix and provision of starter homes as part of the affordable mix.

- 5.07 **MKIP Environmental Health Officer:** No objections subject to conditions regarding contaminated land and noise mitigation. The EHO advises the LPA should consider if an assessment of the likely impact of the sewage works and odours on future residents should be made in support of the application.
- 5.08 **MBC Parks & Leisure:** No objections. Request an off-site open space contribution towards the improvement of existing play facilities at the site known as Lime Trees.
- 5.09 **KCC Development Contributions:** Request contributions towards Headcorn Primary School, Cornwallis Secondary School, local library bookstook, youth equipment and community learning in Staplehurst.
- 5.10 **KCC Highways:**
1. No objection in respect of development itself subject to conditions and off-site highway works.
 2. Objection raised in respect of the cumulative impact of development on the crossroads in the centre of the village – specifically in relation to congestion/traffic impact and highway safety issues.
- (See paragraph 6.36 onwards for further discussion/detail)
- 5.11 **KCC Ecology:** No objections subject to conditions relating to reptiles mitigation strategy, landscape/ecology management plan, and enhancements.
- 5.12 **KCC Flood Team (Lead Local Flood Authority):** No objections subject to conditions relating to a detailed SUDs scheme and long-term management.
- 5.13 **KCC Heritage:** No objections subject to a condition requiring a programme of archaeological work.
- 5.14 **Natural England:** No objections
- 5.15 **UK Power Networks:** No objections.
- 5.16 **Southern Gas Network:** Advise on the location of pipelines
- 5.17 **Rural Planning Ltd:** No objections.
- 5.18 **Kent Wildlife Trust:** No objections. Suggest ecology conditions.
- 5.19 **NHS:** Request a healthcare contribution towards extension, refurbishment and/or upgrade of Staplehurst Health Centre.
- 5.20 **Environment Agency:** No objections. The EA have assessed the application as having low environmental risk.
- 5.21 **Southern Water:** No objections. SW advise that they cannot accommodate the needs of this application without the development providing additional local

infrastructure. SW recommend conditions and informatives should the application be granted to ensure the foul drainage is appropriately dealt with.

- 5.22 **Upper Medway Internal Drainage Board:** No objection. Suggest SUDs should be designed in direct consultation with KCC's drainage and flood risk team.
- 5.23 **Kent Police:** Recommend condition regarding crime prevention.
- 5.24 **Kent Fire and Rescue:** No objections. Advise that access to the site for the Fire and Rescue Service is satisfactory.
- 5.25 **Network Rail:** Advise on impact on the railway during and post construction.
- 5.26 **Design South East:** Endorse the ecology / landscape led layout.
- 5.27 **KCC PROW:** No objections

6.0 APPRAISAL

Principle of Development

- 6.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 6.02 The application site is outside the defined settlement boundary of Staplehurst. It is therefore upon land defined in the Local Plan as countryside and policy ENV28 is relevant.
- 6.03 Paragraph 215 of the NPPF states that, *“due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”*
- 6.04 Saved policy ENV28 seeks to protect the countryside by restricting development beyond identified settlement boundaries. In general terms, this policy is consistent with the NPPF, which at paragraph 17 recognises the intrinsic character and beauty of the countryside. However, the submitted draft MBLP evidence base identifies objectively assessed needs for additional housing over the plan period 2016-2031, which the submitted draft MBLP addresses, in part, by way of site allocations for housing sites outside existing settlement boundaries. The submitted draft MBLP is currently at the examination stage and the public hearing is currently taking place and concluding in November 2016. The submitted draft MBLP will deliver the development (and infrastructure to support it) to meet objectively assessed need over the plan period.
- 6.05 The existing settlement boundaries defined by the adopted Local Plan (2000) will be revised by the draft MBLP to deliver the development necessary to meet identified needs in accordance with the site allocations in submitted draft MBLP policies and H1. In this instance the weight attached to ENV28 should be reduced due to the allocation of the site in the emerging Local Plan under policy H1 (50).

6.06 Paragraph 216 of the NPPF states that,

"From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."*

6.07 Inevitably any major development on a greenfield site will clearly have an impact upon the environment. In this respect at paragraph 152 the NPPF advises that,

"Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate."

6.08 In allocating the site, the Council considers its use for housing is appropriate subject to the criteria outlined within draft MBLP policy H1(50) to mitigate the impact as far as possible. On this basis, it is considered that in general, the proposed allocation is consistent with the principles and policies set out in the NPPF when taken as a whole.

6.09 The site forms part of a larger site allocated for housing (400 dwellings) titled 'Fishers Farm' (policy H1(50)). The application site forms the eastern part of this wider site and makes up approximately two thirds of its area. The policy allocates the site for 400 dwellings and has criteria relating to design/layout (retaining landscape features), access (main access from Headcorn Rd and pedestrian/cycle linkages with existing roads), noise, open space (minimum of 4.47ha of natural/semi-natural open space), community infrastructure, and highways (improvements to crossroads, train station, and bus services).

6.10 As such, the non-compliance with saved policy ENV28 must be considered in the context of the site's inclusion within the planned expansion to Staplehurst. The Council can demonstrate a five-year housing land supply that is based, in part, on the allocation of housing sites in the submitted Local Plan, which will alter existing development boundaries. Those allocations include this site. Accordingly, although this application does not comply with ENV28 as it proposes development in the 'countryside' under the 2000 Local Plan, limited weight should be accorded to that non-compliance, as the site is allocated for development in the submitted Local Plan.

- 6.11 The Staplehurst Neighbourhood Plan (NP) is a material consideration, and allocates the wider site for 400 dwellings under policy H5, in line with the submitted Maidstone Local Plan. Criteria relates to an overall site masterplan; connections and linkages with the village and countryside; respecting existing properties amenities; sufficient space for ecological requirements/retention of hedgerows and trees, SUDs and open space; and recreational routes. The NP has now been examined and the examiner recommended modifications. These do not change the aims of the criterion referred to above but would add to criterion relating to on-site sewerage provisions and protecting amenity due to the proximity off the wastewater works to the north of the site. Having been examined and with only referendum as the next stage which is scheduled for 3rd November 2016, before it can be 'made', it is considered that the NP attracts significant weight.
- 6.12 In terms of the suitability of the location of the development, the NPPF advises as one of its core principles to, *“actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.”* Staplehurst is defined as a Rural Service Centre, which outside of the town centre and urban area, are considered the most sustainable settlements in Maidstone's settlement hierarchy, under the submitted Local Plan. The submitted Local Plan outlines that, *“Rural service centres play a key part in the economic and social fabric of the borough and contribute towards its character and built form. They act as a focal point for trade and services by providing a concentration of public transport networks, employment opportunities and community facilities that minimise car journeys.”* The settlement clearly offers a good range of key services including a primary school, doctor's surgery, employment, shops, public house, regular public transport bus connections to Maidstone and a train station, and as such, the site is considered to be at a sustainable location immediately adjoining an existing settlement.
- 6.13 In conclusion, the proposal does not comply with the settlement boundaries of the Local Plan 2000 but in order to meet current housing needs these boundaries must change. To meet this need, the submitted Local Plan allocates the site for housing development under H1(50) and the NP also allocates the site for housing which are both considered to attract significant weight. With this in mind, I consider the policy principle of residential development at this location is acceptable, this being a sustainably located site adjacent to a settlement with a range of services and public transport links, and the provision of 167 houses would provide a meaningful contribution towards housing need and this is considered to be a strong material consideration in favour of the development.
- 6.14 The report will now go on to consider the key planning issues which are considered to be visual impact/design, access/highway safety, infrastructure, ecology, drainage/flood risk, residential amenity. It will also be necessary to assess whether the proposal accords with policy H1 (50) of the new Local Plan and policy H5 of the NP.

Visual/Landscape Impact

- 6.15 In terms of localised impact and near views, the site is visible from Headcorn Road to the south although there is an established tree/hedge line fronting the road, which would provide some screening/softening for the development. The development

would be set back from Headcorn Road with the existing boundary screening largely retained save for the area of the proposed new vehicle access, although the urbanising impact of the access would be reduced as it would merge with the existing junction at Pile Lane and Headcorn Road. The development in the southern part of the site adjacent to the Headcorn Road would contain frontage development, set back behind a landscape belt which would provide a positive edge to the development in accordance with the NP.

- 6.16 Views of the housing development would also be afforded from Pile Lane and Couchan Green Lane. A majority of the eastern site boundary along Pile Lane benefits from established hedge and tree planting which would be retained and enhanced to screen and soften the visual impact of the development. The development would be set back from Couchman Green Lane and views toward the development would be afforded from Couchman Green Lane across existing grazing land. Existing and proposed landscaping along the eastern boundary of the site would help screen / buffer the development from the countryside.
- 6.17 The adjoining land to the west is the subject of a planning application for 167 houses (pending decision and reported to the same committee as this proposal). The proposal would be viewed in the foreground of the adjoining housing development should permission for that site be forthcoming. Further to the west is the significant built development within the village settlement of Staplehurst. To the north the railway line provides a strong physical edge to the settlement in this direction and the boundary of the application site. The site would also be seen in the foreground of the proposed Bovis scheme and the wider village settlement would frame the backdrop of the development.
- 6.18 The application site and surrounding area is predominately flat and the visual impact of the development would be mainly limited to close range views from Headcorn Road, Pile Lane and Couchman Lane (and from within the adjoining housing site if Members are minded to approve). The village settlement has an irregular shape which is relatively narrow in the south and widens towards the north, and development of the site would follow the general morphology of the village being wider at the northern end. For these reasons, development would not be out on a limb or result in any significant protrusion beyond the current settlement.
- 6.19 Overall, development of the site would inevitably result in a visual and character change from the current grassed fields but this would be largely limited to close range views. A development of this size would undoubtedly cause some harm and therefore result in some conflict with policy ENV28 of the Local Plan but this is considered to be relatively low and localised harm. Whilst this site forms part of a wider housing allocation site two separate applications have been submitted for a majority of the site. Should the adjoining scheme not be approved or come forward for development conditions could be ensured to provide a strong landscape edge on the west boundary of the site. It is also considered that the wider backdrop of the village would ensure this development would not appear significantly out of context with the village settlement and the visual impact of this site alone is considered to be acceptable in landscape terms.

Design Matters

Density/Scale

- 6.20 The density would be 19 dwellings per hectare, which is considered appropriate for this edge of rural settlement site. The density is lower than promoted in the draft housing allocation for this site, however, this is attributed to the landscape and ecology led scheme which seeks to retain the established hedgerows and ponds within the site. A lower density development is therefore acceptable and would not be significantly lower than the proposed housing development at the adjoining site or the development further west within Staplehurst village. The houses would be two storey, some with rooms in the roof space, and the apartment blocks three storeys. Garages and car barns would be single storey. Houses in the vicinity are generally 2 storeys so this would be in keeping and there are only four 3 storey buildings which would all be viewed within the context of the wider housing development.

Layout

- 6.21 In terms of layout, the houses are arranged around a central spine road running from Headcorn Road, south to north through the site, with secondary roads running off the central road and a secondary access linking the site to Pile Lane. The second access road onto Pile Lane / Couchman Green Lane junction would ensure the site is permeable to vehicle traffic and the site would not be developed as a cul-de-sac development in accordance with the Staplehurst NP. The existing landscape character of the site is that of small to medium sized level fields, divided by established hedge/tree lines with a number of ponds with scrub areas and tree/hedgerow lined outer boundaries. The development largely retains these existing features using them to shape the development and the central spine road curves round existing ponds and tree planting using these as focal points along the spine road. The hedge/tree lines are retained and strengthened whilst used to divide housing areas, providing breathing space, and doubling up as pedestrian routes throughout the site in places. An area of formal open space is proposed on the western boundary of the site and would link through to an area of open space on the adjoining proposal site forming a visual link between the two sites.
- 6.22 As outlined above, the west boundary of the site does not follow any physical feature on the ground and cuts through the existing fields and hedge/tree lines. The land to the west is in different ownership and forms part of the wider draft allocation for housing development. The wider allocated site has been sub-divided as a result of different land owners and two planning applications have been submitted for a majority of the site proposing a total of 352 houses. A further 9 houses have been approved in the northwest corner of the site under application 15/506021/FULL. As the wider site has been subdivided and planning applications have been submitted by different developers a master plan for the whole site has not been submitted and it has not been possible to provide vehicle routes connecting the Bovis and Redrow schemes as required by the NP. However, through negotiations pedestrian and cycle routes would link the Redrow and Bovis housing developments and the formal play areas for both sites would join up acting as a central focal point to create a visual area of connectivity between the two sites. A pedestrian route would also link the two play space areas.

- 6.23 In terms of the development, houses are generally set back from roads with small front gardens creating attractive streetscenes throughout. Significant street tree planting is also proposed. At the main entrance the layout is such that the existing hedge/tree line would be largely retained and strengthened and this is achieved by linking the new access road into the site with the existing junction at Pile Lane and Headcorn Road which would limit the urbanising effect of the development when passing along Headcorn Road. Houses would generally all front onto the access roads within the site creating active street frontages and buildings address corners with dual frontages through materials and detailing.
- 6.24 The entrance to the site has houses addressing Headcorn Road albeit set back from the road behind an existing pond and boundary landscaping which would soften the visual impact of the development from Headcorn Road in accordance with the NP.
- 6.25 Landscaping is proposed along parts of the boundary with the adjoining site (with existing hedgerows also retained along this boundary) but there would not be any hard boundary treatments to enclose the site, and this can be ensured by condition. Pedestrian and cycle connections are shown into the adjoining Bovis scheme. Connections are proposed but a condition can be attached to ensure they link up with the neighbouring site. On the other hand, it could be the case that both applications were not approved or implemented so the same condition could be used to cover this eventuality with suitable landscaping or boundary treatments to provide an appropriate edge. Whilst each application must be assessed on its own merits, officers have been careful to ensure both sites would appropriately link with one another in the interest of good planning. Pedestrian/cycle access is also provided through the adjoining Bovis scheme linking up with existing estate roads in the village to the west which would link through this development ensuring good permeability and connections with the wider village. Routes are also proposed to the countryside to the east and the existing PROW running through the site would be maintained. Pedestrian and cycle links are also proposed in the northwest corner of the site linking the site to Staplehurst village.
- 6.26 The proposed layout has been subject to an internal Design South East Panel review and minor layout amendments have been completed by the architect following suggestions by DSE. Overall the layout and design has been endorsed by DSE and they state that the applicant is to be congratulated for integrating ecology and the neighbourhood plan so consistently. The site plan constraints map shows how the layout is ecologically led.
- 6.27 Overall, it is considered that the layout is of a high quality standard and layout and design would successfully integrate the existing ecology features of the site with the housing development to create a quality sense of place unique to this site.

Appearance/Materials

- 6.28 There would be a mix of detached, semi-detached, and terraced houses and four three storey apartment blocks. Buildings would be of traditional form with gabled roofs, some gable projections, bay windows, porch overhangs, and chimneys on some properties. Brick detailing for lintels, soldier courses and plinths is also proposed. Materials would include hung tiles, render, brickwork, and clay and slate roof tiles. It is considered that the traditional design of the buildings would be

appropriate for this location and that buildings would have sufficient detailing, and use varied but uniform materials to provide a quality appearance. Whilst materials are listed I consider it would be necessary to require samples by condition in order to determine whether these are appropriate. The houses types are different to those proposed on the Bovis scheme which is attributed to the different house developers, however, it is considered that the pallet of materials proposed over the two sites would both take cues from the local vernacular such that the two developments would not jar with one another.

- 6.29 Surfaces would include tarmac for the main roads and pavements. Driveways, parking areas, secondary roads and cul-de-sacs would mainly have block paving and pathways through landscaped areas would be finished with gravel, which would provide a good variation in surface treatment throughout the site. Conditions could ensure high quality materials with wildlife friendly gullies and porous materials.

Boundary Treatments/Landscaping

- 6.30 Boundary treatments within public areas include low level boundary treatment to ensure the open aspect to these areas is provided. These treatments are considered to be of good quality. I also consider it appropriate for measures to prevent parking on landscaped areas such as timber bollards or low level railings, and around ponds for safety and ecology reasons, which could be secured by condition where necessary.
- 6.31 As outlined above, there would be landscaped front gardens and new street and feature trees throughout. It is considered that the boundary treatments and landscaping proposals would provide a high quality environment.
- 6.32 The Landscape Master Plan shows an ecology and landscape led development and the proposed housing layout has been dictated by the established hedge/tree lines and ponds within the site which would be retained and strengthened. The housing development would be broken by areas of landscape habitats, including areas at the front of the site, two central areas adjacent the spine road, open spaces adjoining the neighbouring site and a large area of semi-natural open space in the north and east sections of the site.
- 6.33 In conclusion on design matters, it is considered that the design of the development is of a high standard. It provides for good permeability throughout the site with pedestrian and cycle connections also provided to the adjoining site to the west and the countryside to the east. The layout works with the existing landscape features retaining hedge/tree lines and ponds. Strong streetscenes would be created with buildings addressing roads and corners, and appropriate landscaping and boundary treatments. Buildings are of good quality reflecting local vernacular would use good quality materials, and surface materials are varied. The application has also been assessed under the Design South East (DSE) surgery used by the Council (where DSE members provide advice), and the proposals were considered to be of a good quality.

Impact on heritage assets

- 6.34 The proposals will not affect any designated heritage assets, the Staplehurst Conservation Area and the nearest listed buildings being at a considerable distance and having no inter-visibility with the application site.
- 6.35 The submitted heritage assessment identifies two potential non- designated heritage assets – the Fishers Farm complex and Home Farm (formerly Pile Farm in Pile Lane). Neither is within the application site but the development will inevitably have an impact on their setting. The council’s conservation officer advises that the proposal would not impair the ability to appreciate the significance of these farm groups and that any harm will be less than substantial and may be outweighed by the public benefit arising from the provision of 185 dwellings.

Highways/Transport Issues

Access

- 6.36 There would be a new vehicular access onto Headcorn Road which would link with the existing Pile Lane / Headcorn Road junction at the southeast end of the site. A second access is proposed onto Pile Lane / Sweetlands Lane to the east of the site. Pedestrian/cycle links are proposed with the adjoining outline housing proposal which links through to Hurst Close/Newlyn Drive to the west and with Fishers Road at the north end of the neighbouring site. It proposed to provide a new footpath / cycle path to the north of the site connecting to Fishers Road. The new route would be a surfaced and lit route and to promote a safe route for use in all weathers. PROW KM296 runs through the northern section of the site and connects with Fishers Lane to the west and Couchman Green Lane / Pile Lane to the east.

Cumulative Traffic

- 6.37 A transport assessment (TA) has been submitted which has been assessed by KHS. The trip generation from the development is expected to result in some 105 movements during the AM peak (8am to 9am) and some 120 in PM peak (5pm to 6pm). This is an average of 2 trips per minute in both the AM and PM peak.
- 6.38 The TA demonstrates that the traffic for this development alone would not take the signalised crossroads in the centre of the village over capacity. However, a cumulative assessment of planning applications and allocated sites within the submitted Local Plan of which one at ‘Hen & Duckhurst Farm’ for 250 houses has a resolution to approve at Planning Committee (and including the pending outline application just to the south of this site at ‘Stanley Farm’ for 110 houses), would take the junction over desirable capacity (which is 90% saturation). Whilst this is not above the theoretical capacity (100%), KHS have raised ‘holding objections’ and consider that it is necessary to ensure mitigation to this junction based on the cumulative impact. On this basis, lengthy discussions have been carried out with KHS and the developers. The costs would be divided between developments that come forward in the village.
- 6.39 Table 1 below illustrates the impact upon the junction if no physical changes were made (but includes a 10% reduction in development traffic by use of Travel Plans,

which is discussed in more detail at paragraph 6.43 below.) This uses the most recent traffic modelling data produced by the Department for Transport (TEMPro 7.0: July 2016). This shows that 3 arms would operate above desirable capacity (90% saturation) in the AM and PM peaks and one arm would be above theoretical capacity (100%) in the PM peak.

6.40 Table 2 shows the impact excluding the outline application for 110 houses at ‘Stanley Farm’ on the basis that Members may wish to know these results as this site is recommended for refusal on this Agenda, and is not within the draft Local Plan or Neighbourhood Plan. Should Members agree with the recommendation then the results with this site excluded are shown below, which shows that 3 arms would operate above desirable capacity (90% saturation) in the AM and PM peaks but none above theoretical capacity (100%). It must be noted that the application is subject to an appeal and an Inspector could find the development acceptable so this is for illustration purposes.

Table 1: The impact on the junction from development traffic (including Stanley Farm) (with no mitigation and 10% Travel Plan reduction in traffic) is shown in the table below:

Arms	AM		PM	
	Degree of Saturation (%)	Mean Max Queue (Cars)	Degree of Saturation (%)	Mean Max Queue (Cars)
A229 Station Rd	70.3%	19	86.0%	24
Headcorn Road	97.6%	28	100.2%	31
A229 High Street	98.5%	40	99.9%	48
Marden Road	97.8%	34	99.4%	26

Table 2: The impact on the junction from development traffic (excluding Stanley Farm) (with no mitigation and 10% Travel Plan reduction in traffic) is shown in the table below:

Arms	AM		PM	
	Degree of Saturation (%)	Mean Max Queue (Cars)	Degree of Saturation (%)	Mean Max Queue (Cars)
A229 Station Rd	76.8%	20	76.4%	22
Headcorn Road	92.4%	23	98.6%	29
A229	93.6%	34	97.7%	37

High Street				
Marden Road	94.0%	31	98.5%	25

- 6.41 Based on KHS objections, work has been carried out on potential improvements by the Council’s transport consultants and developers, based on an assessment of traffic in 2022, as these sites are anticipated to come forward over this period. The crossroads is relatively constrained by existing properties and third party land meaning that a wholesale re-design of the junction is not possible, as can be the case for rural junctions. As such, mitigation that maximise vehicular capacity whilst staying within the highway boundaries have been designed. These improvements (including a new crossing to the south) cost a total of approximately £277,100 which equates to £66,415 for this development.
- 6.42 The main change involves the footway on the southwest side of the junction (High Street arm) being removed to create an additional lane for traffic (creating a right turn) and changes to the stop line position with pedestrians routed via Chestnut Avenue. Consequently the crossing point here and bus stop would also be removed and relocated further south. On the Marden Road arm the stop line and crossing would be moved back slightly with the road widened, and a new footway would be provided to Chestnut Avenue. On the Headcorn Road arm the stop line and crossing would be moved back slightly. There would be no changes on the Station Road arm.
- 6.43 In addition, a comprehensive and robust Residential Travel Plan has been sought and submitted by the applicant in order to seek a 10% reduction in development traffic by 2022 (and also for the other sites). Management, monitoring, and review would be built into the Travel Plan over a 10 year period to seek to ensure the plan is working. This would be secured under the Section 106 agreement with a monitoring fee. Also proposed are mitigation measures targeting existing residents within the village should the 10% target not be achieved (at the developer’s expense). This would seek to achieve a 5% reduction covering the development and the wider village. The Travel Plan has been accepted by KHS.
- 6.44 Table 3 below illustrates the impact upon the junction if the physical changes outlined above were made (including the 10% reduction from Travel Plans). This shows that 1 arm would operate above desirable capacity (90%) in the AM peak and 3 arms in the PM peak but none above theoretical capacity (100%). The results largely show a reduced saturation of the junction and car que lengths in all but one case being reduced.

Table 3: The impact on the junction from all development traffic (with mitigation and 10% Travel Plan reduction in traffic) is shown in the table below:

Arms	AM		PM	
	Degree of Saturation (%)	Mean Max Queue (Cars)	Degree of Saturation (%)	Mean Max Queue (Cars)
A229 Station Rd	79.6%	20	89.1%	27
Headcorn Road	89.2%	23	93.5%	26
A229 High Street	90.0%	29	91.1%	20
Marden Road	90.4%	29	92.1%	22

- 6.45 KHS consider that this impact in terms of traffic/congestion would be severe, “as three of the four junction arms are shown to operate above practical capacity (90%).” It should be noted that KHS have provided advice on the results excluding Stanley Farm which are set out in Table 4 below. They did not raise any objections to traffic/congestion in this scenario and therefore set the threshold for traffic/congestion ‘severity’ at 90%. The implications for breaching the 90% level result in an increase in 1 additional car queuing on three arms in the AM, and 2 additional cars on one arm and 1 on another arm in the PM (as set out in Table 4 below). It is considered that this impact above 90% does not result in the traffic impact being severe and is therefore not sound grounds to refuse the application.
- 6.46 Again, Members may wish to know the model results with Stanley Farm traffic excluded which are shown below in Table 4. This shows all arms within desirable capacity (90%) and to which KHS raise no objections on traffic/congestion grounds. It is outlined again that the application is subject to an appeal and an Inspector could find the development acceptable so this is for illustration purposes. However, it is reiterated that even with Stanley Farm included, the impact with mitigation is considered to be acceptable from a traffic/congestion perspective.

Table 4: The impact on the junction from all development traffic excluding Stanley Farm (with mitigation and 10% Travel Plan reduction in traffic) is shown in the table below:

Arms	AM		PM	
	Degree of Saturation (%)	Mean Max Queue (Cars)	Degree of Saturation (%)	Mean Max Queue (Cars)
A229 Station Rd	78.0%	20	89.2%	27
Headcorn Road	87.8%	22	90.0%	24
A229 High Street	87.9%	28	86.6%	20
Marden Road	88.5%	28	89.1%	21

- 6.47 In terms of road user safety and convenience, as outlined above, the footway on the southwest side of the junction (High Street arm) would need to be removed to create an additional lane for traffic, and consequently the crossing point here and bus stop would also be removed. The mitigation scheme therefore provides for a new crossing and bus stop further south. KHS raise objection to this on safety grounds on the basis that pedestrians may still attempt to cross the High Street near the junction. However, a safety audit of the works to the crossroads also raised this issue but recommended that measures are incorporated to deter pedestrians crossing at this location, such as the installation of pedestrian guard rail and/or landscaping features. It is considered that a guard rail could be provided to overcome this issue and as such the KHS objection is not considered grounds to refuse planning permission for this application. As this issue can be resolved, this is certainly not considered to result in a 'severe' impact such to warrant objection to the development, this ultimately being the test within the NPPF.
- 6.48 Suggestions have been made to use the adjacent verge to the west of Station Road (in third party ownership) to provide a pavement which could potentially mean the crossing point could remain. Being in third party ownership, the applicant has no control of this land and therefore cannot ensure any proposals would be carried out. To impose such a condition would not be enforceable or reasonable and so would not pass the tests for planning conditions.
- 6.49 KHS have raised two other issues, firstly relating to assumptions made in terms of the number of cars that can wait to turn right without blocking through movements on Station Road and High Street, and secondly, the waiting time for pedestrians to cross at the traffic lights being over three minutes, which they consider could encourage more pedestrians to undertake uncontrolled crossing movements. Rather disappointedly, KHS only raised these matters under their latest set of advice (despite them being part of the modelling previously). The transport consultants for the adjoining 'Redrow' site have respond to these points and provided photographic evidence of 3 cars waiting and a car/van passing which vindicates this assumption. With regard to the waiting time, they advise that the signals operate under a MOVA

controller (software that responds to the demand on each arm) and they have observed that there are currently numerous examples of waiting times in the 3 to 4 minute range and the maximum (238 seconds) were noted to be utilised at some of the busiest periods. As such, the situation would be no worse than existing and this is not considered to be grounds to object.

- 6.50 Local representations have also raised objections on the basis that pedestrians, including those with disabilities, will be negatively affected by the changes. The main impact upon pedestrians will be from the removal of the crossing and pavement on the Station Road arm. For people walking east to west from Headcorn Road to reach Marden Road (and vice versa), this would mean potentially carrying out three crossings as opposed to one. For all other routes no additional crossing would be necessary. For those heading north or south on the west side of the crossroads, they would have to walk via Chestnut Avenue. This is not considered to be a significantly longer or less attractive route to use. It is acknowledged that the changes would make some routes slightly longer but this is not considered to warrant refusal of the planning application. For clarification, the latest proposals do not narrow any pavements that would remain.

Public Transport Improvements

- 6.51 In addition, in order to facilitate a traffic reduction and promote sustainable transport use by future residents and in line with the NPPF aim of managing pattern of development that facilitates the use of sustainable modes of transport and make the fullest possible use of public transport, improvements to the frequency of bus services and improvements to the train station would be secured.
- 6.52 Through negotiation, the bus operator 'Arriva' has committed to increase the frequency of services from hourly to half hourly with s106 funding to support this for the first 3 years of service. This would be at a cost of £146,300 per year and this would be divided between the outstanding developments within the village. For this development it would mean a financial contribution of £155,400. Bus stops are located with walking distance of the site meaning that future residents would utilise such improved bus services, and this would reduce reliance on the use of private motor vehicles.
- 6.53 With regard to the train station, 'Southeastern' have been working on a scheme of improvements to the station including a new forecourt and transport interchange, improving public and passenger facilities to the station frontage and on the approach to provide a safer and clearer route, and improved cycle parking facilities. The costs of the works has been assessed as being approximately £1.1million and would be divided between developments within the village equating to £264,365 for this development. This would be secured under the Section 106 agreement. In addition, a new pedestrian crossing on the A229 Station Road between Station Approach and Fishers Road would be secured which would provide a suitable link to the railway station.
- 6.54 These improvements to public transport would serve to promote sustainable travel for new residents in line with the NPPF, which encourages opportunities for sustainable transport modes to be taken up (para. 32), and such improvements would be in accordance with policy T23 of the Local Plan, policy H1(50) of the submitted Local

Plan and policy PW1 of the NHP. The scale of the contributions are reasonably related to the proposals and based on costs provided by 'Arriva' and 'Southeastern'. Accordingly, I am satisfied that the necessary legal and policy tests would be met.

- 6.55 Policy T3 of the Local Plan refers to the requirement, where necessary and appropriate, for public transport facilities within significant developments. In this case the site provides good access to existing public transport points, including through Headcorn Road and Pile Lane, and through a dedicated crossing on the A229, which is in accordance with policy T21 of the Local Plan and H1(50) of the submitted Local Plan.

Parking

- 6.56 In terms of parking provision, a total of 394 parking spaces would be provided for the 185 dwellings with a further 37 visitors parking spaces over the site. 578 cycle parking spaces are proposed. Across the site the proposed parking provision is either in accordance with KCC parking standards and in most instances parking provision is above KCC parking standards. Overall, the parking provision is considered to be acceptable and strikes the right balance between a sensible provision and providing a good quality design.

Off-site Highways Works (specific to this development)

- 6.57 Various off-site highways works are proposed and it is considered that these are necessary in the interest of safety, providing good connectivity with the local area, and promoting sustainable transport use. These include extending the 30mph speed limit and the provision of a gateway feature, along with coloured surfacing and signage in order to clearly mark the change in speed limit from 60 to 30 mph and provide a gateway feature into Staplehurst along Headcorn Road. It is also proposed to provide a new footpath / cycle path to the north of the site connecting to Fishers Road. The new route would be a surfaced and lit route and to promote a safe route for use in all weathers.
- 6.58 KHS have also raised the issue of surrounding road networks being used as an alternative route to access the A229. It is considered that a suitable head of terms for the s106 could be used to address this and which could require appropriate measures, if necessary, such as traffic calming. Any contribution would be pooled between relevant sites.
- 6.59 The NPPF states at paragraph 32,

"Plans and decisions should take account of whether:

- *The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *Safe and suitable access to the site can be achieved for all people; and*
- *Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be*

prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

- 6.60 In conclusion, there are no objections from KHS to the development itself. The development would provide a robust Travel Plan, and contribute towards improvements to the bus service and train station, involving a total financial contribution of £438,876. Based on this, significant improvements to public transport would be secured, safe access to the site is possible, and works to the crossroads would be funded to mitigate the cumulative impact of this development with others in the village, and safety issues raised could be overcome through the use of guard railing. This would serve to limit any significant impacts and any residual impacts are not considered to be severe subject to the mitigation, despite the view of KHS.

Community Infrastructure

- 6.61 A development of this scale is clearly likely to place extra demands on local services and facilities and it is important to ensure that the development can be assimilated within the local community. As such suitable contributions to make the development acceptable in planning terms can be sought in line with policy CF1 of the Local Plan and the Council's Open Space DPD.

- 6.62 However, any request for contributions needs to be scrutinised, in accordance with Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criterion that sets out that any obligation must meet the following requirements: -

It is:

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

*And

A planning obligation (“obligation A”) may not constitute a reason for granting planning permission to the extent that—

- (a) obligation A provides for the funding or provision of an infrastructure project or type of infrastructure; and*
- (b) five or more separate planning obligations that—*
 - (i) relate to planning permissions granted for development within the area of the charging authority; and*
 - (ii) which provide for the funding or provision of that project, or type of infrastructure have been entered into before the date that obligation A was entered into.*

- 6.63 *This section came into force on 6th April 2015 and means that planning obligations cannot pool more than 5 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010).

- 6.64 The following contributions have been sought:

- 6.65 For primary education provision, £573,714.31 sought towards the Phase 2 of the Headcorn Primary School new expansion and site enlargement is sought. A contribution of £95,920.15 is also sought towards the cost of acquiring additional land to accommodate the expansion of Headcorn PS. The question as to why monies are being diverted to Headcorn and not Staplehurst has been raised. KCC have advised that, *“there are strong links between Staplehurst and Headcorn in terms of educational demand. Staplehurst PS currently has a surplus of places which will diminish over coming years and is not enough to accommodate the full effect of development in Staplehurst, Headcorn PS does not have a current surplus. The nature of Staplehurst PS is such that an expansion would yield an increase of 105 places across all year groups, the expansion of Headcorn PS will yield 210 pupil places. The expansion of Headcorn PS by 1FE for September 2017 will act as strategic response to the growth in Headcorn and Staplehurst. Staplehurst PS is also likely to need additional places in the medium term as the existing surplus capacity is diminished; at that point development contributions in the area will likely be directed to Staplehurst.”*
- 6.66 For secondary education £365,769.00 is sought towards the Phase 1 expansion of Cornwallis school to address the increased impact the development would have.
- 6.67 For youth equipment, £1596.78 is sought for the new residents of this development towards equipment to expand the range of youth focused activities able to take place in Staplehurst by KCC’s commissioned youth worker.
- 6.68 For libraries, £8882.93 sought to be used to address the demand from the development towards additional bookstock (supplied to Staplehurst Library).
- 6.69 For community learning, £5678.88 is sought towards the cost of additional equipment required within the village, to mitigate the impact of the additional attendees.
- 6.70 In terms of healthcare, the NHS are seeking a contribution of £157,068 towards extension, refurbishment and/or upgrade of Staplehurst Health Centre, which is considered acceptable to mitigate the increased impact on the centre. This is a higher level than requested at the adjoining site due to the fact that more four and five bedroom houses are being proposed on this site. The NHS calculate the contribution using the predicted number of future occupants rather than the number of houses proposed.
- 6.71 In terms of open space, the development would provide approximately 3.49ha. Of this, approximately 80% will be maintained and enhanced natural/semi-natural space due to ecological requirements and retaining landscape features. A LEAP is proposed on the western boundary adjacent the proposed Bovis site. A trim trail would also be incorporated into the site. POS has advised that in accordance with Fields in Trust guidelines that a development of this size should provide (as a minimum) an onsite LEAP and a LAP. In the absence of a LAP POS has requested a financial offsite contribution towards existing facilities in the immediate area. In this instance POS request £78.75 per dwelling (total = £14,568.75) towards the improvement of existing play facilities at the site known as Lime Trees, which is considered acceptable to mitigate the impact of the development.

- 6.72 It is considered that the requested contributions are sufficiently justified to mitigate the additional strain the development would put on these services and comply with policy CF1 of the Maidstone Borough-Wide Local Plan (2000), policy PW1 of the NHP where relevant, and the CIL tests above.
- 6.73 The above contributions are sufficiently justified to mitigate the additional strain the development would put on these services and comply with policy CF1 of the Maidstone Borough-Wide Local Plan (2000), Open Space DPD, policy PW1 of the NHP where relevant, and the CIL tests above.
- 6.74 Requests for contributions towards the youth centre, village centre, feasibility studies for retail opportunities in the village, and broadband have been raised by the Parish Council and Cllr Brice. In terms of the youth centre, KCC have secured monies to youth services. In terms of the village centre there is no detailed evidence of the specific expansion or works that are required as a result of this development, detailed proposals or costs, and so at present any request for monies would not pass the legal tests. With regard to retail development in the village, this is not necessary to make the development acceptable. In terms of broadband standards, the development cannot be expected to solve a perceived existing problem.

Drainage & Flood Risk

- 6.75 Southern Water has advised that there is insufficient capacity in the local network to accommodate the development but have raised no objections stating that improvements can be secured under the Water Industry Act. The applicant has been liaising with Southern Water regarding capacity of the existing public network. Should capacity not be available it would be necessary to upgrade the public sewer system accordingly under the Water Industries Act. A condition will be attached to ensure sufficient foul sewerage is provided through the Water Act and consultation with SW.
- 6.76 In terms of surface water and flood risk, a Flood Risk Assessment (FRA) and Surface Water Management Strategy have been submitted. The site does not fall within a high risk flood area and as such the development is not at risk from river flooding. There is some risk from surface water flooding and the development proposes a Sustainable Urban Drainage scheme (SUDs) to deal with surface water drainage to ensure the run-off rates would not exceed the current situation. It is outlined that given the poor permeability of ground conditions across the site the potential for infiltration of surface water is considered unsuitable and based on the ditches and ponds present it is proposed to discharge surface water from the development to these existing features which are to be retained. Following the submission of further drainage information KCC Lead Local Flood has advised that surface water could be managed within the site subject to suitable conditions. The EA raise no objections on flood risk or environmental grounds.

Ecology

- 6.77 Ecological surveys have been carried out and identified the following were present within the site:
- Reptiles

- Great crested newts
- Breeding Birds
- Features suitable for roosting bats

- 6.78 KCC Ecology has advised that sufficient ecology information has been provided to determine the planning application.
- 6.79 Some 15 trees on the site were deemed suitable for roosting bats and roosts were found in one tree. All these trees would be retained so no emergence surveys have been requested. An external lighting condition could be attached to ensure light spillage would not have a harmful impact on bat migration, or the character of this rural location.
- 6.80 The ecology report advises that terrestrial habitat on-site and to the immediate west is likely to be of great significance in terms of sustaining the resident GCN populations. The grassland fields within the site currently provide sub-optimal reptile habitat but a 'good' population of slow-worms and 'low' populations of viviparous lizards and grass snakes were recorded around the field boundaries and suitable habitat adjacent to ponds.
- 6.81 In terms of GCN and reptiles, all the existing ponds within the site would be retained and enhanced. The proposal is to retain a majority of the existing hedgerows within the site which act as green corridors and green spaces essentially as the receptor site for GCN and reptiles. Where existing hedge/tree lines would be broken in places to provide roads, culverts and tunnels are proposed to maintain connectivity and wildlife friendly kerbs would be installed. Additional and enhanced habitat would be created through semi-natural spaces / pond habitats throughout the site, wildflower grassland creation, shrub and hedgerow planting / reinforcement linking to existing hedgerow and wildlife corridors.
- 6.82 Ecological mitigation and biodiversity enhancements incorporated into the open spaces, wildlife corridors and pond areas within the site would satisfy criterion three subject a detailed mitigation, enhancement and management strategy for the open spaces being secured by condition.
- 6.83 KCC has raised no ecology objections subject to conditions to secure an appropriate level of mitigation and future management.

Residential Amenity

- 6.84 It is considered that the houses would be positioned a sufficient distance from any existing and proposed properties bordering the site so as not to cause any unacceptable loss of privacy, outlook or light. The proposal is for housing development which is clearly a compatible use with nearby residential use within Staplehurst and the adjoining Bovis scheme. It is also considered that the new properties would benefit from sufficient amenity standard in terms of privacy, outlook, light and house and garden sizes.
- 6.85 The dog training facility to the east of Pile Lane is likely to cause some noise disturbance for future occupants, however, this neighbouring use is not considered to be so incompatible with the proposed residential development to warrant refusal on

future amenity grounds. Headcorn Road to the south and the railway line to the north would impact on the future occupants. In this regard the noise assessment concludes that some mitigation for houses near the two boundary roads and the railway line will be required including passive ventilation to enable cooling without opening windows and the EHO has recommended conditions to cover this point.

- 6.86 The railway line would separate the development from the sewerage works to the north. Further, the proposed housing development would be located no closer to the sewerage plant than the recently approved scheme for 9 houses (15/506021/FULL). The EHO has raised no objections overall but has that the sewage works may give rise to odours being experienced by residences on part or all of the site. The site is significantly outside the current air quality management area.
- 6.87 Pedestrian and cycle connections to the west would result in increased use of local roads in the village and introduce residents walking to the front and side of properties, however, this is not considered to result in any unacceptable impact upon amenity.

Other Matters

- 6.88 Affordable housing is proposed at 40% in line with the 2006 DPD and emerging policy. The housing mix in terms of tenure and size and suitability of starter homes is the subject of ongoing discussions between the developer, local housing provider and MBC Housing department to ensure an appropriate mix of affordable housing is delivered on site. If Members are minded to grant permission the outcome of these discussions will form the affordable mix in the S106.
- 6.89 Conditions could suitably deal with archaeology and contaminated land. It is considered that the travel plan and proposed public transport improvements are sufficient measures to limit any impact upon air quality. In terms of agricultural land loss, there is a mix of partly 3a (good quality, within the best and most versatile category) and partly 3b (moderate quality not within the best and most versatile category). The Council's advisors states that, "in practice the interplay of the Grade 3a and Grade 3b within the fields concerned, the irregularly shaped and fairly small fields bounded by hedgerows, and the presence of various ponds, tends to limit the potential for any more intensive use of the land than use for grass, which appears to have been the practice for many years. Thus it may be that as part of the overall Planning balance, the issue of loss of agricultural land under this scheme should be afforded relatively little weight." Based on this I do not consider this is grounds for an objection to the application.
- 6.90 Other matters raised, where relevant to planning, have been addressed in the relevant sections in the main report.
- 6.91 A separate Screening Opinion has been adopted by the Council for the application where it has been concluded that the development would not have significant environmental effects in the context of the EIA Regulations alone or cumulatively with other developments, would not be of more than local importance, and any environmental implications from the development would not be so significant or wide-ranging so as to warrant an EIA. Therefore it is not considered that an EIA is

required for this application in light of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).

7.0 CONCLUSION

- 7.01 The proposed development is contrary to policy ENV28 in that it represents housing development outside a settlement boundary in the Local Plan. However, the draft MBLP evidence base identifies objectively assessed needs for additional housing over the plan period 2016-2031, which the draft MBLP addresses, in part, by way of site allocations for housing sites outside existing settlement boundaries. The existing settlement boundaries defined by the adopted Local Plan (2000) will be revised by the MBLP to deliver the development necessary to meet identified needs in accordance with the site allocations in draft MBLP policies and H1. In this instance the weight attached to ENV28 should be reduced due to the allocation of the site in the emerging Local Plan under policy H1 (50).
- 7.02 There would be some impact upon the landscape (and thus conflict with the countryside protection element of policy ENV28) but this would be limited and localised and is considered to result in low environmental harm. However, this is a factor that weighs against the development.
- 7.03 In favour of the development, the site is considered to be at a sustainable location adjacent the settlement boundary of Staplehurst in the Local Plan, which offers a good range of facilities and services. The works to the crossroads would mitigate the traffic impact of the developments cumulatively in the village and highway safety matters can be overcome. Improvements to the bus and train services within the village and a Travel Plan would be secured in accordance with the NPPF. Appropriate community infrastructure would be provided and affordable housing at 40%. Drainage issues have been fully considered and mitigation for the development could be achieved and secured by condition. There are no objections from the Environment Agency in terms of flooding or the LLFA in terms of surface water drainage. There are no ecology objections or any other matters that result in an objection to the development.
- 7.04 In accordance with advice in the NPPF, there are three dimensions to sustainable development giving rise to the need for the planning system to perform environmental, economic and social roles. It is considered that the development would provide economic benefits through delivering houses, associated construction jobs, and the likelihood of local expenditure (economic benefits commonly recognised by Inspectors at appeal). It is considered that there would be social benefits through providing much needed housing, including affordable housing, community infrastructure, and I do not consider the impact upon existing resident's amenity would be harmful. There would be some impact upon the landscape but this would be limited and localised and so is considered to result in low environmental harm. There would be no other significant harm to the environment. As such, it is considered that the development would perform well in terms of economic, social and environmental roles required under the NPPF.
- 7.05 All representations received on the application have been fully taken into account. Balancing matters, it is considered that the low level of landscape harm caused by the development is outweighed by the economic and social benefits of providing

much needed housing, including affordable housing, at a sustainable location, including at a location identified in the emerging Local Plan and Neighbourhood Plan. As such, it is considered that compliance with policy within the NPPF is sufficient grounds to depart from the adopted Local Plan and it is recommended that permission is granted subject to conditions and a legal agreement as set out below. Delegated powers are sought to finalise the terms of the legal agreement.

8.0 RECOMMENDATION

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

- The provision of 40% affordable residential units within the application site.
- Financial contribution of £573,714.31 towards the Phase 2 of the Headcorn Primary School new expansion and site enlargement.
- Financial contribution of £95,920.15 towards the cost of acquiring additional land to accommodate the expansion of Headcorn Primary School.
- Financial contribution of £365,769.00 sought towards the Phase 1 expansion of Cornwallis school.
- Financial contribution of £264,365 towards train station improvements at Staplehurst Station.
- Financial contribution of £155,400 towards bus service enhancements to increase the frequency of services through Staplehurst village.
- Financial contribution of £68,415 towards junction improvements at the A229/Headcorn Road/Marden Road junction.
- Financial contribution of £1,596.78 towards youth equipment (supplied to Youth Workers and organisations covering Staplehurst).
- Financial contribution of £5678.88 is sought towards community learning and the cost of additional equipment required in the village.
- Financial contribution of £8,882.93 towards libraries to address the demand from the development towards additional bookstock (supplied to Staplehurst Library).
- Financial contribution of £157,068 towards extension, refurbishment and/or upgrade of Staplehurst Health Centre.
- Financial contribution of £14,568.75 towards the improvement of existing play facilities at the site known as Lime Trees.
- The provision of a Residential Travel Plan to aim to achieve a 10% reduction in development traffic flows covering a 10 year monitoring period, and to include monitoring costs.

- Annual monitoring and reporting of the effect of displaced traffic on highway routes surrounding the site (“rat-running” monitoring).
- A financial contribution towards suitable mitigation measures to combat any significant adverse traffic flow conditions as may be established by the monitoring exercise to be conducted.

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 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 any development above damp proof course level, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces shall be 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 be carried out in accordance with the boundary treatments as shown on drawing nos. 2580-65C and 2580-66C dated November 2015 and shall be implemented before the first occupation of the building(s) or land and maintained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

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

4. No physical boundary treatments shall be erected along any part of the western boundary of the site (excluding any temporary structures during construction).

Reason: To ensure appropriate connectivity.

5. No development above damp proof course level shall take place until measures to prevent parking on landscaped/amenity areas and any measures to enclose ponds 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 and in the interest of safety.

6. Prior to any development above damp proof course level details of 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 during the course of development in the form of a Tree Protection Plan undertaken by an appropriately qualified party in accordance with BS5837:2012 and a programme for the approved scheme's implementation and long term management, shall be 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 2012 and shall include details of the repair and retention of existing hedgerows and tree lines within the site;

The implementation and long term management plan shall include long term design 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 and a high quality of design,

7. The 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.

8. 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 incorporate details appropriate to the construction operations being undertaken and shall include, but not be limited to, a working methodology/phasing for operations with the Root Protection Area (RPA) of any retained tree; consideration of the location and installation of services and drainage; a programme of site monitoring and arboricultural supervision if appropriate; a detailed schedule of precommencement tree works and; a revised Tree Protection Plan showing the design and location of fencing and/or ground protection necessary to ensure all retained trees can be successfully integrated within the permitted scheme.

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 a satisfactory external appearance to the development.

9. No development shall take place (including any demolition, ground works, site clearance) until an ecological mitigation strategy has been submitted to and been approved in writing by the local planning authority. The content of the strategy shall accord with the principles of the Ecological Appraisal Rev A (and Appendices), as clarified in the Response to Kent County Council Ecological Advice Service and shall include the:

- a) Identification of ecological impacts, informed by updated ecological surveys where necessary;
- b) Purpose and ecological objectives for the proposed works;
- c) Practical measures (both physical measures and sensitive working practices) necessary to achieve stated objectives (may be provided as a set of method statements);
- d) Extent and location of proposed works, shown on appropriate scale maps and plans;
- e) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- f) Persons responsible for implementing the works, including times when specialist ecologists need to be present on site to oversee works;

The works shall be carried out in accordance with the approved details, unless varied by a European protected species mitigation licence subsequently issued by Natural England. In the interests of securing the maximum benefit for biodiversity, any variation of the agreed mitigation required by Natural England must not result in the reduction of the quality or quantity of mitigation/compensation provided.

Reason: In the interest of ecology and biodiversity enhancement.

10. No development shall take place until a Landscape and Ecological Design and Management Plan, in accordance with the principles contained in the Outline Landscape and Nature Conservation Management Plan Rev A, has been submitted to and been approved in writing by the local planning authority.

The Landscape and Ecological Design and Management Plan shall include the following:

- a) Purpose and conservation objectives for the proposed habitat creation and enhancements;
- b) Detailed design to achieve stated objectives;
- c) Extent and locations of proposed works on appropriate scale plans;
- d) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) Description and evaluation of features to be managed;
- f) Aims and measurable objectives of management;
- g) Appropriate management prescriptions for achieving aims and objectives;
- h) Preparation of a work schedule for the duration of the plan;

- i) Ongoing habitat and species monitoring provision against measurable objectives;
- j) Procedure for the identification, agreement and implementation of contingencies and/or remedial actions where the monitoring results show that the objectives are not being met;
- k) Details of the body/ies or organisation/s responsible for implementation of the plan.

The Landscape and Ecological Design and Management Plan shall also include details of the legal and funding mechanism by which the short and long-term implementation of the Management Plan will be secured by the developer with the management body responsible for its delivery. The approved Plan will be implemented in accordance with the approved details.

Reason: To ensure a high quality design, appearance and setting to the development, and to protect and enhance biodiversity.

11. The development shall not commence until details of measures to enhance biodiversity have been submitted to and approved in writing by the Local Planning Authority and shall include the following:
- a) Swift bricks and bat boxes integral to buildings
 - b) Bird and bat boxes throughout the site
 - c) Wildlife friendly gullies
 - d) Retention of cordwood on site

Reason: To protect and enhance biodiversity.

12. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. The parking of vehicles of site operatives and visitors
 - ii. Loading and unloading of plant and materials
 - iii. Wheel washing facilities
 - iv. Measures to control the emission of dust and dirt during construction
 - v. A scheme for recycling/disposing of waste resulting from demolition and construction works
 - vi. Provision of measures to prevent the discharge of surface water onto the highway.

Reason: In the interest of highways safety.

13. Prior to the occupation of the building(s) hereby permitted, a minimum of one electric vehicle charging point shall be installed at every residential dwelling with dedicated off street parking, and shall thereafter be retained for that purpose.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 35 of the NPPF.

14. The vehicle parking spaces and/or garages and vehicle loading/unloading and turning facilities shown on the submitted plans shall be permanently retained for parking and turning and shall not be used for any other purpose.

Reason: In the interest of highways safety and parking provision.

15. No occupation of the development hereby permitted shall take place until the following off-site highways improvements have been made in full. Full details shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highways Authority:

- (a) Extension of the existing 30mph speed limit and the associated gateway treatment to the east along Headcorn Road.

- (b) Provision of a new footpath / cycle path to the north of the site connecting to Fishers Road.

Reason: In the interests of highway safety.

16. The occupation of the development hereby permitted shall not commence until specific details of connections to the adjoining housing site including pedestrian and cycle links (in the event the adjoining housing site has been implemented), or a scheme of landscape following the principles of condition 15 (in the event that it has not) 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: To ensure appropriate connections and in the interested of visual amenity.

17. Details of foul water drainage, which shall include details of on-site drainage and off-site improvements to the local network, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water prior to the occupation of the development. The approved details shall be implemented in full prior to the first occupation of the development.

Reason: In the interest of pollution and flood prevention.

18. Development shall not commence until a detailed surface water drainage strategy for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based on the Flood Risk Assessment (November 2015) and Drainage Strategy Drawing No 14-030-008 (March 2016) prepared by C&A Consulting Engineers. It shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated with any offsite discharge limited to either QBAR or greenfield runoff rate as approved by the Local Planning Authority. The detailed drainage design will also provide details of any works on the existing drainage system, including ditches, proposed headwalls, and ponds to be approved by the Local Planning Authority.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions

19. Development shall not begin until a construction phasing plan of the surface water drainage scheme has been submitted to (and approved in writing by) the local

planning authority. This phasing plan must be coincident with the appropriate phases of development and must include:

- a) A description of any temporary works to provide for uninterrupted surface flow during construction within the existing drainage systems which cross the site; and,
- b) A description of erosion and sediment control measures to protect the capacity of the existing drainage system and ensure that water quality of the surface water flows which leave the site are not contaminated by sediment or other pollutants.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

20. No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the drainage measures, including permeable pavement, ditches, ponds and all outfalls, have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

21. 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.

22. No building hereby permitted shall be occupied until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter alia, details of measures to shield and direct light from the light sources so as to prevent light pollution 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

23. Prior to the commencement of development above damp proof course level details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be

implemented in accordance with the approved details and all features shall be maintained thereafter;

Reason: To ensure an energy efficient form of development.

24. If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

d) Confirmation and evidence that the specified radon protection has been installed in applicable areas.

Reasons: In the interest of health and safety

25. Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in back garden and other relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reasons: In the interest of health and safety

26. Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:

i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a 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.

27. No occupation of the development hereby permitted shall take place until details of a scheme for the preparation, laying out and equipping of the play/amenity area, and its on-going maintenance have been submitted to and approved in writing by the Local Planning Authority. The facility shall be completed in accordance with the approved details prior to the first occupation of the development.

Reason: To provide open space to contribute to meeting the recreational needs of prospective occupiers.

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

2580-10-A; dated 27.11.2015, 2580-11-D; dated 06.06.2016, 2580-12-C; dated 02.03.2016, 2580-13-B, 2580-14-B, 2580-15-B, 2580-16-B, 2580-17-B, 2580-18-B, 2580-19-B, 2580-20-B, 2580-21-B, 2580-22-B, 2580-23-B, 2580-24-B, 2580-25-B, 2580-26-B, 2580-27-B, 2580-31-B, 2580-32-B, 2580-34-B, 2580-35-B, 2580-37-B, 2580-38-B, 2580-39-B, 2580-41-B; dated 24.02.2016, 2580-28-A, 2580-29-A, 2580-30-A, 2580-33-A, 2580-36-A, 2580-42-A, 2580-43-A, 2580-44-A, 2580-45-A, 2580-46-A, 2580-47-A, 2580-48-A, 2580-57-A, 2580-59-A, 2580-60-A; dated 27.11.2015, 2580-49-C, 2580-50-C, 2580-51-C, 2580-52-C, 2580-53-C, 2580-54-C, 2580-55-C, 2580-56-C, 2580-58-C, 2580-61-C, 2580-62-C, 2580-63-C, 2580-64-C, 2580-65-C, 2580-66-C, 2580-67-C, 2580-68-C, 2580-69-C; dated 02.03.2016, 2580-70-D, 2580-71-C, 2580-72-A; dated 06.06.2016

And the following supporting documents:

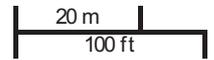
Ecological Appraisal by Liz Lake Associates; dated November 2014, Liz Lake Associates Ecology Advise (ref: 15/510186; dated March 2016, Design and Access Statement by bdb; dated October 2015, Design and Access Statement by bdb; Addendum February 2016, Archaeological Desk Based Assessment and Hedgerow Survey by Cgms; dated November 2015, Flood Risk Assessment & Surface Water Drainage Strategy and Foul Drainage & Services Appraisal by C&A; dated November 2016, Geo-environmental Report by RSK; dated November 2016, Noise, Vibration & Air Quality Assessment dated November 2015 and Planning Statement by Judith Ashton Associates, Transport Assessment by C&A dated October 2015, Tree Survey, Arboricultural Impact Assessment dated 1 December 2015.

Reason: For the purpose of clarity and to ensure a satisfactory appearance to the development and a high quality of design.

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.

Agenda Item 18



REPORT SUMMARY

REFERENCE NO - 16/503786/OUT		
APPLICATION PROPOSAL Outline (No matters reserved) - Provision of a new access driveway to Barming Water Tower from driveway of No. 80 Rede Wood Road comprising demolition of existing garage and construction of a new drive across rear garden of No 80; Construction of new single garage at rear; Extension of existing driveway to Water Tower		
ADDRESS Barming Water Tower North Pole Road Barming Kent ME16 9ER		
RECOMMENDATION		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development, subject to imposition of the recommended conditions, is considered to comply with the policies of the Development Plan (Maidstone Borough Wide Local Plan 2000) and there are no overriding material planning considerations justifying the refusal of planning permission.		
REASON FOR REFERRAL TO COMMITTEE Contrary to the views of Barming Parish Council		
WARD Barming	PARISH/TOWN COUNCIL Barming	APPLICANT Mr Grant Savell AGENT
DECISION DUE DATE 12/07/16	PUBLICITY EXPIRY DATE 23/06/16	OFFICER SITE VISIT DATE 09/06/16

MAIN REPORT

1.0 SUMMARY

1.01 Consideration of this application was deferred by the Planning Committee its meeting on the 15th September 2016 (report attached as **APPENDIX 1**) for additional details to be provided to address the following matters being:

- Landscaping to soften the impact of the acoustic fence;
- Access track surfacing materials;
- Closing up and landscaping of existing byway access;
- Preservation of ecological networks (gaps under fencing and hedgerow links); and
- Other potential enhancements to overcome harm to residential Amenity.

1.02 The applicants have sought to address the above by the following means:

- Landscaping involving planting laurel hedges on the inside of the acoustic fence and on the opposite side of the driveway for an average distance of 11 metres back into the site to screen the proposal from Rede Wood Road.

- The first 12 metres of the proposed access road when viewed from Rede Wood Road shall be surfaced with a perforate plastic grid which will be seeded allowing grass to grow between the mesh with the remaining length of road to having a permeable surface.
- The intention remains to close off the existing access by carrying across the existing fence with planting behind the fence.
- As the existing boundary fence with 82 Rede Wood Road is to remain the proposed acoustic fence will be sited 0.2 metres back from this to allow for a corridor along which hedgehogs can gain access. The proposed acoustic fence and new length of fence defining the reduced garden area of 80 Rede Wood Road will each have two openings 15x15cms square.

2.0 APPRAISAL

- 2.01 The proposed landscaping/screening of the access entrance and fencing with laurel, (being a robust and quick growing evergreen) will it is considered secure the aim of softening the impact both of the acoustic fence. Surfacing of the first 8-10 metres of the access with a mesh enabling grass to grow will also further soften the visual impact on the street scene.
- 2.02 The existing access will be closed by carrying the existing fence line across. Though no precise landscaping details have been submitted a condition requiring native species planting will address this.
- 2.03 Regarding measures to address ecology concerns, existing boundary treatments currently make no provision to enable wildlife to cross from one garden area to another. The existing boundary fence with 82 Rede Wood Road is to be retained as this does not fall within the applicants ownership/control meaning any measures to secure permeability for wildlife must be carried out within the application site.
- 2.04 To secure access for wildlife around the existing impermeable boundary fence a corridor is proposed with the acoustic fence being set 0.2 metres away from the existing boundary fence. The acoustic fence will have two openings each 15cms square which is slightly in excess of the size recommended by the British Hedgehog Preservation Society, to enable access by hedgehogs with a further two openings of the same size in the fence on the opposite side of the road. It is considered this combination of wildlife corridor and fence openings is sufficient to address wildlife permeability concerns

3.0 CONCLUSION

- 10.01 It is considered the package of measures proposed address Members outstanding concerns and it is recommended that planning permission be granted as a consequence.

4.0 RECOMMENDATION – GRANT Subject to the following conditions:

- (1) The development hereby permitted shall be begun before the expiration of two years from the date of this approval.

Reason: To accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

- (2) Within 1 month of completion of the access hereby approved the existing gates shown to be replaced on drawing no:GFSRD04 rev E shall be replaced with fencing to match the existing and the access shall be permanently closed off. In addition a native species hedgerow shall be planted carried out to the rear of the fence within the first available planting season following completion of the fence. Any planting becoming dead, dying or diseased within 5 years shall be replaced with a specimen of the same species and in the same location.

Reason: In the interests of amenity.

- (3) Prior to the commencement of the development hereby approved details of the height, design and construction of an acoustic fence shown to be sited between points A and B on drawing no:GSFRDO4 rev E shall be submitted for prior approval in writing by the Local Planning Authority. The approved details shall be in place before first use of the access hereby permitted and retained as such at all times thereafter.

Reason: In the interest of aural amenity.

- (4) Before the development hereby approved commences details of the construction of a 'no dig' water permeable surfacing (which shall be accompanied by an Arboricultural Method Statement in accordance with BS5837) for where the approved access abuts the Lombardy poplars situated in the water tower site shall be submitted for prior approval in writing of the Local Planning Authority. The access shall only be constructed in accordance with the approved details.

Reason: To ensure that existing trees are not adversely affected by the development in the interests of visual amenity.

- (5) The laurel hedge planting shown on drawing no:GFSRD04 rev E shall be carried out within the first available planting season following commencement of the development hereby approved. Any planting becoming dead, dying or diseased within 5 years shall be replaced with a specimen of the same species and in the same location.

Reason: In the interests of visual amenity.

- (6) Prior to first use of the access hereby permitted two opening 15 cms square shall be made at ground level in the acoustic fence and two openings 15 cms square shall be made at ground level in the fence redefining the reduced garden area of 80 Rede Wood Road. The openings shall remain free of any impediment to their intended use at all times thereafter.

Reason: In the interests of wildlife protection.

- (7) The driveway hereby approved shall be surfaced as shown on drawing no:GFSRD04 rev E i.e. that part closest to Rede Wood Road shall be surfaced with a plastic grid with soil infill and a grass surface with the remainder surfaced with a water permeable material. The approved measures shall be put in place before first use of the driveway hereby approved and maintained as such at all times thereafter.

Reason: In the interests of visual amenity.

- (8) The development hereby approved shall be carried out in accordance with the following approved plans being drawing nos: GFSRD01- 03 (consec), 04 rev E showing the siting of the acoustic fence, 05 rev C, 06 and 07.

Reason: In the interests of amenity.

Note to Applicant

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

Offering a pre-application advice

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, following amendment, acceptable as submitted.

Case Officer: Graham Parkinson

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

REPORT SUMMARY

REFERENCE NO - 16/503786/OUT		
APPLICATION PROPOSAL Outline (No matters reserved) - Provision of a new access driveway to Barming Water Tower from driveway of No. 80 Rede Wood Road comprising demolition of existing garage and construction of a new drive across rear garden of No 80; Construction of new single garage at rear; Extension of existing driveway to Water Tower		
ADDRESS Barming Water Tower North Pole Road Barming Kent ME16 9ER		
RECOMMENDATION		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development, subject to imposition of the recommended conditions, is considered to comply with the policies of the Development Plan (Maidstone Borough Wide Local Plan 2000) and there are no overriding material planning considerations justifying the refusal of planning permission.		
REASON FOR REFERRAL TO COMMITTEE Contrary to the views of Barming Parish Council		
WARD Barming	PARISH/TOWN COUNCIL Barming	APPLICANT Mr Grant Savell AGENT
DECISION DUE DATE 12/07/16	PUBLICITY EXPIRY DATE 23/06/16	OFFICER SITE VISIT DATE 09/06/16

MAIN REPORT

1.0 SITE DESCRIPTION:

- 1.01 The application site is occupied by detached dwelling fronting Rede Wood Road to the north of which and standing in its own enclosed garden area is a former water tower now converted to a dwelling.
- 1.02 The site lies within the built confines of Barming.

2.0 RELEVANT PLANNING HISTORY:

- 2.01 MA/00/1573: Conversion of redundant water tower to 1 no. residential Dwelling-APPROVED
- 2.02 MA/03/0633: Erection of double garage – APPROVED

PROPOSAL

- 2.01 When planning permission was granted for conversion of the water tower to a dwelling access to it was shown to be gained via an unmade track through woodland.
- 2.02 Outline planning permission is sought with no matters reserved to provide a much shorter route to the water tower dwelling by providing access off the cul de sac head at the end of Rede Wood Road. In effect detailed planning permission is therefore being sought. This involves constructing a new track within the confines of 80 Rede Wood Road (80) over 40 metres in length running along the boundary with 82 Rede Wood Road (82) abutting the site to the west.
- 2.02 This new road will also provide access to 80 and involves demolition of the existing garage abutting 80 along with providing a replacement single garage in the rear garden. The garden of 80 will be separated by 6 foot high fencing running the length of the access before the proposed access enters the water tower site to connect with existing turning area serving the water tower dwelling. The existing access to the woodland track will then be closed off by fencing.
- 2.03 The following has been submitted in support of the application:
- Many firms currently refuse to deliver along the bridleway and even if they are prepared to anything much larger than a transit cannot get past trees overhanging the lane.
 - Only managed to get the septic tank emptied a short while ago after trees coppiced at the bottom of the lane
 - As lane not in the applicant's ownership overhanging trees will continue to be a problem possibly interfering with refuse vehicles access to the site.
 - Security is also an issue with 11 reported incidents of theft and vandalism mainly due to easy access into site from adjoining track. Closing off the access onto the track will help to make the site more secure.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF):
National Planning Practice Guidance (NPPG):
Development Plan: ENV6
Submission version of draft local plan policy DM1

4.0 LOCAL REPRESENTATIONS

- 4.01 4 properties notified – 1 objection received which is summarised below:
- Development not justified - there is already a perfectly adequate access route to the water tower.
 - Rede Wood Road is a residential road and cul-de-sac and to allow this application would effectively give an access route at the end of the road, alongside 82 Rede Wood Road onto the existing access road to the water tower.
 - Will result in excessive noise, a lack of privacy and an increase in traffic directly alongside adjoining property.
 - Result in harm to the free flow of traffic and highway safety.
 - One or more trees may well have to be felled to make room for the new access road.
 - The proposal will detract from the area.

5.0 CONSULTATIONS

5.01 **Barming Parish Council:** Objects on the following grounds:

- The impact on this quiet cul-de-sac would be detrimental to the local amenity and would be jarring to the existing design of the street scene.
- Creating an additional driveway and the consequent additional vehicle movements would impede the turning circle and vehicular use of the hammer-head, for which it was not designed.
- Will lead to a loss of parking space at No.80.
- Will create vehicular intrusion and negative impact upon the enjoyment of neighbouring gardens, and be out of character of the immediate area.

5.02 **Kent Highways:** No comment as proposal does not meet criteria for highway authority involvement.

5.02 **Tonbridge and Malling Borough Council:** No objection

5.03 **KCC Archaeology:** No objection

6.0 BACKGROUND PAPERS AND PLANS

6.01 The development proposals are shown on drawing numbers GFSRD01- 7 (consec)

7.0 APPRAISAL

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. In this case the Development Plan comprises the Maidstone Borough-Wide Local Plan 2000.

7.02 The key issues in connection with this application are considered to be (a) impact on the character and layout of the area (b) impact on the outlook and amenity of adjoining properties and (c) highway considerations.

Impact on character and layout of area:

7.03 There is already an existing shared access onto Rede Wood Road serving 80 and 82 and the proposed access track is essentially a continuation of this along the side boundary with 82 up to the boundary with the water tower site.

7.04 Concerns have been raised that the proposal will have an adverse impact on the appearance of the street scene and character of the area. However removal of the existing flank garage serving 80 and continuation of the track along the flank boundary with 82, given the existing width of the shared access onto Rede Wood Road, will result in little material change to the street scene or character or appearance of the area.

7.05 The other elements of the proposal being the erection of gates, 6 foot high fencing to separate the access track from the remaining garden area of 80 and replacement detached garage in the rear garden of 80, being to the side or rear of the property, will also have minimal material impact on the character or layout of the area.

Impact on the outlook and amenity of adjoining properties:

- 7.06 The property most affected by the proposal is 82 abutting the western boundary of the application site. Concerns have been raised that the proposal will result in the loss amenity to 82 due to noise, disturbance and loss of privacy.
- 7.07 Dealing with first with noise and disturbance, this will mainly arise from vehicles entering or leaving the site which in connection with a single dwelling will result in only a small number of vehicle movements. There is an existing boundary fence between 80 and 82 which will be supplemented by an imperforate acoustic fence which should mitigate noise breakout while preventing cars being visible from 82. Regarding loss privacy again the presence of the boundary fence will prevent this from occurring.
- 7.08 Regarding any harm to the amenity of 80 the proposed internal fencing to the access road will also safeguard the aural and visual amenity of this property. In the circumstances it is not considered the proposal will result in any material harm to the outlook of amenity of properties overlooking or abutting the site.

Highways:

- 7.09 Concerns have been raised that traffic generated by the proposal will result in harm to the free flow of traffic and highway safety. However given the small number of traffic movements involved the proposal is considered acceptable on highway grounds.

Other matters:

- 7.10 Reference has been made to trees loss as a result of the development. There are no protected trees on the site. There are a couple of small trees on the boundary with 82 but these are small and do not make a sufficient amenity contribution to justify their retention. However where there access enters the water tower site there are two Lombardy poplars shown to be retained which are close to the route of the access. Subject to details of the access construction in the proximity of these trees, which could simply involve laying a permeable surface directly onto the ground with minimal excavations, it is considered unlikely these trees will be adversely affected.
- 7.10 It should be noted no landscaping is proposed as part of the development but given the presence of existing planting no additional landscaping is considered necessary.

8.0 Conclusions:

- 8.01 The proposal will have no material impact on the character or layout of the area, outlook or amenity of properties overlooking or abutting the site and is acceptable in highway terms. As such it is considered that planning permission should be granted.

9.0 RECOMMENDATION – GRANT Subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of two years from the date of this approval.

Reason: To accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. Within 1 month of completion of the access hereby approved the existing gates shown to be replaced on drawing no:GFSRD04 shall be replaced with fencing to match the existing and the access shall be permanently closed off. .

Reason: In the interests of amenity.

3. Prior to the commencement of the development hereby approved details of the height, design and construction of an acoustic fence shown to be sited between points A and B on drawing no:GSFRDO4 shall be submitted for prior approval in writing by the Local Planning Authority. The approved details shall be in place before first use of the access hereby permitted and retained as such at all times thereafter.

Reason: In the interest of aural amenity.

4. Before the development hereby approved commences details of the construction of a 'no dig' water permeable surfacing (which shall be accompanied by an Arboricultural Method Statement in accordance with BS5837) for where the approved access abuts the Lombardy poplars situated in the water tower site shall be submitted for prior approval in writing of the Local Planning Authority. The access shall only be constructed in accordance with the approved details.

Reason: To ensure that existing trees are not adversely affected by the development in the interests of visual amenity.

5. The development hereby approved shall be carried out in accordance with the following approved plans being drawing nos: GFSRD01- 03 (consec), 04 showing the siting of the acoustic fence, 05-07 (consec)

Reason: In the interests of amenity.

Note to Applicant

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

Offering a pre-application advice

Where possible, suggesting solutions to secure a successful outcome.

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

In this instance:

The application was acceptable as submitted.

Case Officer: Graham Parkinson

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

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REFERENCE NO - 16/504798/FULL		
APPLICATION PROPOSAL		
The construction of six detached dwellings and associated parking, access and landscape works alongside the conversion of the existing barn to provide a community use on the land at Forge Lane.		
ADDRESS Land At Forge Lane Bredhurst Kent		
RECOMMENDATION		
SUMMARY OF REASONS FOR REFUSAL		
<p>Whilst the application has positive aspects mainly involving reuse of a building for community purposes and in isolation is acceptable on amenity, heritage, design, highway and ecology terms, this does not set aside the visual harm caused by the development in relation to the character of the site. The site makes positive contribution to the setting of the village, assists in maintaining the rural character of the area, landscape quality of the AONB and SLA while also fulfilling a strategic gap function in containing the further outward spread of built development.</p> <p>The proposed development by harming these interests, therefore fails to meet the environmental function of sustainable development. As such in the absence of any demonstrable housing need the proposal represents the unjustified incursion of built development into adjoining countryside which helps to define and maintain the character and setting of Bredhurst at this point while being harmful to the landscape quality and setting of the AONB and SLA and compromising the function of the strategic gap in containing the outward spread of settlements. The proposal is therefore contrary to the provisions of policies ENV28, ENV31, ENV33 and ENV34 of the adopted local plan, policy SP17 of the emerging local plan and does not constitute sustainable development in accordance with the provisions of the NPPF.</p>		
REASON FOR REFERRAL TO COMMITTEE		
Bredhurst Parish Council wants the application to be considered by the Planning Committee should the officer recommendation be one of refusal.		
WARD Boxley	PARISH/TOWN COUNCIL Bredhurst	APPLICANT Classicus Estates AGENT DHA Planning
DECISION DUE DATE 11/08/16	PUBLICITY EXPIRY DATE 12/10/16	OFFICER SITE VISIT DATE 24/06/16

MAIN REPORT

1.0 SITE DESCRIPTION

- 1.01 The application site is irregularly shaped with part fronting directly onto Forge Lane between Forge Lodge to the west and The Old Post Office to the east. This part of the site is currently used for parking with an existing single storey barn sited at right angles to and set slightly back from Forge Lane.
- 1.02 The site then extends in a north westerly direction before opening out into a broadly rectangular area in which are a number of TPO trees with Green Court, a Grade II Listed Building abutting the south east site boundary with Condor House, a detached

property abutting the site to the north. The eastern site boundary is defined by a access track.

- 1.03 The part of the site directly fronting Forge Lane lies within the settlement of Bredhurst but the main, broadly rectangular, part of the site extends beyond the village boundary into adjoining countryside.
- 1.04 In a wider context Bredhurst is identified as a settlement but both it and the adjoining countryside are located within a Special Landscape Area (SLA), the North Downs AONB and forms part of a strategic gap. Almost abutting and to the north west of Bredhurst is the M2 motorway.

2.0 PROPOSAL

- 2.01 Detailed planning permission is being sought for a proposal having the following elements to it. The first element involves the retention and refurbishment of the single storey barn set just back from Forge Lane, the installation of a wc and kitchen and the use of the building as a community storage facility and an occasional meeting place for the parish council. Three parking spaces and a turning area in close proximity are assigned for use by this facility.
- 2.02 The second element of the proposal is the development of the rectangular area to the north with 6 no: 5 bedroom detached dwellings with two properties having detached garages with the remainder all having attached/integral garages. All dwellings have on site parking for at least two cars.
- 2.03 The development is laid out in an informal manner served by a private drive leading onto a turning head. The houses are all of a traditional pitched roofed design with the exterior clad with timber weatherboarding or clay tiles
- 2.04 The remaining parts of the proposal include the provision of an approximately 8 metre wide landscape buffer along the northern boundary of Green Court, the adjoining Grade II Listed Building with the erection of a 2.1 metre high brick/flint wall which will run along the down the whole western boundary of Green Court where it abuts the application site. Finally the existing access onto Forge Lane will be retained and widened at the point where it meets Forge Lane.
- 2.05 The applicants advise the views of the Parish Council and the occupants of Green Court were sought and taken into account in the preparation of the application.
- 2.06 The applicants also advise the previous owner removed a number of trees from the site but the remaining trees have been assessed and have been incorporated into the layout concept of the proposal.
- 2.07 The application has been accompanied by an arboricultural report, tree survey protection and removal plans, an ecological appraisal, reptile and bat surveys, sustainability and transport statements.

3.0 RELEVANT PLANNING HISTORY

- 3.01 The site is affected by a Maidstone TPO No: 4 of 1977.
- 3.02 Though the application site has no planning history relevant to this application the applicant has drawn attention to the following nearby planning applications the siting of which is shown on plan attached as **APPENDIX1**.

Land North At Blind Lane Bredhurst:

16/501012/FULL: Erection of 3 x pairs of semi-detached dwellings with associated landscaping, access and parking. (Resubmission of 15/506472/FULL): **REFUSED** 27th May 2015 on the grounds that the proposal would consolidate existing development, result in protrusion into the countryside and urbanisation of this edge of village site which would be harmful to the character, appearance and openness of the countryside which is designated as an ANOB, Special Landscape Area and Strategic Gap. **-APPEAL PENDING**

3 Blind Lane Bredhurst:

15/505317/OUT: Outline (Appearance, landscaping, layout and scale not reserved) - Demolition of existing buildings and construction of four detached chalet bungalows – **APPROVED**- 4 February 2016

Land At Blind Lane Bredhurst:

14/504584/FULL: Demolition of existing stable and erection of new 3 bedroom dwelling. **APPROVED** 30 March 2015

Forge Lodge, Forge Lane, Bredhurst:

10/1385: Outline application for the erection of four, three bedroom semi-detached dwellings with all matters reserved – **REFUSED – APPEAL DISMISSED 5th October 2011.**

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV31, ENV33, ENV34, ENV44, H27, T13,
Maidstone Borough Council (Submission Version) Draft Local Plan: SS1, SP17, DM1, DM2, DM4, DM12, DM34

The application site lies partly within the settlement of Bredhurst though the main part of the application site where the housing is proposed lies outside the settlement and within the countryside. That part of the development falling within Bredhurst is specifically subject to policy H27 of the adopted local plan seeking to ensure that new residential development is only minor in scale. However both Bredhurst and the adjoining countryside form part of a strategic gap, lie within the Kent Downs AONB and the North Downs Special landscape area.

The application site is therefore subject to the policy ENV28 relating to countryside protection, ENV31 seeking to prevent development that would compromise the function of the strategic gap aimed at maintaining separation between built up areas and policies ENV33 and 34 where landscape protection will be take precedence over other planning considerations.

The Council has recently finished its Regulation 19 consultation on the submission version of the draft Local Plan and representations from that consultation are currently being assessed. The emerging plan is a material consideration given the latest position on a demonstrable 5 year supply of housing land. Policies which were

seen to restrict the supply of housing land can now be given significantly greater weight when considering planning applications by virtue of the progress of the Local Plan through the adoption process with it being at its examination in public stage.

5.0 LOCAL REPRESENTATIONS

5.01 22 properties notified of the development – 6 objections received which are summarised as follows:

- Will result in loss of privacy to adjoining houses.
- The new access road will result in harm to the free flow of traffic and highway safety while construction traffic will also harm highway safety.
- in the locality while there is insufficient parking for the proposed community building.
- Site has already seen substantial tree loss and no further loss should be permitted.
- Will result in harm to wildlife and loss of habitat.
- While additional housing required in Bredhurst this should be affordable starter homes not the large expensive houses proposed.
- No need for new housing in the locality.
 - Insufficient local schooling and other community provision to meet likely demand.
- Question why village needs another hall/meeting place as there is an existing village hall and school hall both of which are available for hire by local people.

5.02 The following comments have been received supporting the proposal.

5.03 **Bredhurst Woodland Action Group:**

- The housing cannot be seen from Forge Lane so will have little impact on local residents but could benefit from the proposed meeting room.
- Existing meeting hall provision in Bredhurst too large, costly and often fully booked making its use inappropriate for smaller groups on a tight budget.
- Would like hall to be centrally heated with additional access points though consider 3 parking spaces to be insufficient.

5.04 In addition two supporting comments which are summarised below:

- Sought to minimise impact on Green Court by new screen wall and additional planting therefore safeguarding character and setting of the Listed Building.
- The proposed dwelling are spaciouly laid out and in character with the area and will not result in any material traffic impacts.
- Will provide good quality housing at a time of shortage and will enhance village.
- Reuse of the existing barn for community use while maintain the existing building beneficial to local people and character of the area.
- Consider proposal to be well thought out, sympathetic to the locality and Bredhurst in general.
- Will be a good use for land that left derelict and unmaintained for a considerable period.

6.0 CONSULTATIONS

6.01 **Bredhurst Parish Council:** Supports application as it is keeping with the village and will be well screened causing little impact on the street scene. Parking has been well thought out and the preservation of the barn for community use is to be desired. If the application is to be approved request that the access junction be carefully considered as this could be a point of difficulty for traffic.

6.02 In response to a residents concern the Council took no action when tree felling took place at the end of last August the Parish Council on investigation concluded no TPO trees had been felled nor was a felling licence necessary. Furthermore it was agreed that closer consultation would be carried out with MBC and an Ecology Survey would be carried out.

6.03 **Kent Highways:** Parking provision for the houses is in accordance with parking standards while no crashes have occurred within close proximity of the site in the last 10 years. In addition, projected traffic levels are not considered prohibitive while improvement to the access will allow for acceptable visibility given site location and local speed limit.

Concerned regarding waste collection vehicle entering and leaving the site and therefore require an additional passing place preferably just opposite the entrance to the community car park building. Also consider that community car park should provide one more space for a disable person along with cycle parking provision. Subject to the outstanding matters above being addressed raise **NO OBJECTION** though conditions addressing impact of construction traffic and personnel parking, to secure on-site parking and turning and provision and maintenance of the proposed access are appended to any planning permission that may be granted.

6.04 **Environment Agency:** No objection

6.05 **Southern Water:** No objection subject to a condition requiring details of waste and surface water disposal.

6.06 **EHO:** The site is in a rural area just over 100 metres from the M2. Consider traffic noise is unlikely to be a significant problem while the scale of the development and its location means that neither an air quality assessment or air quality emissions reduction condition is not justified.

The historic use of the site for agricultural purposes and proposed conversion of the barn means it is appropriate to attach a contaminated land condition to any permission granted. Also parts of the barn being demolished/converted should be checked for the presence of asbestos and any found should only be removed by a licensed contractor.

6.07 **MBC Heritage:** The site lies behind the Grade II listed Green Court, an 18th Century house with later additions, known as Green Farm until the early 20th Century. Vehicular access to the main development site would be gained alongside the south western boundary of the Green Court curtilage on land which seems to have fallen within its curtilage prior to the 1970s (prior to the listing of the house in 1984).

The land to the rear also seems to have originally formed part of the old Green Farm, being shown as an orchard on OS maps prior to 1908 – by the 1930s some of this orchard had been cleared and the land possibly incorporated into Green Court's garden.

The main development site is already well-screened by trees from Green Court, although there are small glimpses through. The application includes provision for the enhancement of this screening by the provision of a 5-8 metre wide landscape buffer.

Consider the proposed houses in themselves will have little impact on the setting of the listed building. However, the formation of the access road will result in some tree

loss which may impact on the setting of Green Court; in addition, an ash tree and a group of two ashes and a sycamore (all graded B in the tree survey) within the grounds of Green Court will lie very close to the proposed new 2.1 metre high brick and flint wall which is to be built to screen the access road from the listed building and it is unclear how this wall will impact on the health of these trees.

Have no objection in principle to such a wall there is no elevational detail given of it – brick and flint are mentioned in the Design and Access Statement and at one point it also mentions flint panels. Do not consider that a brick wall with flint panels would be appropriate to the context as this is not a vernacular tradition but redolent more of a modern suburban character. Therefore consider more detail of this wall's design are needed together with an assessment of its potential impact on the trees.

In response to the above concerns further details were submitted to which the following response was received:

Subject to the Landscape Officer being satisfied regarding the impact of the proposals on trees **NO OBJECTION** on heritage grounds subject to conditions relating to materials, landscaping and tree protection measures as specified by the landscape Officer.

6.08 **Natural England:** No objection

6.09 **KCC Ecology:** In connection with bats require confirmation all trees within the proposed development were assessed for use by roosting bats.

Need to provide up to date photos of site as in its former condition it clearly provided a habitat for reptiles along with additional information to show how the site can be cleared to avoid injuring or killing reptiles.

In response to the above the bat survey confirms the bat potential of the trees was fully considered and satisfied no additional information is required.

Submitted photographs demonstrate the vegetation within the proposed development site is re-establishing so eventually suitable habitat for protected/notable species will be present (if no works are carried out). Based on current site photos and results of the reptile surveys accept there is no requirement for additional ecology surveys to be carried out prior to determination.

If planning permission is granted a condition should be imposed requiring an updated ecology survey. The ecological survey(s) and details of any mitigation strategies (if required) must be submitted prior to works commencing.

7.0 **BACKGROUND PAPERS AND PLANS**

The development proposals are shown in the planning statement, arboricultural report dated the 17th May 2016 and accompanying tree protection, tree removal and tree survey plans, Ecological Appraisal reptile and bat surveys, sustainability statement, transport technical note, design and access statement and drawing nos:

16/10/01, 02 D, 03 C, 04, 05, 06B, 07B, 08B, 09B, 10B, 11B and CGI Aerial View drawing nos. 16/10/12 and 14.

8.0 APPRAISAL

Principle of Development

- 8.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. In this case the Development Plan comprises the Maidstone Borough-Wide Local Plan 2000 and policies contained with the submission version of the draft local plan.
- 8.02 As the proposal affects land falling within an AONB the Local Planning Authority must first screen the application to assess whether it should have been accompanied by an EIA.
- 8.03 The proposal does not fall within the categories of development where an EIA is normally required but given the sensitive nature of AONB's higher level tests must be applied.
- 8.04 The main consideration is impact on the wider landscape. In assessing this, the small scale of the development and its localised visual impact means there is no justification for the application to be accompanied by an EIA. It should be stressed that just because the impact of the proposal is insufficient to trigger the need for an EIA does not imply its impact on the landscape character and setting of the AONB is acceptable and is a matter that will be assessed later in this report.
- 8.05 The proposal has two main elements to it being (a) the development of the rear part of the application site for 6 detached houses and (b) the restoration and reuse of the former agricultural building for community purposes.
- 8.06 Dealing with the housing element of the proposal first, this is sited outside the settlement of Bredhurst within open countryside falling within an SLA, an AONB and a Strategic gap. The proposal is therefore specifically subject to policies ENV28 relating to countryside protection, ENV31 seeking to prevent development that would compromise the function of the strategic gap aimed at maintaining separation between built up areas and policies ENV33 and 34 where landscape protection will be take precedence over other planning considerations.
- 8.07 Policy states ENV 28 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.”
- 8.08 In addition the Council considers itself now capable of demonstrating a 5 year supply of housing land as set out below and thus weight can be given to policy ENV28. Also due to the advanced stage of the emerging plan, weight can also be attached to

policy SP17 of the submission version of the draft local plan (policy SP17) seeking to control development in the countryside apart from certain exceptions. It is relevant to point out that the site lies outside the settlement development boundary in both the adopted and emerging plan. Though policy SP17 is more detailed than policy ENV28 it essentially replicates the key development restraints provisions of policy ENV28.

8.09 None of the exceptions against the general policy of restraint set out in policy ENV28 of the adopted local plan and policy SP17 apply to this application which therefore represents a departure from the Development Plan. In such circumstances it falls to consider whether there are any overriding material considerations justifying a decision not in accordance with the Development Plan and whether granting planning permission would result in unacceptable demonstrable harm incapable of being acceptably mitigated.

8.10 Another key material consideration is the National Planning Policy Framework (NPPF) particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should;

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

8.11 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 (OAN) 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. Since that date revised household projection figures have been published by the Government and as a result the SHMA has been re-assessed. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed a new OAN figure of 18,560 dwellings.

8.12 The new Local Plan has advanced and was submitted to the Secretary of State for examination on the 20 May 2016. Examination is now taking place. The Plan allocates housing sites considered to be in the most appropriate locations for the Borough to meet the OAN figure and allows the Council to demonstrate a 5 year supply of deliverable housing sites.

8.13 The yearly housing land supply monitoring carried out at 1 April 2016 calculated the supply of housing, assessed extant permissions, took account of existing under delivery and the expected delivery of housing. A 5% reduction from current housing supply was applied to account for permissions which expire without implementation. In conformity with the NPPF paragraph 47, a 5% buffer was applied to the OAN. The

monitoring demonstrates the council has a 5.12 year supply of housing assessed against the OAN of 18,560 dwellings.

- 8.14 A five-year supply of housing land is a significant factor and paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as policy ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a five year supply cannot be demonstrated. However, policy ENV28, given the housing supply position, can now be considered up to date while policy SP17 should also be given great weight for the same reason.
- 8.15 Despite this, the presumption in favour of sustainable development identified in paragraph 14 of the NPPF still means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole
- 8.16 Turning to the retention and refurbishment of the single storey barn set just back from Forge Lane and the use of the building as a community storage facility and an occasional meeting place for the parish council, the need for this additional facility appears to be based on providing a lower tier of community provision not already catered for by existing provision. The Parish Council, a local amenity body and some local residents all point to the community benefits of having this additional provision.
- 8.17 No objection is identified to this community facility on principle as policy ENV44 of the adopted local states the reuse and adaptation of existing rural buildings for commercial, industrial, sport, recreation or tourism uses will be permitted subject to certain criteria being met.
- 8.18 It should be borne in mind the community facility, though forming part of the development package should be dealt with on its own merits. It should not be taken as a significant factor weighing in favour of the wider development as no evidence has been submitted to demonstrate the need for the community facility is overriding or that its provision is part of financial package dependent on the housing to secure its delivery.

Sustainability:

- 8.19 The presumption in favour of sustainable development set out in the NPPF means a key assessment is whether the proposed housing can be considered to be sustainable. The application site immediately abuts Bredhurst and the applicants stress its sustainable siting close to the heart of the settlement with the nearest public house, school, garage and village hall all sited within 150 metres of the application site. It is agreed the site represents a sustainable location in siting terms only as there are 3 roles of sustainable development being economic, social and environmental.
- 8.20 The housing area of the application site has been largely cleared of trees and the poor condition of the site has been referred to. However the condition of land does not normally represent a significant factor in favour of development given the message it could send out to landowners to let land become neglected as a means of securing development. Nevertheless it must be acknowledged the site represents an inward looking and self-contained area screened from Forge Lane and nearby public vantage points. However invisibility is another argument which could be repeated too often as a factor in support of what would otherwise be considered as unacceptable

development in the countryside. It is evident, even in its current form that the site has rural characteristics whereas the proposed development would bring wholly new built mass to the site along with associated domestic paraphernalia.

- 8.21 As such, development of the site as proposed could be seen as eroding the rural character the area and the contribution the application site makes in defining a defensible boundary to this part of Bredhurst. If the application was approved it would therefore represent an undesirable and unjustified encroachment of development into the adjoining countryside to the detriment of the character and setting of Bredhurst given the Council's position on a 5 year supply of housing land set out below.
- 8.22 The Council now considers itself to be in a position to demonstrate a five year housing land supply and as such the normal restraints against residential development in the countryside now apply as the adopted Local Plan is no longer 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 existing service centres and on land within or adjoining existing settlements. Though this site abuts an existing settlement the proposal nevertheless could still fail to qualify as sustainable development if it was concluded it did not equally balance all the relevant economic, social and environmental considerations applicable to this application.
- 8.23 The proposal can therefore only be considered as sustainable development if on detailed assessment it can be seen to balance the impacts on the rural character of the locality and landscape quality of the AONB and SLA, impact on the function of the strategic gap, heritage, design and layout considerations, impact on residential amenity, highways and ecology considerations.

Impact on rural character AONB, SLA and function of the Strategic gap:

- 8.24 Both aerial photographs and site assessment make clear the part of the site to be developed for housing has an inward looking and enclosed character severed from open countryside by existing development on its western, southern and northern boundary. There is some visual connectivity with open countryside to the east but the presence of a track acts to significantly diminish any impression of seamless continuity. It could therefore be argued the application site represents an anachronistic wedge of countryside intruding into a more built up setting such that its development would not result in any significant loss to the countryside. However such an argument fails to acknowledge the significance the area has in defining and providing an open setting to this part of Bredhurst which would be completely lost were the site to be developed in the manner proposed and the settlement of Bredhurst extended further east into this area.
- 8.25 By implication it therefore follows the application site also makes a positive landscape contribution both to the rural character and landscape quality of the AONB and SLA while also fulfilling a strategic gap function in containing the further outward spread of built development. It should be noted that the NPPF at paragraph 115 states great weight should be given to conserving landscape and scenic beauty in, amongst other things, AONB's which have the highest status of protection in relation to landscape and scenic beauty.
- 8.26 The development of the application site, by harming these interests, therefore also fails to meet the environmental function of sustainable development. As such in the

absence of any demonstrable housing need the proposal represents the unjustified incursion of built development into adjoining countryside helping to define and maintain the character and setting of Bredhurst at this point. It will also be harmful to the rural character and landscape quality and setting of the AONB and SLA while compromising the function of the strategic gap in containing the outward spread of settlements. The proposal is therefore contrary to the provisions of policies ENV28, ENV31, ENV33 and ENV34 of the adopted local plan, policy SP17 of the emerging local plan while not constituting sustainable development by failing to meet the environmental provisions of the NPPF.

8.27 Members attention is also drawn to the application at Forge Lodge, Forge Lane, submitted under ref: 10/1385 being an outline application for the erection of four, three bedroom semi-detached dwellings with all matters reserved which was refused and dismissed on appeal. This site immediately abuts the application site to the west and is identified on the plan attached as **APPENDIX 1**. Taking into account the nature of this development, its siting outside the settlement boundary and that the policy background against which this application was assessed remains substantially the same as the current application, it is considered it represents a material consideration in the determination of this application.

8.28 This appeal decision (attached at **APPENDIX 2**) concluded, amongst other things, that, the development was not sustainable and the intensified use of the access would have a harmful effect on highway safety. However it is considered the comments made on the impact on the countryside are most relevant to this application. At paragraphs 7 and 8 the Inspector states

“ I acknowledge that the proposed development would not have a wider impact in terms of its visibility and would meet all other policy guidance in relation to its design and relationship with its neighbours. I have had regard to the mature trees on site and agree with the findings of the tree survey insofar as the majority would not be harmed and would provide an effective buffer between the new development and other Forge lane properties. I have also had regard to the age of the Local Plan (2000) but these policies are ‘saved policies’ and are consistent with national and regional policies and are not weakened as a consequence....” and

“ Therefore I conclude that the proposed development would have a harmful effect on the character and appearance of the area, having regard to policies for the countryside...”

8.29 It is considered the above appeal decision lends significant weight to the countryside and landscape objections set out above in connection with the current application.

Heritage Considerations:

8.30 The site lies behind the Grade II listed Green Court, an 18th Century house with later additions. The main part of the development site is already well-screened by trees from Green Court with the additional provision of a 5-8 metre wide landscape buffer providing further screening to this property.

8.31 The MBC’s heritage advisor therefore considers the proposed houses will have little impact on the setting of the listed building. However concerns relating to the formation of the access road resulting in some tree loss which may impact on the setting of Green Court are noted while trees sited close to the proposed new 2.1 metre high brick and flint wall to be built to screen the access road from the listed building may be affected.

- 8.32 Concerns were also raised regarding the appearance of the wall on the grounds that a brick wall with flint panels would be inappropriate not being a vernacular tradition but more reflecting of a modern suburban character. However following the submission of further details of the wall's design along with an assessment of its potential impact on trees, the MBC Heritage advisor now finds the proposal acceptable.
- 8.33 In the circumstances it is considered the proposal has no material impact on the character and setting of Green Court and no objection is therefore identified to the proposal on heritage grounds.

Design, Layout and Landscaping

- 8.34 The submitted details show an inward looking and self-contained development served off a central cul- de-sac. The proposed houses are of a traditional hipped roof design using traditional materials. Turning to the site layout, all houses have reasonable spacing between units along with private amenity areas of sufficient size and reasonable internal privacy.
- 8.35 As such when looking at the housing element of the proposal in isolation from other matters there are no inherent design and layout objections to what is being proposed and in an appropriate context could prove acceptable. Nevertheless for the reasons already amplified above this is not considered to be an appropriate site for new housing given the harm identified which would occur irrespective of the design quality of the proposed development.
- 8.36 The layout of that part of the site to be for community purposes is also considered acceptable.
- 8.37 **Landscaping:** The application is accompanied by an arboricultural report and tree survey plan showing existing trees including those subject to TPO's along with a tree removal plan. The site survey identifies 40 individual trees and seventeen groups of trees remaining on the site. The TPO for the site also protects trees in the adjacent Green Court. This TPO, dating from 1977, refers to a number of trees which are no longer present on the site but given the age of the TPO this is not surprising. The Arboricultural report advises that due to lack of site management a number of trees are self sown specimens of poor form and limited significance while some of the older more established trees are now in poor condition.
- 8.38 All high value trees are to be retained while 32 out of 37 trees of moderate value are also to be retained. Two trees the subject of the 1977 TPO are to be felled both being in poor condition. A protected lime tree close to the road is being dominated by a prominent TPO beech tree while an Atlas Cedar situated more centrally in the site has suffered such extensive storm damage that any remedial pruning would harm its appearance to an unacceptable degree.
- 8.39 Though loss of TPO trees is regrettable given the number of trees still remaining and proposed substantial tree screen along the boundary with Green Court (more than compensating for any tree loss) it is considered an acceptable balance has been struck in maintaining tree cover while enabling development of the site were the fundamental objections to development of the site on other grounds be absent.
- 8.40 However MBC landscape comments are still awaited and will be reported to Members as an update.

Residential amenity

- 8.41 For the reasons set out above it is considered the proposed development achieves an acceptable residential environment for future residents.
- 8.42 Regarding any impact on properties overlooking and abutting the site, concerns have been raised regarding loss of outlook and privacy. There are 4 properties directly abutting the site being Forge Lodge to the west, The Old Post Office and Green Court to the east and Condor House to the north.
- 8.43 Dealing first with the impact of the proposed community use of the former agricultural building set back from Forge Lane, the area to the east of this building is already used for car parking. As such there is already some noise and disturbance arising from this activity. Subject to appropriate controls over the hours and days of use of the community building (along with appropriate sound attenuation measures) it is not considered its use is likely to result in any harm to the aural or visual amenity of either the Old Post Office or Green Court particularly given construction of the proposed 2.1 metre boundary wall proposed along the south west boundary of Green Court where it abuts the application site. The outlook of Green Court is further safeguarded by the proposed tree screen proposed abutting its northern boundary.
- 8.44 Turning to Forge Lodge, fronting Forge Lane and abutting the application site to the west, this property has been extended by a two story side addition erected under application ref: MA/05/1745. This addition is essentially single aspect with 1st floor windows only serving bathrooms facing towards the application site. Consequently though Forge Lodge will abut the small parking area proposed to serve the community use, the bulk of the approved addition will effectively act as a sound attenuation and visual barrier to use of the car park. The remaining concern in relation to Forge Lodge is the siting of the house on plot 1 a short distance to the north east. However given the orientation of the house on plot 1, boundary screening and siting of the two storey flank addition to Forge Lodge, it is considered the outlook, amenity and privacy of Forge Lodge will not be materially affected.
- 8.45 The remaining affected property is Condor House abutting the northern boundary of the application site. Though units 3,4 and 5 are close to or almost abut the common boundary, given the orientation of Condor House, retention of existing trees and design of the proposed units and subject to any 1st floor windows on the northern flank of unit 4 being obscure glazed, no material harm is identified to the outlook, privacy or amenity of Condor House.

Highways

- 8.43 Concerns have been raised that the proposal will result in harm to the free flow of traffic and highway safety to local roads. However Kent Highways advise that parking provision for the houses accords with its parking standards while no crashes have occurred within close proximity of the site in the last 10 years. In addition, projected traffic levels are not considered prohibitive while improvement to the access will allow for acceptable visibility given site location and local speed limits.
- 8.46 Kent Highways outstanding concerns regarding waste collection vehicles entering and leaving the site requiring an additional passing place preferably just opposite the entrance to the community car park building can be addressed by condition as there appears to be sufficient space to carry out alignment changes to access road without

adversely affecting trees to east. The enlargement of the car park to accommodate 4 cars along with cycle parking provision can also both be addressed by condition.

8.47 In the circumstances no objection is identified to the proposal on highway grounds.

Ecology

8.48 The application site was formerly well treed and even in its cleared condition still has potential as a wildlife habitat. The Ecological Appraisal submitted with the application considered in the absence of natural ponds being nearby there was little potential for Great Crested Newts, though there was evidence of reptiles along with bats and badgers visiting or roosting at the site. It was concluded the site had no potential to support hazel dormice due to lack of connectivity with suitable woodlands though the site has moderate potential to support both hedgehog and stag beetle populations.

8.49 In order to secure wildlife enhancements and encourage bio diversity the following measures are proposed:

- Hedgehog nesting boxes and 12cm square gaps under any new fencing to allow hedgehogs access onto all garden areas.
- Ready-made bird boxes (sparrow terrace timber boxes or house martin nests for instance or mix of open-fronted and hole-nesting boxes and constructed from woodcrete).
- Bat roosting spaces within the new buildings or installation of ready-made bat boxes.
- Provision of log piles for invertebrates (including stag beetles²³), reptiles and amphibians.
- Tree / shrub/ hedgerow planting (native species to be used only).
- Use of grass-free tapestry lawns.
- Creation of drought-resistant wildflower garden to attract invertebrates and reduce need for water.
- Creation of a wildlife pond.
- Integration of Sustainable Urban Drainage Systems (SUDS).
- Use of grid mesh system (or Ground Reinforcement Grids) with topsoil and seeding with a wildflower species mix, to car parking areas and new access drives to retain some vegetation as well as drainage.
- Integration of a rain garden and planting of community orchards.
- Spring flowering bulbs and plugs of nectar rich flowering plants should be embedded into amenity grassland to increase the biodiversity and amenity value of the grassland and to provide early sources of nectar for insects.

8.50 It is considered the above make appropriate provision for wildlife in accordance with the provisions of the NPPF.

Other Matters

8.51 The Housing Standards Review by the Government has resulted in the withdrawal of the Code for Sustainable Homes and introducing a system of optional Building Regulations on water and access, and a new national space standard (“the new national technical standards”). This system complements the existing set of Building Regulations which are mandatory. This does not preclude renewable or low-carbon sources of energy within new development which is considered intrinsic to high design standards and sustainable development in accordance with the provisions of the NPPF.

- 8.52 Such measures contribute towards achieving the NPPF's key sustainability aim, support the transition to a low carbon future while encouraging the use of renewable sources being one of the core planning principles of the NPPF. A condition should therefore be imposed on how renewable energy will be incorporated into the proposal.
- 8.53 There is also a requirement that surface water drainage be dealt with via a SUDS in order to attenuate water run off on sustainability and flood prevention grounds and is a matter that can also be dealt with by condition.
- 8.54 The applicant has referred to applications for housing in the locality which are considered comparable with the current proposal. However application ref 16/501012/FULL for the erection of 3 x pairs of semi-detached dwellings with associated landscaping, access and parking is the subject of an appeal the outcome of which is awaited.
- 8.55 Application 15/505317/OUT for the demolition of existing buildings and construction of four detached chalet bungalows principally involved removal of an existing vehicle repair use and its associated buildings and therefore was seen as securing an environmental upgrade.
- 8.56 In connection with application 14/504584/FULL for the demolition of an existing stable and erection of new 3 bedroom dwelling, in this case no material harm was identified to the AONB while the proposal was considered to represent a sustainable and high quality design. Furthermore given the acknowledged housing shortfall at the time when the decision made all represented factors that, on balance, were considered to weigh in favour of the proposal.
- 8.57 The applicants also refer to the application made under ref: 14/502973 in connection with land to the west of Ham Lane for the erection of 82 new residential dwellings together with access onto Ham Lane, internal roads, parking, landscaping and ancillary works on land at Ham Lane. The application was allowed on appeal. In relation to the need to demonstrate a 5 year housing supply the applicants wish attention drawn to the following comments of the inspector where at paragraph 57 he stated that:

Notwithstanding the Council's assertion post-Inquiry that it is now able to demonstrate a five-year housing land supply, as the authority's up-to-date full objectively assessed housing needs have yet to be formally demonstrated, tested and endorsed through the thoroughness and robustness of the local plan process, I cannot be satisfied that a five-year housing land supply exists. Accordingly, I consider that paragraphs 49 and 14 are engaged.

- 8.58 Though this decision was made in June 2016 as was made clear earlier in this report the Council now considers itself in a position to demonstrate it has a 5 year supply of land.
- 8.59 It is therefore considered that none of the above represent considerations that weigh in favour of overcoming objections to the development of the site that have been identified.

9.0 CONCLUSIONS

- 9.01 Though the application has positive aspects with reuse of a building for community purposes while in isolation being acceptable in terms of amenity, heritage, design

and layout, highway and ecology this does not set aside the harm to the character of the area and the positive contribution the application site makes in maintaining the rural character of the area, landscape quality of the AONB and SLA while also fulfilling a strategic gap function in containing the further outward spread of built development. The existence of the appeal decision relating to the adjoining site should also be taken into account.

- 9.02 The proposed development by harming these interests, therefore fails to meet the environmental function of sustainable development. As such in the absence of any demonstrable housing need the proposal represents the unjustified incursion of built development into adjoining countryside helping to define and maintain the character and setting of Bredhurst at this point while being harmful to the landscape quality and setting of the AONB and SLA and compromising the function of the strategic gap in containing the outward spread of settlements. The proposal is therefore contrary to the provisions of policies ENV28, ENV31, ENV33 and ENV34 of the adopted local plan, policy SP17 of the emerging local plan while not constituting sustainable in accordance with the provisions of the NPPF.
- 9.03 As such it is considered the balance of issues fall in favour of refusing planning permission for the development.

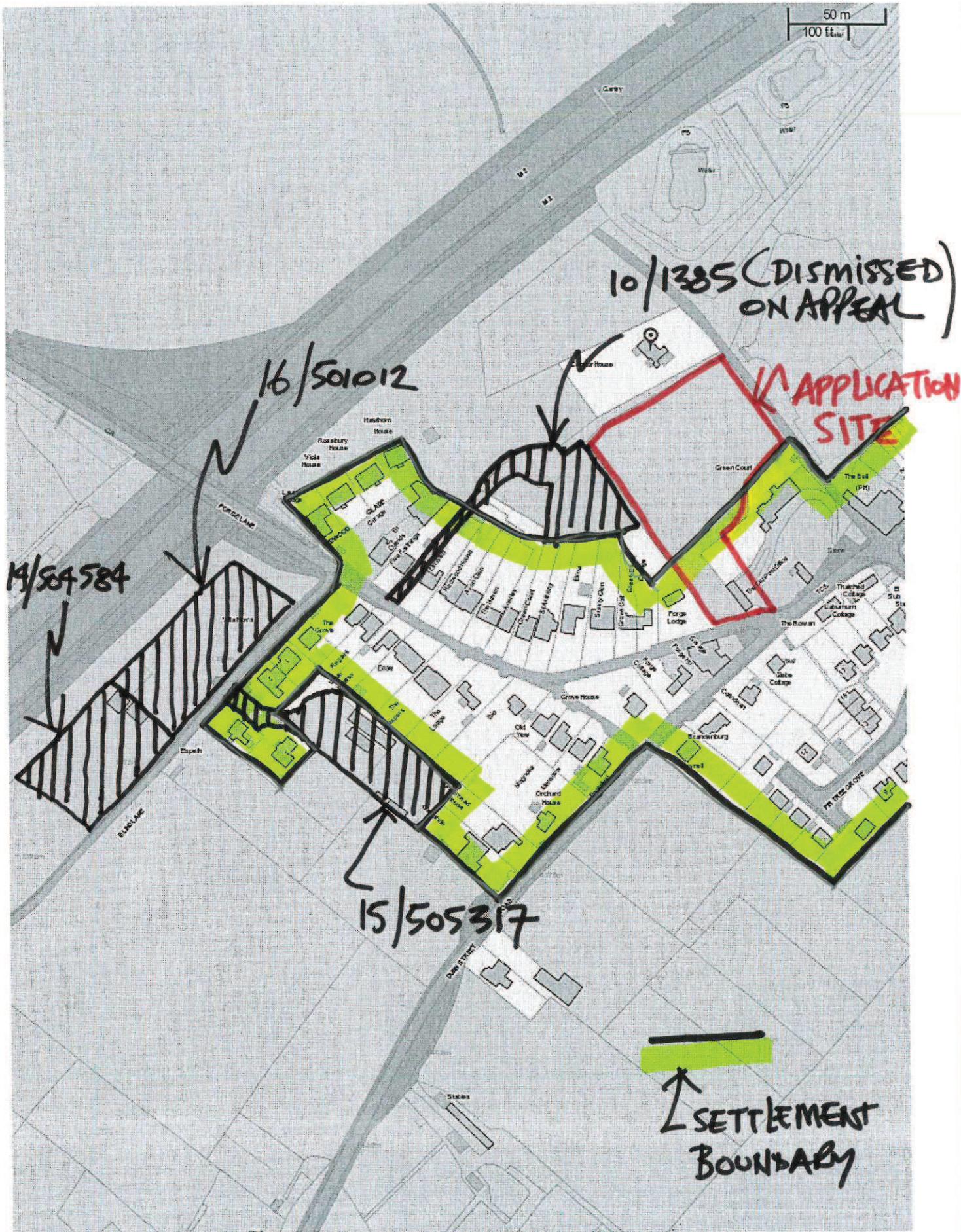
RECOMMENDATION: REFUSE

In the absence of meeting any demonstrable housing need or other overriding justification, the proposal represents the unjustified incursion of development into adjoining countryside which in its current undeveloped form helps to define and maintain the character and setting of Bredhurst at this point. As such the proposal is harmful to the rural character of the area, landscape quality and setting of the AONB and SLA while compromising the function of the strategic gap in containing the outward spread of settlements. The proposal is therefore contrary to the provisions of policies ENV28, ENV31, ENV33 and ENV34 of the adopted local plan and policy SP17 of the emerging local plan while not constituting sustainable development in accordance with the provisions of the NPPF.

Case Officer: Graham Parkinson

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

APPENDIX 1





Appeal Decision

Site visit made on 5 October 2011

by **R W Moon BSC MCD MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 October 2011

Appeal Ref: APP/U2235/A/11/2153337

Forge Lodge, Forge Lane, Bredhurst, Gillingham, Kent, ME7 3JW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Jason-Carter against the decision of Maidstone Borough Council.
- The application Ref MA/10/1385, dated 23 September 2010, was refused by notice dated 8 February 2011.
- The development proposed is the construction of 2 No. pairs of 3-bedroom semi-detached dwellings with associated off-road car parking and waste storage.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with all matters reserved for future approval.

Main Issues

3. I consider the main issues in this appeal to be:
 - a) the effect of the proposed development on the character and appearance of the area, having regard to policies for the countryside; and,
 - b) whether the proposal would result in an acceptable form of development bearing in mind the principles of sustainable development; and
 - c) the impact of the proposed development on highway safety.

Reasons

Effect of the Countryside

4. The appeal site comprises the major part of the rear garden area of Forge Lodge and is situated outside the defined village boundaries as defined in the Maidstone Local Plan Proposals Map. The appeal site has been the subject of an earlier refusal of planning permission (Ref MA/05/0262) for 3 dwellings with an access to the side of Forge Lodge. This was dismissed on appeal in 2005 (Ref:

APP/U2235/A/05/1182924) on the grounds that the proposal was contrary to policies to protect the countryside and would be development in an unsustainable location. The site is contained behind the long rear gardens of dwellings that front onto Forge Lane and mature woodland to the east and north. To the west, permission for a single dwelling outside the village boundaries and the granting of a Lawful Development Certificate (LDC) for a builders yard have changed the physical and land use characteristics of the area. This much is in favour of the appellant.

5. The thrust of Policy ENV28 of the Maidstone Borough-Wide Local Plan (LP) is to prevent harm to the character and appearance of the countryside by only allowing a limited type of development which needs a countryside location. This proposal is not within that category of development. The supporting text indicates that the countryside includes all land outside the defined development boundaries. This is supported by LP Policy ENV31 which seeks to prevent the expansion of any settlement like Bredhurst in the strategic gap between the Medway towns, the Malling urban areas and Maidstone. A third constraint is LP Policy ENV33 which is restrictive to development in Areas of Outstanding Natural Beauty (AONB). These 3 policies and Policies CC1, CC3 and CC6 in The South East Plan (SEP) all support the aims of Government guidance for the control of development in the countryside in *Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7)*.
6. I consider that these policies are both long standing and fundamental to the control of development in the area. The decision of the Council in respect of the new dwelling outside the village boundary and the inaction against the builders yard activity before the LDC was granted on appeal have weakened the Council's case. The permission for an additional dwelling off the access road shown as Redwood Glade would occupy part of the area the subject of the LDC but was described by the Council as being within the village envelope. On the evidence provided this was clearly not the case and appeared to have been dealt with inconsistently with the present proposal, at least on that basis. However, I do not consider that a further extension into the countryside and the larger scale of development of the present scheme is appropriate. I attach limited weight to the different character of the Redwood Glade development from the appeal proposal as advanced by the Council. On the other hand I do not consider that the changes in the area involved are sufficiently powerful to outweigh the very important development plan policies which apply in the area.
7. I acknowledge that the proposed development would not have a wider impact in terms of its visibility and would meet all other policy guidance in relation to its design and relationship with its neighbours. I have had regard to the mature trees on the site and agree with the findings of the Tree Survey insofar as the majority would not be harmed and would provide an effective buffer between the new development and other Forge Lane properties. I have also had regard to the age of the Local Plan (2000) but these policies are 'saved policies' and are consistent with national and regional policies and are not weakened as a consequence. Any changes to the settlement boundaries should be in the context of the Local Development Framework unless circumstances dictate otherwise.
8. Therefore, I conclude that the proposed development would have a harmful effect on the character and appearance of the area, having regard to policies

for the countryside and would be in conflict with LP Policies ENV28, ENV31 and ENV33 and SEP Policies CC1, CC3 and CC6.

Sustainable Development

9. The previous Inspector considered this issue in his decision in 2005 referred to above in paragraph 4 and concluded that as Bredhurst was a small community that offers a very limited range of services and facilities and that the future occupiers of the appeal dwellings would be very car dependent for their normal economic and social needs. On the evidence of my site visit and the information provided I see no reason to disagree with this conclusion.
10. It is clear from paragraph 8 of PPS7 that the aim for new housing should be to promote more sustainable patterns of development and make use of previously developed land and focus most additional housing in rural areas on existing towns and identified service centres. The guidance does not rule out other housing in villages but focus should be on providing some new housing to meet identified local need. The proposed development does not conform with this guidance. Nor would it conform with guidance in *Planning Policy Guidance Note:13: Transport (PPG13)* which has the objectives of promoting more sustainable transport choices, promoting accessibility to services and facilities and reducing the need to travel, especially by car.
11. I conclude that the proposal would result in an unacceptable form of development bearing in mind the principles of sustainable development and would be in conflict with PPS7 and PPG13 and SEP Policies CC1 and CC6 which aim to secure sustainable communities and conserve valuable assets such as the countryside.

Access

12. The proposed access differs from the one which formed part of the 2005 proposal which ran alongside Forge Lodge. It would utilise an unmade track which provides access to five other properties including one which involves the parking of large commercial vehicles plus another access to the builders yard. The exact boundaries of the track are not clearly defined on site but on my site visit they were measured as being between 4.00 and 4.80m apart, the hardcore track being narrower than 4.00m. The track emerges onto Forge Lane with inadequate sight lines to the east but better to the west but not at 2.40m back from the carriageway where a low brick wall would obstruct visibility for drivers of cars. The visibility improves at 2.00 m back and I accept that the conditions at this access are replicated at many of the existing dwellings along Forge Lane but it fails to meet the published criteria in the *Manual for Streets*.
13. Forge Lane has a 20mph speed restriction to the west of the proposed access as well as traffic calming measures, including a speed hump between this access and Redwood Glade. That access has worse sightlines to the west than the proposed one but it is not clear if this is as a result of the position of the highway boundary or overgrown vegetation. The same applies on the opposite side of Forge Lane where Blind Lane emerges. These facts are in the appellant's favour as traffic speeds should be slower but due to land ownership the appellant is unable to either widen the track or improve the sight lines. The length of the track is likely to involve the meeting of vehicles entering and

leaving the site. The Council estimates that there would be between 24 to 32 vehicle movements per day via this access which would be a material intensification of its use. I accept that existing uses operate given the deficiencies of the access but an intensification of the use of the track would increase the risk of vehicles having to stop suddenly on Forge Lane to allow another vehicle to exit. Reversing onto Forge Lane to allow for these movements would also have a harmful effect on highway safety.

14. The width of the paved track is insufficient to allow the convenient passing even of cars and at 4.0m needs to be considered as only suitable for one way traffic. Bearing in mind the facts as measured on the site visit, and that the land needed to improve the width of the access lies outside their ownership, I consider that it would be unsuitable for the extra demands which would be placed on it.

15. I have given substantial weight to the observations of the Highway Authority which is opposed to the development and conclude that the intensified use of the access would have a harmful effect on highway safety.



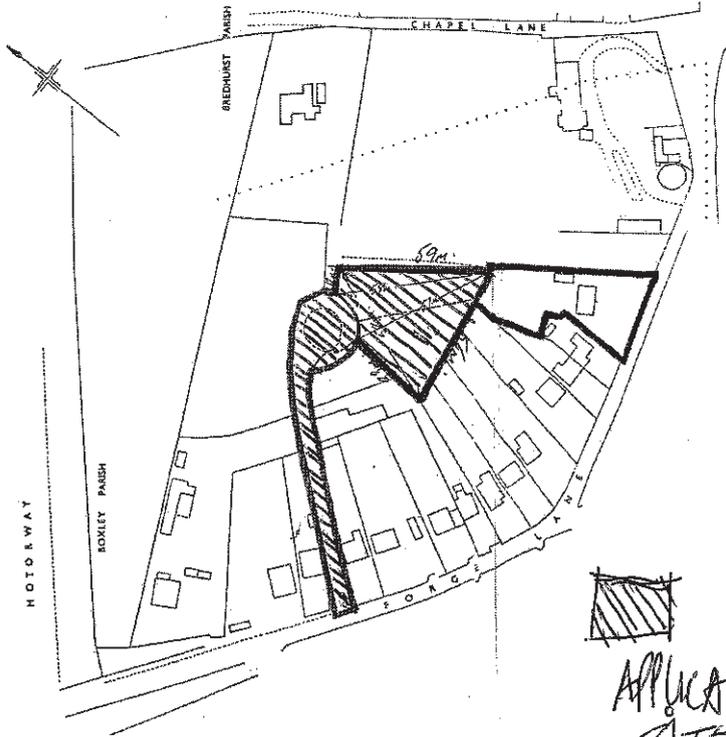
INSPECTOR

H. M. LAND REGISTRY

NATIONAL GRID PLAN TQ 7962 SECTION A

KENT

MANSTONE DISTRICT
Scale 1/1250
Enlarged from 1/2500



APPLICATION SITE

MA 10/1385



Old Reference XXXI 8
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REPORT SUMMARY

REFERENCE NO - 16/505427/FULL		
APPLICATION PROPOSAL Erection of 35 dwellings together with the provision of associated landscaping, earthworks, parking and access		
ADDRESS Bell Farm, North Street, Barming, Kent		
RECOMMENDATION GRANT PLANNING PERMISSION SUBJECT TO PRIOR COMPLETION OF AN APPROPRIATE LEGAL AGREEMENT AND CONDITIONS		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed development lies outside the settlement boundary as defined by ENV28 of the Maidstone Borough-wide Local plan 2000 but is included as a draft allocation for 35 units within the Local Plan under policy H1 (23) in the submitted Local Plan which is currently in examination. This application represents a revised scheme to the application that was refused in October 2015 Whilst, the application would be contrary to ENV28, it is considered the status of the site as a housing allocation within the emerging plan can be given significant weight as can the further discussions between the council and the applicant in order to address the previous reasons for refusal. The application is considered to accord with the criteria of H1(23) and is considered to address the reasons for the refusal of the previous application and thus whilst there is conflict with the adopted policy ENV28, the emerging plan is a significant material consideration that would outweigh this harm. Furthermore, the development is considered to be acceptable in relation to other relevant matters such as ecology, trees, highways, heritage and as such the development is considered to be in compliance with the National Planning Policy Framework and policies of the emerging plan and this is sufficient ground to depart from the Local Plan.		
REASON FOR REFERRAL TO COMMITTEE The application represents a departure from the development plan due its location outside the 2000 development boundary		
WARD Barming	PARISH/TOWN COUNCIL Barming	APPLICANT Taylor Wimpey AGENT Mr Chris Hawkins
DECISION DUE DATE 12 th October 2016	PUBLICITY EXPIRY DATE 16 th August 2016	OFFICER SITE VISIT DATE 16 th August 2016
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): 14/506419/FULL Erection of 35 residential dwellings, together with associated highway works, and landscaping provision. Considered at committee on the 22 nd October 2015 and REFUSED 5 th November 2015 Appeal made and currently held in abeyance pending outcome of this application		

1.0 MAIN REPORT

1.1 Site Background

The site was previously subject to an application 14/506419/FULL which was refused at the committee on the 22nd October 2015 on the basis of impact on the semi-rural character of North Street, impact on the setting of nearby listed buildings and

ecological impacts. Since this application was refused the applicant has held further consultations with the Borough Council, the Parish Council and local residents and this new scheme is a result of this.

- 1.2 The development is a draft allocation under H1 (23) which states North Street is allocated for housing at a density of 35 dwellings per hectare and compliance with the following criteria

Design and layout

1. The character of this development will be complementary to its semi-rural location at the edge of the urban area.
2. The North Street frontage will be set back a minimum of 5m from the road to maintain the open character of this location.

Access

3. Access will be taken from North Street only.

Air quality

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

Open space

Contribution towards off-site provision/improvements in accordance with policy DM22.

Community infrastructure

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

Highways

7. Highways and footpath improvements to North Street, Barming will be implemented as proven necessary.

- 1.3 This site was accepted by Cabinet on 2 February 2015 as suitable for 35 residential units. The site allocation H1 (19) was taken back to Strategic Planning, Sustainability and Transportation Committee on the 23 July 2015, and the site was approved for inclusion in the draft local plan and Regulation 19 consultation to include a 5 meter set-back for the development from North Street frontage and a 5 meter boundary extension to the west.

2.0 DESCRIPTION OF SITE

- 2.1 The application site relates to two parcels of agricultural land located on the west side of North Street in Barming. The sites are located within the open countryside as defined within the Local Plan Proposal Maps and are designated as Areas of Local Landscape Importance. The larger northern element lies between no.23 and no.35 North Street which can be considered to the 'southern element' and a larger section further north between no.43 North Street and White Gates which is the 'northern' element of the scheme. The northern element extends beyond the allocation site to west by approximately 10 metres.
- 2.2 A high level hedgerow located on the eastern boundary of the two sites abuts North Street running from opposite the Redstart PH to the boundary with no.43. The hedgerow becomes lower in the northern most section of the north site.

- 2.3 The surrounding area to the west of the site is characterised by open countryside and arable fields. To the north, east and south of the site is predominantly residential properties of vary designs and styles. Two listed buildings, Broumfield and The Oast are located on the opposite side of the road at the junction of North Street and Heath Road. 23 North Street is a listed building and is located to the south of the southern site. Residential properties located to the east and south of the site are located within the urban area of Maidstone as defined on the Proposal Maps.

3.0 PROPOSAL

- 3.1 The application proposes 35 dwellings of which 11 (30%) would be affordable housing.
- 3.2 The affordable units will comprise 6 x 2 bed and 5 x 3 bed houses. The private units comprise 13 x 3 bed and 11 x 4 bed houses. These will be provided together with off-street parking spaces / garages.
- 3.3 The proposed dwellings will be 2- 2.5 storeys in height with a mix of terrace, semi-detached and detached properties. The development proposes a uniformed approach to materials with key materials being utilised throughout the site including facing brickwork, ragstone detailing, contrasting brick heads and weatherboarding. Roofs would be formed of clay tiles and slate.
- 3.4 The Northern site would retain the prominent element of its boundary hedge and its access has been relocated further south than the previous scheme in order to mitigate any impact on the adjoining heritage assets. From the access road, the development will contain a cluster of dwellings to the north of the site with an area of open space which will be set out as a public orchard. Further dwellings will be set out along new primary and secondary access roads which will be run from the main access road. The closest dwellings to North Street will be set back behind the existing boundary hedge and will front onto a landscaped frontage with pedestrian linkages to open space to the north and North Street to the south. A new pedestrian access point will be created in the south western point of the northern parcel which will link to a new north-south footpath link that will run through site to a new crossing point to Heath Road.
- 3.6 The southern site would be accessed via a new street / junction with North Street with the proposed houses fronting the new street and double fronted properties at the new junction at North Street. The new junction in the south site would constitute a shared surface comprising a raised table formed of a different road surface material and other paraphernalia for traffic calming purposes.
- 3.7 Following minor design concerns from the case officer, amended plans were submitted on the 6th October 2016 which relates to elevation treatment to plot 27, landscaping changes requested by the Parish Council and a reduction in road widths within the site and clarifying matters regarding the new pedestrian access. These amended plans were not subject to further consultation as the changes were not considered to be of significance or relevance to any consultee to warrant a further round of consultation.

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV35, ENV42, ENV49, T13

Supplementary Planning Documents: Affordable Housing Development Plan Document (2006), Open Space Development Plan Document (2006)

Maidstone Borough Council Draft Local Plan: SS1, SP5, H1(23), DM2, DM3, DM4, DM6, DM10, DM13, DM16, DM30, ID1

5.0 LOCAL REPRESENTATIONS

5.1 A site notice was displayed at the site on 26th July 2016 and local residents and stakeholders were notified of the application.

5.2 Some 39 local residents objected including representations from Helen Grant MP. The following (summarised) issues were raised:

- Additional traffic / road congestion both in immediate and local area individually and cumulatively
- Bus services not regular as stated
- Pedestrian crossing and safety issues regarding lack of visibility
- Parking/impact on surroundings
- Highways safety
- Pedestrian safety
- Impact on local infrastructure including schools and doctors surgeries
- Design and layout including inappropriate density
- Urbanisation/urban sprawl
- Impact on semi-rural character
- Shared space being dangerous for sensory impairments
- The land to the rear will also be developed
- Overlooking and loss of privacy
- Extending site into adjacent field
- Impact/Loss of trees and hedgerows and future maintenance of trees
- Impact on historic buildings
- Development in the open countryside
- Impact on wildlife and loss of habitat
- Surface Water flooding
- Road widening would exacerbate the current traffic situation
- Impact on sewerage and drainage
- Loss of good quality agricultural land
- Loss of a view
- Noise and disturbance from construction and housing site once occupied
- Developers consultation process
- Development out of character with existing residential development
- Street and other lighting will disturb residents quality of life

5.3 Councillor Fay Gooch has commented on the application for the following (summarised) reasons:

- Appreciate that the applicant attending meeting and most comments have been taken on board and it is a much better design
- Prefer English Oaks to be planted on boundary and crab apples instead of fruit trees to allow for easier maintenance.
- Advice on bollards to street 6 and signage to local highway should be secured by S106 agreement.

6.0 CONSULTATIONS

6.1 Barming Parish Council has commented on the application but have confirmed they have no objection to the application overall. Its comments can be summarised as follows;

- Better design and access to the previous application
- Need to consider future maintenance of the open space/orchard
- New pedestrian point dangerous and some form of guard rail should be installed.
- Removal of build out between Apple Tree Close and Bell Farm is to be removed and Parish recommend the shared surface is raised to reduce speed to address potential for speeding.

6.2 **KCC Highways:** Objection in respect of pedestrian access

Southern shared space area.

With a raised table, trees in the highway and a shared space environment proposed, it is considered that street lighting will be required. A street lighting proposal should be shown on drawing 14-021-037 Rev A. For the extent and scale of this drawing the base or existing situation shown on Pegasus drawing TBRS.6224_08 should also be shown for clarification on 14-021-037 Rev A either as a layer 'underneath' the proposal or as a separate drawing (to same scale and extent) for clarification to understand the before and after situation for this area.

Notations and extent of adoption.

I note the Pegasus Layout drawing BRS.6224_01B which shows green coloured notations both across the main access proposed to the north and immediately south of the main site on the western side of North Street. It is unclear what these represent? It is further noted and unclear on the Pegasus Proposed Adoption Plan TBRS.6224_08 that there is a gap (white) between the main access proposed for adoption (in blue) and the existing North Street shown in yellow. The latter is not technically possible and I believe the green notations described and shown on BRS.6224_01B are incorrect and/or misleading. I would be grateful if these plans could be clarified and amended accordingly.

Inter-visibility with the proposed pedestrian access.

I note the changes to the site layout proposed comprising a footway within the site. I also note that a safety audit has been undertaken regarding its emergence/egress onto North Street. I do consider however that a main road safety point does not appear to have been addressed in the safety audit; that being the inter-visibility between pedestrians and particularly southbound traffic on North Street. I am grateful for the speed measurements undertaken. I would be grateful however; if a detailed plan of this specific area could be provided showing the inter-visibility characteristics in relation to the 85th percentile speeds measured.

The applicant's consultant provided further information in respect of the comments above including a corrected adoption plan, comments on lighting and in relation to the visibility from the pedestrian access. On the latter point, they concluded that without the substantial removal of the hedge this could not be vastly improved and as this access and hedgerow were requested as part of the revised scheme no further improvement could be made.

Further comments dated 20th September 2016

I am in receipt of C & A Consulting Engineers Technical Note dated 2nd September (Job No.14-021) in response to my response of 1 August to this application. I note that this document has not as yet been uploaded onto your portal but I would like to respond in particular to comments regarding a proposed pedestrian egress onto North Street. It appears from this document that as well as an admission that pedestrian visibility is poor ('requiring substantial removal of hedge') that there is also an acceptance of this. From a highway authority's perspective the current proposal is unacceptable and cannot be sanctioned. The issue of pedestrian movement and safety requires further work and I would be grateful if you could discuss this with the applicant to be overcome this problem.

This matter has been discussed further with the applicant but their view is without the removal of a substantial part of the existing hedge no further improvements can be made. In line with the comments of the Parish council, the applicant is proposing the provision of guardrails and signage at the access point to ensure highway safety as far as practicable. Plans have been provided to clarify the extent of the adoption and detail for the highways will be subject to planning condition and section 278 agreement.

6.3 **Environment Agency:** *No objections as in Flood Zone 1 with foul to connect to the mains*

6.4 **KCC Flood Risk Officer:** *No objection
The surface water drainage strategy for this site adequately demonstrates that infiltration features can be accommodated within the proposed layout and provide sufficient storage for 1 in 100 year storm events plus climate change.*

6.5 **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: Primary Education contribution at £2360.96 per applicable house (x35) = £80,862.88 towards the enhancement of teaching space at Barming Primary School

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: A contribution of £2359.80 (x35) = £80,823.15 towards the enhancement of teaching space at Maplesden Oaks School.

'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'.

Youth Services: A contribution of £296.66 is sought for the new residents of this development alone (supplied to Infozone Youth Hub).

'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: A contribution of £1680.55 towards new book stock supplied to Mobile Library service covering Barming.

'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.'

6.6 NHS Services

Awaiting comments

6.7 Conservation Officer: No Objections

The development as now proposed has been substantially amended at the northern end of the site where it is closest to Broomfield. The access has been moved and it is now proposed to largely set the new houses back behind a retained hedge and open area which will be planted as an orchard to reflect the use of the land in the early/mid 20th Century. Whilst I consider that there will still be some less than substantial harm to the setting of Broomfield (an opinion which the submitted Heritage Statement shares) I accept that significant efforts have been made to alleviate this harm and in my view the proposed development now has a much happier relationship with the listed building. Given this and the fact that the site is now allocated for residential development it may now be considered that the limited harm caused would be outweighed by the public benefit of the provision of 35 new houses. Whilst in my opinion the designs of the proposed dwellings are not of a high standard this in itself is probably not enough to sustain a refusal.

6.8 MBC Parks and Open Space:

MBC Parks and Open Space department previously requested an off site contribution of £55125 (£1575 x 35) towards North Pole Road Allotments and Beaumont Road Allotments for improvement works with an equal split of monies between the two sites.

6.9 MBC Environmental Health: No objections subject to conditions regarding land contamination, lighting, EV Charging Points, Air Quality and Travel Plan and sound insulation.

6.10 KCC Ecology: No objections

Initial comments 4th August 2016

'We advise that the ecological survey work reported in the Ecological Appraisal Report has been carried out to an appropriate standard but there is a need to understand the current site status to ensure that the results, conclusions and recommendations remain valid.'

On request of the officer, the applicant submitted an updated 2016 ecological appraisal (the earlier one was submitted in error) and reptile mitigation strategy and ecological enhancement plan.

Further comments following further ecological information provided

We have reviewed the submitted and revised documents in support of this application and advise that sufficient information has been provided to determine the planning application. Therefore, we require no additional information.

The submitted *Ecological Enhancement Plan* outlines a number of enhancements that will be incorporated alongside the development. The submitted *Landscape and Ecology Management Plan* outlines the management prescriptions to ensure the development is managed appropriately in terms of ecology. We advise that these measures are implemented as a condition of any planning application and suggest the following wording:

The ecological enhancement and management measures outlined in the submitted Landscape and Ecology Management Plan (CSA Environmental Ref: CSa/1683/05a, June 2016) shall be implemented according to the timescales set in the report.

6.11 MBC Landscape: No objections

This scheme is generally an improvement on the original application, 16/505427/FULL, in landscape terms, particularly in respect of the treatment of the site frontage along North Street.

I would refer you to my comments on the above mentioned application dated 20 January 2015 and confirm that the applicant has adjusted the landscape scheme to try to address my comments on the detailed soft landscape proposals.

My only further comments at this stage relate to detail. The two proposed trees to the front of plots 4 and 3 and in front of the garages for plot 2 aren't identified and the locations appear entirely unsustainable. The new tree planting for plots 5 and 28 could be larger stature native species, grouped near the conjoined boundary, with plot 6 included, to ensure a more varied tree planting scheme.

6.12 KCC Heritage: No objections

The site lies within a general area of archaeological potential associated with prehistoric activity. There is a focus for Roman activity to the south but there is little recorded close to the site itself. This may, however, reflect the limited nature of formal archaeological investigations rather than a lack of archaeology.

There is some potential for archaeology within the site and I recommend the following condition is placed on any forthcoming consent:

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

- 6.13 **Kent Police:** No objections subject to conditions
- 6.14 **Southern Water:** No objections. Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. Recommends conditions and informatives. .
- 6.15 **MBC Environmental Steetscene:** No objections subject to conditions
- 6.16 **UK Power Networks:** No objections

APPRAISAL

7 Principle of Development

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. 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:
- 7.2 *“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.”
- 7.3 In this case, none of the exceptions against the general policy of restraint apply, and therefore the proposal currently represents a departure from the Development Plan. It therefore falls to be considered firstly whether there are any material considerations which warrant a departure from the Development Plan policies is justified in the circumstances of this case.
- 7.4 One such consideration is the status of the site as a draft housing allocation within the emerging Maidstone Borough Council plan (currently under examination) 2011-2031 under policy H1(23) which allocates 35 residential units subject to a specified policy criteria;
1. The character of this development will be complementary to its semi-rural location at the edge of the urban area.
 2. The North Street frontage will be set back a minimum of 5m from the road to maintain the open character of this location.
 3. Access will be taken from North Street only.
 4. Appropriate air quality mitigation measures will be implemented as part of the development.
 5. Contribution towards off-site provision/improvements in accordance with policy DM22)
 6. Appropriate contributions towards community infrastructure will be provided, where proven necessary.

7. Highways and footpath improvements to North Street, Barming will be implemented as proven necessary.

As will be seen within the remainder of this report it is considered the development will accord with this policy criteria and the individual parts of the criteria will be discussed within the relevant sections below. It should be noted that the site extends further to the west than the currently proposed allocation site boundary by approximately 10 metres and this was discussed and agreed with the council in the post application discussions. However, this is not considered to cause any significant harm in landscape terms and it remains open for this allocation extent to be modified through the local plan process. Therefore, whilst the site lies beyond the current development boundaries set by ENV28, it is a pertinent point that in the emerging plan the site would largely lie within the development boundary and would no longer form part of the countryside which is protected by emerging policy SP17.

- 7.5 Whilst, the emerging plan is currently under examination, the NPPF states within paragraph 216 that weight can be afforded to emerging policies, with the extent of weight to be given being dependent on the stage of the development plan in the adoption process and the extent to which there are unresolved issues. It is obvious that the plan is at an advanced stage of the adoption process and there are no substantial policy objections to the site or issues which have been shown to be unresolved. In light of this guidance, it is considered significant weight can be afforded to the status of the site as an emerging allocation and the policy of H1(23) of the emerging plan.
- 7.6 It should be noted that although the previous application, 14/506419 was refused by the council, the outcome of the post application discussions demonstrated that the development of the site is not unacceptable in principle and that it was matters of detail that remained unresolved. It is notable that the applicant has since worked with the Borough and Parish councils and councillors to address these concerns and the revised layout reflects this post application advice.
- 7.7 The site is considered well located in terms of its location and 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 some 2.5 miles by road to the east with its extensive range of shops, services and businesses. There are bus stops located on North Street adjacent to the site and further bus stops at the junction with Tonbridge road with access into Maidstone town centre. More local to the site is a local convenience store at the junction of Tonbridge Road / South Street / North Street, as well as two local pubs within proximity to the site, one being almost opposite the application site. Barming Primary school is located less than 0.3 miles from the site.
- 7.8. It is therefore considered that less weight should be given to policy ENV28 on account of the allocation within the emerging plan which can be given significant weight in this instance. Subject to compliance with the criteria of policy H1(23) and in relation to other relevant planning matters, it is considered the development is acceptable in principle and it is not considered the location of the site outside the current development boundary should weigh against the proposals.

8.0 Visual Impact

- 8.1 The site is located on the edge of the urban boundary in the open countryside and within an Area of Local Landscape Importance. 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.

- 8.2 Whilst, this status is recognised, its allocation for residential development within the emerging plan, which has been subject to a comprehensive evidence base, means there is some acceptance of a visual impact occurring on the site. The site comprises of two field parcels which are contained between existing residential development, although the northern element extends further westwards into the field by approximately 15 metres than the original field boundary as well as that is reflected in the boundary shown with policy H1(23) which itself extended beyond the field boundary by 5 metres. However, this excursion is not considered to have a significant visual impact on the area and this extent of the site area was discussed and agreed with the council in the post application discussions.
- 8.3 The proposed residential development is comprised of detached, semi-detached and terraced 2 storey residential dwellings which are laid out in two sections with existing and proposed hedgerows/planting proposed along the boundary with North Street. The retention of the existing substantial hedgerow south of the field access to the northern element is secured on account of the post-application discussions with members and the Parish Council, and this provides substantial screening from the Lane in that location. This is a key point as the removal of this hedgerow in the previous application was a key factor in the refusal of that application and its retention forms an important part of the new scheme. In addition to this existing hedgerow, a new native hedgerow will be planted northwards to the new access point and to the north of the access will be an area of open space set out as an orchard. This area will have two purposes, the aforementioned community use and also to provide greater separation between any development and the listed buildings to the north-east of the site in order to preserve their setting.
- 8.4 Whilst the northern element of the site will be accessed via a new access, new landscaping is proposed adjacent to this and along the main access road which will lead into the site to the west. This will provide access to an area of detached houses to the north of the site and also to a network of secondary access road to the south which provide access to terraced, detached and semi- detached properties. Where necessary, properties have been designed to address the street scene particularly on corner plots and frontages to the properties including areas of soft landscaping to frame the proposed built form. The existing boundary hedge to be retained and proposed planting is considered to be beneficial in softening the new development and in time this will largely screen the development from views although views of the northern extent of the site will be visible across the new open space area as will be views southwards into the site. However, this will be softened by the tree planting and with appropriate boundary treatments to the properties such as ragstone walling, the visual impact is considered to be acceptable.
- 8.5 The southern element will infill between the area of land between no.23 and no.35 North Street and will not project further eastwards than the gardens of the adjacent properties. Short range views are to be expected when developing a greenfield site for housing and in this instance the application site is considered to be well related to the existing settlement, and would effectively in-fill a gap between existing residential properties, and the views from North Street are considered to be acceptable and in keeping with the neighbouring residential development.
- 8.6 The western boundary will be planted with a full length native hedgerow and sporadic tree planting including native Oak trees to soften views from open countryside to the

west. Once this is mature, this planting would largely screen the bulk of the proposed development from mid to long range views and would reduce the visual impact of the development. Whilst there will be some hedgerow removal within the interior of the site, this will be mitigated by the additional boundary planting and overall landscape scheme. Furthermore, there is an established existing landscape structure to the west of the site and the development will not be significantly visible from any public footpaths located to the west of the site due to existing tree and hedgerow planting along field boundaries. In any case, any limited views of the proposed development would be seen against the backdrop of the existing built development located within the urban area of Maidstone on the south and east of the site and also the existing residential development located along North Pole Road.

- 8.7 A planning condition would secure the necessary landscaping and screening to the site including the maintenance of the orchard area which will be secured by the legal agreement.
- 8.8 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 a modest extension to the urban boundary with existing residential properties located on three sides of the development.
- 8.9 In any case, the council have considered the potential impacts of the site in relation to the development of the site and considered on balance to be acceptable. Therefore, in addition to the limited landscape impact described, the changes to the scheme since the previous application and its draft allocation status, it is considered the development would not cause significant harm to the landscape.

9.0 Heritage Impact

- 9.1 The Council's Conservation Officer objected the previous application due to the impact on the setting of the nearby listed buildings, No 23 North Street, Broumfield and the adjacent oast house. The Oast House lies to the rear of Broumfield and No.23 North Street lies to the south of the Southern element and is screened from the application site by heavy vegetation. Therefore, there is not considered to be any harm to the setting of these two listed buildings. The previous application was also partly refused on the basis of the heritage impact of the development on the setting of Broumfield. This revised scheme has sought to take account of this impact through a revised layout which is supported by an updated Heritage Statement. It is considered the setting of Broumfield would be the most affected by the new development and the other listed buildings in the vicinity would not be significantly affected due to their location detached from the development. This was a position taken by the previous application.
- 9.2 In order to take account of these concerns, the application layout has been amended to locate the main access point further south and the northern part of the scheme has been reconfigured to create a new area of open space in the vicinity of the heritage asset to create appropriate separation from any built form. The conservation officer has reviewed these changes and is now of the view that the relationship of the proposed development with this heritage asset is a much better one and that he now raises no objections on heritage grounds.

- 9.3 I would concur with the view of the conservation officer in that there is less than substantial harm caused to the setting of Broumfield and that no harm is caused to the setting of the Oast and No.23 North Street for the reasons set out above. Whilst, this harm is given significant weight on account of the duty to protect the character and setting of listed buildings. it is considered in this instance the harm to the setting of the listed building would be outweighed by public benefits outlined elsewhere in this statement in accordance with paragraph 134 of the NPPF.

10.0 Design and layout

- 10.1 In terms of the acceptability of the layout, this has been the subject of discussions between the applicant and Borough and Parish councillors in order to deliver the number of units set out in the emerging allocation in an acceptable manner and also to address the reasons for refusal in the previous application.
- 10.2 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 brickwork, ragstone detailing, contrasting brick heads and weatherboarding with roofs formed of clay tiles and slate. The properties are designed in the same manner as the previous application where no objection was made in relation to the type, elevational detail or architectural form of the properties.
- 10.3 As set out above, the layout will be characterised by a main access road (Street 1) which will then lead onto a series of minor access roads to the north and south (streets 2-5). The development will also have good pedestrian access throughout including a pedestrian footpath from the new pedestrian access point to the south west of the northern element which will lead along the eastern boundary to the open space to the north and across to Heath Road via a new pedestrian crossing point. This will have significant benefits in removing pedestrians from walking along North Street although it should be recognised there will be a degree on-street to the south until one reaches the footpath on the eastern side of North Street. The southern element would be designed as per the previous application which will be accessed via a raised shared surface access with trees which will act as a calming measure to North Street. This in part replaces the existing area of verge that currently project into North Street outside no.10 North Street. This southern element as a cul-de-sac and as previously submitted.
- 10.4 The applicant has submitted details of potential materials to be used on the elevations of the properties and on hardsurfacing but in order to ensure quality a condition will be placed on any permission requiring detailed samples to be submitted. I would expect the new properties to include natural slate and clay roof tiles, ragstone and use in elevation and a good quality stock block and this is reflected in the condition. In principle the suggested approach to the proposals is considered acceptable subject to finalisation of finishes.
- 10.5 In terms of the criteria of H1(23) the development is considered to respect the semi-rural location of the site through the retention of the hedgerow, open space and new boundary planting and the setting back of development from North Street well in excess of the 5m required. Furthermore, the site would represent a lower density of development than the policy requirement of 35dpa and thus the development will meet the principle of the policy and parts 1 and 2 of H1(23).

- 10.5 Access would be taken from North Street in accordance with Part 3 of the policy and internal road surfaces would differ according to the status of the roads within the development. The demarcation in road surfaces within the site would serve to break up the hardstanding and act as natural traffic calming. For example, the main access to the site would be tarmac with the secondary roads laid with block paving to delineate a more pedestrian friendly environment. The majority of units would benefit from off-street parking in the form of garages and parking spaces and the development would meet the relevant standards in terms of parking provision.
- 10.6 Bearing in mind in the post application discussions which have informed the revision to the previous scheme, it is considered the general layout and scale is considered to be appropriate for this semi-rural location on the edge of the village and one which would reflect the general requirement of the allocation policy. The application site will project further westwards than the allocation boundary but the majority of the built form will be within the allocation boundary with the additional land containing landscaping such as native hedgerows and tree planting and access roads.

11.0 Residential Amenity

- 11.1 It is considered the development will maintain a good standard of amenity for adjoining properties and those future occupiers of the development in line with the NPPF and emerging policy DM1.
- 11.2 The closest residential properties would be White Gates located to the north of the northern site, no.43 North Street located to the south of the northern site and nos. 23, 25 and 35, which are located adjacent the south site.
- 11.3 Properties located on the east side of North Street would be separated from the development by the width of the public highway and with the retention of existing mature vegetation it is not considered there would be any adverse effects in terms of loss of amenity to these properties.
- 11.4 It is acknowledged that there are three properties (plots 2,3 and 4) backing onto the property Whitegates which has only one ground floor window on the facing side elevation which is mostly set below the boundary hedge of the property. In terms of plot 1 this lies within the building line to the south of Whitegates and will thus offer no overlooking and is sufficiently set back from the property. In terms of plots 3 and 4, these are approximately 17 metres from the shared boundary and are 27 metres from the rear elevation of Whitegates via an oblique view. Lastly, Plot 2 is the closest plot and lies at a right angle to the rear elevation of Whitegates, approximately 16 metres from the boundary. However, given the orientation of the two properties, Plot 2 will not overlook any habitable room of Whitegates due to the oblique angle and the boundary hedge. It is also considered the privacy of the rear garden will also to be maintained by reason of this orientation, the distances between properties, the mature hedge to the boundary of Whitegates and the lower ground levels of the application site in relation to Whitegates. Whilst the site has a wildlife buffer between the properties, it is considered additional tree or native planting should take place to further strengthen the boundary treatment and this can be secured by planning condition.
- 11.5 Similarly, the impact upon nos. 23, 25, 35 and 43 North Street are considered to be acceptable given the separation distance involved, landscape screening and orientation between the existing and proposed development. North facing openings on Plots 29 and 30 would be limited and obscure glazing would be secured via condition on first floor openings facing north.

- 11.6 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 which would a warrant refusal of the planning application.

12.0 Transport/Highway Matters

- 12.1 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.
- 12.2 Accompanying the application is a full Transport Assessment assessing accident data, predicted trip generation, visibility assessments and traffic capacity assessments. 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. The assessments also consider the highway works associated with the development and are supported by a road safety audit. It should be noted that the matter of traffic generation and congestion did not form a reason for refusal on the previous application.
- 12.3 Access to the northern site has been designed as a priority junction with a new crossing point to be provided to the north to allow access from the application site to Heath Road. The access road will be a 5.5m wide carriageway with footpaths either side. The application site will have a continuous footpath from the south west corner of the northern part which will allow pedestrians to walk along a safe access route within the application site rather than having to walk within the carriageway of North Street.
- 12.4 There is a new pedestrian access to the SW corner of the northern element which will create access to the site and to the site footpath route. This access formed part of the post-application discussion with the council to be included in a revised scheme to improve pedestrian legibility within the site and to encourage pedestrians away from walking along North Street. It should be noted that KCC Highways have objected to this SW pedestrian access point on the grounds of lack of visibility for pedestrians particularly to southbound traffic. However, the applicant has investigated whether this can be improved but in order to meet the requisite standards this would involve the removal of the boundary hedgerow. As the retention of the hedgerow is essential to any new scheme there has to be acknowledgement to retain such an access point, it would be below standard in terms of visibility. The applicant has also investigated whether the shared surface or footway can be extended northwards to the access point but this is either not possible due to road widths or not encouraged due to adversely influencing pedestrian behaviour. The provision of a footpath is seen as a positive addition in order to encourage residents to walk and when it is considered people already have to walk in the road along North Street, on balance this is considered an appropriate compromise notwithstanding KCC's concerns.
- 12.5 In order to address this safety point the applicant is proposing a safety barrier and signage in order pedestrians exiting the site in this location are aware of the highway and that they take additional care when walking onto North Street. The applicant is also proposing the resurfacing of the carriageway further south to connect with the

eastern footpath to act as further traffic calming in addition to the shared surface further south which is discussed below.

- 12.6 The access to the southern element comprises traffic calming measures on North Street to integrate access to the south site. The design includes a ramped shared space comprising the use of different surface materials, landscape feature such as trees which has been formulated through discussions with KCC highways Authority. Other than comments regarding lighting, which would be secured at the later design stage and further detail, the Highways department have no objections to the scheme.
- 12.7 A number of comments have been received in relation to the shared pedestrian and vehicle space to the southern element and the danger, inter alia, to pedestrians including the widening of the carriageway. However, the design of the junction has been formulated by national design guidance and through discussions with KCC Highways and will represent a ramped shared space where the design of the highway seeks to reduce speeds and driver behaviour. There were previously no objections in relation to this part of the site under the refusal of the previous application 14/506419/FULL
- 12.8 Turning to the internal layout of the site, the tracking detail has been provided to show turning of larger vehicles and the layout generally accords with the road hierarchy set out in the Kent Design Guide. There is no objection to the siting and size of the parking provision including visitor provision which would generally be in accordance with the councils parking standards and includes garages and some tandem parking. Cycle parking storage would be secured via condition.
- 12.9 Additionally, the site is not considered to be located within an unsustainable location and bus stops located in proximity to the site provide regular services to Maidstone Town centre.
- 12.10 KCC Highways have requested contributions towards crossing facilities at the Hermitage Lane/Heath Road/Fountain Lane/St. Andrews Road junction. Given the proposed development would have an impact on the junction KCC have requested £500 per unit which is regarded as a reasonable and proportionate approach to securing the necessary funding.

13.0 Affordable housing

- 13.1 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 6 x two beds and 5 x three bed units.
- 13.2 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. However, the council has emerging policy DM13 within the emerging Local Plan which requests 30% affordable housing provision in areas such as the application site. As the emerging plan is at an advanced stage of preparation, it holds significant weight in this decision making and as there was no objection to this provision previously it is considered the development would be in line with the relevant policies.
- 13.3 The development would secure 11 affordable units which would be split into 70% affordable rent and 30% shared ownership and will be a mix of 2 and 3 bedroom

properties. This will accord with requirements of DM13 and the exact delivery of the units will be secured in the legal agreement.

- 13.4 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 semi-rural location, apartment developments are not deemed wholly appropriate and the opportunity for one bed units is therefore limited and would not make the best use of the land.

14.0 Landscaping and Ecology

- 14.1 The applicant has submitted an ecology appraisal, further species work and an ecology and landscape management plan in order to address the matters relating to ecology and the long term enhancement of the site. The 2016 Phase 1 Ecological Statement confirmed the site is not of ecological significance although the site is used for foraging bats, nesting bird and has potential for reptiles. The applicant has undertaken further reptile surveys in 2015 which found a low population of slow worm and common lizard and proposes a reptile mitigation scheme which will involve relocation of reptiles to a wildlife corridor on the northern boundary which will be 50m x 5m receptor area.. This area will be enhanced with suitable habitat and managed over the long term. This approach has been agreed with KCC Ecology. This forms part of wider suite of improvements which is set out in an ecology and landscape management plan.

- 14.2 It is acknowledged that the earlier 2014 application stated the receptor site was inappropriately located and that it did not replace the habitat that would be lost by the site. Whilst the receptor is the same as previously in terms of size, the new scheme will result in the retention of a greater proportion of existing hedgerows and will thus result in a reduction in the loss of habitat. The new scheme will also involve the planting of new hedgerows including the full extent of the western boundary and replacement of the hedgerow in the northern part of the site with new species rich hedging. Whilst some hedgerow will be removed within the interior of the site, it is considered the full suite of planting and mitigation will more than mitigate any loss of habitat whilst ensuring protection for reptiles over the course of the development.

- 14.3 The ecology submissions have been reviewed and endorsed by KCC Ecology who confirm they have no ecological objections to the scheme and recommend that the ecology and landscape management plan is implemented as part of the permission. It is considered subject to conditions to secure suitable mitigation for existing habitats within 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 the following:

- Native landscape planting along the western boundary and enhancement to existing hedgerow boundaries.
- Erection of bird and bat boxes
- 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;

15.0 Loss of agricultural land

- 15.1 The loss of grade II agricultural land is regrettable however in this instance the application site is include within the draft Local Plan as an allocated residential site and thus has been considered acceptable. 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.

16.0 Flooding/Drainage

- 16.1 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.
- 16.2 As part of this report, the applicant has outlined a preliminary surface water strategy which will include the use of sustainable urban drainage systems in the form of attenuation measures and soakaways which is supported by soakage testing. This has been reviewed by KCC Drainage who agree with the recommendations and advise that a condition is placed to require specific details of the drainage proposals. This is included as a condition below.

17.0 Heads of Terms

- 17.1 Any request for contributions needs to be scrutinised, in accordance with Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criterion that sets out that any obligation must meet the following requirements:

It is:

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

A planning obligation (“obligation A”) may not constitute a reason for granting planning permission to the extent that —

- (a) obligation A provides for the funding or provision of an infrastructure project or type of infrastructure; and .
- (b) five or more separate planning obligations that— .
 - (i) relate to planning permissions granted for development within the area of the charging authority; and
 - (ii) which provide for the funding or provision of that project, or type of infrastructure, have been entered into before the date that obligation A was entered into.

- 17.2 The above section came into force on 6th April 2015 and means that planning obligations cannot pool more than 5 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010).
- 17.3 The NHS previously requested £27,216 based on an average occupancy in relation to the size of the residential units towards improvements at the named surgeries of Blackthorne Medical Centre and College Practice (Barming) both of which are within 1 mile of the site. We are currently awaiting confirmation that this is still required.

- 17.4 The Council's Parks and Open Space request £1575 per dwelling to cover towards North Pole Road Allotments and Beaumont Road Allotments for improvement works. It is clear that the proposed development of 35 dwellings would result in additional demand placed on the existing allotments and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 17.5 There are requests made by Kent County Council as the Local Education Authority towards primary school education contributions that amount to £2360.96 per applicable house towards the enhancement of teaching space at Barming Primary School. There will be a greater demand placed on schools within the borough from the occupants of the new 35 dwellings and information submitted by County shows that these are at capacity and as such the contribution is considered justified and appropriate.
- 17.6 In addition to a new primary school Kent County Council as the Local Education Authority require contributions of £2359.80 per applicable house towards the enhancement of teaching space at Maplesden Noakes Secondary School. There will be a greater demand placed on the local schools from the occupants of the new 35 dwellings and information submitted by County shows that these are at capacity and as such the contribution is considered justified and appropriate.
- 17.7 There is a request of £295.48 toward youth services sought by Kent County Council. This contribution would pay towards the provision of staff and equipment for Maidstone Borough Youth Outreach services supplied to Infozone Youth Hub. It is clear that the proposed development of 35 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.
- 17.8 Kent County Council has sought £1680.55 towards library services for new bookstock supplied to Mobile Library services covering Barming. It is clear that the proposed development of 35 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.
- 17.9 KCC Highways Authority has sought £500 per dwelling towards pedestrian crossing facilities at the Hermitage Lane/Heath Road junction. It is clear that the proposed development of 35 dwellings would have an additional impact on the junction and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 17.10 Provision of 30% affordable housing (11 units). The affordable housing would consist of 6 two bed units and 5 three bed units with a tenure split of 60% for rental and 40% of dwellings as shared ownership.
- 17.11 Secure long-term maintenance of open space and LEMP
- 17.12 Justification for the contributions is outlined at paragraph 7.4, 7.7 and 7.8 and I consider that the requested contributions have been sufficiently justified to mitigate the additional strain the development would put on these services and comply with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the CIL tests above.

18.0 CONCLUSION

- 18.1 The application site is included in the Draft Local Plan under policy H1 (23) as being appropriate for the development of 35 residential houses and will form part of the future development plan for the Borough whilst lying within the development boundary for the town over the period until 2031. The development would accord with the criteria of this policy in terms of density, quantum and general policy requirements. This can be given significant weight in this application. The application has been revised from the previously refused application following post application discussions.
- 18.2 Development at this site would infill a gap of residential development along the west side of North Street and would not project significantly beyond existing residential development to the west although this does project further than the allocation boundary. The application has sought to address the previous reasons for refusal including the impact on heritage matters, ecology and layout issues and is now considered to be acceptable. The layout is considered to deliver 35 units in an acceptable having regard to the constraints that exist.
- 18.3 The development would secure the requisite contributions for infrastructure and will also provide for 30% provision in line with the emerging policy. The site is located on the boundary of the urban area in easy reach of a number of services and facilities as well as regular bus routes, and the development of this site for residential purposes would represent an example of sustainable development and would conform to the aspirations of the NPPF and that of the emerging plan.
- 18.4 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.

21.0 RECOMMENDATION

- 21.1 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. 70% rental and 30% shared ownership.
 - Contribution of £27,216 to be sought from the NHS towards improvements to Blackthorne Medical Centre and College Practice (Barming).
 - Contribution of £80,862.88 (£2360.96 per applicable house) towards the enhancement of teaching space at Barming Primary School
 - Contribution of £80,823.15 (£2359.80 per applicable house) towards towards the enhancement of teaching space at Maplesden Oaks School.
 - Contribution of £296.99 is sought to be used to address the demand from the development towards youth services locally to be supplied to Infozone Youth Hub.
 - Contribution of £1680.55 towards new book stock supplied to Mobile Library service covering Barming.
 - Contribution of £55,125 (£1575 per dwelling) towards the improvement of open space in the vicinity of the site.

- Contribution of £17500 (£500 per dwelling) towards a pedestrian crossing facilities at the Hermitage Lane/Heath Road junction
- Management of Open space and LEMP

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

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

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

- (2) The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority. The external materials shall include use of natural slate and clay roof tiles, use of ragstone in elevations and red stock bricks. Once approved the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development and to reflect the local vernacular.

- (3) The vehicle parking spaces and/or garages and vehicle loading/unloading and turning facilities shown on the submitted plans shall be permanently retained for parking and turning and shall not be used for any other purpose.

Reason: In the interest of highways safety and parking provision.

- (4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

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

Reasons: In the interest of highways safety and residential amenity.

- (5) 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.

- (6) The development shall be strictly undertaken in relation to the Reptile Mitigation Strategy dated June 2016, 1683/03b and its recommendations shall be fully implemented in line with its recommendations and timescales for implementation

Reason: In the interest of ecology and biodiversity enhancement.

- (7) The ecological enhancement and management measures outlined in the submitted Landscape and Ecology Management Plan (CSA Environmental Ref: CSa/1683/05a, June 2016) and set out on the Ecological Enhancements Plan 1683-124, shall be implemented according to the timescales set in the report and the long term management plan

- (8) No development shall commence beyond damp proof level until details of integral swift, bird and bat boxes to be installed within the proposed buildings is submitted to the council for approval. The approved details shall then be implemented before the first occupation of the development and its long term

Reason: In the interest of ecology and biodiversity enhancement.

- (9) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (Reference 14-021, June 2016, C&A Consulting Engineers):

Reason: To reduce the impact of flooding on the proposed development and prevent any impact from the development on surface water storage and flood, and future occupiers.

- (10) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the proposals within the Flood Risk Assessment and Preliminary Surface Water Drainage Strategy by C&A Consulting Engineers Ltd, ref. 14-021 dated June 2016, and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

(ii) No building hereby permitted shall be occupied until details of the implementation, and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

- (11) 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: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework..

- (12) 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;

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason- to ensure the development or its occupiers are not put at risk from contaminants

- (13) Prior to the occupation of the development, the applicant should submit a detailed Travel Plan for approval by the Local Planning Authority, in consultation with the local Highway Authority. The approved Travel Plan measures shall subsequently be implemented and thereafter maintained within three months of the first occupation of the buildings hereby permitted.

The Travel Plan should include the following:

- a) Setting objectives and targets.
- b) Measures to promote and facilitate public transport use, walking and cycling.
- c) Measures to reduce car usage.

- d) Measures to reduce air pollution.
- e) Promotion of practices/facilities that reduce the need for travel.
- f) Monitoring and review mechanisms.
- g) Travel Plan co-ordinators and associated support.
- h) Provision of travel information.
- i) Marketing.
- (j) A timetable for the implementation of each element.

Reason: To promote sustainable travel measures and comply with the following Development Plan policies

- (14) Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units will conform to the "good" design range identified by BS 8233 1999, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: In order to protect the occupiers of the dwellings from undue disturbance by noise in accordance with Policy EN1 of the Local Plan.

- (15) 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.

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

- (16) 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 to be retained together with measures for their protection during the course of development in the form of a Tree Protection Plan undertaken by an appropriately qualified party in accordance with BS5837:2012 This shall specifically include the retention of the retention of the existing hedgerow shown on BRS6624 01D which runs along the site's eastern boundary, opposite the Redstart PH southwards to its boundary with no.43 North Street

The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment 2012; including enhancements to the north, east and west boundary planting as shown on drawing number CSA/1683/123H; dated February 2016.

Reason: To safeguard existing trees and hedges to be retained and ensure a satisfactory external appearance to the development and a high quality of design,

- 17) No development shall take place until a plan for the long term management for the maintenance of the landscaped areas (other than small, privately owned, domestic gardens) as approved by the council and for the long term management of the works set out in the Landscape and Ecology Management Plan (CSA Environmental Ref: CSa/1683/05a, June 2016). The management plan shall including details on the following;

- The areas within the scope of the management plan and the maintenance requirements
 - Method and schedule for maintaining communal areas and estate roads
 - Details of the Parking control measures to be implemented within estate and access roads
 - Details on the enforcement of parking control measures
 - The setting up of an appropriate management body
 - The legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery
 - Ongoing monitoring of implementation of the plan
- (18) The existing hedgerow to the eastern boundary of the northern element of the site shown on the plan numbered BRS 6224 123H, shall be retained and maintained unless otherwise agreed in writing by the Local Planning Authority.
- (19) The use or occupation of each phase 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, including existing trees/hedgerows 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) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, no further development shall take place on the site without the prior written consent 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.
- (21) 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 which shall include ragstone walling to the open space areas and prominent frontages. 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. Boundary treatment shall include:
- Cut-outs at ground level in the garden fences of the new residential houses to allow wildlife to move freely between gardens;
- Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.
- (22) 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.

- (23) 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

- (24) No development shall take place until the applicant, or their agents or successors in title, has submitted and 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.

- (25) Details of facilities for the separate storage and disposal of waste and recycling generated by this development as well as the site access design and arrangements for waste collection shall be submitted for approval to the LPA. The approved facilities shall be provided before the first use of the building(s) or land and maintained thereafter. The applicant should have regard to the Environmental services guidance document 'Planning Regulations for Waste Collections' which can be obtained by contacting Environmental Services.

Reason: In the interests of amenity and to safeguard the appearance of the area

- (26) 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.

- (27) No development shall commence on site until a signed S278 Agreement, covering the following;
- The alterations to North Street road layout including access, raised table with informal and shared surface, street lighting;
 - Access to the northern site
 - Pedestrian access point
 - A crossing point to the north of the site; street lighting Access point 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.

Planning Committee Report

- (28) The proposed first floor north facing windows in the north elevation of the house on Plot 29 and Plot 30 hereby approved shall at no time be openable or glazed, otherwise than in obscured glass, below a minimum height of 1.75 metres above the relevant internal floor levels.
- (29) Prior to the commencement of development above damp proof course level details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter;

Reason: To ensure an energy efficient form of development.

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

Drawing numbers to be inserted

and the following supporting documents;

Reason: For the purpose of clarity and to ensure a satisfactory appearance to the development and a high quality of design.

INFORMATIVES

Southern Water

A formal application for connection to the public sewerage system is required in order to service this development. Please contact, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or southernwater.co.uk.

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



REPORT SUMMARY

REFERENCE NO - 16/505695/FULL		
APPLICATION PROPOSAL Erection of two semi-detached dwellings with garaging, parking, provision and landscaping works utilising existing highway access.		
ADDRESS - 1 Fancy Row Thurnham Lane Thurnham Kent ME14 4PL		
RECOMMENDATION - PERMIT		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development is not in accordance with Development Plan policy. However, the proposal site benefits from an extant permission for 1 dwelling; the proposal would not appear significantly more visually harmful than the development already approved on site; there are no highway safety or residential amenity objections; and the site is considered to be in a sustainable location. I therefore recommend approval of the application on this basis.		
REASON FOR REFERRAL TO COMMITTEE - It is a Departure from the adopted Local Plan.		
WARD Detling And Thurnham	PARISH COUNCIL Thurnham	APPLICANT Mr R Bentley AGENT Consilium Town Planning Services Limited
DECISION DUE DATE 12/09/16	PUBLICITY EXPIRY DATE 14/10/16	OFFICER SITE VISIT DATE 29/07/16
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

- 15/509836 – Dwelling – Approved
- MA/01/0411 – 2 dwellings – Refused
- MA/87/0980 – Outline for dwelling – Refused
- Land at northern end of Fancy Row Cottages
- 14/500927 – Dwelling – Refused (Allowed on appeal)

MAIN REPORT

1.0 Site description

- 1.01 The application site is located on the eastern side of Thurnham Lane and is some 470m to the north of Bearsted Green; it has a site area of approximately 0.05ha; and it is screened by a mature hedgerow along the southern boundary. Thurnham Lane has a semi-rural character with linear development along the eastern side comprising a group of terraced dwellings (Fancy Row) and then numerous detached and semi-detached dwellings. The application site is located at the southern end of the row cottages, on land between 1 Fancy Row and a detached dwelling known as 'Thurnham House'. There is an extant planning permission for 1 house on this site (15/509836).
- 1.02 The application site comprises the side garden of 1 Fancy row, which is an end of terrace property. Properties on Fancy Row have a shared access driveway which runs to the rear of the terrace leading off Thurnham Lane, providing car parking for each dwelling. This private driveway borders the application site to the east and to the south. For the purposes of the Development Plan the site is located in open countryside that falls within a Special Landscape Area and a Strategic Gap; and the site also falls within an Area of Archaeological Potential.

2.0 Relevant background

2.01 There is an extant planning permission for 1 house on this site (15/509836) and here is summary of the main differences between the extant scheme and what is proposed here:

- Approved dwelling and its detached garage would have footprint of approx. 125m² and this proposal's footprint measures approximately 164.5m², which is a modest increase of some 39.5m².
- Both schemes have similar depth of building and proposed scheme measures some 5m more in terms of width.
- Both schemes are the same height, although proposed scheme does have larger roof space.
- Proposed development will not have new access puncturing front boundary planting, making use of existing access to parking areas to rear.

2.02 In addition, on the northern side of the Fancy Row terrace, between 8 Fancy Row and 'Claymore', planning permission was recently allowed at appeal for the erection of a detached dwelling (reference 14/500927). Opposite the application site, on the western side of Thurnham Lane, is the 'Old School House' and the 'School Yard'. The School site has planning permission for a new detached dwelling on the site and conversion and enlargement of the Old School House to a single dwelling. This work (under MA/14/1265) is nearing completion.

3.0 Proposal

3.01 The proposal is for the erection of a pair of semi-detached (4-bed) houses with pedestrian access to the front and parking area to the rear (4 spaces), making use of the existing access road to the immediate south of the site.

3.02 The proposal would have a ridge height is some 9m from ground level and the eaves height some 5m; the proposal would be set back from the front of the row of cottages to the north; and it would be constructed from facing brick, plain concrete roof tiles and elements of tile hanging at first floor level. The proposal would have a barn-hipped style roof, a gable-end projecting element to the front, side chimneys, half dormer windows to the front, and a single storey element and dormer windows to the rear. The existing Laurel boundary hedge will be retained and a Beech hedge will be planted to the front.

4.0 Policy and other considerations

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV31, ENV34
- National Planning Policy Framework
- National Planning Practice Guidance
- Submitted version Maidstone Local Plan: SP17, DM1, DM34

5.0 Consultations

5.01 Thurnham Parish Council: No representations made.

5.02 KCC Biodiversity Officer: Raised no objection under 15/509836.

5.03 Landscape Officer: Raises no objection.

5.04 Environmental Health Officer: Raises no objection.

5.05 KCC Highways: Raises no objection.

5.06 KCC Archaeology Officer: Does not wish to comment.

5.07 Neighbour representations: 5 representations received raising concerns over visual impact; principle is unacceptable; poor design; parking provision; highway safety; intensification of use of access; inadequate outdoor amenity space; disruption during construction; and lack of school places.

6.0 Relevant policy/guidance

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 For the purposes of the Local Plan, the application site is in the designated countryside and a Special Landscape Area and so saved policies ENV28 and ENV34 of the adopted Local Plan are of relevance. 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. Notwithstanding this, a material planning consideration in the determination of this application is the fact there is an extant permission for a dwelling on this site.

6.03 It should be noted again that the application site already benefits from an extant planning permission for a dwelling; and that in March 2015 (under reference 14/500927), the Planning Inspector allowed 1 detached house on land adjacent to 8 Fancy Row. These are material considerations in the determination of this application, and the Inspector (under 14/500927) determined that “...*the site is a sustainable one and considerable weight therefore arises in favour of the scheme*”. The proposal site is within walking distance of Bearsted with its train station and variety of shops and services and the so Council considers the site to be in a sustainable location; and this has been previously accepted by the Planning Inspector.

6.04 The submitted version of the Local plan went to the Secretary of State for examination in May 2016 and formal examination is currently being undertaken. This Plan and its policies are considered to hold significant weight; and policy SP17 of this Plan seeks to restrict development in the countryside. Furthermore, the emerging Plan allows the Council to consider that it can demonstrate a 5 year supply of deliverable housing sites.

7.0 Visual Impact

7.01 The application site is bordered to the north, west and south by residential housing, and this part of Thurnham Lane is characterised by ribbon development. In my view the Beech hedge to be planted at the front and the retained Laurel hedge along the southern boundary of the site would help to screen and soften the development from short distance views; and whilst there may be long distance public views of the site, the development would be very much read in context with the existing residential development and would not appear dominant or visually incongruous within the landscape. The Landscape Officer also raises no objections subject to appropriate conditions requiring a landscaping scheme and Arboricultural Method Statement.

7.02 In terms of the extant permission for a dwelling on this site, it is my view that the footprint of this proposal is not too dissimilar to that of the approved detached dwelling and its detached garage; and the use of a parking area to the rear avoids the need to puncture a large gap in the front boundary hedge (as was approved for

access under 15/509836). In addition, the proposal takes elements from the previously approved house, such as its 9m ridge height; its barn-hipped front projecting element that has dropped its eaves down from the main house; and the half dormers to the front puncturing the eaves. The dormer windows, the front projection, the use of tile hanging at first floor level, the chimneys; and the 2-storey high bay window elements all help to articulate the frontage of the building which does maintain the set back from the road as previously approved. The use of appropriate materials and the safeguarding of boundary planting will be secured by way of condition. I therefore consider the scale and design of the proposal to be appropriate in this setting, where there are varying housetypes within the vicinity, and I am satisfied that whilst a larger building, it would not be significantly more visually harmful than the single dwelling that has already been approved in this setting and context. As a result, it is considered that this proposal would not adversely harm the character and appearance of the countryside hereabouts.

8.0 Residential Amenity

- 8.01 The proposal, given its 3m set back from the shared northern boundary; its orientation; and fenestration detail (with flank openings to be fixed shut and obscure glazed), would not have a detrimental impact upon the amenity of local residents. I am also satisfied that the proposal would provide acceptable living conditions for future occupants, in terms of internal living space and private outdoor amenity space. No objection is therefore raised in this respect.

9.0 Highway safety implications

- 9.01 The proposal would provide 2 off-road parking spaces for each property which is considered acceptable; there would be adequate turning provision within the site; the houses would make use of the existing access which serves the neighbouring row of cottages; and the Highways Authority did comment under 15/509836 that the access road does have a good crash history. I am therefore satisfied that this scheme for 2 houses would not have a detrimental impact upon highway safety and I raise no objection in this respect.

10.0 Other considerations

- 10.01 The applicant has submitted the same Preliminary Ecological Appraisal report that was submitted under 15/509836, which was undertaken in September 2015. This report is only a year old and consider its findings to still be relevant; and I am satisfied that there continues to be no requirement for additional specific species surveys to be carried out as part of the application. As under 15/509836, conditions will be imposed to ensure the development is carried out in accordance with the recommendations set out, and a scheme of biodiversity enhancements for the site is submitted to the local planning authority for approval.
- 10.02 The Environmental Health Officer raises no objection in terms of noise, air quality, land contamination and foul sewage disposal; and the issues raised by local residents have been addressed in the main body of this report.
- 10.03 Thurnham Parish Council has not commented on this application and the issues raised by local residents have been addressed in the main body of the report. I would add that a proposal for 2 dwellings is not expected to provide any community contributions including monies towards education; and any potential disturbance during construction is not a material planning consideration.

11.0 Conclusion

11.01 The proposal will not appear significantly more visually harmful than the development already approved on site; it is in a sustainable location as stated by the Planning Inspector; and it would not have an adverse impact upon the residential amenity of adjacent properties or upon highway safety. Therefore, notwithstanding the fact that the Council considers it is able to demonstrate a 5 year supply of housing and draft Local Plan policies attract significant weight, I consider it acceptable to depart from the Local Plan in this instance and recommend approval on this basis.

12.0 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) Before the development hereby permitted is first occupied, all openings in the northern and southern elevations of the buildings shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such;

Reason: To safeguard the privacy of residents.

- (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) (Amendment) (England) Order 2015 (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.

- (4) No building works above ground level shall commence until written details and samples of the materials to be used in the construction of the external surfaces of the buildings and hard surfaces 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.

- (5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Classes A, B, C, D, E, F, G, H shall be carried out without the permission of the Local Planning Authority;

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

- (6) No building works above ground level shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species. The scheme shall be designed using the principles established in the Councils adopted Landscape Character Assessment and Landscape Guidelines and shall include:

- a) Details of new beech hedge to front boundary and rear boundary of gardens;
- b) Retention of Laurel hedge along southern boundary;
- c) Retention of Maple trees in north-western corner of site;
- d) Details of replacement native planting along western boundary of site.

Reason: No such details have been submitted and 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 development shall be undertaken in accordance with the recommendations set out in the approved Preliminary Ecological Appraisal, received on 25th November 2015.

Reason: To ensure appropriate mitigation and protection of species.

- (9) No building works above ground level shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of biodiversity enhancements for the site. The scheme shall be based on the recommendations of the Preliminary Ecological Appraisal received on 6th July 2016.

Reason: No such details have been submitted and to ensure appropriate mitigation and protection of species.

- (10) No building works above ground level shall commence until there has been submitted to and approved in writing by the Local Planning Authority an Arboricultural Method Statement in accordance with BS5837:2012, which shall include details on the root protection areas of all retained trees and details on method of root protection;

Reason: No such details have been submitted and to ensure a satisfactory setting and external appearance to the development.

- (11) The development hereby permitted shall be carried out in accordance with the following approved plans; 26/34/01B, 03A and 04 A received 26/09/16; and 26/34/02B received 28/09/16;

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

INFORMATIVES

- (1) Clearance and burning of rubbish must be carried without nuisance from smoke etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the EHM.
- (2) 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.
- (3) 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.
- (4) 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.
- (5) Provision shall be made for construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- (6) Provision shall be made for parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- (7) Provision shall be made of wheel washing facilities prior to the commencement of work on site and for the duration of the construction.
- (8) The following recommendations should be considered (where applicable) when designing any lighting scheme:
 - a) Low pressure sodium lamps or high pressure sodium must be used instead of mercury OR metal halide lamps where glass glazing is preferred due to its UV infiltrations characteristics.
 - b) Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each light to direct the light and reduce spillage.
 - c) The times during which the lighting is on must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to the minimum to reduce the amount of 'lit time'.
 - d) Lamps of greater than 2000 lumens (150W) must not be used.
 - e) Movement sensors must be used. They must be well installed and well aimed to reduce the amount of time a light is on each night.
 - f) The light must be aimed to illuminate only the immediate area required by using as sharp a downward angle as possible. This lit area must avoid being directed at, or close to, any bats' roost access points or flight paths from the roost. A shield or hood can be used to control or restrict the area to be lit. Avoid illuminating at a wider angle as this will be more disturbing to foraging and commuting bats as well as people and other wildlife.
 - g) The lights on any upper levels must be directed downwards to avoid light spill and ecological impact.

- h) The lighting must not illuminate any bat bricks and boxes placed on the buildings or the trees in the grounds.
- (9) Bats and Lighting in the UK - Bat Conservation Trust and Institution of Lighting Engineers

Summary of requirements

The two most important features of street and security lighting with respect to bats are:

1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.

2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

UV characteristics:

Low

- Low pressure Sodium Lamps (SOX) emit a minimal UV component.
- High pressure Sodium Lamps (SON) emit a small UV component.
- White SON, though low in UV, emit more than regular SON.

High

- Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps
- Mercury lamps (MBF) emit a high UV component.
- Tungsten Halogen, if unfiltered, emit a high UV component
- Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

Variable

- Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output.

Glass glazing and UV filtering lenses are recommended to reduce UV output.

Street lighting

Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels.

Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided. If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

Security and domestic external lighting

The above recommendations concerning UV output and direction apply. In addition:

- Lighting should illuminate only ground floor areas - light should not leak upwards to illuminate first floor and higher levels;

- Lamps of greater than 2000 lumens (150 W) must not be used;
- Movement or similar sensors must be used - they must be carefully installed and aimed, to reduce the amount of time a light is on each night;
- Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;
- Light must not be directed at or close to bat roost access points or flight paths from the roost - a shield or hood can be used to control or restrict the area to be lit;
- Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;
- Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

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.



16/505930 - Land at Hawthorn Place
Scale: 1:1250
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REPORT SUMMARY

REFERENCE NO - 16/505930/FULL		
APPLICATION PROPOSAL Retrospective application for change of use of land to use as a residential caravan site for 2 gypsy families, each with 2 caravans including no more than one static caravan for each family, erection of amenity building and laying of hardstanding.		
ADDRESS Land At Hawthorn Place, Greenway Forstal, Harrietsham, Kent, ME17 1LB		
RECOMMENDATION Approve with conditions		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The development is not considered to be adversely visually harmful to the countryside; and there are no residential amenity or highway safety issues.		
REASON FOR REFERRAL TO COMMITTEE Recommendation is contrary to the views of Harrietsham Parish Council.		
WARD Harrietsham And Lenham	PARISH/TOWN COUNCIL Harrietsham	APPLICANT Mr Lee Austin AGENT Philip Brown Associates
DECISION DUE DATE 27/09/16	PUBLICITY EXPIRY DATE 05/09/2016	OFFICER SITE VISIT DATE 15/08/16
RELEVANT PLANNING HISTORY Adjoining sites to the south: 14/500696 - Remove conditions 1 and 2 of MA/07/2232 (change of use from agricultural land to residential for gypsy family and stationing of one mobile home and one touring caravan) with a condition which reads "The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites (Department for communities and local guidance). Vary condition 3 to allow no more than 4 caravans (2 static and 2 touring caravans) to be stationed on the sites at anytime – Permitted 07/2232 - Change of use from agricultural to residential for gypsy family and stationing of one mobile home and one touring caravan – Allowed at Appeal. Permanent permission. Adjoining site to the west: 08/0417 - Change of use of land for the stationing of 4no. residential mobile homes for a gypsy family - refused Adjoining site to the east: 04/1679 - Change of use of land to allow stationing of 15 residential mobile homes (extension to Garden of England Park) – Refused		

MAIN REPORT

1.0 Site description

- 1.01 The site is located on the north side of Greenway Lane to the rear of an existing lawful gypsy traveller site known as Oakland Place which has (permanent) permission to station up to 4 caravans (no more than 2 static). The site is located in the countryside with arable fields to the north, east and west of the site. Further to

the east is the Garden of England caravan park. Further to the west is a residential property known as Mount Farm and a cluster of commercial units. The North Downs AONB is located further to the north of the site. The site is accessed via a shared (with the site to the front) entrance from Greenway Lane. A plan of the site is attached as appendix 1.

2.0 Proposal

2.01 This is a part retrospective application for the change of use of land to use as a residential caravan site for the stationing of 2 static caravans for occupation by gypsy traveller, 2 tourers and one amenity building and the laying of hardstanding.

The applicant has also shown additional (proposed) boundary landscaping along the northeast and southeast boundary. The mobile homes are occupied by George Nye, together with his daughter's family, Lee Austin and Rosie Nye and their young son.

At the time of my site visit there were two tourers on site. So it is proposed to bring two static caravans onto the site and erect a utility block.

3.0 Policy and other considerations

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28
- National Planning Policy Framework
- National Planning Practice Guidance
- Draft Local Plan (submission version): SP17, DM7, DM16
- DCLG - Planning Policy for Traveller Sites (August 2015)

4.0 Consultations

4.01 **Harrietsham Parish Council:** Wish to see the application refused and reported to Planning Committee for the following summarised reasons;

- Detrimental impact upon residential amenities and the visual impact of the development

4.02 **KCC Highways Officer:** Raises no objection.

4.03 **Environmental Health Officer:** Raises no objection.

4.04 **Neighbour representations:** No representations have been received.

5.0 Principle of development

5.01 There are no saved Local Plan policies that relate directly to this type of development. Policy ENV28 of the MBWLP relates to development in the countryside stating that;

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

5.02 Policy ENV28 then outlines the types of development that can be permitted and this does not include gypsy and traveller development.

5.03 However, a key consideration in the determination of this application is central Government guidance contained with 'Planning Policy for Traveller Sites' (PPTS) amended in August 2015. This places an emphasis on the need to provide more

gypsy sites, supporting self-provision and acknowledging that sites are likely to be found in rural areas.

5.04 Issues of need are dealt with below but in terms of broad principles Development Plan Policy and Central Government Guidance allows for gypsy sites to be located in the countryside as an exception to the general development restraint policies.

5.05 In addition, the submitted version of the Development plan went to the Secretary of State for examination in May 2016 and examination will follow in October/November this year. This Plan and its policies are considered to hold significant weight; and policy SP17 of this Plan seeks to restrict development in the countryside, whilst policy DM16 accepts this type of accommodation can be provided in the countryside provided certain criteria are met.

Need for Gypsy Sites

5.06 Although the emerging local plan is well advanced, there are not yet any adopted development plan policies relating to the provision of gypsy sites. Members are reminded that Local Authorities have responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans. Maidstone Borough Council, in partnership with Sevenoaks District Council commissioned Salford University Housing Unit to carry out a Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) dated January 2012. The GTAA concluded the following need for pitches over the remaining Local Plan period:

Oct 2011 – March 2016	-	105 pitches
April 2016 – March 2021	-	25 pitches
April 2021 – March 2026	-	27 pitches
April 2026 – March 2031	-	30 pitches
Total: Oct 2011 – March 2031	-	187 pitches

5.07 The GTAA was completed prior to the refinement to the definition of Gypsies and Travellers contained in the revised PPTS published in August 2015. The GTAA is the best evidence of needs at this point, forming as it does part of the evidence base to the emerging Local Plan, and it is considered to be a reasonable and sound assessment of future pitch needs, albeit that actual needs may prove to be a degree lower as a result of the definition change. The current GTAA provides the best evidence of needs available at this point of time and the decision needs to be based on evidence at the time of the decision.

5.08 The target of 187 additional pitches is included in Policy SS1 of the Maidstone Borough Local Plan which itself was agreed by Full Council on 20th January 2016 and submitted to the Secretary of State on 20th May 2016.

Supply of Gypsy sites

5.09 Accommodation for Gypsies and Travellers is a specific type of housing that councils have the duty to provide for under the Housing Act (2004).

5.10 Since 1st October 2011, the base date of the GTAA, the following permissions for pitches have been granted (net):

- 84 Permanent (non-personal)
- 16 Permanent (personal)
- 3 Temporary (non-personal)
- 33 Temporary (personal)

- 5.11 Therefore a net total of 100 permanent pitches have been granted since 1st October 2011. A further 87 permanent pitches are needed by 2031 to meet the need identified in the GTAA.
- 5.12 The PPTS states that local planning authorities should identify a future supply of specific, suitable Gypsy and Traveller sites sufficient for the 10 year period following adoption of the Local Plan. The submission Draft Local Plan does allocate specific sites, and these are sufficient to provide 41 additional pitches by 2031. In addition, it can reasonably be expected that some permanent consents will be granted on suitable 'unidentified' sites in the future. There will also be turnover of pitches on the two public sites in the borough. Overall, by the means of the site allocations, the granting of consents (past and future) and public pitch turnover, the identified need for 187 pitches can be met over the timeframe of the Local Plan. The Local Plan's adoption is currently timetabled for the latter half of 2017.
- 5.13 The PPTS directs that the lack of a 5 year supply of Gypsy pitches should be given weight in the consideration of granting a temporary consent. With the submission of the Local Plan, the council's position is that it can demonstrate a 5.6 year supply of G&T sites at the base date of 1st April 2016. In these circumstances, the PPTS direction to positively consider the granting of a temporary consent does not apply.

Gypsy Status

- 5.14 The Government has issued revisions on the national planning guidance for Gypsy & Traveller development contained in 'Planning Policy for Traveller Sites' (PTS). The revised guidance came into force on 31st August 2015, and the planning definition of 'gypsies & travellers' have been amended to exclude those who have ceased to travel permanently. The revised definition is as follows;

"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."

- 5.15 The definition still includes those who are of a nomadic habit of life who have ceased to travel temporarily because of their own, or their dependants', health or education needs or old age. To determine whether an applicant falls within the definition in terms of ceasing travel temporarily, the PTS advises that regard should be had to; a) whether they had previously led a nomadic habit of life; b) the reasons for ceasing their nomadic habit of life; and c) whether there is an intention of living a nomadic habit of life in the future and if so, how soon and in what circumstances.
- 5.16 The agent has confirmed that the applicant and his family continually travel to horse fairs around the country. Typically, they travel to Appleby and to Gloucestershire. George and Lee travel for the purpose of their living. The agent confirms the applicants are from a Roman Gypsy background and continue to travel for the purpose of making their living as roofers. It is therefore reasonable to say that the applicants have not ceased to travel permanently or temporarily; and their agent has confirmed they intend to continue to travel for work for the purposes of making a living. With the evidence submitted the council is satisfied that the applicants lead a nomadic habit of life and accept that they fall within the gypsy status definition for the purposes of planning.

Sustainability

- 5.17 Gypsy traveller sites will almost inevitably be located in countryside locations, and the site is located approximately 1km to the east of Harrietsham village. In my view, I do not consider the site to be so far removed from basic services and public

transport opportunities as to justify grounds to refuse this application in terms of being unsustainable. Additional pitches were recently approved on the adjoining site therefore this location has been accepted as being an appropriate location for a gypsy traveller site.

6.0 Visual Impact

6.01 Guidance in the PPTS states that local planning authorities should very strictly limit new traveller development in the countryside but goes on to state that where sites are in rural areas, considerations are that sites do not dominate the nearest settled community and do not place undue pressure on local infrastructure. No specific reference to landscape impact has been outlined however this is addressed in the NPPF and saved adopted Local Plan policy ENV28.

6.02 The access track is existing and the site is set back some 65m from Greenway Lane and is partially screened by the existing gypsy traveller site and associated landscaping / boundary treatment located to the front of the site. Glimpses of the site are possible from Greenway Lane and the applicant proposes to plant additional hedge and tree planting along the northeast and southeast boundary to supplement the existing planting. The additional planting would help to screen the site further and a suitable condition could be imposed to ensure the retention and enhancement of the boundary planting is safeguarded. Further, it is considered that the site is located a significant enough distance away for any public view to not appear dominant, nor would the site appear incongruous in this setting due to the location of the adjoining gypsy traveller site and the nearby Garden of England caravan park.

6.03 There is an existing gypsy traveller site located to the southwest of the site with planning permission to station 4 caravans (no more than 2 static). I do not consider that a further 4 caravans (2 static) and an amenity building in this location would unacceptably harm the character of the countryside through the overconcentration of caravans due to the existing and proposed boundary planting. The site would be viewed in the foreground of the adjoining gypsy traveller site and it is located a sufficient distance to the south of the AONB so as not to have a harmful impact on the setting of the AONB.

6.03 I am therefore satisfied that the development does not appear prominent or visually intrusive in the surrounding landscape and I consider an unrestricted permanent use of the site to be acceptable.

7.0 Residential Amenity

7.01 A residential use is not generally a noise generating use; and the nearest residential property would be more than 100m away. The siting of the caravans and proposed use of the site is not considered to give rise to any unacceptable amenity issue to the adjoining gypsy traveller site. Given this, I am satisfied that the proposal would not have a significant detrimental impact on the residential amenity of any neighbouring residence, in terms of general noise and disturbance and privacy.

8.0 Highway safety implications

8.01 The two pitches make use of the existing access; there is sufficient parking and turning facilities within the site; and the development does not lead to a significant increase in traffic generation or an unacceptable intensification of use of the access. I am therefore satisfied that the development would not result in a highway safety issue.

9.0 Other considerations

- 9.01 The proposal site is within Flood Zone 1; the site consists of an area of hardstanding (access track) and maintained grass areas; and no boundary planting will be removed as part of this development. I therefore raise no objections in terms of flood risk and it is considered unreasonable to request any further ecological information. Environmental health has raised no objections in terms of land contamination; air quality; noise; lighting and amenity. A condition is recommended to deal with foul and potable water for the site.
- 9.02 The issues raised by Harrietsham Parish Council have been addressed in the main body of this report and it is also considered that the development would not result in an over concentration of gypsies and travellers in the area.
- 9.03 In accordance with National planning policy, the issue of intentional unauthorised development is a material consideration in the determination of this retrospective application. In this instance it is not considered to be reason alone to refuse this application as the development is considered to be acceptable.

10.0 Conclusion

- 10.01 For the reasons set out, the development is not considered to be adversely visually harmful to the countryside; and there are no residential amenity or highway safety issues. So in weighing up the material planning issues/policies and policy support to allow accommodation for gypsies and travellers in the countryside subject to the detail of any application, I take the view that in this instance an unrestricted permanent permission should be granted for two pitches in this location.

11.0 RECOMMENDATION –GRANT Subject to the following conditions:

CONDITIONS

- (1) The site shall not be used as a caravan site by any persons other than gypsies or Travellers, as defined in Annex 1 of the Planning Policy for Traveller Sites 2015;
- Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted.
- (2) No more than 4 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 2 shall be static caravans or mobile homes) shall be stationed on the site at any time;
- Reason: To safeguard the character and appearance of the countryside.
- (3) When the land ceases to be occupied the use hereby permitted shall cease and all caravans, structures, materials and equipment brought onto the land in connection with the use shall be removed. Within 3 months of that time the land shall be restored to its condition before the use commenced.
- Reason: To safeguard the character and appearance of the countryside.
- (4) Within three months of the date of the permission hereby granted 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 shall be submitted to and approved by the Local Planning Authority. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall include the following;

i) New native hedge / tree planting along the northeast and southeast boundary (as shown on the Site Layout Plan; received 11.07.2016);

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

- (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 this approval; and any trees, hedges 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 safeguard the character and appearance of the countryside.

- (6) No commercial activities shall take place on the land, including the storage of materials, without the prior written consent of the Local Planning Authority;

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

- (7) Within three months of the date of this decision notice, details of the proposed method of foul sewage treatment, along with details regarding the provision of portable water and waste disposal, must be submitted to and approved in writing by the Local Planning Authority.

The submitted details should include the size of individual cess pits and/or septic tanks and/or other treatment systems and should show the exact location on site and details as to where the system will discharge to. The development shall be carried out in accordance with the approved details and maintained thereafter unless with the agreement in writing of the Local Planning Authority.

Reason: in the interests of health and safety and to prevent contamination.

- (8) The development hereby permitted shall be carried out in accordance with site location plan and site layout plan received 11.06.2016 and proposed elevation plan received on 2.08.2016.

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

INFORMATIVES

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

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

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 acceptable as submitted and no further assistance was required.

The application was approved in a timely manner.

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.



20 m
100 ft

203

**Proposed site -
16/505930/FULL
two tourers on
site at present**

**Garden of
England Caravan
Park**

**07/2232
(Oakland
Place) -
Permanent
permission for
one static and
one tourer -
one static on
site a present**

**14/500696 (Oakland
Place) - Variation of
07/2232 to allow one
additional static and
one additional tourer.
Currently vacant.**

THE MAIDSTONE BOROUGH COUNCIL
PLANNING COMMITTEE – 27/10/16

APPEAL DECISIONS:

1. 16/503442

Erection of a single storey rear extension and first floor side extension over existing garage.

APPEAL: Part Allowed/Part Dismissed

79 Birling Avenue, Bearsted, Kent, ME14 4LN

(Delegated)
