

AGENDA

PLANNING COMMITTEE MEETING



Date: Thursday 12 January 2017
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

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1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 19 January 2017

Continued Over/:

Issued on 4 January 2017

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Alison Broom

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

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

The order in which items are taken at the meeting may be subject to change. The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website. For full details of all papers relevant to the applications on the agenda, please refer to the 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.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 8 DECEMBER 2016

Present: Councillor Perry (Chairman) and Councillors Boughton, M Burton, Clark, Cox, English, Harwood, Hastie, Hemsley, Munford, Powell, Prendergast and Mrs Stockell

Also Present: Councillors Lewins, Mrs Robertson, Springett and Willis

229. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillor Round.

Councillor English advised the Committee in advance that he would not be able to attend the whole of the meeting.

230. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor M Burton was substituting for Councillor Round.

231. NOTIFICATION OF VISITING MEMBERS

Councillors Lewins and Mrs Robertson indicated their wish to speak on the report of the Head of Planning and Development relating to application 16/503641.

Councillor Springett indicated her wish to speak on the reports of the Head of Planning and Development relating to applications 16/506630 and 16/507158.

It was noted that Councillor Willis wished to speak on the report of the Head of Planning and Development relating to application 16/503641, but would be late in arriving at the meeting.

232. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

233. 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.

234. DISCLOSURES BY MEMBERS AND OFFICERS

With regard to the report of the Head of Planning and Development relating to application 16/507358 (Former Royal Mail Depot), Councillor English said that some Members present, including himself, were Members/Substitute Members of the Policy and Resources Committee which had discussed the purchase of the application site by the Borough and County Councils. In his opinion, this had not influenced his view, or any other Member's view, on the planning application.

235. EXEMPT ITEMS

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

236. MINUTES OF THE MEETING HELD ON 17 NOVEMBER 2016

RESOLVED: That the Minutes of the meeting held on 17 November 2016 be approved as a correct record and signed.

237. PRESENTATION OF PETITIONS

There were no petitions.

238. REFERENCE FROM STRATEGIC PLANNING, SUSTAINABILITY AND TRANSPORTATION COMMITTEE - WEST STREET, HARRIETSHAM, KENT

The Committee considered the response of the Strategic Planning, Sustainability and Transportation Committee to its request that it 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. It was noted that whilst the Strategic Planning, Sustainability and Transportation Committee acknowledged that its responsibilities included district highways and car parking functions, it would be content for issues such as those described above to be referred direct from the Planning Committee to the Maidstone Joint Transportation Board. However, the Committee did ask that, when making such referrals, consideration should be given as to whether its input might be required.

RESOLVED: That the reference be noted.

239. 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

16/505311 – CHANGE OF USE FROM A C3 (4 BEDROOM HOUSE) TO SUI GENERIS FOR MULTIPLE OCCUPANCY OF 8 BEDROOMS, CONVERSION OF LOFT WITH THE INSERTION OF ROOFLIGHTS AND SIDE DORMER WINDOW, CONVERSION OF GARAGE TO BEDROOM WITH ALTERATIONS AND PROVISION OF ADDITIONAL PARKING - 47 FREEMAN WAY, MAIDSTONE, KENT

The Development Manager advised Members that he had nothing further to report in respect of these applications at present. He hoped to be in a position to report the applications back to the Committee in the near future.

240. 16/503641 - RESERVED MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR PHASE 1 FOR ERECTION OF 183 DWELLINGS WITH ASSOCIATED INFRASTRUCTURE PURSUANT TO OUTLINE APPROVAL REF 13/1749 - LAND TO THE EAST OF HERMITAGE LANE, MAIDSTONE, KENT

All Members stated that they had been lobbied.

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

Mrs Bates, an objector, Mrs Poletti of the New Allington Action Group (against), Mr Brown, for the applicant, and Councillors Mrs Robertson, Lewins and Willis (Visiting Members) addressed the meeting.

During the discussion on the application, the Officers were asked to ensure that renewables and swift bricks and bat boxes etc. are incorporated integrally into the fabric of the development.

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

Voting: 10 – For 0 – Against 3 - Abstentions

Note: Councillor Willis entered the meeting during the Development Manager's presentation on this application (6.20 p.m.).

241. 16/506630 - DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF 2 REPLACEMENT DETACHED FOUR BEDROOM DWELLINGS, SET ON 3 FLOORS WITH ASSOCIATED PARKING - ST FAITHS BUNGALOW, ST FAITHS LANE, BEARSTED, KENT

All Members stated that they had been lobbied.

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

Mr Clifford, for objectors, Councillor Ash of Bearsted Parish Council (against), Mr Wharton, the applicant, and Councillor Springett (Visiting Member) 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 proposal by reason of its size, siting and design would provide a cramped form of development that would be out of keeping and detrimental to the general character, appearance and spaciousness of the area contrary to paragraphs 56 to 58, 60, 61 and 64 of the NPPF and policies DM1 and DM8 of the emerging Maidstone Local Plan (Submission Draft) 2016.

RESOLVED: That permission be refused for the following reason:

The proposal by reason of its size, siting and design would provide a cramped form of development that would be out of keeping and detrimental to the general character, appearance and spaciousness of the area contrary to paragraphs 56 to 58, 60, 61 and 64 of the NPPF and policies DM1 and DM8 of the emerging Maidstone Local Plan (Submission Draft) 2016.

Voting: 13 – For 0 – Against 0 – Abstentions

Note: Councillor English left the meeting after consideration of this application (8.15 p.m.).

242. 16/507158 - ERECTION OF AN ANNEX WITH STORE ROOM ABOVE - 7 CAVENDISH WAY, BEARSTED, KENT

All Members stated that they had been lobbied.

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

Councillor Ash of Bearsted Parish Council (against), Mrs Ryder, the applicant, and Councillor Springett (Visiting Member) addressed the meeting.

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

Voting: 11 – For 0 – Against 1 – Abstention

243. 16/506756 - DEMOLITION OF THE EXISTING COMMERCIAL BUILDINGS ON THE SITE AND THE CONSTRUCTION OF 5 NO. DWELLINGS ALONGSIDE ASSOCIATED PARKING, ACCESS AND LANDSCAPING WORKS - WILSONS YARD, GEORGE STREET, HUNTON, KENT

All Members except Councillor Mrs Stockell stated that they had been lobbied.

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

Mr Collins addressed the meeting on behalf of the applicant.

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

Voting: 9 – For 3 – Against 0 – Abstentions

244. 16/500411 - REDEVELOPMENT OF MAIDSTONE MOSQUE WITH ASSOCIATED CLASSROOMS, LIBRARY, OFFICES, KITCHEN ALONG WITH THE ADDITION OF 3 SHOPS AND 1 RESIDENTIAL FLAT - 20-28 MOTE ROAD, MAIDSTONE, KENT

Councillor Powell stated that he had been lobbied.

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

Mrs Woodward, an objector, addressed the meeting.

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report, as amended by the urgent update report, with the amendment of condition 3 as follows:

No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building and hard surfaces hereby permitted, which shall include the incorporation of Swift bricks within the fabric of the building, including their positioning on the building, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: In the interests of biodiversity and for the provision of a satisfactory appearance to the development.

Voting: 11 – For 1 – Against 0 – Abstentions

245. 16/507358 - CHANGE OF USE OF ROYAL MAIL DEPOT AND ANCILLARY OFFICES TO A MIX OF USES COMPRISING OF USE OF FORMER ROYAL MAIL ADMINISTRATION BLOCK AS B1A (OFFICES), USE OF MAIN WAREHOUSE FOR CAR PARKING, USE OF WAREHOUSE 2 FOR A MIXED USE OF B8 AND A1 RETAIL WAREHOUSE, USE OF UNDERCROFT PARKING AS A CARPARK, ALL WITH ASSOCIATED OPERATIONAL WORKS FOR A TEMPORARY PERIOD OF 5 YEARS - FORMER ROYAL MAIL DEPOT, 98 SANDLING ROAD, MAIDSTONE, KENT

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

RESOLVED: That the Head of Planning and Development be given delegated powers to grant permission subject to the conditions and informatives set out in the report.

Voting: 12 – For 0 – Against 0 – Abstentions

246. APPEAL DECISIONS

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

RESOLVED: That the report be noted.

247. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements on this occasion.

248. DURATION OF MEETING

6.00 p.m. to 10.10 p.m.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

12 JANUARY 2017

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

REPORT SUMMARY

REFERENCE NO - 14/506738/OUT		
APPLICATION PROPOSAL Outline application for the erection of up to 100 dwellings – reserved matters for which approval is being sought: Access, including access widening comprising relocation of wall (forming part of outer curtilage of Barty Nursing Home (Grade II listed))		
ADDRESS Land at Barty Farm, Roundwell, Bearsted, Kent ME14 4HN		
RECOMMENDATION GRANT PLANNING PERMISSION SUBJECT TO PRIOR COMPLETION OF AN APPROPRIATE LEGAL MECHANISM AND CONDITIONS		
SUMMARY OF REASONS FOR RECOMMENDATION A recommendation has previously been made on the proposed development (see Appendix A Officer’s report). This report provides an update on the material changes that have occurred since the earlier resolution to grant planning permission. It does not alter the previous recommendation for approval.		
REASON FOR REFERRAL TO COMMITTEE Material change in circumstances since the application was previously reported to planning committee.		
WARD Bearsted	PARISH/TOWN COUNCIL Bearsted	APPLICANT Crabtree and Crabtree (Bearsted) Ltd AGENT Hobbs Parker Property Consultants
DECISION DUE DATE 06/04/15	PUBLICITY EXPIRY DATE	OFFICER SITE VISIT DATE Various

UPDATED PLANNING HISTORY since resolution taken on 28 April 2016

15/504667 Barty House, Roundwell, Bearsted, Kent: Listed Building Consent for alterations to boundary wall to facilitate improved access. **REFUSED** *The proposed development would cause harm to the setting of the Grade II Listed Barty Nursing Home and to the fabric of the curtilage wall. Notwithstanding the lack of a 5 year supply, it is considered that the benefits of the development are not sufficient to overcome the harm identified.*

14/506738/OUT Barty House, Roundwell, Bearsted, Kent: Outline application for the erection of 100 dwellings - reserved matters for which approval is being sought: Access, including access widening comprising relocation of wall forming part of outer curtilage of Barty Nursing Home (Grade II listed). **DELEGATED POWERS TO APPROVE SUBJECT TO COMPLETION OF AN APPROPRIATE LEGAL MECHANISM AND CONDITIONS 28/4/16**

1.0 EXECUTIVE SUMMARY

1.1 This application for up to 100 houses at Land at Barty Farm, Bearsted, has been considered by Members previously at the planning committee meeting held on 28 April 2016. The officer’s report is attached in full at Appendix A and should be read

in conjunction with this report. At this meeting it was resolved to grant planning permission subject to conditions and an agreed Section 106 to secure the relevant developer contributions; the minutes of the meeting can be found at Appendix B to this report. At the same meeting the linked application 15/504667 which sought Listed Building Consent for the relocation and rebuilding of the wall to facilitate the access into the new housing development was refused. In effect, the applicant was left with a resolution for planning permission that could not be implemented.

- 1.2 Since the decision of the planning committee in April 2016, the applicant has sought expert advice from Heritage Consultants with a view to working up a scheme that would not compromise the integrity of the Grade II Listed Building and its setting. The applicant has considered the grounds of refusal and sought to address these in a revised submission. The revised Listed Building application (16/506735) is on the papers for a decision at this committee also.
- 1.3 This report considers the material changes that have taken place since the Appendix A report from 28 April 2016. Members are advised to consider these material changes and the significance of them. No further analysis has been undertaken of the issues previously discussed as these have already been subject to debate and resolution at committee.
- 1.4 The proposal is fundamentally as considered by Members in April 2016. The outline planning application comprises the erection of up to 100 dwellings with only access considered in detail. As stated, a resolution has already been agreed by members of the planning committee to grant the scheme and the S106 agreement could be progressed; the resolution is minuted in Appendix B. Only the material changes with respect to the specific details of the means of access to the site, along with policy material changes, are therefore being considered in this report.
- 1.5 The material changes that fall to be considered comprise:
 - The change in position with regard to the 5 year housing land supply;
 - The adoption of the Kent Minerals & Waste Local Plan 2016;
 - Amended/additional detail with regard to the resiting of the listed wall which aligns the proposed access.

2.0 THE CHANGES

2.1 The following additional documents have been submitted to inform the assessment of the application

- **Hobbs Parker Covering letter 23/9/16**
- **DAS Design & Access Statement (5/6/15)**
- **Barty House Boundary Wall Heritage Impact Assessment 05 Sep 16.**
- **Mineral Resource Assessment Report November 2016 (SLR global environmental solutions)**

The main differences between the amended plans and those previously considered are as follows:

- * **a stepped access from the rebuilt wall across the lawn accessed from the new footpath;**
- * **lowering of the rebuilt section of wall adjacent to the access track;**
- * **a more graduated transition between the new and existing wall adjacent to Roundwell;**
- * **a greater emphasis and indication of the landscaped finish to the lawn.**

Additional plans have been submitted for determination with regard to the wall detail and impact on Listed Building:

- Drawing No. 1460/001 Rev. B Landscape Plan.
- Drawing No. 2527-16 Proposed Landscaping.
- Barty House Boundary Wall 05 Sep 16.
- Proposed Boundary Wall plan is D&A Statement
- Drawing No. 2527-04C Section A-A.
- Drawing No. 2527-05C Section B-B.
- Drawing No. 2527-06B Section C-C.
- Drawing No. 2527-16 Boundary Wall Demolition Plan

4.0 POLICY AND OTHER CONSIDERATIONS

The policy reference numbers included in the Committee's April report refer to an earlier stage of plan preparation (the 2014 Regulation 18 version of the plan). To clarify, the application site is subject to the following policies of the Emerging Maidstone Borough Local Plan 2016 (for ease of reference, where different, the former 2014 policy numbers are in brackets):

SS1: Maidstone Borough spatial strategy
SP1 [SP2]: Maidstone urban area
H1: Housing site allocations
H1-21 [H1(17)]: Barty Farm, Roundwell, Thurnham

DM1 [DM4]: Principles of good design
DM2: Sustainable design
DM3 [DM10]: Historic and natural environment
DM5 [DM16]: Air quality
DM7 [DM6]: External lighting
DM11 [DM23]: Housing mix
DM12 [H2]: Housing density
DM13 [DM24]: Affordable housing
DM22 [DM11]: Open space and recreation
DM23 [DM12]: Community facilities
DM24 [DM13]: Sustainable transport
DM27 [new]: Parking standards
ID1: Infrastructure delivery.

Kent Minerals & Waste Local Plan 2016: policies DM7, DM9

5.0 LOCAL REPRESENTATIONS

As per Appendix A plus:

An additional 20 objections have been received from local residents (including those previously incorporated in the urgent update). The objections reiterate previous concerns and raise the following new issues:

- Previous officers report was inaccurate with regard to the 5 year housing land supply
- The application should be reheard as was rushed through previously at committee
- The proposed planting would compromise the improved access – it should be demonstrated that this will not happen
- Proposed planting will detract from Barty House setting and have the opposite effect of enhancing the setting
- To agree will compromise the stance at the EIP whereby it was stated that all primary school children should be able to walk to school
- Reinforce views that until school places are available the development is unsustainable
- Nothing has changed that would make development acceptable
- Photographs submitted of an accident attended by the police on Roundwell

Bearsted & Thurnham Society : no further comments received.

5.2 Councillor Cuming: previously objected. No further comments received. Objection still stands.

6.0 CONSULTATIONS

6.1 **Bearsted Parish Council**: previously objected. No further comments received. Objection still stands.

6.2 **Thurnham Parish Council**: previously objected. Further objections received as follows:

Thurnham Parish Council has considered the amendments to the above planning application and wish to register its strong objections for the following reasons: The Parish Council is concerned at the overall level of development and the precedent that this would set for further development at Junction 8 of the M20 and the infill between Water Lane and Thurnham Lane.

Development in this area would lead to the loss of viable agricultural land and will lead to the coalescence of part of Bearsted and part of Thurnham which will subtract from the rural character of the area.

The Parish Council has serious concerns regarding the proposed access to the development. The access would be situated on a sharp bend in the road and at the bottom of two slopes in which the topography restricts the sightlines for oncoming vehicles adjacent to the unrestricted limit.

The proposed development of a hundred new homes would increase traffic in the area and create an additional hazard on an already very busy road.

The application documentation makes reference to an additional 400+ car movements a day.

The Parish Council is concerned about the impact that these additional car movements would have on traffic at the A20 and through Bearsted.

We feel that it is inevitable that the majority of this traffic travelling to London would use Junction 7 to access the motorway rather than Junction 8, thus increasing the traffic movements through Bearsted Village.

6.3 **MBC HOUSING:** No further comments received. Previous comments apply.

6.4 **MBC PARKS & OPEN SPACE:** Previous comments still apply.

6.5 **MBC CONSERVATION OFFICER:** Raises objections and makes the following (summarised) comments

- There are no heritage benefits to this proposal
- The proposal causes harm to the fabric and setting of the Listed Building
- Concurs with the Heritage Statement that this is less than substantial harm
- The proposed wall will have less visual presence than the existing
- The proposed steps are inappropriate in this location (bringing focus to the subsidiary entrance)
- Views from the new wall are the most important for appreciating the original size and form of Barty House – this would be compromised
- The house will be left in a less spacious setting
- The wall could be rebuilt insitu
- The wall adds to the significance of the LB as it signals where the previous driveway entry point was

‘The proposals insofar as they relate to the demolition and rebuilding of the boundary wall will result in less than substantial harm to the significance of the Grade II listed Barty House. As such, in accordance with paragraph 134 of the NPPF, this harm needs to be weighed against the public benefits provided by the housing scheme for which a resolution to grant planning permission has been passed’.

6.6 **MBC LANDSCAPE OFFICER:** previous comments apply. No objection subject to conditions.

- 6.7 **MIDKENT ENVIRONMENTAL HEALTH:** No further comments to previous 'no objection' subject to conditions.
- 6.8 **KCC FLOOD TEAM:** No further comments to previous 'no objection' subject to a SUDS condition.
- 6.9 **KCC ECONOMIC DEVELOPMENT:** No further update in terms of contribution level sought. Previous comments apply.
- 6.10 **KCC PAUL CRICK:** No further comments received. Previous objections to lack of primary school places still applies.
- 6.11 **KCC ARCHAEOLOGY:** No further comments received. Previous comment 'no objection subject to condition.'
- 6.12 **KCC ECOLOGY:** No further comments received. Previous comment 'no objections'
- 6.13 **KCC PROW:** No further comments received. Previous comments still apply.
- 6.14 **KCC HIGHWAYS:** Further comments received raising no objections subject to the visibility splays complying with relevant highway guidance.
- 6.15 **KENT POLICE:** Updated response reaffirming condition to be imposed.
- 6.16 **KENT WILDLIFE TRUST:** no further response. No objection raised previously.
- 6.17 **NATURAL ENGLAND:** no further comments to make.
- 6.18 **SOUTHERN WATER:** no further comments to make. Previously advised on capacity issues.
- 6.19 **ENVIRONMENT AGENCY:** confirmed no further comments and no objection subject to condition.
- 6.20 **NHS:** No further comments received. Previous request for contribution applies.
- 6.21 **AONB Unit:** updated comments received. Maintain objection as the additional information does not address previous comments (i.e. submission of a LVIA)
- 6.22 **Kent Fire & Rescue:** No further comments received.
- 6.23 **Agricultural Advisor:** Wishes to make no further comment.
- 6.24 **Arriva Bus Services:** No further comments received. Previously sought contributions.

- 6.25 **Highways England:** no opinion. They consider the proposal will have a 'de minimus' impact on the strategic highway network and has been factored in to transport modelling in the development plan.

Policy Allocation

The application site was found acceptable at the meeting held on 28 April 2016 where planning committee resolved to approve the outline application subject to conditions and the applicant entering into a S106 agreement. However, it has been brought back to committee due material changes which have taken place comprising the evolution of the Local Plan now at Examination in Public and the publication of the adopted Kent Minerals and Waste Local Plan.

The site went through the SHLAA process in both 2009 and 2014 and continues to be found acceptable.

Barty Farm, as shown on the policies map in the emerging Local Plan, is allocated for development of approximately 122 dwellings at an average density of 35 dwellings per hectare. In addition to the requirements of policy H1, the site specific criteria set out in Appendix A need to met. The criteria were considered when Members reached the resolution to grant planning permission subject to a S106 and conditions. Members were satisfied that the criteria had either been met through the outline application or could be met through Reserved Matters submission.

7.0 Update on the Local Plan

- 7.1.1 The National Planning Policy Framework states that, from the day of publication, decision-takers may give weight to relevant policies in emerging plans (NPPF, paragraph 16). The weight to be attached is relative to the following factors:
- 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).
- 7.1.2 The Maidstone Borough Local Plan 2016 (the Local Plan) was submitted on 20 May 2016 and the independent examination into the Plan commenced on 4 October 2016. An interim report has been received from the Inspector; the implications of this will be considered later in this report. Adoption of the Local Plan is expected spring/summer 2016. The emerging Local Plan is gathering weight as it moves forward and, at this stage of its preparation, it is considered that significant weight should be attached to it.
- 7.1.3 Land at Barty Farm is allocated under Policy H1(21) of the emerging Local Plan for an indicative 122 dwellings with supporting infrastructure. The policy specifically addresses design and layout, access, air quality, open space, community infrastructure, and highways and transportation requirements for the site. The allocated site was examined on 13 October 2016 during Session 6A 'Maidstone and other urban area housing' and, whilst the Local Plan Inspector has not issued his full

report at this stage, the site was not a matter of contention at the hearing session and the site is not mentioned in the Interim finding report.

7.1.4 The application is in outline with all matters, except access, reserved for subsequent approval. Previous comments set out in the Planning Committee report of 28 April 2016 still stand and are relevant to the determination of the current proposals: the illustrative scheme for 100 dwellings submitted with the outline application reflects the general requirements of Policy H1(21) and as mentioned earlier, Members have accepted that the application is in compliance with the policy criterion through the resolution made on 28 April.

7.1.5 The submission of reserved matters will need to meet the requirements of the above policies, including provision of 30% affordable housing (Policy DM13) and provision of publicly accessible open space in accordance with Policies H1(21)(5) and DM22. Although KCC Education has confirmed that the requisite primary school places cannot be provided at a school within the immediate locality of the site (Policy H1(21)(6)), should planning permission be granted, the County has indicated that financial contributions should be directed towards the South Borough Primary School, located approximately 2.7 miles from the site. Representation has been made that the Council advised at the EIP that its aim was for as many people as possible to be able to walk their children to primary school. The issue of primary school places was a focus of discussion at the committee meeting held on 28 April. In the resolution to approve the application, Members accepted the contributions requested by KCC as the Education Authority, including the contribution towards the South Borough Primary School. It would therefore be unreasonable to come to a different view over this matter when fully discussed and a decision to accept through the mechanism of a S106 was taken previously.

7.1.6 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should:

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

7.1.7 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was commissioned jointly with its housing market area partners: Ashford and Tonbridge & 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 Maidstone Borough Local Plan (2011 to 2031). The SHMA has been the subject of a number of iterations following the publication of updated population projections by the Office for National Statistics and household projections by the Department for Communities and Local Government. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed an objectively assessed housing need figure of 18,560 dwellings for the period 2011 to 2031. This figure was adopted as the Local Plan housing target by Council at its meeting on 25 January 2016.

- 7.1.8 The Local Plan allocates housing sites considered to be in the most appropriate locations for the borough to meet its objectively assessed needs, and the Housing Topic Paper (which was submitted with the Local Plan) demonstrates that the Council has a five-year supply of deliverable housing sites.
- 7.1.9 Housing land supply monitoring is undertaken at a base date of 1 April each year. The Council's five-year housing land supply position includes dwellings completed since 1 April 2011, extant planning permissions, Local Plan allocations, and a windfall allowance from small sites (1-4 units). The methodology used is PPG-compliant in that it delivers the under-supply of dwellings in the past five years over the next five years; it applies a discount rate for the non-implementation of extant sites; and, in conformity with the NPPF paragraph 47, a 5% buffer is applied given the position that is set out in full in the Housing Topic Paper. As at 1 April 2016 the Council can demonstrate **5.12 years'** worth of deliverable housing sites against its objectively assessed need of 18,560 dwellings.
- 7.1.10 In September 2016, a desktop exercise was completed in order to test how the Council is continuing to meet its 20-year and five-year housing targets. Using the same methodology, the housing land supply calculation was rolled forward five months; the contribution from new planning permissions granted since April was included; the phased delivery of extant permissions and Local Plan allocations was reviewed; and the windfall contribution was adjusted to avoid double counting. The Housing Topic Paper Update reaffirmed that the Council's five-year housing land supply position is robust and that the assumptions being made are justified, demonstrating an uplift in the Council's position to 5.71 years. The purpose of the update was to show an indicative position as at 1 September: the update does not replace the 1 April 2016 Topic Paper because a full survey was not undertaken in September. A full five-year housing land supply update will be completed through the annual housing information audit to produce the 1 April 2017 position.

Since this time, the Inspector has submitted his Interim findings from the examination of the Maidstone Borough Local Plan to the Council. Whilst these findings are still being reviewed by officers, they do not raise doubt about the Council's stated position that it has a 5 year housing land supply.

- 7.1.11 Land at Barty Farm is an allocated housing site in the Maidstone Borough Local Plan which contributes towards the Council's 20-year and five-year housing land supply. The principle of the site's development for residential use has been established and, subject to the reserved matters meeting the policy requirements of the Local Plan, there is no policy objection to this outline application.

7.2 Heritage Impact

- 7.2.1 A specific Heritage Impact Assessment has been submitted in support of the application. This provides a more detailed assessment on the impact of relocating the wall than previous submissions. It also takes an amended approach to the treatment of the remaining lawn, opening up views to the elevation from the access track and providing a stepped access up from the new footpath to the lawn.
- 7.2.2 This revised approach gives greater emphasis on enhancing the setting of the Listed Building. Members may recall that the previous scheme comprised the relocation of the existing wall closer to the northern façade of Barty House at the same height as

existing. There were no breaks in this section of wall and the height only altered when stepping down to Roundwell and meeting the existing lower section of wall adjacent to Roundwell. It is now proposed to lower the height of the rebuilt section of wall in order to increase visibility to Barty House and midway through the section insert a stepped pedestrian access with formal landscaping either side.

- 7.2.3 It is also proposed to change the construction materials which would be used for the road widening. Materials include tumbled paving blocks with granite setts. The new footway would be edged with conservation kerbs. The landscaping details show extensive Yew hedging together with low shrub planting within the revised garden of Barty House – the planting would be set around hard landscaping comprising York stone style paving creating pathways and terraces for the users of Barty House.
- 7.2.4 Whilst I acknowledge the efforts made to provide an alternative scheme in conjunction with relocating the wall, the fact remains that the wall will be moved closer to Barty House and the ‘green’ lawn setting will be substantially reduced. The more gradual decline of the wall as it meets Roundwell is, in my view, a softer approach and the pedestrian steps across the lawn give a more formal garden approach to this elevation. My assessment remains that to reduce this lawn setting by moving the wall some 2.5 -3.5m into the garden will inevitably cause a degree of harm. The view of the Conservation Officer is stronger than mine with regard to his objections to the scheme.
- 7.2.5 This harm is balanced against the quality of the wall and the fact that it does contain a mix of materials from previous repairs and extended sections from when the change occurred years ago to the access arrangements. If undertaken with care, the wall is capable of being rebuilt stronger and ensuring longevity. However, this could be done in situ. The greater harm being caused, in my view is more to the setting of the Listed Building by a reduction in its curtilage. When balancing against the NPPF I consider it is less than substantial harm when weighing against the visual impact. Previous changes to the building and its setting also contribute to my assessment.
- 7.2.6 As per Appendix A, this report considers whether the impact is of significant harm to warrant refusal of the planning application. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special regard should be had to the desirability of preserving the building or its setting. It is clear from the assessment undertaken by the conservation officer that there is harm to the setting and fabric of this Listed Building and as such this should be given considerable importance and weight. The applicant also acknowledges that a level of harm will occur (Heritage Assessment). Therefore, with regard to section 66, I conclude that a level of harm will be caused.
- 7.3.5 It is therefore a case of balancing the benefits of the development versus the harm to the Listed building.
- 7.3.6 The NPPF requires that the harm be balanced against any public benefit accruing from the proposals. *‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.’* Paragraph 134
- 7.3.7 In this instance it is therefore considered that the significant public benefits arising from an additional 100 houses together with 30% affordable housing and the resulting economics benefits that new residents would bring to the services and

amenities in Bearsted, would, in my view outweigh the limited harm to the setting and fabric of the Grade II listed building and should not prohibit the development of the site. I also consider that some mitigation will be provided as it is proposed to retain existing bricks from the wall and re-use in the reconstruction thereby retain some of the historic fabric of the wall. This can be subject to a planning condition, together with requiring details of wall bond/pointing details, appropriate mortar mix to ensure the original wall is reflected in both character and detail as far as can be.

- 7.3.8 In coming to my view, I have also taken note of the structural appraisal undertaken by 'Alan Baxter Partnership' dated 17 September 2015 and the Heritage Assessment submitted September 2016. The report notes a bulge and lean to the existing wall and the general poor condition throughout. I do not consider the findings of the report justification for the resiting of the wall – rather it confirms that the wall needs attending to but this could be done in situ or rebuilt in its existing position.

7.4 Design and layout

- 7.4.1 No changes have been made to the indicative design and layout of the housing development.

7.5 Residential Amenity

- 7.5.1 The impact on residential amenity is as discussed in my previous report to the April committee.

7.6 Highway Issues

- 7.6.1 Notwithstanding the reinforced objections from residents, the highway issues are as considered previously. Comments have been made from KCC Highways regarding the planting not compromising visibility splay – however, this can be dealt with through the approval of the specific planting species and the majority of planting is indicated as being low level shrub planting. A condition is also proposed to ensure the proposed planting does not compromise the visibility splays.

7.7 Affordable housing

- 7.7.1 There is no change in the 30% affordable housing to be provided. Details of the siting of this within the development will be finalised at the reserved matters stage. Tenure and triggers for provision will be set out within the S106.

7.8 Landscaping & Open Space

- 7.8.1 Landscaping is a matter reserved for future consideration. Notwithstanding this at the committee meeting held in April, it was resolved to grant planning permission and not seek a contribution to off-site provision of open space. Members felt that it was appropriate to provide all open space on site to respect the rural character of the location. This request has been carried through in the conditions and hence no off-site contribution is being sought.

7.9 Ecology and Air Quality

- 7.9.1 No material change since the report to Members in April 2016.

7.10 Flooding and Drainage

7.10.1 No material change since the report to Members in April 2016.

7.11 Minerals and Waste Assessment

7.11.1 The applicant has submitted a Mineral Resource Assessment Report in response to the recently published Kent Minerals & Waste Local Plan 2016. (KMWLP). The relevance of this is that the site lies within a Minerals Safeguarding Area for silica sand/construction sand which forms part of the Folkestone Formation. This is a new material consideration as the document forms part of the adopted Development Plan and was not a consideration at planning committee in April 2016.

7.11.2 Due to safeguarding, consideration needs to be given under Policies DM7 & DM9 of the KMWLP as to whether prior extraction of minerals should take place, if feasible; and whether it would be economically or environmentally viable to do so.

7.11.3 The results of the investigation by SLR found that the site offers 0.36 hectares of soft sand which has not already been sterilized by nearby adjacent development. If extracted, this would equate to a yield of 10,000 tonnes of sand. Whilst the site is safeguarded in the KMWLP, it is not allocated as a Preferred or Reserve site, which in my view would give it a higher priority status. KCC have been consulted on the SLR report but have not commented.

7.11.4 The conclusion of the report by SLR is that the relatively small tonnage that would be gained in extraction, would not be viable for the cost and impact it would require. In my view, it would not be reasonable to expect extraction from this site due to the limited contribution it would have to overall sand supplies. The fact that nearby development has already compromised the quality of the sand and that KCC has recently assessed and prioritised sites and this has not come out as a preferred or reserve site, also inform my conclusion.

7.12 Alterations to the Listed Wall

7.12.1 A number of objectors have highlighted the refused applications in March 2015 for both planning permission and listed building consent to demolish the existing boundary wall at Barty House. It has also been commented on by neighbour objections that the April committee was correct in its decision to refuse Listed Building Consent for the scheme linked to this outline.

7.12.2 The accompanying Listed Building Application is an alteration to the previous refusal, with more emphasis on landscape as a means of mitigation and enhancement. However, the fact remains that the access track will noticeably alter in character and have a resulting negative impact on the setting of Barty House. As I have stated previously without the justification in terms of the public benefit that the new housing development will bring about, then the correct decision on the relocation of the wall would be one of refusal. However, as explored previously in depth, the two applications are intrinsically linked and there is justification for allowing the compromise to the setting of Barty House.

7.12.3 As such my conclusion remains the same and the benefits brought about by bringing forward this allocation outweigh the harm to the Grade II Listed Barty House.

8.1.1 Heads of Terms

I have received no further updates or reassessment of the figures previously sought by consultees. Nor have requests for further clarification on how the requests meet the requirements of the three tests of Regulation 122 of the CIL Regulations 2010 and paragraph 204 of the NPPF 2012 been addressed. I remain concerned that the contribution sought by Arriva buses is excessive and has not been satisfactorily justified. I therefore conclude it does not meet the tests below.

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

The requests Members are asked to endorse are as set out in the recommendation.

9.1 CONCLUSION

9.1.1 This application has been reported back to committee due to the material changes in policy terms. The emerging MBWLP plan is now considered to carry significant weight and the KM&WLP required consideration.

9.1.2 The significance of the site with regard to minerals value is not considered to be a reason to prevent or delay development when balanced against the public benefits of securing housing on this allocated site.

9.1.3 The proposed development does not conform with the adopted policy ENV28 of the Maidstone Borough-wide Local plan 2000. It would be greenfield development in a Special Landscape Area. However, as the site is an allocation for housing in the emerging local plan and falls within the proposed extended urban boundary as set out by Policy SP1 of the emerging plan, it reduces the weight that can be afforded to the adopted Policy ENV28. The development is considered to be in a sustainable location, will fall within the amended urban boundary and is not considered to result in significant planning harm. Given that this site contributes to securing the five-year housing supply and that the site is a proposed allocation in the Reg 19 plan, the low adverse impacts of the development are not considered to significantly outweigh its benefits. In addition, no adverse comments have been reported in the Inspector's interim findings or reported from the hearing session when this site was discussed. As such the development is considered to be in general compliance with the National Planning Policy Framework and material considerations indicate that it is appropriate to depart from the Local Plan.

9.1.2 Development at this site would extend the grain of development from the Maidstone urban boundary to the east. Whilst the development would have an impact upon the setting of the Grade II Listed Barty House and a loss of some fabric of the listed wall, I do not consider that this would be a significant impact such to resist development altogether. The site is on the boundary of the urban area in easy reach of a number of services and facilities located within Bearsted, including the Bearsted train station. The proposed development includes measures to enhance connectivity from the site to the centre of Bearsted (bus route) with its shops and services. The development of

this site for residential purposes would in my view represent an example of sustainable development and would conform to the aspirations of the NPPF.

9.1.3 Furthermore, the site, currently being on the edge of the urban area of Maidstone, would be in conformity with the Council's settlement hierarchy and preferred areas for development. The principal of which is supported in the Regulation 19 local plan which seeks to direct development to the urban area of Maidstone in the first instance – policy SS1 and SP1, followed by edge of urban sites. Therefore, the development of this site for residential purposes would conform with the Council's approach to the location of development.

9.1.4 This application has previously had a resolution to grant planning permission subject to the completion of a S106 legal agreement. It remains my recommendation that the development of the site for residential purposes is acceptable and it is recommended that subject to the completion of a section 106 that planning permission be granted.

RECOMMENDATION (this recommendation incorporates the changes sought by Members to conditions in the previous resolution and also additional conditions as set out in the urgent updates of planning committee April 28 2016.)

The **Head of Planning and Development** be given delegated powers to grant planning permission subject to the conditions set out below and to the prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to provide the following;

- The provision of 30% affordable residential units within the application site, 60% rental and 40% shared ownership.
- Contribution of £808.20 per Dwelling to be sought from the NHS towards improvements to Bearsted surgery.
- Contribution of £2360.96 per Applicable House towards the South Borough Primary School permanent expansion to 2FE.
- £2,359.80 per dwelling - towards Secondary education towards the second phase of expansion of Maplesden Noakes
- Contribution of £31.75 per Dwelling sought towards community learning to be used to address the demand from the development towards the provision of new/expanded facilities and services both through dedicated adult education centres and through outreach community learning facilities local to the development, project: new IT equipment to St Faiths Adult Education Centre in Maidstone
- Contribution of £31.78 per dwelling sought to be used to address the demand from the development towards youth services locally, project: new furniture for InFoZoNe Youth Centre
- Contribution of £127.09 per Dwelling sought to be used to address the demand from the development towards additional bookstock and services at local libraries serving the development, project: Bearsted Library enhancements, namely additional bookstock and moveable shelving

- Contribution of £53.88 per Dwelling sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both on site and local to the development including assistive technology, and enhancement of local community facilities to ensure full DDA access, project: enhancements to Dorothy Goodman Centre (Age UK) at Madginford.
- Contribution of up, but no more than, £15,000 for the provision of measures to promote sustainable access i.e cycle parking/shelters, disability ramps, security and information at Bearsted Railway Station.
- Contribution towards the upgrading of PRoW KH127 to Church Lane, officers to be granted specific delegated authority to liaise with KCC Prow & applicant to agree a final figure.

The inclusion of a LEMP together with the provision and on-going management on land north of the application site within the ownership of the applicant. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on the site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving the aims and objectives;
- e) Prescriptions for management actions;
- f) A work schedule;
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures;
- i) Specific details of biodiversity enhancement measures to include enhancement for birds, bats and reptiles. (to include swift bricks, bat boxes, hedgerow habitat enhancement)

Conditions

1. No development shall take place until approval of all of the following reserved matters has been obtained in writing from the Local Authority:
a. Layout b. Scale c. Appearance d. Landscaping

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

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

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

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

3. Prior to any dwelling hereby permitted being constructed to slab 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 carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development.

4. Prior to any dwelling hereby permitted being constructed to slab level, details of all fencing, walling and other boundary treatments shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation or as agreed by the Local Planning Authority and retained thereafter;

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

5. Prior to any dwelling hereby permitted being constructed to slab level, details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design, relating to the detailed element, shall be submitted to and approved by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the dwellings or as agreed in writing with the Local Planning Authority and maintained thereafter.

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

6. No external lighting equipment shall be placed or erected within the site until details of such equipment 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 in the interests of biodiversity. The development shall thereafter be carried out in accordance with the subsequently approved details.

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

7. (A) Prior to any dwelling hereby permitted being constructed to slab level, and pursuant to condition 1 of the Reserved Matters a landscape scheme which provides 1.05 hectares of useable open space within the site and designed in accordance with the principles of the Council's adopted landscape character guidance shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented.

(B) The scheme shall show all existing trees, hedgerows and landscaping and indicate whether they are to be retained or removed. It shall detail measures for protection of species to be retained and include a planting specification, a

programme of implementation and maintenance and a 10 year management plan. The landscape scheme shall provide landscape buffer zones of no less area than shown in the illustrative site layout on drawing no. 2527-21 and specifically address the need to provide:

- Reinforced and new tree belt along the southern boundary of the site.
- New hedgerow and tree planting along the northern boundary (M20 motorway).
- Tree and hedge planting throughout the site.
- Area of semi-natural open space along the southern boundary.
- Swales and balancing ponds.
- Reinforced tree and hedgerow planting along the eastern and western boundaries.
- Naturalistic boundary along Water Lane

(C) The approved scheme shall be fully implemented prior to the occupation of the 50th dwelling unless otherwise agreed in writing with the Local Planning Authority.

Reason: No such details have been submitted and to ensure a satisfactory appearance and landscape setting to the development and satisfactory implementation, maintenance and management of the landscaped areas.

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

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

9. Any existing trees or hedges retained on site which, within a period of five years from the first occupation of a property, commencement of use or adoption of land, die or become, in the opinion of the local planning authority, so seriously damaged or diseased that their long term amenity value has been adversely affected, shall be replaced in the same location during the next planting season (October to February), with plants of an appropriate species and size to mitigate the impact of the loss as agreed in writing by the local planning authority.

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

10. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in Relation to Construction- Recommendations' and in strict compliance with the Draft Arboricultural Method Statement by Chartwell Tree Consultants Ltd dated 9 March 2016. 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 safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development

11. Prior to the commencement of any ground or tree works a programme of arboricultural supervision and reporting shall be agreed with the local planning authority in writing and the approved programme shall be carried out in strict accordance with the approved details.

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

12. Prior to commencement of the engineering works at both the site access points, full details of tree protection methods, including the laying of road construction where trees have been identified as to be retained, shall be submitted and approved in writing by the local planning authority. Details should include hand dig as appropriate. The works shall be carried out in accordance with the approved details.

Reason: To ensure the safe retention of trees of amenity value.

13. The details of landscaping submitted pursuant to condition 1 shall include details of a scheme for the preparation, laying out, and equipping of a play/amenity area and the land shall be laid out in accordance with the approved details;

Reason: To ensure a satisfactory external appearance to the development and the provision of adequate facilities to meet the recreational needs of prospective occupiers.

14. (A) The development shall not be occupied until details of the long-term management and maintenance of the public open space, including details of mechanisms by which the long term implementation of the open space (including play equipment) will be secured by the developer with the management body(ies) responsible for its delivery, have been submitted to and approved in writing by the Local Planning Authority;

(B) In addition to 'A' above, the details shall show the provision of a LAP within the open space, how this to be equipped and accord with the provisions above. The approved details shall be fully implemented prior to 50th occupation of the residential units.

Reason: In the interests of adequate open space provision and visual amenity.

15. The details pursuant to condition 1 shall show the height of the proposed dwellings to reflect the parameters set in the Design and Access Statement shown as between 2 and 2.5 storeys high.

Reason: In the interests of visual amenity

16. There shall be no occupation of the development hereby permitted until the provision, by way of a Section 278 Agreement between the applicant and Kent County Council Highways, of the works identified in the application are agreed with the planning and

highway authorities. Full details of the proposed details shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

17. The development shall not commence until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out thereafter in accordance with the approved details.

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

18. 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.

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

Reason: In the interest of water pollution

20. No development shall take place until a sustainable surface water drainage scheme based on details provided within the Surface Water Management Strategy prepared by RMB Consultants (Civil Engineering) Ltd dated December 2014, has been submitted to and approved in writing by the local planning authority. The surface water strategy should also be compliant with the Non-Statutory Technical Standards for Sustainable Drainage (March 2015), and should demonstrate the surface water run-off generated up to and including the 100yr critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event, so as not to increase the risk of flooding both on- or off-site. The strategy should also include details for the provision of long term maintenance of all surface water drainage infrastructure on the site. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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

21. Prior to commencement of the development details of vehicle parking and cycle storage shall be submitted to the Local Planning Authority and approved in writing. The approved details of parking shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General

Permitted Development) Order 1995 as amended (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.

22. 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 source protection zones.

23. The existing wall which aligns the curtilage of Barty House shall not be taken down until a methodology statement has been submitted to cover the following areas:

- (i) Removal, cleaning and reuse of existing brickwork;
- (ii) Submission of sample replacement bricks where necessary;
- (iii) A sample panel to be erected on site to ensure appropriate bonding/mortar mix

Reason: To ensure appropriate materials and protection of the character of the wall.

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no further development other than that hereby permitted 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.

25. Prior to the commencement of development the recommendations of the Callumma Ecological Services report dated October 2015 shall be carried out. A detailed mitigation strategy shall be submitted to the Local Planning Authority as set out in this report (CES) together with a monitoring timetable whilst works are ongoing with regard to the Great Crested Newt population within the identified ponds.

Reason: In the interests of Biodiversity.

26. Prior to occupation of the first dwelling a scheme for the installation of a piece of public art shall be submitted to the local planning authority for approval. The approved scheme shall be undertaken in accordance with the details and provided on site before the last unit is occupied.

Reason: In recognition of the local history in Bearsted and to provide a sense of place to the development.

27. The recommendations set out in the acoustic report by Peter Moore Acoustics ref 141101/1 shall be fully adhered to. Prior to occupation of the dwellings written

evidence shall be submitted that the recommendations have been incorporated within the development.

Reason: In the interests of providing a satisfactory environment for future occupants.

28. Details of a scheme to provide sources of renewable energy including solar power and where practical publicly accessible EV charging points, shall be submitted to the LPA with the application for approval of reserved matters and the approved details shall be implemented before the development is first occupied

Reason: In the interests of the environment.

29. 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 to show that no contamination was discovered should be included.

Reason: In the interests of protecting future occupants from contamination.

30. Prior to the commencement of the development a Code of Construction Practice shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority.

The code shall include:

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Provision of off road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway

- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works

Reason: In order to ensure the impact of the construction works are minimised in the locality.

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

- Drawing no.s: 475-108A; 474-112; 474-115; 474-116; 475-123; 475-125 A; 475-127A; 2527-21b; 2527-20Rev D; site location plan; 2527-22A; Drawing No. 1460/001 Rev. B Landscape Plan; 2527-03H; 2527-16; 2527-04C; 2527-05C; 2527-06B; 2527-16.

Reports: Great Crested Newt Survey October 2015, Calumma Ecological Services; Arboricultural report by Chartwell Tree Consultants December 2015, Arboricultural Method Statement 9 March 2016, Transport Assessment Addendum December 2016; Surface Water Management Strategy incorporating a Flood Risk Assessment dated December 2014.

Reason: To ensure the development is undertaken satisfactorily.

Informatives:

- 1 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.
- 2 The applicant is advised to take note of and refer to the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (and any subsequent revisions) when submitting details in relation to condition 6.
- 3 The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. (Tel: 0330 303 0119) or www.southernwater.co.uk.
- 4 Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. (Tel: 0330 303 0119) or www.southernwater.co.uk.

REPORT SUMMARY

REFERENCE NO - 14/506738/OUT		
APPLICATION PROPOSAL Outline application for the erection of up to 100 dwellings – reserved matters for which approval is being sought: Access, including access widening comprising relocation of wall (forming part of outer curtilage of Barty Nursing Home (Grade II listed))		
ADDRESS Land at Barty Farm, Roundwell, Bearsted, Kent ME14 4HN		
RECOMMENDATION GRANT PLANNING PERMISSION SUBJECT TO PRIOR COMPLETION OF AN APPROPRIATE LEGAL MECHANISM AND CONDITIONS		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development does not conform with Policy ENV28 of the Maidstone Borough-wide Local Plan 2000. However, the development is at a sustainable location, immediately adjoins the existing urban boundary, and is not considered to result in significant planning harm. Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan. Similarly whilst the proposal will have an impact on the setting of the adjacent Grade II Listed Building and involve the permanent loss of some fabric of the curtilage wall and its re-alignment, having considered the advice contained in the LB Act, NPPG and NPPF the benefits of the development are felt to outweigh the harm caused. The applicant is prepared to enter into a legal agreement to ensure that justified contributions are met.		
REASON FOR REFERRAL TO COMMITTEE The proposal is a departure from the Development Plan. Bearsted Parish Council wish to see the application refused and have requested the application be reported to Committee for the reasons set out below.		
WARD Bearsted	PARISH/TOWN COUNCIL Bearsted	APPLICANT Crabtree and Crabtree (bearsted) Ltd AGENT Hobbs Parker Property Consultants
DECISION DUE DATE 06/04/15	PUBLICITY EXPIRY DATE	OFFICER SITE VISIT DATE Various

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

14/506798/FULL Barty House Roundwell Bearsted Kent: Demolition and reposition of part boundary wall **REFUSED** *The construction of a new boundary wall and adjustment to the parking area would detract from the historical setting and heritage value of this grade II* listed building and as such would result in substantial harm to this listed building contrary to advice contained in The National Planning Policy Framework 2012.*

14/506799/LBC Barty House Roundwell Bearsted Kent: Demolition and reposition of part

boundary wall REFUSED *The construction of a new boundary wall and adjustment to the parking area would detract from the historical setting and heritage value of this grade II* listed building and as such would result in substantial harm to this listed building contrary to advice contained in The National Planning Policy Framework 2012.*

MAIN REPORT

Background

This application was previously withdrawn from the agenda of the planning meeting that was held on 26 November 2015 due to a late representation by KCC Highways. As a result of the comments received the scheme has now been amended to delete the combined emergency, pedestrian and cycle access at the western end of the site on to Water Lane.

1.0 DESCRIPTION OF SITE

- 1.1 The application site lies adjacent to the eastern edge of the settlement of Bearsted and is located in Roundwell, Thurnham, east of Water Lane and north of residential development fronting on to Roundwell Lane. The site forms part of the Barty Farm complex and comprises 3.9 hectares of sheep pasture; it is enclosed entirely by fencing and around the boundary can be seen areas of hawthorn hedging and tree lines. The north-west boundary (adjacent to the ancient route of Water Lane) is a significant landscape feature in that it is formed by a steep bank, lined with trees (mainly mature oak); the bank is approximately 6m deep.
- 1.2 The land is classified as Grade 3 agricultural land. The site does not lie within an Area of Outstanding Natural Beauty although this is approximately 1km to the north. The site does fall within the North Downs Special Landscape Area as defined in the Maidstone Borough-wide Local Plan 2000. Bearsted Conservation Area is located 388 metres west of the site boundary; Bearsted Holy Cross Church Conservation Area is located 337 metres west of the site boundary. Barty House (currently in use as a nursing home) is a Grade II Listed early 18th Century house and is situated approximately 38 metres south of the site boundary.
- 1.3 Approximately 50m to the north of the site, separated by another field parcel is the main Ashford to London railway line and beyond this at 450m distance to the north-eastern most part of the site is the M20. In addition to the fields to the north, there are also fields to the east/north east. The proposed access to the site is from an existing

access to the south/south east corner. The access is currently used by the Grade II Listed Barty nursing home and beyond this the remaining Barty Farm complex including Glenrowan House, The Oast House and End Cottage.

- 1.4 To the west of the site are dwellings in Mallings Lane and Mallings Drive. The general character of the area is of detached dwellings on Roundwell bordering the southern edge of the site and semi-detached/detached dwellings to the west. To the east of Water Lane and north/north-east of Roundwell is countryside.
- 1.5 The land rises in a north-easterly direction towards the railway line and Barty Farm buildings. The rise is from an elevation of 45AOD in the western corner to 55AOD where it meets the boundary of Glenworan House. In the south west half of the site are two shallow linear valleys. The underlying geology is identified as sandstone by the British Geological Society. There are no buildings within the application site.
- 1.6 The site at Barty Farm is located some 300m from the application site at Cross Keys whereby it was recently resolved to granting planning permission for a residential development of 50 dwellings subject to a legal agreement being entered into.

2.0 PROPOSAL

- 2.1 The proposal is in outline and seeks planning permission for the erection of up to 100 dwellings together with open space, on site play if required and associated parking, garaging and road infrastructure. Along with the approval for the principle of a change of use from agriculture to residential, only the specific details of the means of access to the site is being considered at this stage and all other matters (layout, appearance, scale and landscaping) are reserved for future consideration.
- 2.2 The vehicular access to the development would be from the existing farm track which serves Barty Nursing Home and beyond this a cluster of residential properties from the Barty Farm complex (as named in the section above). The access will require widening and upgrading. Full details have also been submitted seeking permission to part demolish and re-align/rebuild the existing wall which forms part of the boundary of Barty nursing home closer to the building, details are also included of building a new wall adjacent to the car park to facilitate 10 additional car park spaces ; a Listed Building application has also been submitted for these details and the report is also on this agenda for consideration.

2.3 Although with an outline application the applicant is not required to provide any details of the reserved matters at this stage, an indicative layout has been submitted together with a design and access statement that provide an insight into how the applicant sees the site being built out, and also in order to demonstrate how the site could accommodate the housing numbers that are proposed. The indicative layout has been amended since the application was first submitted in order to further demonstrate that the site is capable of being served by a public bus.

2.4 The scheme would make provision for 30% affordable housing. The indicative layout shows 70 private dwellings and 30 affordable units . The scheme proposes a mix of 1 and 2 bedroom flats, terraced, semi-detached and detached dwellings. The site is shown to be developed at a lower density in the eastern section. The indicative layout has been designed to meet the KCC minimum parking standards. In addition to an indicative plan, the following documents have also been submitted to inform the assessment of the application:

- Planning Statement (Dec 2015)
- Design & Access Statement (Dec 2015))
- Archaeological Desk Based Assessment (October 2014)
- Transport Assessment Dec 2015
- Acoustic Assessment
- Arboricultural report by Chartwell Tree Consultants December 2015,
- Chartwell Tree Consultants Draft Arboricultural Report Method Statement (March 2016 (including accompanying drawings showing mini pile foundations, section through brick wall, Method Statement for brick wall construction,)
- Phase 1 Habitat Survey
- Foul Water Management Strategy
- Surface Water Management Strategy (incorporating Flood Risk Assessment)
- Utilities Statement
- Statement of Community Involvement
- Report on the structural stability of Barty House Wall
- Swept path drawings to accommodate a double decker bus serving the site
- Lustre Air Quality Assessment March 2016

2.5 The following plans have been submitted for determination:

- Site Boundary Plan
- Re-alignment of Barty House boundary wall: drawing 2527-03G
- 475-108A Works to Barty House to provide visibility splay
- 474-112 Proposed highway improvements western gateway
- 474-115 Proposed highway improvements eastern gateway
- 474-116 Proposed highway improvements Roundwell junction with site access
- 475-123 Double decker bus swept path Roundwell junction with access
- 475-125 A Double decker bus through route within site
- 2527-21b indicative site layout
- 2527-20Rev D site location plan
- 2527-22A proposed housing mix

2.6 The proposed vehicular access into the site would be via the existing farm track which leads to the Barty Farm complex. This would require upgrading and also widening. In order to facilitate the widening of the track, the existing wall which forms the curtilage of Barty Nursing Home would need to be set back closer to the Listed Building (a separate Listed Building application has also been submitted). It is proposed to carefully take down the existing wall, cleaning each brick which is capable of being reused and storing until the rebuild in the new location. The revised position of the wall will take it between 2.5 – 3.5m closer to the western elevation of Barty House. In order to ensure the appropriate visibility splays are achieved the existing wall which fronts Roundwell will also be reduced in height by a minimal amount.

2.7 The existing track will need to be upgraded in order to accommodate the vehicle movements and this will involve the use of stronger surface materials than existing. It is also proposed that the development will be served by the Arriva bus service. A plan has been submitted showing the initial entry point as being of tarmac surface for the first 8m into the entrance, then 'silver haze' block paving for the majority of the remainder length before the road will turn into the development site. Parallel to the road on the eastern side will be a 'charcoal' block paved footpath.

2.8 There will be two aspects to the rebuilding of the wall, the wall itself as seen and behind this the retaining wall which is essential due to the level difference between

the garden of Barty House and the road level. Where the wall is to be rebuilt adjacent to Roundwell, the main set back is on the corner turning into the site to provide visibility splays, the majority of the wall is then reduced in height (very minor) by 600mm.

3.0 PLANNING CONSTRAINTS

Barty House Grade II Listed Building east of the site. Listing as follows:

Bertie House Grade II

House. Early C18 with early C19 and later additions. Red brick with plain tile roof. 2 storeys attics and basement with moulded brick string course, moulded brick eaves cornice and plain stone-coped parapet. Ground floor painted red with traces of tuck or painted pointing. Roof hipped to right, gabled behind parapet to left. End stacks. 2 hipped dormers. Regular 5-window front of glazing-bar sashes, with rubbed brick voussoirs, those on ground floor with segmental heads. First floor windows have blind hoods. Large early C19 porch up 4 steps with fluted Doric columns carrying deep entablature and flat hood over. Early C19 door with fielded panels and ornate rectangular fanlight. Left end elevation: has 2-storey canted bay in same style as front elevation but merged with C19 rear additions. 2-storey C19 red brick additions to rear.

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) 2012
 National Planning Practice Guidance (NPPG)
 Planning (Listed Buildings and Conservation Areas) Act 1990
 Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34, ENV49, T3, T13, T21, T23, CF1, CF16.
 Supplementary Planning Documents: Affordable Housing Development Plan (AH1) Document (2006), Open Space Development Plan Document (2006) (OS1)
 Maidstone Borough Council Reg 19 Draft Local Plan: SS1, SP2, SP5, H1 (17), H2, H3, DM2, DM3, DM4, DM6, DM10, DM11, DM12, DM13, DM23, DM24, DM30, ID1.
 Maidstone Landscape Character Assessment (MLCA 2012)

5.0 LOCAL REPRESENTATIONS

A site notice was displayed at the site on 29 January 2014. The application has been advertised as a departure from the local plan.

71 objections were initially received from local residents. The following issues were raised:

- Encroachment on green space;
- Development outside the urban area is unacceptable;
- Bearsted is already overdeveloped;

- An extra 200 cars onto an already congested road system; the junction with Roundwell is already suffering
- Highway safety, access points not safe and road use not sustainable;
- Existing road network inadequate, main road through village substandard/pinch points and conflict between pedestrians and vehicular movements e.g between Cross Keys and The Green – too much on street parking makes The Street a single carriageway.
- Do not trust the traffic survey – data is flawed and inaccurate.
- Lack of school places (Roseacre is full), lack of appropriate transport, dependence on private car; tax payer will have to bare the cost of school travel if places not allocated locally;
- GP surgery overloaded, no NHS dentist, no post office in the village.
- Blind corner. Water Lane totally unsuitable for emergency access;
- Loss of agricultural land;
- Impact on the AONB; interrupt views across the fields to the North Downs;
- Harm to the character of the countryside, contrary to ENV28 and ENV34 of the MBWLP 2000.
- Noise pollution, light pollution, loss of habitat for bats and other wildlife;
- Undesirable extension and consolidation of sporadic development in the SLA.
- The application should not be considered until the emerging plan is at Regulation 19 stage;
- The proposed alterations are significant in terms of impact on Barty House
- Proposed access widening and resurfacing of the farm track will destroy the rural setting of countryside and listed building;
- The land is part Grade 2 not all Grade 3 as indicated in the planning statement.
- Inability for a fire engine to turn into the emergency access road – Water Lane too narrow.
- Proposed emergency access will destabilize the bank.
- Pedestrian access unacceptable from Water Lane – no lights, paths or speed limit.
- Localised flooding at the junction of Water Lane with Roundwell.
- Existing path too narrow, no opportunity to improve cycle routes – contrary to proposed policy.
- Inability to comply with policy criteria re: secure vehicle and cycle parking.
- Proposal does not comply with NPPF re: sustainable transport.
- Pedestrian route shown on plans not achievable.
- Development fails to provide 40% affordable housing as per the adopted DPD

After second consultation a further 32 letters were received reiterating previous comments and making the following additional ones:

- The proposed highway amendments/measures are more dangerous than existing;
- Removal of centre line with cause rise in accidents and not cause drivers to slow down;
- A Counsel opinion was submitted drawing attention to:
 - the previous two applications refused in March 2015 relating to Barty House;
 - advising that the Conservation Officer could not draw a different conclusion on this application;
 - considers the proposal unsustainable development due to lack of school places;
 - considers that ENV28 should still hold significant weight as recently quoted by the Inspector on the J8 Waterside Park appeal decision.
 - The full opinion was submitted as a representation and available to be viewed on the Council's website.

After a third consultation a further 14 letters were received objecting/reinstating objections regarding the importance of Barty House as a Listed Building and the impact of removing/relocating the wall. Attention is drawn to two different drawings with regard to the proposed wall works.

As a result of the application being withdrawn from the agenda of the planning committee meeting on 26 November 2015, plans had to be amended showing the deletion of the emergency access and the red line being amended around the application site. In response to reconsultation a further 39 letters were received from members of the public.

The majority of these reiterated previous objections to the scheme, a few welcomed the loss of the access onto Water Lane. New objections related to the impact that a bus route into the site would have on Barty House and whether the emergency services would accept the loss of the access. Reference was also made to recent flooding on The Street and the confusing drawings making it difficult to define where the existing wall and proposed new siting was to be.

Bearsted & Thurnham Society support the request of the EHO for an Air Quality study.

5.2 Councillor Cuming has objected to the proposal for the following (summarised reasons): Objects strongly on the following grounds:

- Proposed development would have a significant impact on the Bearsted Ward and use of its already over-stretched facilities;
- 'Land South of Crosskeys' acknowledged lack of primary school places when presented by James Bailey at planning committee;
- Pedestrian access via Water Lane is totally inappropriate and dangerous, as the lane is narrow, with no pavement or speed limit there (officer note – this has now been removed)
- Concerns have been raised by statutory consultees regarding sewage capacity, flooding in Roundwell, visibility at the junction of proposed access road with Roundwell, speed limit on Water Lane etc.

6.0 CONSULTATIONS

6.1 **Bearsted Parish Council:** objects to the application on the following grounds:

The Parish Council would object on the application for the following reasons:

Encroaching on the Countryside

This application would affect the setting of the AONB

Loss of Agricultural Land

Detrimental effect on the special landscape area

Means of access cannot be provided due to wall (the Parish Council objected on a previous application to the relocation of the wall)

Traffic generation

Detrimental to local residents

Lack of school places

The emergency access into Water Lane is grossly inadequate and will create traffic problems.

6.2 **Thurnham Parish Council:**

Thurnham Parish Council has considered the above planning application and wish to register its strong objections for the following reasons:

The Parish Council is concerned at the overall level of development and the precedent that this would set for further development at Junction 8 of the M20 and the infill between Water Lane and Thurnham Lane.

Development in this area would lead to the loss of viable agricultural land and will lead to the coalescence of part of Bearsted and part of Thurnham which will subtract from the rural character of the area.

The Parish Council has serious concerns regarding the proposed access to the development. The access would be situated on a sharp bend in the road and at the bottom of two slopes in which the topography restricts the sightlines for oncoming vehicles adjacent to the unrestricted limit.

The proposed development of a hundred new homes would increase traffic in the area and create an additional hazard on an already very busy road.

The application documentation makes reference to an additional 400+ car movements a day.

The Parish Council is concerned about the impact that these additional car movements would have on traffic at the A20 and through Bearsted.

We feel that it is inevitable that the majority of this traffic travelling to London would use Junction 7 to access the motorway rather than Junction 8, thus increasing the traffic movements through Bearsted Village. We are also very concerned at the proposed emergency access onto Water Lane. We feel that emergency access onto this lane is unacceptable, this area is already prone to significant water run-off and flooding at the junction with Roundwell and we feel that a development in this area would increase this problem.

There are no footpaths along Water Lane and therefore access here would increase the risk to pedestrians using this route.

The Parish Council object strongly to this proposed development on grounds of lack of infrastructure in the area. This development would increase the pressure on local services and schools. The schools in the immediate area are oversubscribed and do not have the capacity for expansion on their existing sites, in addition to this development would also put a similar pressure on medical practices in the area.

The Parish Council notes that Kent Police have also admitted submitted its strong objections to this application on the grounds that it does not believe that the proposed development is sustainable. The Parish Council fully supports these objections.

In summary Parish Council wish to put forward its strong objections to the proposals to develop Barty Farm on the grounds that we believe that this development is unsustainable, the lack of infrastructure and dangerous access.

We would therefore wish to see this planning application refused by the Borough Council.

Further comments: Thurnham Parish Council has considered the additional details for the above planning application and wish to reiterate its strong objections.

- 6.3 MBC HOUSING:** Raise objection to the application only proposing 30% affordable housing as per the emerging local plan. Housing do not consider this acceptable given that the emerging plan is just that. The Housing department are putting forward their recommendation for this proposed policy to change as part of the local plan consultation process and in the meantime consider that the adopted DPD should be adhered to. They consider a separate viability assessment should be undertaken to support the proposal at 30%. They express disappointment that no one bed units are proposed (57% need on the Council's register), but do acknowledge the outline

status of the application. In summary, they suggest changes to the level, mix and house types proposed and request dwellings are built to life time homes standard.

- 6.4 MBC SPATIAL POLICY:** State the following ‘As you are aware, the site was included as a proposed development site in the Regulation 18 Consultation draft of the Maidstone Borough Local Plan 2014 as policy H1 (9). The representations made at Reg. 18 Consultation stage have recently been considered by the Planning, Transport and Development Overview and Scrutiny Committee (January 2015) and the Council’s Cabinet (2 and 4 February 2015). Cabinet rejected the recommendation of the O&S Committee that the site be deleted as an allocation resolving as follows:

‘H1 (17) – Barty Farm, Roundwell (122 units)

RESOLVED: That Members rejected the recommendation of the Committee and that the site go forward to Regulation 19 consultation subject to amendment of the site policy to respond to concerns about future primary education provision and an additional criterion that Section 106 contributions are spent in Thurnham and Bearsted first unless proven otherwise.

5 – Agreed

1 – Against’

A further additional criterion was also agreed at the meeting.

The development proposals are designed to take into account the results of a detailed Heritage Impact Assessment that addresses the impact of the development on the character and setting of the designated heritage assets adjacent to the site.’ It is currently anticipated therefore that the policy will go forward in its amended form to the regulation 19 Consultation version of the draft Local Plan when that is published later in the year.

I note that the submitted application is in outline with all matters, except access, reserved for subsequent approval.

The illustrative layout submitted with the application does appear to include the required buffers on the western and southern boundaries, clearly it is a matter for yourself to determine whether sufficient space has been provided. As will be whether the layout, albeit illustrative, meets the requirements of criterion 2.

I also note that an emergency access is shown to Water Lane again justification for this given criterion 3 of the policy is a matter for yourself to consider in conjunction with Kent Highway Services.

A key issue for determination in relation to this application will be the impact of development on local community infrastructure.

Approval on this site would be a departure from the Development Plan as things currently stand and should be advertised as such. The site is however, earmarked for development in the emerging local plan and Members have given a clear indication that the site should go forward to Regulation 19 consultation stage. In addition, as part of the consideration of the application you should take into account the current position with regard to the 5-year housing land supply (currently 2.1 years). Development of the site would make a contribution towards meeting the supply.

I would therefore raise no objections to the application from a spatial policy point of view subject to the application successfully addressing the revised criteria.’

NB The 5 year supply now stands at a 3.3 year housing land supply.
(no updated comments)

However, since these comments were received the position has progressed and the local plan is now at Regulation 19 stage. The relevant policy is H1(21)

6.5 MBC PARKS & OPEN SPACE: It is noted that there is planned provision of onsite open space amounting to approximately 1ha. The development site is situated with Detling and Thurnham Ward, and is close to the ward of Bearsted.

It is also noted however that the design and layout is currently indicative and so is subject to change. The indication is that a LAP will be provided on site. This is not an acceptable size of onsite play facility and we would question the value of a small token area of play to a development this size. A LEAP should be the minimum play provision with the possibility of a NEAP being explored and provided.

For a development of this size we would expect a minimum of 1.05ha.

We would therefore expect a contribution towards offsite open space.

This department would seek an additional off-site contribution for surrounding open space which is likely to see an increase in usage as a result of this development. Elizabeth Harvie Field is approximately 0.25 miles away and is a large area of open space providing outdoor sports facilities.

We would envisage an increase in usage of facilities at this site as well as any others within a one mile radius of the development. Bearsted Green is 0.33 miles away and is also a well used facility by local residents.

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

The financial contribution requested would depend on the open space provided on site. Natural and Semi Natural open space is not included in the provision tables as it is ANGsT set. Similarly if the developer only plans to provide a LAP then the number of children able to use the facility will be limited and will leave nothing for older age groups.

6.6 MBC CONSERVATION OFFICER: Raises objections for the following reasons: Whilst the housing development in itself will have only a limited impact on the setting of the Grade II listed Barty House, works to improve the access to the site will have a far greater impact.

The proposal seeks to demolish an existing boundary wall defining the curtilage of Barty House at the edge of the unmade track leading to the side of the listed building and to rebuild a new wall further back into the site. The reason for the re-positioning of the wall is to create a widened vehicular access to service the proposed housing development site on land behind properties fronting Roundwell.

The wall in question, which acts as a retaining wall, appears for almost its entire length along the track to be of late 18th/ early 19th Century date. It is an attractive feature which makes a positive contribution to the setting of the listed building. It appears to be the last surviving section of the original boundary enclosure of Barty House. The curved section towards the junction with Roundwell indicates where the former driveway which ran across the frontage of Barty House entered the plot. For these reasons I consider that it adds to the significance of the listed building.

Whilst the wall shows evidence of some cracking and bulging which may require attention, in my view this should be addressed by careful and conservative in situ repair. The proposal is to build a similar new wall, but sited some 2 metres or so further back in to the plot. This will reduce the curtilage of Barty House on this side, leaving the house in a less spacious setting. Views of the house from this direction are the most important ones as it is only from this side that the listed building can be appreciated in its original form and size, without the large modern nursing home extensions being readily visible. The setting would be further damaged by the change from an unmade track to a surfaced and engineered road with pavements which would be an urbanising feature. I therefore consider that the proposals will cause harm to the significance of the listed building because of the loss of historic fabric and the impact on the setting of the listed building. The submitted supporting statement admits that some harm to the setting of Barty House would be caused by the loss of the existing historic wall.

In my view the harm would amount to less than substantial harm. This being the case, the NPPF requires that the harm be balanced against any public benefit accruing from the proposals. In coming to a decision, the Council is obliged by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting and the courts have made it clear that where there is harm to the setting of a listed building this is a consideration which should be given considerable importance and weight.

6.7 MBC LANDSCAPE OFFICER: There are no trees currently subject to Tree Preservation Orders on the site. There is a significant belt of trees along the bank on the Water Lane Frontage. The indicative layout suggests that these would largely be retained, which I welcome both in visual terms and because of their function in maintaining the stability of the bank. The proposed emergency access will cut through the southern end of the tree belt, but having looked at the tree survey details, it is clear that it will not result in the removal of individual trees of any particular value and I therefore raise no objection to this part of the proposal. Given the areas of new planting proposed, I consider that there is scope to be able to mitigate the loss of these trees with replacements as part of a new landscaping scheme.

Turning to the proposals for upgrading and widening of the access adjacent to Barty House, I am not satisfied with the details relating to tree retention. The tree report submitted suggests that the best trees present will be retained – principally T5 Deodar Cedar in the grounds of Barty House and T8 Black Pine in the grounds of Barty Cottage. The tree report suggests that these would be retained, but does not include any detail to demonstrate how this would be successfully achieved, i.e. whether the proposals would occupy an unacceptable large area of new hardstanding within root protection areas and if non-damaging construction techniques could be achieved within root protection areas. The tree report details other tree removals to accommodate the widened access road – T6 Larch (to which I raise no objection) and T7 Poplar (to which I raise no particular objection, although it is not clear from the plans why this one would need to be removed to accommodate the road proposal). However, T5 Cedar and T8 Pine are large, prominent, mature specimens of significant amenity value which contribute to the character of the area and the setting of Barty House and Barty Cottage respectively and their successful retention is particularly important in those terms.

I am particularly concerned by the plans detailing the road widening and new access to Barty House, such as drawing 475/109 and the proposed boundary wall drawings,

which omit T5 Cedar tree entirely, so it is not possible to relate the position of the tree to the proposals to be able to determine if it would definitely need to be removed in order to accommodate the proposal or if it might be possible to retain with specialist construction techniques. I suspect the former, due to the position and levels of the footway and the position of the new wall to the east of the proposed Barty House access. The information contained in the tree report cannot therefore be relied upon as a true indication that the tree is, or could, be retained.

T8 Pine would be more likely to be successfully retained in relation to the position and levels of the proposed access road, as these do not differ significantly from the existing on its northwestern edge and the proposed levels could be achieved without excavation. However, I am concerned about the indicated '1.0m wide service strip' shown on the road widening plans. I assume that that this is intended to be the proposed route for services (gas/water/electricity etc) to be delivered into the site. This would pass directly through the RPA of T8 and could potentially result in significant root severance, such that the tree would be destabilised and therefore need to be felled. Whilst specialist techniques are available (such as moling) to install services within RPAs, my experience is that sites are not always suitable for these to be used and that this can sometimes only be determined by trying; where it is unsuccessful the only option is to resort to traditional trenching methods. I would only support an application that shows the service route relocated outside of RPAs. The emergency access might be a suitable alternative location.

I therefore object to the application on the basis of the potential loss of T5 and likely loss of T8 in the absence of any detail to demonstrate how they would be successfully retained.

Updated comments: no objection is raised in light of the additional information received comprising a Draft Arboricultural Method Statement with accompanying drawings relating to pile foundations and cross section of wall,

- 6.8 MIDKENT ENVIRONMENTAL HEALTH:** Initial comments raised no objection in principal but considered an Air Quality Report necessary prior to determination. Comments strengthened and an objection was raised on Air Quality grounds.

' I have reviewed the application including the submitted acoustic report. Noise. I am satisfied that the development can proceed subject to the conclusions of the acoustic report which recommends that further design work to windows is undertaken. This can be controlled by condition.

Land contamination: The site has not been identified by the council as being potentially contaminated and appears to be a largely greenfield site.

Air Quality: The site is immediately adjacent to the Maidstone Air Quality Management Area and it is highly likely that it will result in additional vehicle traffic traversing through that area. The impact of this development on the Air quality management area should therefore be assessed and any mitigation approved. This should be completed prior to the approval of the application as the results may indicate that the effects on the AQMA are not acceptable.

RECOMMENDATIONS:

That the application be refused until such time as the effects on the adjacent **AQMA** are assessed. Should the planning officer be minded to approve the application please contact me so that any conditions can be applied.'

Final comments:

As a result of the recently submitted AQ report no objection is raised subject to conditions and informatives:

'The site is in a semi-rural area, but less than 500m from the Channel Tunnel Rail link, less than 450m from the M20 motorway to the North-East, and the Northern most point of the proposed development site is less than 50m from a railway line; so noise is a potential problem for this site. I note that an acoustic assessment by Peter Moore Acoustics Ltd, ref 141101/1, has been submitted in support of the application. An assessment of both noise and vibration has been carried out. The report concludes that due to the shielding effects of houses proposed to be sited on the North plus North-Western and North-Eastern borders of the development site, the majority of houses and gardens will not be exposed to significantly high levels of noise. However, the houses and gardens which are proposed to be sited on the Northern boundary plus some of those proposed to be sited on the North-Western and North-Eastern boundaries are predicted to be exposed to between 53 and 55 dB at night time plus between 57 and 61dB of road traffic noise in the day. In addition, these houses are also predicted to be exposed to between 45 and 47 dB at night time plus between 49 and 53 dB of train noise in the day. It is desirable that all the houses should have a garden where noise levels are within the 55 dB LAeq upper limit, and preferably below 50 dB LAeq, as recommended by British Standard BS 8233. In this respect section 9.3 & 10.5 of the report state that "garden fences, if they are solidly constructed, could be used to give additional localised shielding". Sections 10.2 & 10.3 recommend that detailed sound insulation calculations should be carried out once the design of the project has reached a sufficiently detailed stage and that alternative means of ventilation (other than opening windows) will need to be required in some of the houses in this proposed development. Provided the recommended actions and provisional recommendations for mitigation are secured through a relevant planning condition I accept that noise and vibration levels can be of an acceptable range for the majority of the proposed residential development.

The site is immediately adjacent to the Maidstone Town Air Quality Management Area on the Western border of the proposed development site and less than 400m from another boundary of the Maidstone AQMA to the North-East. An air quality assessment by Lustre Consulting, ref1533\MD\3-2016\450 has also been submitted in support of this application. I accept the methodology used in the report and its' conclusions that changes in PM₁₀ and NO₂ as a result of this development will be negligible, plus the impacts of the construction phase on PM₁₀ are predicted to be low to medium. However, since the amount of traffic and congestion generated as a result of this development may be significant; I do consider that installation of either some publically/private accessible Electric Vehicle charging points would be a useful promotion of a sustainable travel option.

No contaminated land report appears to have been submitted in support of this application, but the historical use of the site for agricultural purposes leads me to believe that it would be prudent to attach a contaminated land condition to any permission granted. There is no indication of any significant chance of high radon concentrations.

The application form states that foul sewage will be dealt with via mains system; and there are no known Private Water Supplies in the vicinity.

Any demolition or construction activities may have an impact on local residents and so the usual informatives should apply in this respect.'

- 6.9 KCC FLOOD TEAM:** as Lead Local Flood Authority have no objection to the proposed development with respect to means of surface water disposal and are pleased to offer the following comments.

The Surface Water Management Strategy prepared by RMB consultants (Civil Engineering) Ltd dated December 2014 proposes that surface runoff can be managed by using infiltration methods. A design for surface water infrastructure has been prepared based upon a relatively low rate of permeability and so the proposed drainage design is likely to be feasible.

However, it is essential a ground investigation is undertaken to identify the permeability of the ground at a range of locations across the site, in order to confirm the proposed strategy will be feasible.

Shallow flooding of the highway on Roundwell has been observed in the past and therefore, KCC may object if an alternative strategy is subsequently proposed which suggests increasing the volume of discharge into the existing highways network. We therefore recommend the following as a condition of planning.

Condition

Development shall not begin until a sustainable surface water drainage scheme based on details provided within the Surface Water Management Strategy prepared by RMB Consultants (Civil Engineering) Ltd dated December 2014, has been submitted to and approved in writing by the local planning authority. The surface water strategy should also be compliant with the Non-Statutory Technical Standards for Sustainable Drainage (March 2015), and should demonstrate the surface water run-off generated up to and including the 100yr critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event, so as not to increase the risk of flooding both on- or off-site. The strategy should also include details for the provision of long term maintenance of all surface water drainage infrastructure on the site.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason

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

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

- 6.10 KCC ECONOMIC DEVELOPMENT:** We have reviewed this application having had regard to the 5 Obligation restriction towards a 'project' or 'type of infrastructure'. The previous request would have been based upon pooling a large number of developments to deliver an infrastructure project which as you appreciate from the Regulations post April 2015 can only be achieved through CIL.

Without CIL in place, we have had to review with Service providers, to identify projects that can be delivered with 5 planning obligations.

The Government introduced CIL to replace pooling of contributions - as confirmed by the attached recent correspondence with Steve Quartermain's Office - Chief Planning Officer.

The revised KCC requirements for this development are now:

- *Primary Education @ £2360.96 per ‘applicable’ house (x100) (‘applicable’ excludes 1 bed units of less than 56sqm GIA and sheltered accommodation) - towards the South Borough PS permanent expansion to 2FE.
- Secondary education @ £2359.80 per applicable house - towards the second phase of expansion of Maplesden Noakes
- Library £12,709.00 - project: Bearsted Library enhancements, namely additional bookstock and moveable shelving
- Youth Service £3178.00 - project: new furniture for InFoZoNe Youth Centre
- Community learning £3175.00 – project: new IT equipment to St Faiths Adult Education Centre in Maidstone
- Social Care £5388.00 – project: enhancements to Dorothy Goodman Centre (Age UK) at Madginford

As set out in the original request letter, KCC would request:

- Delivery of 2 Wheelchair Accessible Homes within the affordable housing on site
- a Condition be included for the provision of **Superfast Fibre Optic Broadband**, namely:

Before development commences details shall be submitted (or as part of reserved matters) for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations and all buildings including residential, commercial and community. This shall provide sufficient capacity, including duct sizing to cater for all future phases of the development with sufficient flexibility to meet the needs of existing and future residents. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction process.

INFORMATIVE – The BT GPON system is currently being rolled out in Kent by BDUK. This is a laid fibre optical network offering a single optical fibre to multi point destinations i.e. fibre direct to premises.

*Please note the revised Primary School project is now South Borough Primary School permanent expansion to 2 forms of Entry. South Borough PS is a similar distance to the previous Langley Park Primary School project, and should the application proceed to determination, the comments in Paul Crick (KCC) letter dated 11 February 2015 still apply.

6.11 KCC PAUL CRICK: I write to set out the objection from Kent County Council – as the Local Education Authority – to the outline planning application for the erection of 100 dwellings at the above site.

This is consistent with the objection submitted (5 February 2015) to the application at ‘land to the south of Cross Keys, BEARSTED’ (ref. 14/504795/FULL), situated immediately to the south west of land at Barty Farm.

The National Planning Policy Framework (NPPF) recognises (paragraph 38) that, *“Where practical, particularly within large-scale development, key facilities such as primary schools and local shops should be located within walking distance of most properties”*. Paragraph 72 of the Framework states (my **emphasis** added): *“The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. **Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement**, and to development that will widen choice in education. They should:*

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

□ *work with schools promoters to identify and resolve key planning issues before applications are submitted.*

KCC Education Planning & Access (EPA) strongly object to this planning application on the ground that the detrimental impact of the development on sustainable local Education provision would not be outweighed by the contribution to housing land supply.

The Commissioning Plan for Education Provision in Kent 2015-2019 indicates the pressure on primary school places in the local area ('Maidstone East'), despite the expansion of St. John's CEP School in 2013/14. In addition the adjacent planning group of Maidstone North is identified as facing significant additional demand for pupil places which will necessitate the expansion of one or more schools.

The quantum of development proposed in this planning application does not justify the provision of a new primary school. Furthermore, the primary schools within the local area are not capable of accommodating the forecast net pupil demand without expansion which is restricted by the building and site constraints and the availability of land.

Additional pupils arising from housing development in the area are unlikely to be accommodated locally, therefore increasing the need to travel to areas further afield which do have sufficient provision, i.e. the new primary school at Langley Park situated approximately four miles (one hour walk) to the south of the application site. The cost of travel imposes an unnecessary financial burden on the Local Education Authority and does not contribute to the social wellbeing of the local community. This is contrary to the aims and principles contained within the NPPF which seeks to promote healthy communities.

In the event that planning permission for this development is granted, the County Council will need to ensure that the impact on Education provision is appropriately mitigated. The letter from Allan Gilbert dated 30 January 2015 sets out the KCC request for development contributions, including towards primary and secondary school provision.

Additional comments received:

By email dated 4 April 2016

1. An updated assessment of capacity at the local schools

Please find attached an updated assessment. KCC can confirm there is not forecast to be surplus places for the pupils generated by this development.

2. An updated contribution request for a S106

Should this development proceed the County Council requests that the following be secured to mitigate the additional demand on schools in the Borough. There is no change to the request since Allan Gilbert's email of 25 June 2016.

Primary Education - £2,360.96 per dwelling - towards the South Borough PS permanent expansion to 2FE.

Secondary education @ £2359.80 per applicable house - towards the second phase of expansion of Maplesden Noakes

3. A clear picture of where it is envisaged children would go to primary school from this development

KCC's letter of 11th February 2015 confirmed that schools local to this development were unlikely to have the capacity to accommodate the additional demand arising from the development. Should the development proceed the County Council would only be able to provide additional places some distance from the development; in this case over 3 miles away.

The closest schools to the proposal are Thurnham CE Infant School and Roseacre Junior School. In 2015 the last place offered for admission to the infant school was 0.7106 miles and 0.3976 miles for the junior school. The proposed development lies outside of both of these distances.

Providing additional places in schools that are not the most local to a development can unlock places in the most local schools; this occurs when there is a high demand for places on those local schools from outside the area, once places are provided in the area generating that demand then a rebalancing can occur when pupils take up the new places, demand for places in the local schools then decreases. This is a valid principle and one that KCC occasionally employs in mitigating demand from new developments; this is especially true where the nearest schools to a development cannot be expanded, such as in this case. However for this principle to operate a number of factors must be present, the most important of which is that places within the schools most local to the development are being taken up by pupils outside of the immediate area; with the distance to the last place offered in this case being less than one mile, rebalancing is unlikely to occur.

The distance to the last place offered is affected by a number of other factors and may increase or decrease in future years but rebalancing will not provide a solution in this case. It remains that KCC cannot provide additional places in schools local to the development and pupils from the development are likely to need to travel distances for their education beyond that considered appropriate for walking.

Received by email on 7/4/16 in response to questions asked by case officer at MBC: 'Thurnham CE Infant School and Roseacre Junior School currently accept three forms of entry. Any expansion would be to 4FE and jointly provide an additional 210 places. The development planned in the local area will not provide the critical mass of additional demand to require such a large expansion or to make it a viable proposition.

However this is not the only consideration; an expansion would involve seven additional classrooms and ancillary facilities being required across two sites, such provision would eat into outside space to such an effect that given the area occupied by the schools there is unlikely to be sufficient space to meet space standards in planning terms. Additionally it is not considered that the access to the school through the residential area would be appropriate to serve the additional traffic movements from 210 additional places without parking and drop off being provided on the school site. There is not room for such drop off to be created on the school sites.

The table below shows the primary schools in the local area, the distance as the crow flies from the proposed development and the distance of the last place offered by each school in 2015. This distance is likely to change each year but may be used as a guide to inform where pupils from this site may attend.

School	Distance From Site (miles)	Last Distance Offered 2015
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		(miles)
Roseacre Junior School	0.8	0.40
Thurnham CEI School	0.8	0.71
Madginford Primary School	1.1	1.4
St John's CEP School, Maidstone	1.7	0.61
Leeds & Broomfield CEP School	1.7	8.72
Greenfields Community Primary School	1.9	0.32
Senacre Wood Primary School	2	0.53
Hollingbourne Primary School	2.1	4.2
East Borough Primary School	2.4	0.45
Molehill Copse Primary Academy	2.4	1.38
Park Way Primary School	2.5	25.1
Oaks Primary Academy	2.5	1.16
Tree Tops Academy	2.5	0.85
Langley Park (<i>opens September 2016</i>)	2.7	-
Holy Family Catholic Primary School, The	2.7	37.8
South Borough Primary School	2.7	0.63
Tiger Primary School	2.9	1.01

The only way KCC can accommodate the increased pupils from the development is to create places within the general area. It should also be noted that the above distances are as the crow flies; travel distances from the proposed development to the schools may be greater than shown.

The number of primary aged pupils travelling to school by bus is low; the provision of a bus link or bus stop close to the site is not considered to have any significant positive effect on the site's links with primary schools in the area.

There has been no material change in the likelihood that pupils from this development will not have to travel considerable distances for their primary education; an objection for the reasons set out in KCC's letter of 11 February 2015 therefore remains.'

- 6.12 KCC ARCHAEOLOGY:** No objections. The site lies within an area of general archaeological potential associated with prehistoric and later activity. There has been evidence for prehistoric activity to the north and the topography suggests this area would have been favourable for prehistoric settlement and occupation sites. Thurnham Roman villa is to the west and there were indications of prehistoric and early medieval activity around the main site.

Barty Farm itself is considered to be of 17th century or earlier origins and there are medieval farmsteads known to the north and south. Water Lane may well be one of the access routes or even a drove road linking the grazing area of the Downs with the lower pasturelands and settlements to the south. Remains associated with Barty Farm may survive within the application site. Barty Farm is a Grade II Listed Building and is identified on the HE Farmstead Survey. There needs to be careful consideration of the impact on the setting of this designated asset and proposals should seek to enhance its setting wherever possible.

I note the application is supported by a Deskbased Assessment by Trust for Thanet Archaeology. This assessment is generally fine although it does not cover historic landscape issues in detail. There is potential for archaeology to survive on this site and as such I recommend the following condition is placed on any forthcoming consent:

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.

6.13 KCC ECOLOGY: Two sets of comments have been received. The first requested additional information (although it transpired some of this had been submitted). The second sought additional information in relation to Great Crested Newts in terms of identifying the surveyed ponds and advising of a mitigation scheme. The requested information has been received and addresses the outstanding issues sufficiently that there is no objection on ecological grounds.

6.14 KCC PROW: Seek improvements for the following:

- The crossing of 'The Roundway' from the site to the existing footway.
- Improvements to the footway between the site and the village
- Improvements to public footpath KH127 as a means of access to schools and recreational open space (a contribution is sought towards this)

They are satisfied that public footpath KH131 is adequately protected through the provision of the footway adjacent to the new access.

6.15 KCC HIGHWAYS: I note from paragraph 10.2 of the Transport Assessment that it is considered that a visibility splay to the south east of 51m, in accordance with the speed measurements undertaken, is possible. I also note the discussions on pages 27, 29 and 30 of the Transport Assessment regarding visibility splays and (non-impeding) traffic calming techniques. At this outline stage I consider it would be helpful if the works required for a full 51m visibility splay option could be illustrated. It is normal in my experience when removal of centre lines are proposed, that this is accompanied with a series of edge line treatments and it would be helpful if the applicant could also consider and illustrate this.

I note the proposals for an alternative emergency access and that under normal circumstances it is intended that vehicular use of this route is prevented which I consider is appropriate. The gradients proposed for this route appear acceptable. I do consider however that the views of Kent Fire and Rescue Service should be sought and that paragraphs 6.7.2 and 6.7.3 of the Department for Transport's Manual for Streets should be considered and discussed.

I would be grateful if these points could be considered and if the additional information requested could be provided before completing my response on behalf of the Highway Authority to this proposal.

Following my response to you of 2nd February focusing on vehicular safety aspects of this application, I note my colleague's response from PROW and Access Service. I would like to endorse and re-iterate the need for pedestrian safety and infra-structure to also be considered.

I note the applicant's comments that according to standards regarding vehicular movement that a right turning lane at the main access point is not necessary. It is considered however that the applicant still needs to address a requirement for pedestrians to safely access the southern side of Roundwell. I would be grateful if the applicant could also comment on the width of footway on the southern side of Roundwell and opportunities to improve the footway width. It is further considered that opportunities to provide pedestrian safety infrastructure at the junction with Water Lane needs to be discussed. Finally I note, and I apologise for not discussing this previously, that a short section of Water Lane (approximately 60m) is subject to a 30mph speed limit. It is considered that currently with the emergency and sustainable access route proposed, that a relocation and highlighting of this change in speed limit would be appropriate. Information regarding the above is considered necessary in addition to the further information requested on 2nd February.

Thank you for re-consulting me on this application. I note that the applicant has proposed several additional transport measures. Firstly visibility splays in accordance with the traffic speeds measured are proposed. This comprises relocation of the boundary wall to Barty House to provide inter-visibility with traffic approaching Bearsted from the south. An enhanced gateway to the speed limit boundary is proposed and an initial interactive speed limit sign is also proposed. A gateway type feature comprising coloured surfacing and SLOW carriageway markings is proposed to the east of Cross Keys. Removal of the centre line and introduction of variable edge line markings between these points is proposed which would highlight the existence of accesses to through traffic and provide a virtual or visual road narrowing. It is considered that these measures will provide a traffic calming effect and road safety benefits.

Some areas of new footway and enhancements to existing footways are proposed. It should be noted that it is my understanding that the rights of way officer has also requested funds to provide public footpath improvements. Alterations to the location of the speed limit and lining regimes at the southern end of Water Lane are also proposed an association with a proposed emergency and sustainable access point to the site.

The outline application is for a development of up to 100 dwellings and under Kent guidelines proposals of this scale require transport statement to be provided (Guidance on Transport Assessments and Travel Plans – October 2008). The applicant anticipates that peak hour movements of ~ 55 trips will be generated. It is considered that this level of traffic can be accommodated on the surrounding network without severe impact. It is further considered that there is no evidence that the proposal will exacerbate the existing good injury crash record of the surrounding roads.

On behalf of the highway authority I write to confirm that I have no objection to this outline application. The off-site measures proposed will require the applicant to enter into a Section 278 agreement with this authority in order to satisfactorily ensure their implementation. This includes the main access point, the emergency access proposed off Water Lane and the other measures described. These measures for completion at any full application stage will require not least drainage assessments, a

street lighting review and safety auditing procedures to be undertaken. I would be grateful, if this application is approved, if reference is made to this in any approval notice.

Officer comment; On 11 November 2015 MBC received last minute concerns regarding the provision of the emergency, cycle and pedestrian access onto Water Lane. The application was withdrawn from discussion at the planning committee meeting on 12 November. Subsequent plans were submitted by the applicant deleting the emergency access and also demonstrating turning circles within the site to accommodate a public bus. As a result of further consultation with KCC Highways there was as follows:

21 March 2016 I am satisfied that in accordance with the Kent Design Guide, the 5.5m wide access road proposed can suitably accommodate buses, service and refuse vehicles. In any approval notice I would urge however that for reserved matters:-

a 5.5m road through the site (shown illustratively) should be provide so that buses can penetrate and turn within the site;

the internal road network and dwelling configuration are provided in a way that paragraph 6.8.9 of Manual for Streets regarding refuge carry and collection distances are satisfied.

As part of any outline permission I consider that the applicant should be required to, through Section 106 agreement, agree an improved bus service which removes the current turning arrangement in the end of Water Lane and includes bus services within the site for a period at least 5 years at a frequency/timetable to be agreed with bus operators and the planning authority.

6.16 KENT POLICE: Two letters have been received making separate representation. One seeks a financial contribution to provide funding for additional staff, equipment, vehicles and the like. The other raises concerns that the applicant/agent has not engaged with the Police Architectural Liaison Officer and considers the site to be unsustainable development.

6.17 KENT WILDLIFE TRUST: raise no objections to the application in respect of ecological interests.

6.18 NATURAL ENGLAND: no response received

6.19 SOUTHERN WATER: Advise there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. Southern Water advise that additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location.

6.20 ENVIRONMENT AGENCY: Raise no objections on flooding or contamination grounds and request the following condition:

Condition: Development shall not begin until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local

planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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

6.21 NHS: No objections, advise as follows 'In terms of this particular application, a need has been identified for contributions to support the delivery of investments highlighted within the Strategic Service Development Plan. These improvements to the primary care infrastructure will enable support in the registrations of the new population, in addition to the commissioning and delivery of health services to all. This proposed development noted above is expected to result in a need to invest in a number of local surgery premises:

- Bearsted Medical Practice

The above surgeries are within a 1 mile radius of the development at Barty Farm. This contribution will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity.

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

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

Predicted Occupancy rates

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

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

Predicted Occupancy rates	Total number in planning application	Total occupancy	Contribution sought (Occupancy x £360)
2	2	4	£1,440
2.8	25	70	£25,200
3.5	43	150.5	£54,180
			£80,820

NHS Property Services Ltd therefore seeks a healthcare contribution of £80,820, plus support for our legal costs in connection with securing this contribution. This figure has been calculated as the cost per person needed to enhance healthcare needs within the NHS services.

I can confirm that we have no more than 5 pooled contributions for these premises so our request meets CIL regulations’.

6.21 AONB Unit: raise objections and comment as follows: the application should be accompanied by a LIVA to fully assess the impact on the AONB. The application documents provide little information on the visual impact of the scheme. They set out recommendations as to what the design/layout to give careful consideration to.

6.22 Kent Fire & Rescue: Confirm that they have looked at the plans and the location and that the proposals meet the criteria for fire service access.

6.23 Agricultural Advisor: Confirms the site appears to be Grade 3 agricultural land from the relevant mapping system.

Updated comments: no detailed agricultural classification study has been submitted to confirm the precise grade of the land

6.24 Arriva Bus Services: Advise they would be very supportive of the proposal, subject to some financial contribution being made available to them.

Background

The application site was found acceptable through the SHLAA process in both 2009 and 2014. The emerging plan at Regulation 19 stage states that Site H1(21) Barty Farm, Thurnham, located on land to the north of Roundwell and east of Water Lane has given an indicative figure of 122 new residential units - as agreed by Cabinet on 2 February 2015 subject to, the following criteria

Design and layout

1. An undeveloped section of land will be retained along the southern and western boundaries of the site, and landscape buffers will be included in these areas to protect the amenity and privacy of residents living in Water Lane and Roundwell.

2. The eastern section of the site will be built at a lower density to reflect the existing open character of the countryside beyond.

Access

3. Access will be taken from Roundwell only.

Air quality

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

Open space

5. Provision of a minimum of 0.4ha of open space within the site, together with additional on/off - site provision and/or contributions towards off-site provision/improvements as required in accordance with Policy DM22.

Community infrastructure

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

Highways and Transportation

7. Improvements to and provision of pedestrian and cycle links to the village centre.

8. Appropriate contributions towards improvements to secure vehicle and cycle parking at Bearsted railway station.

7.0 APPRAISAL**7.1 Principle of Development**

7.1.1 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:

“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.”*

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

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

Paragraph 47 of the NPPF states that Councils should;

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

- 7.1.4 The National Planning Policy Framework further states that “relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites” (paragraph 49). The update of the Maidstone Strategic Housing Market Assessment (June 2015) established an objectively assessed need for housing of 18,560 dwellings between 2011 and 2031, or 928 dwellings per annum, and these figures were agreed by the Strategic Planning, Sustainability and Transportation Committee on 9 June 2015. Taking account of the under supply of dwellings between 2011 and 2015 against this annual need, together with the requirement for an additional 5% buffer, the Council is able to demonstrate a housing land supply of 3.3 years as at 1 April 2015.
- 7.1.5 In addition, the new Local Plan has advanced and is out to Regulation 19 publication being the Plan that the Council considers is ready for examination. The Plan is scheduled for submission to the Planning Inspectorate for examination in May 2016, with the examination expected to follow in September. The Plan allocates housing sites considered to be in the most appropriate locations for the Borough to meet the OAN figure, and will enable the Council to demonstrate a 5 year supply of deliverable housing sites when it is submitted to the Inspectorate in May. Notwithstanding this, it remains the case the most recently calculated supply of housing, which assesses extant permissions and expected delivery, is from April 2015. This demonstrates a 3.3 year supply of housing assessed against the OAN of 18,560 dwellings. A desk based review of housing supply undertaken in January 2016 to support the Regulation 19 Local Plan housing trajectory suggests that there remains a clear and significant shortfall of supply against the five year requirements. The Council's five year supply position will be formally reviewed in April/May in order to support the submission of the Local Plan to examination in May. Before the Local Plan is submitted however, the Council will remain unable to demonstrate a 5 year supply of deliverable housing sites. Clearly the Local Plan is gathering weight as it moves forward, and whilst not considered to have sufficient weight to rely solely on to refuse or approve a planning application, I consider that in this case it carries reasonable weight at the application site is one of the proposed housing allocations considered appropriate to help meet the 5 year supply.
- 7.1.6 This lack of a 5 year supply is a significant factor and at paragraph 49 of the NPPF it is stated that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a 5 year supply cannot be demonstrated. The presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.

In respect of the circumstances of the specifics of this case, the proposal site is located on the edge of the urban boundary of Maidstone to the east of Bearsted, in reasonable proximity to a range of key services available in the village as well as good public transport links via Bearsted train station and bus routes into Maidstone town centre.

- 7.1.7 The draft Local Plan states the town of Maidstone cannot accommodate all of the growth that is required on existing urban sites, and the most sustainable locations for additional planned development are at the edge of the urban area of Maidstone. The Maidstone urban boundary ends at the western edge of the application site where it abuts Water Lane. The application site is therefore located directly adjacent the edge of the urban area of Maidstone and is considered to represent a sustainable location in accordance with the draft Local Plan.
- 7.1.8 In this context, it is considered that the location of the site is sustainable in the terms of the NPPF as it is located on the edge of the defined urban area. The application site is located just over 1km from Bearsted train station with half hourly services to Maidstone, Bromley South, London Victoria and Ashford. Bearsted Green is located 1km from the site with a range of services on the edge of the green including pubs, restaurants, a convenience store, butchers, delicatessen and a computer shop. All of these facilities can be accessed by foot from the application site along lit pedestrian pavements. The nearest bus stop is approximately 100 metres on Roundwell, served by Bus Route 19 and an hourly service to Maidstone. Roseacre Junior school and the GP surgery are located approximately 1.9km distance from the application site. The site is an edge of urban location with an acceptable level of services readily accessible.
- 7.1.9 The Council is not in a position to demonstrate a five year housing land supply, and as such normal restraints on volume residential development in the open countryside do not currently apply as the adopted Local Plan is considered out of date. In such circumstances the NPPF advises that when planning for development through the Local Plan process and the determination of planning applications, the focus should be on sustainable development. The development of this site is therefore in accord with the objectives of the NPPF being located directly adjacent to the edge of the urban area of Maidstone and in a sustainable location.
- 7.1.10 Furthermore, the bringing forward of development on this site would contribute towards the provision of housing and therefore help in meeting the shortfall in housing supply. This also represents a strong material consideration in favour of the development. The Framework is a material planning consideration that sets a presumption in favour of sustainable development with a view to building a strong competitive economy, creating a high quality built environment and protecting and enhancing the natural, built and historic environment.
- 7.1.11 For these reasons, it is considered that the principle of the development is, by virtue of national planning policy as set out in the NPPF and local planning policy as set out in the emerging Local Plan, acceptable in the circumstances of this case. The key planning issues are considered to be as follows: loss of agricultural land, the visual/landscape impact, impact on existing residents, heritage impact, density of the development, access/highway safety, air quality, infrastructure considerations and ecology.
- 7.1.12 In relation to development that could affect the setting of listed buildings and assets of a Listed Building, section 16 and section 66 of the Planning (Listed Buildings and

Conservation Areas) Act 1990 (LBCA Act) places a duty on decision takers to pay special regard to the desirability of preserving that setting before granting planning permission. This Act will be taken into consideration when assessing the heritage impact of the development, as will the guidance contained in the NPPF.

7.2 Education

- 7.2.1 KCC Economic Development department provided a consultation response in their email response dated 30 January 2015 confirming KCC would seek to mitigate the impact of the proposed development via suitable contributions. Further correspondence from KCC Economic Development received by email on 30 June 2015 proposed a change to the Primary School that would receive contributions sought through the development and amended the level of contributions in light of CIL Regs 123.
- 7.2.2 Paul Crick Director of KCC Environment, Planning and Enforcement wrote to the council in a letter dated 11 February 2015 setting out strong objections on education grounds from the KCC Education Planning & Access (EPA) department. Mr Crick's letter raises objections to the application due to the impact on local primary school places which he considers are not able to accommodate the forecast additional pupils. The proposal would give rise to 28 additional primary school pupils and KCC Education attest the impact of the development would be detrimental to sustainable local Education provision as the 28 additional children may not be able to access the schools most local to the application site. A great number of letters of objection have been received on the issue of school places and it has been contested that the lack of spaces within the most local schools renders the application unsustainable development and contrary to the NPPF.
- 7.2.3 Since the application was first due to be considered in November 2015, further information has been sought from KCC to clarify the latest position with regard to school places. It has been some time since this application was first submitted and new developments are coming on line with proposed new schools/expansions on the horizon.

The NPPF states in paragraph 38 that, '*Where practical, particularly within large-scale development, key facilities such as primary schools and local shops should be located within walking distance of most properties*'. In my view whilst this is a wholly reasonable statement to make, in this instance the majority of key facilities are available within walking distance. However, the Primary Schools within the immediate vicinity of Barty Farm which comprise Thurnham Cof E Infants (approx 1 mile away), Roseacre Junior School (approx 1 mile away) Madginford Park (approx. 1.6miles away), and St Johns CofE Primary (2.9 miles) are all presently full. It is therefore a case that the proposed development may result in unsustainable local education provision with pupils not being afforded access to the most local schools. However, this is one element of sustainability that is promoted by the NPPF and the site performs well in other aspects of location and access to services and amenities. Particularly in light of the development now providing for a bus extension to serve the site. It is my view that a distance of 3 miles to access a primary school is not uncommon and generally spaces are fluid and whilst not ideal children do change school. I also consider that whilst this is the current state of play this may change with new school provision planned and coming on-line, so it is difficult to quantify at any given time. The development of this site may also not come on line for some time and so this situation may change. I do not therefore consider it is reasonable to refuse planning permission on this aspect only.

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- 7.2.4 However, taking into the overall picture the KCC Commissioning Plan for Education Provision in KENT, 2015 – 2019 indicates that planning applications in Maidstone should not be reviewed in isolation and that the overall school capacity within the Maidstone Urban area should be considered when assessing proposed housing developments and the impact of the development would be detrimental to sustainable local education provision.
- 7.2.5 In their correspondence KCC Economic Development advise that the school site contribution process will *'be kept under review and may be subject to change (including possible locational change) as the Local Education Authority has to ensure provision of sufficient pupil spaces at an appropriate time and location to meet its statutory obligation under the Education Act 1996 and as the Strategic Commissioner of Education provision in the County under the Education Act 2011.*
- 7.2.6 *KCC will commission additional pupil places required to mitigate the forecast impact of new residential development on local education infrastructure generally in accordance with its Commissioning Plan for Education Provision 2015-19 and Delivering Bold Steps for Kent - Education, Learning and Skills Vision and Priorities for Improvement, Dec 2013'.*
- 7.2.7 KCC is currently in the process of obtaining permission and building a new 2 form entry school at Langley Park (420 spaces) and has plans for a new primary school at Hermitage Lane (up to 420 spaces) creating a total of up to 840 additional school spaces in the borough. KCC also intends to commission up to 2.1 forms of entry at existing schools in the RSCs (approx. 440 spaces) and a form of entry expansion in Headcorn/Sutton Valance (210 spaces). KCC have also specifically sought contributions to the expansion of South Borough School off the Loose Road in response to this application. Therefore KCC are seeking to significantly increase the capacity of primary school provision in the borough.
- 7.2.8 Whilst KCC do not propose to increase the size of the primary schools closest to the site, by building new schools at Langley Park and Hermitage Lane KCC anticipate that adding additional provision within these strategic sites will add capacity to the Maidstone urban area as a whole. With the opening of Langley Park KCC anticipate that there will be a realignment of pupils' school choices freeing up space at schools in the Maidstone urban area.
- 7.2.9 I also note the comments of my colleague in his report on the application for the Cross Keys development to the south west of the application site where he states *'Additionally, it is noted that KCC has not objected to similar development within the borough. KCC Education did not object to a similar site at Land to the rear of Milton Street and Hartnup Street, Milton which is approx. 5.1 miles drive away from Langley Park and gives rise to 5 additional primary pupil places. KCC Stated in their response to this application: "This need, cumulatively with other new developments in the vicinity, can only be met through the provision of new Primary Schools in Hermitage Lane & Sutton Road Maidstone, as identified in the Maidstone Borough Interim Local Plan Policies, as the forecast primary pupil product in the locality results in the maximum capacity of local primary schools being exceeded"* KCC did not object to this development on the grounds of distance from primary education.'
- 7.2.10 It is acknowledged that the development would result in some harm to sustainable education provision, however, given the proposed development only give rise to an additional 28 primary school pupils the level of harm is not considered to warrant a sustainable reason for refusal and is outweighed by the public benefits of the development including an additional 100 residential units, of which 30% would be

affordable. In addition, KCC confirm they will commission additional pupil places required to mitigate the forecast impact of new residential development on local education infrastructure.

- 7.2.11 It is considered that the provision of new / expanded schools within the borough would free up space in the Maidstone urban area, as anticipated by KCC. Further, pupils entering primary school at age 4/5 will have their applications assessed using KCC's over subscription criteria, i.e the distance from school or sibling rule. With extra school capacity coming up at Langley Park pupils arising from these new sites in Bearsted are more likely to be offered a school place at Bearsted or other closer local schools as opposed to children living further away in Parkwood/Shepway who will be able to be accommodated where the new capacity is at Langley Park. This together with the ever fluid displacement of pupils when personal circumstances change, i.e parents relocating or choosing to change their child's school for a variety of other reasons and the timing of development coming on line (as explained in para 7.2.3), I believe will result in a balancing out of journey distances.

7.3 Heritage Impact

- 7.3.1 Archaeology and Heritage has been considered when taking a 1km radius from the centre of the site. The assessment identifies 42 Listed Buildings within the study area (9 of which are within 500m of the site). The concerns raised relate to Barty House and no objection is raised to the impact on the conservation areas. The County Archaeologist has raised no objection to the proposed development subject to condition.
- 7.3.2 The council conservation officer has objected to the development of the application site, with specific regard to the resiting of the boundary wall to facilitate the access. He objects due to the loss of the historic fabric (the wall) and the impact on the setting of the Grade II Listed Barty House that arises. The objection was anticipated and consistent with the two previously refused applications (planning and listed building) as detailed in the history section of this report.
- 7.3.3 Barty House is located at the entrance to the proposed development site at approximately 38m to the south. The significance of the building is set out in the listing at the beginning of the report. The building has been significantly extended at the rear (north/east elevation) - the mass of this is not fully appreciated from the principal elevation of the building. At present the access to Barty House is an unmade farm track to the Barty Farm complex and Barty House. The main view is informal and due to the alignment of the street, the prominent view from the south/west is of the house in its garden setting enclosed with boundary wall. The proposal will result in a formal more urbanised foreground of greater width and a reduced 'green' setting. There are therefore two aspects of harm which have been identified and these comprise the reduction in, and change in character of, the current spacious setting and the loss of the material fabric – the wall.
- 7.3.4 I concur with the MBC conservation officer's view that the proposed development would inevitably have a visual impact on the setting of Barty House and hence this section assesses whether the impact is of significant harm to warrant refusal of the planning application. In order to reach a conclusion it is essential to consider Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that special regard should be had to the desirability of preserving the building or its setting. It is clear from the assessment undertaken by the conservation officer that there is harm to the setting and fabric of this Listed Building and as such this should be given considerable importance and weight. The applicant also

acknowledges that a level of harm will occur. Therefore, with regard to section 66 I conclude that a level of harm will be caused.

- 7.3.5 In my mind, this is a clear case of balancing the benefits of the development versus the harm to the Listed building. The proposed development would undoubtedly have a visual impact on the setting of the nearby grade II listed building and result in the loss of fabric of the listed wall. In my view and that of the conservation officer, the level of harm would be less than substantial.
- 7.3.6 The NPPF requires that the harm be balanced against any public benefit accruing from the proposals. *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'* Paragraph 134
- 7.3.7 In this instance it is therefore considered that the significant public benefits arising from an additional 100 houses together with 30% affordable housing and the resulting economics benefits that new residents would bring to the services and amenities in Bearsted, would, in my view and in light of the significant shortfall with regard to the 5 year supply, outweigh the limited harm to the setting and fabric of the grade II listed building and should not prohibit the development of the site. I also consider that some mitigation will be provided as it is proposed to retain existing bricks from the wall and re-use in the reconstruction thereby retain some of the historic fabric of the wall. This can be subject to a planning condition, together with requiring details of wall bond/pointing details, appropriate mortar mix to ensure the original wall is reflected in both character and detail as far as can be.
- 7.3.8 In coming to my view, I have also taken note of the structural appraisal undertaken by 'Alan Baxter Partnership' dated 17 September 2015. The report notes a bulge and lean to the existing wall and the general poor condition throughout. I do not consider the findings of the report justification for the resiting of the wall – rather it confirms that the wall needs attending to but this could be done in situ or rebuilt in its existing position.

7.4 Design and layout

- 7.4.1 The application is in outline with all matters reserved save for the access. As such the drawings in terms of layout that have been submitted are illustrative in form and designed to show how a development of 100 dwellings could be accommodated on the site.
- 7.4.2 The number of units and density is considered appropriate for the edge of urban boundary location (27 dwellings per hectare) and the retention of the western tree belt and indicative margin for a new planting strip along the southern boundary is in accordance with the proposed site specific criteria in the emerging local plan.
- 7.4.3 The Design and Access Statement considers existing styles of development in the surrounding area and the materials used. It also considers the historical pattern of development looking at maps dating back to 1798. The indicative layout shows a central access off the access to Barty Farm and then an internal link road which takes the form of an elongated circle within the site with spurs going off into cul-de-sacs. Within the middle of the development a 'green' is shown and a local area of play is indicated (LAP) to be provided. However, I am mindful of my colleagues comments in Parks and Open Space whereby a LAP would not be managed by

MBC, it is my view that a contribution to off-site play is more appropriate for a development of this size.

- 7.4.4 Permeability through the site has altered as a result of consultation and amendments necessary to the scheme. The site no longer includes an emergency access via Water Lane and therefore no pedestrian or cycle access at this end of the site either. This is due to the concerns of the KCC Highways who raised issues over the safety of pedestrians coming onto Roundwell from Water Lane. However, as a result of this amendment, it is now proposed to provide bus linkage through the site which will be a benefit in terms of sustainability – there will also be other benefits from a Highway point of view which will be considered later.
- 7.4.5 Indicative elevations have been provided showing a flavour of the character of development for the site. Materials will be subject to a condition requiring detailed samples to be submitted as the house types are not yet being established. Whilst it is suggested that the storey heights will be 2 /2.5 across the site, again the precise details will be determined at reserved matters stage and slab levels will also be considered in conjunction with these details.
- 7.4.6 Indicative information is given on proposed materials which are reflective of the character of the area. In general terms the arrangement of houses is considered acceptable and certainly demonstrates the number of dwellings can be accommodated on site with legible routes throughout, including the bus route. I would recommend the heights indicated are conditioned to set clear parameters for the reserved matters.

7.5 Residential Amenity

- 7.5.1 A number of objections have been received relating to loss of amenity including loss of privacy and loss of outlook. I have walked the locality outside the application site and considered the aspect from properties in Roundwell that back onto the site and also those which back on to Water Lane (Mallings Drive).
- 7.5.2 On the indicative layout the separation distances from existing to new dwellings is upwards of 30m and in many instances is greater. Due to the importance of the boundary treatment for ecological purposes, it is proposed to set a parameters condition to ensure the buffers as shown are not reduced. As such, it means that even if the layout changes, the separation distances are unlikely to fall below the 30m. The distance together with the separation of Water Lane on one side of the development and the tree boundaries ensure there can be no loss of amenity to these properties in terms of overlooking or privacy. With the emergency access no longer to be provided it will help maintain the visual barrier along Water Lane.
- 7.5.3 In terms of the outlook from some of the properties I fully accept that this would change as a result of the proposed development. The residential properties located on the north side of Roundwell would abutt the application site and would be located in closest proximity to the proposed development site with rear gardens backing onto the site. The properties in Mallings Drive back initially onto Water Lane and then the land level rises to the development site. However, it is considered that for reasons similar to those set out above (distance/boundary treatment) the development would not have an overbearing impact or loss of amenity in terms of light. The proposed criteria in the emerging policy is adhered to with respect to boundaries to the south and west as a landscape buffer and the lower density on the eastern side will be more formally considered under Reserved Matters.

- 7.5.4 Barty Cottage and Barty Nursing Home both align the widened access road and there will be an amenity impact for the residents concerned. As it stands the access currently serves a very small number of private properties and the nursing home and traffic using the existing track is limited. The introduction of an engineered access road to serve 100 dwellings is a clear change in visual terms from the existing informal track. Furthermore, there will clearly be an intensification of the use of the access should the development proceed. Whilst this arrangement can likely be seen around many housing developments, I accept it is less satisfactory when it is an existing dwelling/buildings affected. There is a distance of between 6 – 8m from the edge of Barty Cottage to the access road to the east and then approximately 46m from its rear elevation to the access road into the site. There would be approximately 8m from Barty Nursing home to the access road. In both instances I am of the view that the distances are sufficient and would not result in an unacceptable impact on amenity of the occupiers.
- 7.5.5 Overall, it is considered that, notwithstanding its outline form, the proposed development could be delivered without compromising loss of residential amenity to existing residents in terms of loss of light, outlook or privacy.
- 7.5.6 With regard to future residents, the indicative layout demonstrates that an appropriate level of amenity can be afforded within the constraints of the site for these residents also.

7.6 Highway Issues

- 7.6.1 The site is located almost immediately north of Roundwell. Roundwell gives direct access to Bearsted to the northwest and to the A20 to the southeast; it is an important link road therefore and access is also provided by the A20 to junction 8 of the M20.
- 7.6.2 Concern has been raised with regard to the impact on the existing road network. Existing residents are concerned that the proposal will increase traffic congestion on the local road network with specific reference to the already poor permeability through the village with its pinch points and the increased likelihood of accidents at the junction of Roundwell with the A20. The application includes a full Transport Assessment which has been considered by Kent Highways.
- 7.6.3 The transport assessment dated December 2014 was submitted by RMB Consultants and was carried out in accordance with Guidance on Transport Assessments and Travel Plans October 2008 which is a Kent Highways publication. The report considers the transport effects of the existing use of the site and that of the proposed development covering the following topics:
- National and local transport policy;
 - Existing transport conditions;
 - Future traffic flows (excluding the proposed development);
 - Future transport conditions (including the proposed development);
 - Consideration of a Travel Plan;
 - Assessment of parking and internal layout of application site;
 - Impact of the proposed development on the transport network
 - Impact of the development on the safety of existing transport network users and development site users.

- 7.6.4 TRICs has been used to estimate the traffic generated by the development and this indicates that there is likely to be 57 peak hour movements and 470 daily movements for a development of this size. To put this into context the Department for Transport traffic count site at Bearsted indicates a total of 13,522 vehicle movements a day (2013 data). The number of trips generated is not therefore considered to be a significant increase in this location and is considered not to result in an unacceptable highways impact onto Roundwell or the A20.
- 7.6.5 A number of objections have been received regarding the reliability of the Transport Assessment. I can confirm that the methodology used is that accepted by Kent Highways and that they are satisfied with the data submitted. To conclude, in terms of vehicle movements, it is considered that the local roads would be able to accommodate the proposed development and additional traffic.
- 7.6.6 Turning to the detail of the highway proposals, following a holding objection from Kent Highways amended plans were received and the following works are proposed:
- Widening of the existing access track to the Barty Farm complex
 - New/extended footpath works
 - Visibility splay of 51m to the south east
 - Removal of centre lines and addition of edge line treatments
 - Enhanced gateway to the east of Crosskeys comprising coloured surfacing and SLOW carriageway markings
 - Alterations to the position of the speed limit boundary and interactive speed limit sign
- 7.6.7 One main access is proposed to serve the development. The access as previously mentioned is to be taken off the farm track which serves Barty House and the complex of buildings to the north at Barty Farm. In order for the access to be acceptable in highway terms the width needs to be widened at the junction with Roundwell and extend beyond this – thus the need to relocate the wall discussed earlier in this report. KCC Highways are satisfied that the access proposals would be safe, useable and comply with the relevant guidance.
- 7.6.8 The proposal to remove the centre lines of the carriageway has caused great concern with residents who feel this will increase the likelihood of accidents as people will be unclear of the demarcation between the opposite flows of traffic. However, I am advised by Kent Highways that this action, together with the variable edge line marking, is an effective means of traffic calming and offers road safety benefits.
- 7.6.9 Turning to the internal layout of the site, it is acknowledged that this is an outline application and the layout could change. However, the illustrative layout and parking ratio demonstrates that satisfactory parking can be achieved within a development of 100 houses in accordance with KCC parking standard guidance. Cycle parking storage can be secured via condition. Due to the scheme being revised to accommodate the Arriva bus serving the site, I consider this is both a highway and environmental benefit. The present bus has to undertake a somewhat awkward turn at the junction of Water Lane and Roundwell, this development will enable the bus to undertake a loop around the site and enter onto Roundwell in a forward gear. It also adds to the sustainability benefits of the site as it provides an easier shorter route to access public transport from the development.

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- 7.6.10 In their previous letter dated 19 October 2015 Kent Highways confirmed that there was no objection to the application on highway safety grounds, traffic generation and indicative parking provision – all of which are in accordance with KCC Highway guidelines and considered likely to be acceptable in terms of highway safety audit which will be required at a later stage should planning permission be granted. The subsequent holding objection was with regard to the provision of an emergency access off Water Lane. Updated responses have been received with regard to the amended plans showing no emergency access being proposed from Water Lane and swept paths demonstrating the bus manoeuvres. It would seem that whilst an emergency access had initially been deemed desirable, it is not required for a development of this scale.
- 7.6.11 The KCC PRow department has been consulted on the application. The application proposes a number of enhancements to the pedestrian connectivity in the vicinity. Measures include ensuring the PRow running adjacent to the main access is safeguarded (inclusion of a footway on the eastern side), providing a safe means to cross over to the south side of Roundwell, improving the existing footway towards the village and including a contribution towards upgrading the existing PRow to Church Street.

7.7 Affordable housing

- 7.7.1 It is proposed to deliver 30% affordable housing within the development. Whilst not in accordance with the adopted DPD for Housing, it is in accordance with the emerging local plan (Policy DM13) and the most recent Viability Appraisal (June 2015) for a site of this nature. The earlier Peter Brett Viability report in 2012 considered a greenfield site on the edge of the urban area suitable to provide 25% affordable housing in viability terms. I am also mindful of the Counsel advice received earlier this year in relation to the reasonableness of trying enforce the 2005 DPD when far more recent viability studies have been undertaken. DM13 provides a target rate of 30% for the Maidstone Urban Area, Policy SP1 provides general support for the Maidstone urban area and in light of this and earlier evidence it is my view that 30% affordable housing is an acceptable level.
- 7.7.2 Turning to the location of the affordable units shown on the illustrative layout, I concur with the views of my colleagues in Housing that to locate these in one area of a site of 100 dwellings is not ideal, it is also not in accordance with the advice in the NPPF. I would expect a reserved matters application therefore to come forward with two/three areas providing the affordable element of the scheme.

7.7.3 The developer's indicative affordable unit split is:

1 Bed units	0	0%
2 Bed units	9	30%
3 Bed units	18	60%
4 Bed units	3	10%

In order to ensure compatibility with the Housing need in Maidstone a S106 agreement would ensure a 60/40 split between Affordable Rented units and Shared Ownership Units. Concern has been raised by the Housing officer that there are no 1 bed units proposed – which is the largest need when viewing the Council's need register. The indicative mix in this application does include 1 bed units for private

sale and I would encourage a reserved matters application, when re-considering the location of affordable units, to take the opportunity to incorporate 1 bed units within the scheme. In addition, the appropriate mix can be achieved through the S106 agreement.

7.8 Landscaping & Visual Impact

- 7.8.1 Landscaping is a matter reserved for future consideration. Notwithstanding this an illustrative site layout has been submitted which shows the retention of the landscaped boundaries, save for where the access route would enter the site. Where possible all existing trees and hedgerows would be retained and enhanced. Additional tree planting would be carried out within the site and hedgerows reinforced/gaps plugged. A detailed landscape scheme would indicate the existing species to be retained and new native species to be planted.
- 7.8.2 An Arboricultural report has been submitted and within this recommendations are made as to which trees should be removed. It is no longer necessary to remove the Ash trees, hawthorn and oak to accommodate the emergency access. Although a section of hawthorn hedgerow at the main entry to the site and a Larch and Poplar tree will need to be removed.
- 7.8.3 The removal of five other trees is recommended on purely arboricultural grounds due to their poor condition, these trees are Cherry, Poplar, Larch, Ash and Sycamore. Protection of all trees to be retained on the boundaries of the application site could be secured by a suitably worded condition.
- 7.8.4 The landscape officer has been consulted on the application and considered the results of the Arboricultural report. The landscape officer did initially raise objection to the impact on two trees which would be affected by the development. The trees in question are T5 a Deodar Cedar in the grounds of Barty House and T8 a Black Pine in the grounds of Barty Cottage. Whilst the trees are shown to be retained, the landscape officer had questioned if this would work in reality due to level changes, hard surfacing and proximity of the road widening to the trees. As a result of his concerns further information was submitted showing piling and proposed wall sections and a revised Arboricultural report was submitted prior to this. The issues have now been resolved to the satisfaction of the landscape officer.
- 7.8.5 The site is a greenfield site and its development for residential development would clearly have an impact visually on the locality. It is important to assess the impact of the proposed development in its setting and surrounding context, including the fact the site is within a Special Landscape Area.
- 7.8.6 The Design and Access Statement identifies that new planting will take the form of a tree belt along the southern and western edges of the site together with landscaping. The retention of hawthorn hedgerows on the eastern boundary is key to enhancing the setting of the site. The northern boundary is shown to be landscaped and whilst I appreciate the importance of the other boundaries in terms of softening the impact on existing residents, I also consider the northern boundary important with regard to setting. This is because further north and the other side of the M20 is the North Downs AONB. Section 85 of the Countryside and Rights of Way Act 2000 requires a relevant authority, when exercising any functions in relation to, or affecting land in, an AONB to have regard to the purpose of conserving or enhancing the natural beauty of the AONB.

- 7.8.7 In this instance the AONB is approximately 500m to the north of the site boundary. I accept that there will be views of the site from the North Downs and clearly what is currently greenfield pasture land will change to an urban form. However, having walked the locality and considering the grain of development, it is my view that the scheme will form a natural extension to the existing built form at this end of Bearsted. The proposed development would be seen in the context of the neighbouring residential development on the southern and western boundaries and would not therefore appear out of character given the built form along these boundaries of the site.
- 7.8.8 I have considered both the local impact on the landscape and from further ranging views. I have viewed/attempted to view the site from the Pilgrim's Way and find that when seeking the site out it will appear as minimal addition to the existing landscape character where built development meets the countryside. I do not consider the development will cause 'harm' to the setting of the AONB as the scale and location of the development in relation to the existing built environment will not appear out of character in this location, but clearly at the reserved matters stage the attention to detail points raised by the Kent Downs AONB Unit will need to be taken on board, namely:
- Building materials and colours.
 - Orientation of buildings and position.
 - Use of non-reflective roofing materials and any solar panels/photovoltaics to face south to avoid glint and glare.
 - Height of dwellings.
 - Control of lighting.
- 7.8.9 The site is also located within the Special Landscape Area, although I would advise this designation is not being carried forward in the emerging local plan. However, at the present time Policy ENV34 is still a relevant saved policy which seeks to protect and conserve the 'scenic quality and distinctive character' of the SLA. Clearly, as considered in the section on the AONB, the character will undoubtedly change from greenfield site to built development, however the application has to balance the many issues, impact, gains and losses involved in meeting the need for houses. Due to the location of this site I do not feel it causes wider harm to the landscape character of the area, but clearly the loss of the site itself will transform that element of the SLA.
- 7.8.10 The boundary treatment throughout the site will however be essential to achieving a good scheme. As noted above, particular care will need to be taken in the buffer zones between new and existing development and where the northern boundary abuts the open countryside. A fully detailed landscaping scheme will need to demonstrate an appropriate mix of indigenous landscaping.
- 7.8.11 When considering the visual impact of the proposed development and its siting in relation to the existing urban boundary, it is my view that a well designed scheme will be capable of being absorbed visually into the environment at this end of Bearsted. It is not disputed that the character of the area as currently seen will change but in terms of the wider impact it will not be significant. The proposed allocation sets out criteria in relation to landscaping to ensure appropriate buffers are retained and the landscape setting respected. It is my view that development in this location is acceptable in landscape terms and that with a suitably composed landscape management strategy that is overseen by a management company and secured through the S106 agreement, the provision of landscaping on the buffers can be

safeguarded. The emerging policy seeks 0.4 hectare of open space to be provided within the site – this will be safeguarded through the landscape management strategy.

7.9 Ecology and Air Quality

- 7.9.1 The application includes a Phase 1 Habitat Survey of the site. Whilst the current application is for 100 dwellings, the report refers to the 122 dwellings which the proposed allocation in the emerging local plan considers is an appropriate number for the site. Whilst objectors have raised the issue of differing numbers given in the different technical reports within this application, it does not affect the soundness or relevance of the reports.
- 7.9.2 The site and adjacent land is not subject to any statutory nature conservation nature designations. The survey reveals that the greatest ecological interest on the site was within the hedgerows around the site boundary. There are no ponds within the application site, but there are several within 500m. Results show that Great Crested Newts (GCNs) were found in two ponds and KCC Ecology are satisfied with the results. A plan showing the position of the surveyed ponds, a review of the survey data and any resulting mitigation works has recently been submitted.
- 7.9.3 I am satisfied with the advice of KCC that the implementation of the mitigation measures set out in the report by Caluma Ecological Services will ensure that GCN's are protected from harm.
- 7.9.4 The Habitat survey states that there is potential for reptiles to be within the site and if so, these are most likely to be within the hedgerows. A condition requesting a precautionary mitigation strategy to be submitted is recommended by the KCC Ecologist.
- 7.9.5 Due to the presence of bats foraging along the site boundaries, careful consideration will need to be given to the lighting around the perimeter of the site. The bat activity survey raises the issue and KCC endorse this by recommending a lighting scheme be submitted (with ecologist input) by way of a condition.
- 7.9.6 With regard to breeding birds, the KCC ecologist is satisfied that the management of the site reduces the potential for Ground Nesting Birds to be present.
- 7.9.7 Planning guidance states that in addition to mitigation, development should seek to enhance ecological interests. The application promotes ecological enhancement through the retention of the vast majority of the boundary hedgerows where the ecological interest is present. Furthermore, the following additional measures can be introduced within the development:
- Enhancement of habitats for reptiles and bats (reinforcing hedgerows)
 - Use of bat bricks and tiles (particularly in dwellings close to boundary edge, esp southern)
 - Incorporate swift bricks within dwellings
 - Protection of site buffer and future management to preserve/enhance habitat
- 7.9.8 Comments received from the Environmental Health officer raised concern over the lack of an Air Quality assessment. This has been received and the EHO is satisfied that the development does not give rise to any objections. The addition of car charging points within the development can be a matter of condition.

7.10 Flooding and Drainage

7.10.1 Southern Water advises that there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system and they have advised that additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. The application includes a Foul Water Management Strategy which has been developed following consultation with Southern Water. There are two possible options to provide wastewater disposal and these are:

- i) Connection to Leeds WTW, 2,600m to the east.
- ii) Improvements to the foul drainage network west of the site.

7.10.2 The developer proposes to requisition foul sewers under Section 98 of the Water Industry Act 1991 in order to establish the best solution for providing sewerage infrastructure. It is apparent from the comments of Southern Water and the detail provided in the Strategy that it will be possible to adequately serve the development by foul sewers provided improvements to the existing network are carried out. The precise nature of the improvements will need to be agreed by Southern Water and can be dealt with through a planning condition.

7.10.3 The application also includes a Surface Water Strategy incorporating a Flood Risk Assessment which indicates that surface water will be managed through the use of SUDS comprising mainly soakaways, detention/infiltration basins and permeable paving. The application has been considered by the KCC Flood Team who find the proposed Strategy acceptable and suggest a condition to ensure fuller detail is submitted once the ground conditions are confirmed.

7.10.4 The FRA was submitted due to the site area being greater than 1 hectare. The site however, lies within Flood Zone1 due to it being assessed as having a less than 1 in 1000 annual probability of river or sea flooding in any one year. Overall it has a low probability of being flooded from other sources. The Environment Agency has raised no objection to the development of the site and deems the site acceptable for residential development in terms of the flood risk perspective.

Other issues:

7.11.1 A number of objectors have highlighted the refused applications in March 2015 for both planning permission and listed building consent to demolish the existing boundary wall at Barty House. These related only to works to the wall and the planning application did not seek permission for housing. Whilst I have taken this into consideration, I consider there is sufficient justification, as set out in this report, to reach a different conclusion when balancing all the issues within the current application. The previously refused two applications considered the wall in isolation as they were not directly linked to this application for outline planning permission for housing. In relation to this current application, the balancing exercise is wholly different in that there are the benefits that flow from factors such as housing, and affordable housing to be taken into account and the lack of a 5 year housing land supply also has significant implications. I also note that the previous applications referred to Barty House as a Grade II* listed building – although I accept that this may have been an oversight on the part of the officer.

7.11.2 The agricultural land classification has been questioned by objectors. I have consulted the Council's agricultural advisor and am informed that the relevant maps for this area indicate the site as likely being grade 3 with grade 2 areas in close proximity. It is not possible to be precise over where the grade 3 land becomes grade 2 due to the nature of the maps, however in light of the identified need for housing within the borough and the site being deemed appropriate as an allocation in the emerging plan, there is no overriding objection to the loss of a site of this size to agriculture.

8.1.1 Heads of Terms

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

These are set out below:-

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

8.1.2 The NHS have requested £80,820 based on an average occupancy in relation to the size of the residential units towards improvements at Bearsted Medical Practice which is within 1 mile of the site. It is clear that the proposed development of 100 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.

8.1.3 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. The monies contribute towards the South Borough PS permanent expansion to 2FE. There will be a greater demand placed on schools within the borough from the occupants of the new 100 dwellings and information submitted by the County Council shows that these are at capacity and as such the contribution is considered justified and appropriate.

8.1.4 In addition to a new primary school Kent County Council as the Local Education Authority require contributions towards additional secondary school places by extending existing secondary Schools in the Town at a cost of £2359.80 per applicable house. The identified project would contribute towards the second phase of expansion of Maplesden Noakes. There will be a greater demand placed on the local schools from the occupants of the new 100 dwellings and information submitted by County shows that these are at capacity and as such the contribution is considered justified and appropriate.

8.1.5 Kent County Council has sought contributions of £3175 towards community learning which would be used to pay for adult learning classes or Outreach Adult Learning in Maidstone. In this instance the identified project is new IT equipment to St Faiths Adult Education Centre in Maidstone. It is clear that the proposed development of 100 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.

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- 8.1.7 There is a request of £3178 sought by Kent County Council which would pay towards the provision of staff and equipment for Maidstone Borough Youth Outreach services in the area. In this instance the identified project is new furniture for InFoZoNe Youth Centre. It is clear that the proposed development of 100 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.
- 8.1.8 There is a request from Kent County Council to provide £12,709 which would be used to provide for expansion of Library services locally and additional bookstock & equipment to deal with the addition usage from this development. In this instance the identified project is Bearsted Library enhancements, namely additional bookstock and moveable shelving. It is clear that the proposed development of 100 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.
- 8.1.9 Kent County Council has sought contributions of £5388 which would put towards projects including the expansion of the services and facilities for older people care needs and adults with learning and physical disabilities. In this instance the project identified is: enhancements to the Dorothy Goodman Centre (Age UK) at Madginford. It is clear that the proposed development of 100 dwellings would result in additional demand placed on the social services provided by Kent County Council and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 8.1.10 The provision of 30% affordable residential units within the application site. This is in accordance with the most recent viability assessments for a site in a location such as this.
- 8.1.11 Kent Highways seek a contribution towards sustainable access. This is in accordance with the proposed policy and will strengthen the sustainability of this site.
- 8.1.12 KCC PRoW seek a contribution of £30,000 towards the improvement of the PRoW in the vicinity which is a key route in proximity to the development site. The funds would be spent on improvements to the surfacing and environment of Public Footpath KH27 which will improve pedestrian access from the site to community centre and recreational facilities at Church Landway. I am currently seeking further clarification on how this request meets the CIL regulations and will provide an update of this for committee.
- 8.1.13 Kent Police have also requested contributions, however these do not meet the CIL regulations and cannot be sought.
- 8.1.14 Arriva buses have requested a contribution towards the wear and tear, fuel and driver costs to serve the development. They have requested £35 to £40k per annum for a period of 3 years – I am seeking further clarification on how the request meets the CIL regulations.
- 8.1.15 Whilst not a Head of term the applicant/developer will also need to enter into a S278 agreement to secure the following:
- Works to Barty House to provide visibility splay (475-108A)
 - Proposed highway improvements western gateway (474-112)
 - Proposed highway improvements eastern gateway (474-115)

Proposed highway improvements Roundwell junction with site access 474-116

9.1 CONCLUSION

- 9.1.1 The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. It would be greenfield development in a Special Landscape Area. However, the development is at a sustainable location, immediately adjoins the existing urban boundary, and is not considered to result in significant planning harm. Given the current shortfall in the required five-year housing supply and that this site is a proposed allocation in the Reg 19 plan, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in general compliance with the National Planning Policy Framework and material considerations indicate that it is appropriate to depart from the Local Plan.
- 9.1.2 Development at this site would extend the grain of development from the Maidstone urban boundary to the east. Whilst the development would have an impact upon the setting of the Grade II Listed Barty House and a loss of some fabric of the listed wall, I do not consider that this would be a significant impact such to resist development altogether. The site is on the boundary of the urban area in easy reach of a number of services and facilities located within Bearsted, including the Bearsted train station. The proposed development includes measures to enhance connectivity from the site to the centre of Bearsted (bus route) with its shops and services. The development of this site for residential purposes would in my view represent an example of sustainable development and would conform to the aspirations of the NPPF.
- 9.1.3 Furthermore, the site, being on the edge of the urban area of Maidstone, would be in conformity with the Council's settlement hierarchy and preferred areas for development. The principal of which is supported in the Regulation 19 local plan which seeks to direct development to the urban area of Maidstone in the first instance followed by edge of urban sites. Therefore, the development of this site for residential purposes would conform with the Council's approach to the location of development.
- 9.1.4 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.

RECOMMENDATION

The Head of Planning and Development be delegated power to grant planning permission subject to the conditions set out below and to the prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to provide the following;

- The provision of 30% affordable residential units within the application site, 60% rental and 40% shared ownership.
- Contribution of £1,575.00 per Dwelling towards open space if the full area of [] is to be provided and officers to be granted specific delegated authority to liaise with the developer and the Council's Parks and Open Space team to negotiate the contribution where the on-site provision of open space is adjusted downwards.

- Contribution of £808.20 per Dwelling to be sought from the NHS towards improvements to a named local surgery.
- Contribution of £2360.96 per Applicable House towards the South Borough PS permanent expansion to 2FE.
- £2,359.80 per dwelling - towards Secondary education towards the second phase of expansion of Maplesden Noakes
- Contribution of £31.75 per Dwelling sought towards community learning to be used to address the demand from the development towards the provision of new/expanded facilities and services both through dedicated adult education centres and through outreach community learning facilities local to the development, project: new IT equipment to St Faiths Adult Education Centre in Maidstone
- Contribution of £31.78 per dwelling sought to be used to address the demand from the development towards youth services locally, project: new furniture for InFoZoNe Youth Centre
- Contribution of £127.09 per Dwelling sought to be used to address the demand from the development towards additional bookstock and services at local libraries serving the development, project: Bearsted Library enhancements, namely additional bookstock and moveable shelving
- Contribution of £53.88 per Dwelling sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both on site and local to the development including assistive technology, and enhancement of local community facilities to ensure full DDA access, project: enhancements to Dorothy Goodman Centre (Age UK) at Madginford.
- Contribution of up to £15,000 for the provision of measures to promote sustainable access i.e cycle parking/shelters, disability ramps, security and information, officers to be granted specific delegated authority to liaise with [] to agree a final figure.
- Contribution towards the upgrading of PRow KH127 to Church Lane, officers to be granted specific delegated authority to liaise with KCC Prow & applicant to agree a final figure.
- Contribution towards the extension of the Arriva bus service into the development site, officers to be granted specific delegated authority to liaise with Arriva & applicant to agree a final figure.
- The inclusion of a LEMP together with the provision and on-going management on land north of the application site within the ownership of the applicant.

Conditions

1. No development shall take place until approval of all of the following reserved matters has been obtained in writing from the Local Authority:
 - a. Layout
 - b. Scale
 - c. Appearance
 - d. Landscaping

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

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

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

3. Prior to any dwelling hereby permitted being constructed to slab 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 carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development.

4. Prior to any dwelling hereby permitted being constructed to slab level, details of all fencing, walling and other boundary treatments shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation or as agreed by the Local Planning Authority and retained thereafter;

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

5. Prior to any dwelling hereby permitted being constructed to slab level, details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design, relating to the detailed element, shall be submitted to and approved by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the dwellings or as agreed in writing with the Local Planning Authority and maintained thereafter.

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

6. No external lighting equipment shall be placed or erected within the site until details of such equipment 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 in

the interests of biodiversity. The development shall thereafter be carried out in accordance with the subsequently approved details.

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

7. Prior to any dwelling hereby permitted being constructed to slab level, a landscape scheme designed in accordance with the principles of the Council's landscape character guidance shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented. The scheme shall show all existing trees, hedgerows and landscaping and indicate whether they are to be retained or removed. It shall detail measures for protection of species to be retained and include a planting specification, a programme of implementation and maintenance and a 10 year management plan. The landscape scheme shall provide landscape buffer zones of no less area than shown in the illustrative site layout on drawing no. 2527-21 and specifically address the need to provide:
- Reinforced and new tree belt along the southern boundary of the site.
 - New hedgerow and tree planting along the northern boundary.
 - Tree and hedge planting throughout the site.
 - Area of semi-natural open space along the southern boundary.
 - Swales and balancing ponds.
 - Reinforced tree and hedgerow planting along the eastern and western boundaries.

Reason: No such details have been submitted and to ensure a satisfactory appearance and landscape setting to the development and satisfactory implementation, maintenance and management of the landscaped areas.

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

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

9. Any existing trees or hedges retained on site which, within a period of five years from the first occupation of a property, commencement of use or adoption of land, die or become, in the opinion of the local planning authority, so seriously damaged or diseased that their long term amenity value has been adversely affected, shall be replaced in the same location during the next planting season (October to February), with plants of an appropriate species and size to mitigate the impact of the loss as agreed in writing by the local planning authority.

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

10. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in Relation to Construction-Recommendations' and in strict compliance with the Draft Arboricultural Method

Statement by Chartwell Tree Consultants Ltd dated 9 March 2016 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 safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development

11. Prior to the commencement of any ground or tree works a programme of arboricultural supervision and reporting shall be agreed with the local planning authority in writing and the approved programme shall be carried out in strict accordance with the approved details.

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

12. Prior to commencement of the engineering works at both the site access points, full details of tree protection methods, including the laying of road construction where trees have been identified as to be retained, shall be submitted and approved in writing by the local planning authority. Details should include hand dig as appropriate. The works shall be carried out in accordance with the approved details.

Reason: To ensure the safe retention of trees of amenity value.

13. The details of landscaping submitted pursuant to condition 1 shall include details of a scheme for the preparation, laying out, and equipping of a play/amenity area and the land shall be laid out in accordance with the approved details;

Reason: To ensure a satisfactory external appearance to the development and the provision of adequate facilities to meet the recreational needs of prospective occupiers.

14. The development shall not be occupied until details of the long-term management and maintenance of the public open space, including details of mechanisms by which the long term implementation of the open space (including play equipment) will be secured by the developer with the management body(ies) responsible for its delivery, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented and maintained.

Reason: In the interests of adequate open space provision and visual amenity.

15. The development shall not commence until a landscape and ecological management plan (LEMP) for the site has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved LEMP and its requirements applied for the lifetime of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed;

- b) Ecological trends and constraints on the site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving the aims and objectives;
- e) Prescriptions for management actions;
- f) A work schedule;
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures;
- i) Specific details of biodiversity enhancement measures to include enhancement for birds, bats and reptiles. (to include swift bricks, bat boxes, hedgerow habitat enhancement)

Reason: In the interests of biodiversity.

16. The details pursuant to condition 1 shall show the height of the proposed dwellings to reflect the parameters set in the Design and Access Statement shown as between 2 and 2.5 storeys high.

Reason: In the interests of visual amenity

17. There shall be no occupation of the development hereby permitted until the provision, by way of a Section 278 Agreement between the applicant and Kent County Council Highways, of the works identified in the application are agreed with the planning and highway authorities and provided at an agreed trigger point. Full details of the proposed details shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

18. 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. The development shall be carried out thereafter in accordance with the approved details.

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

19. 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.

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

Reason: In the interest of water pollution

21. No development shall take place until a sustainable surface water drainage scheme based on details provided within the Surface Water Management Strategy prepared by RMB Consultants (Civil Engineering) Ltd dated December 2014, has been submitted to and approved in writing by the local planning authority. The surface water strategy should also be compliant with the Non-Statutory Technical Standards for Sustainable Drainage (March 2015), and should demonstrate the surface water run-off generated up to and including the 100yr critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event, so as not to increase the risk of flooding both on- or off-site. The strategy should also include details for the provision of long term maintenance of all surface water drainage infrastructure on the site. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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

22. The approved details of the vehicle parking and turning areas and cycle parking shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for parking and turning. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (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.

23. 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 source protection zones.

24. The existing wall which aligns the curtilage of Barty House shall not be taken down until a methodology statement has been submitted to cover the following areas:

- (i) Removal, cleaning and retention of existing brickwork;
- (ii) Submission of sample replacement bricks where necessary;
- (iii) A sample panel to be erected on site to ensure appropriate bonding/mortar mix

Reason: To ensure appropriate materials and protection of the character of the wall.

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no further development other than that hereby permitted 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.

26. Prior to the commencement of development the recommendations of the Callumma Ecological Services report dated October 2015 shall be carried out. A detailed mitigation strategy shall be submitted to the Local Planning Authority as set out in this report (CES) together with a monitoring timetable whilst works are ongoing with regard to the Great Crested Newt population within the identified ponds.

Reason: In the interests of Biodiversity.

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

Drawing no.s 2527-03H (realignment of Barty Wall), 475-108A, 474-112, 474-115, 474-116, 2527-21b (illustrative site layout), 475-123, 475-125A, 2527-20 Rev D, 2527-21A; 2527- 22A,

Reports: Great Crested Newt Survey October 2015, Calumma Ecological Services; Arboricultural report by Chartwell Tree Consultants December 2015, Arboricultural Method Statement 9 March 2016, Revised Design and Access Statement December 2015; Transport Assessment Addendum December 2016; Surface Water Management Strategy incorporating a Flood Risk Assessment dated December 2014.

Reason: To ensure the development is undertaken satisfactorily

Extracts of Minutes of the Meeting held on 28 April 2016

14/506738 - OUTLINE APPLICATION FOR THE ERECTION OF UP TO 100 DWELLINGS - RESERVED MATTERS FOR WHICH APPROVAL IS BEING SOUGHT: ACCESS, INCLUDING ACCESS WIDENING COMPRISING RELOCATION OF WALL FORMING PART OF OUTER CURTILAGE OF BARTY NURSING HOME (GRADE II LISTED) - LAND AT BARTY FARM, ROUNDWELL, BEARSTED, KENT

All Members stated that they had been lobbied.

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

Mr Spooner of the Bearsted and Thurnham Society (an objector), Mrs Scott, for the applicant, and Councillor Cuming (Visiting Member) addressed the meeting on this application and associated listed building application 15/504667.

Councillor Stark of Thurnham Parish Council addressed the meeting objecting to this application.

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

The provision of 30% affordable residential units within the application site, 60% rental and 40% shared ownership;

A healthcare contribution of £808.20 per dwelling to be invested in Bearsted Medical Practice which is located within one mile of the proposed development;

A primary education contribution of £2,360.96 per applicable dwelling towards the South Borough Primary School permanent expansion to 2FE;

A secondary education contribution of £2,359.80 per applicable dwelling towards the second phase of expansion of Maplesden Noakes Secondary School;

A contribution of £31.75 per dwelling for community learning to be used to address the demand from the development for the provision of new/expanded facilities and services both through dedicated adult education centres and through outreach community learning facilities local to the development; the identified project in this instance being the supply of new IT equipment to St Faiths Adult Education Centre in Maidstone;

A contribution of £31.78 per dwelling to be used to address the demand from the development for youth services locally; the identified project in this instance being the provision of new furniture for InFoZoNe Youth

Centre;

A contribution of £127.09 per dwelling to be used to address the demand from the development for additional book stock and services at local libraries serving the development; the identified project in this instance being the supply of additional book stock and moveable shelving to Bearsted Library;

A contribution of £53.88 per dwelling to be used to address the demand from the development for the provision of new/expanded facilities and services both on site and local to the development including assistive technology, and enhancement of local community facilities to ensure full DDA access; the project in this instance being enhancements to the Dorothy Goodman Centre (Age UK) at Madginford;

A contribution of up to £15,000 for improvements at Bearsted railway station to promote sustainable access, the amount to be finalised by the Head of Planning and Development acting under delegated powers; A contribution towards the upgrading of PRoW KH127 to Church Lane, the amount to be finalised by the Head of Planning and Development acting under delegated powers following discussions with KCC PROW and the applicant;

A contribution towards the extension of the Arriva bus service into the development site, the amount to be finalised by the Head of Planning and Development acting under delegated powers following discussions with Arriva and the applicant; and

The inclusion of a LEMP together with the provision and on-going management on land north of the application site within the ownership of the applicant,

the Head of Planning and Development be given delegated powers to grant outline permission subject to the conditions set out in the report, as amended by the urgent update reports, and the additional conditions and informatives set out in the urgent update reports with the amendment of condition 7 as follows:

(a) Prior to any dwelling hereby permitted being constructed to slab level, a landscape scheme which provides 1.05 hectares of useable open space within the site and designed in accordance with the principles of the Council's adopted landscape character guidance, shall be submitted to and approved in writing by the Local Planning Authority.

(b) The scheme shall show all new and existing trees, hedgerows and landscaping and indicate (in respect of the existing) whether they are to be retained or removed. It shall detail measures for protection of species to be retained and include a planting specification, a programme of implementation and maintenance and a 10 year management plan. The landscape scheme shall provide landscape buffer zones of no less area than shown in the illustrative site layout on drawing no. 2527-21 and specifically address the need to provide:

- Reinforced and new tree belt along the southern boundary of the site.
- New hedgerow and tree planting along the northern (M20 motorway) boundary.
- Tree and hedge planting throughout the site.
- Area of semi-natural open space along the southern boundary.
- Swales and balancing ponds.
- Reinforced tree and hedgerow planting along the eastern and western boundaries.
- Naturalistic boundary along Water Lane.
- Area of useable open space within the site.

(c) The approved scheme shall be fully implemented prior to occupation of the 50th dwelling unless otherwise agreed in writing with the Local Planning Authority.

Reason: No such details have been submitted and to ensure a satisfactory appearance and landscape setting to the development and satisfactory implementation, maintenance and management of the landscaped areas.

Voting: 7 – For 5 – Against 0 - Abstentions

Councillor Thick left the meeting after consideration of this application.

REPORT SUMMARY

REFERENCE NO - 16/506735/LBC		
APPLICATION PROPOSAL Listed Building Consent for alterations to boundary wall to facilitate improved access.		
ADDRESS Barty House Nursing Home, Roundwell, Bearsted, Kent, ME14 4HN.		
RECOMMENDATION: GRANT LISTED BUILDING CONSENT		
SUMMARY OF REASONS FOR RECOMMENDATIONS: The proposal will cause harm to the fabric and setting of a Grade II listed building. However, after careful consideration and after balancing the impact of the proposal against the guidance in both the NPPF and Listed Building & Conservation Areas Act, the recommendation is for approval. This however, is subject to a condition linking this approval to that of the application for outline planning permission for 100 dwellings at Barty Farm. Accordingly, this application is dependent on the other in order to be implemented.		
REASON FOR REFERRAL TO COMMITTEE: The application is intrinsically linked to 14/506738 and it is considered appropriate to bring to the committee where the other application is being determined.		
WARD Bearsted	PARISH/TOWN COUNCIL Bearsted	APPLICANT Crabtree and Crabtree (Bearsted) Ltd AGENT Hobbs Parker Property Consultants
DECISION DUE DATE 1/11/16	PUBLICITY EXPIRY DATE 4/10/16	OFFICER SITE VISIT DATE various
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

The site has a lengthy planning history of which the relevant history is summarised below:

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

15/504667 Barty House, Roundwell, Bearsted, Kent: Listed Building Consent for alterations to boundary wall to facilitate improved access. **REFUSED** *The proposed development would cause harm to the setting of the Grade II Listed Barty Nursing Home and to the fabric of the curtilage wall. Notwithstanding the lack of a 5 year supply, it is considered that the benefits of the development are not sufficient to overcome the harm identified.*

14/506738/OUT Barty House, Roundwell, Bearsted, Kent: Outline application for the erection of 100 dwellings - reserved matters for which approval is being sought: Access, including access widening comprising relocation of wall forming part of outer curtilage of Barty Nursing Home (Grade II listed). **DELEGATED POWERS TO APPROVE SUBJECT TO COMPLETION OF AN APPROPRIATE LEGAL MECHANISM AND CONDITIONS 28/4/16**

14/506798/FULL Barty House, Roundwell Bearsted Kent: Demolition and reposition of part boundary wall REFUSED *The construction of a new boundary wall and adjustment to the parking area would detract from the historical setting and heritage value of this grade II* listed building and as such would result in substantial harm to this listed building contrary to advice contained in The National Planning Policy Framework 2012.*

14/506799/LBC Barty House Roundwell Bearsted Kent: Demolition and reposition of part boundary wall REFUSED *The construction of a new boundary wall and adjustment to the parking area would detract from the historical setting and heritage value of this grade II* listed building and as such would result in substantial harm to this listed building contrary to advice contained in The National Planning Policy Framework 2012.*

13/0736/LBC Listed Building Consent for proposed wing to provide 18 residential rooms GRANTED 20/6/13

13/0735/FUL Planning permission for proposed wing to provide 18 residential rooms GRANTED 29/10/13

10/0403 Application to remove condition 4 and 14 of planning MA/09/0490 relating to a glazed link and the BREEAM standards rating GRANTED 26/4/10

10/0836 An application to remove condition 5 and 14 of MA/09/0490 relating to a glazed link and the BREEAM standards rating GRANTED 26/4/10

09/0491/LBC An application for Listed Building Consent for erection of single storey rear and two storey side extension together with internal alterations to provide a total of 54 bedrooms side extension GRANTED 6/6/09

09/0490 Erection of a single storey side and two storey side extension to provide a total of 54no. bedrooms GRANTED 6/6/09

05/1175 Erection of an extension GRANTED 22/10/05

05/1174 An application for Listed Building consent for erection of an extension GRANTED 22/10/05

05/0081 Erection of an extension to provide 33 additional resident rooms Withdrawn 24/2/2005

04/2389 An application for listed building consent for erection of an extension Refused 11/2/2005

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.1 The application site is located within the open countryside, approximately 1km from Bearsted Village centre. Barty House comprises a Grade II listed building with a fairly extensive planning history which has resulted in significant extensions to the original building. The original building dates from the 18th Century and was the subject of extension and/or alterations in the 19th, 20th and 21st centuries. The extensions are concentrated on the north eastern rear elevations. The Listing states:

Bertie (as named then/possible typographical error) House Grade II

House. Early C18 with early C19 and later additions. Red brick with plain tile roof. 2 storeys attics and basement with moulded brick string course, moulded brick eaves cornice and plain stone-coped parapet. Ground floor painted red with traces of tuck or painted pointing. Roof hipped to right, gabled behind parapet to left. End stacks. 2 hipped dormers. Regular 5-window front of glazing-bar sashes, with rubbed brick voussoirs, those on ground floor with segmental heads. First floor windows have blind hoods. Large early C19 porch up 4 steps with fluted Doric columns carrying deep entablature and flat hood over. Early C19 door with fielded panels and ornate rectangular fanlight. Left end elevation: has 2-storey canted bay in same style as front elevation but merged with C19 rear additions. 2-storey C19 red brick additions to rear.

- 1.2 The property occupies a prominent position on Roundwell set above the road level. The property is set within approximately 0.9 hectares of garden land and the land levels vary across the site with it falling away to the north/north-west.
- 1.3 Once a private residence, Barty House became a care home – hence the history of extensions to the property to make it suited to the change of use.
- 1.4 Access to the property is from an unmade farm track off Roundwell on the northern side of Barty House and parallel to the curtilage wall. The curtilage wall runs in a north easterly direction parallel to the unnamed access track and turns at 90 degrees to the corner of the building. The parking area is to the rear (north-east).

2.0 PROPOSAL

- 2.1 This application comprises a revised proposal to that previously refused (15/504667) for works to the boundary wall of the Grade II Listed Barty House. As before, this Listed Building application is intrinsically linked to the outline planning application for up to 100 dwellings on the field to the west of Barty House. Members may recall, at the meeting held on 28 April 2016, it was resolved to grant planning permission subject to a S106 agreement for a development of up to 100 dwellings; to date this agreement has not been finalised and the outline application is on this same agenda for a further resolution with changes to reflect this submission. This application, however, focuses on seeking listed building consent for the demolition and associated works to the curtilage wall to Barty House which are essential in order to facilitate an acceptable access into the proposed nearby housing development site. The application includes a detailed landscaping scheme, although it should be noted that this has been submitted as supporting information only, as Listed Building Consent is not required for landscaping. The scheme also comprises a section of new wall to be erected adjacent to the car park to the north east; again this does not require LB Consent. The works which do require LB Consent are those to the existing wall, which is to be taken down and rebuilt. The wall has been subject to partial rebuilding and repair over the years and comprises a mix of stone base and brick work to the upper section.
- 2.2 The wall concerned fronts Roundwell and then extends in a northerly direction adjacent to the farm track which leads to the Barty farm complex. The wall also acts as a retaining wall to the garden land on the northern side of Barty House. In order to both widen and upgrade the existing track to accommodate the scale of new development, and to provide adequate visibility splays the only option is to take down

the existing length of wall adjacent to the access track and rebuild this closer to the façade of Barty House.

- 2.3 This scheme is a revision to that previously refused. The Design and Access Statement advises that it has been designed with input from expert advice and 'recommendations from experienced heritage and landscape professionals'. A slightly different approach has been taken on this scheme whereby a greater emphasis has been given on enhancing the setting of the Listed Building. The issue of setting has been discussed in the accompanying planning application. The main difference between this Listed Building application and that previously refused is that when the wall is rebuilt, it is proposed to include a stepped access through it and rebuild it to a lower height than existing. The steps will come from the new footpath being created.
- 2.4 Landscaping is not a consideration under a Listed Building application. The landscaping details show extensive Yew hedging together with low shrub planting within the revised garden of Barty House – the planting would be set around hard landscaping comprising York stone style paving creating pathways and terraces for the users of Barty House. This information is helpful in setting the scene for the relocated wall, but it must be remembered that it is the physical works to the wall which require the LB Consent.
- 2.5 It is still proposed to carefully remove each brick, clean each brick which is capable of being reused and store until the rebuild in the new location. The rebuild will use matching mortar and pointing. Bricks which are inappropriate i.e non-matching as used in the past for repair work, will not be reused; instead matching bricks will be resourced to make up any shortfall. The revised position of the wall will take it between 2.5-3.5m closer to the northern elevation of Barty House.
- 2.6 In addition to the above, it is also shown on the submitted plans that the stretch of wall which fronts Roundwell will need to be lowered to 600mm in order to provide the necessary visibility splays at the junction of the upgraded road with Roundwell. Where this front wall is to be reduced in height, the existing lawn level will also require regrading due to this being a retaining wall and ensuring there is no inconsistency with providing the visibility splay. This part of the proposal is consistent with the application considered in April 2016.
- 2.7 The majority of the submitted information is to support the application for the demolition and rebuilding of the wall. The information is designed to demonstrate that the proposal can be undertaken without detriment to the Grade II Listed Barty House. However, I reiterate that the actual element which requires Listed Building Consent is the works to the fabric of the existing wall.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) 2012
National Planning Practice Guidance (NPPG) 2014
Planning (Listed Buildings and Conservation Areas) Act 1990
Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, T13
Submission version -Maidstone Borough Local Plan Publication (Regulation 19)
2016: Policy SP17, DM3, DM10
Other: Historic England (formerly English Heritage) English Heritage Enabling Development and the Conservation of Significant Places, The Setting of Heritage Assets

4.0 LOCAL REPRESENTATIONS

4.1 Local residents were notified and representations were received from 13 residents. The concerns raised which relate specifically to the listed building application are summarised below:

- Inaccuracies and errors in information.
- Adverse impact on Barty House and would damage village history – similar applications have been refused before and so should this one be.
- Whilst the wall may not be listed, it is within the curtilage of a listed building and forms an integral part of its setting.
- No drawing has been submitted showing the replacement wall.
- Does not include proposals to alter the car park.
- Significant amount of planting within the visibility splay.
- Structural engineers comments not taken into account – as proposal takes wall closer to a tree and includes a new hedge (reasons given for damage to existing wall).
- Reference to improving visibility splays but no drawings to support this.
- Unacceptable to move a boundary wall to create a money making exercise.
- No good reason to depart from previous decisions to refuse the application.
- Misleading to claim that the wall is not listed and the history of access arrangements to the property is irrelevant.
- The Council's expert Conservation Officer has consistently advised the wall is an attractive feature and that in situ repair could be undertaken.
- The harm from the proposal will be 'substantial' not 'less than'.
- The tests in para 133 of the NPPF should be applied.
- There is no public benefit arising from this scheme; the housing scheme has not got the benefit of planning permission; the wall does not need to be moved if the housing scheme didn't exist.
- Considerable weight and importance should be given to the harm this proposal causes.
- The extent of damage to vehicles driving closer to the listed building cannot be predicted.
- An alternative access less damaging access should be found.
- The loss of approximately 88sqm of landscape garden around Barty House is very significant.
- The application clearly and incorrectly plays down the significance & historical importance of the wall.

Bearsted & Thurnham Society: recommend the application be refused as relocating the wall will cause demonstrable harm. The proposed scheme will harm the historic character of the street scene and all the details combined for change will destroy the integrity of the wall and substantially reduce the lawn which is so important to the setting. The LB application should be determined on its own merits and not in conjunction with public benefit arising from the housing scheme. MBC need to demonstrate what material change has occurred since the previous refusal.

5.0 CONSULTATIONS

5.1 **Bearsted Parish Council:** - The Parish Council has no material planning grounds to object to this application but would like to see the wall re-built on its original situation.

5.2 **Historic England:** do not consider it necessary for the application to be notified to Historic England under the relevant statutory provisions.

5.3 **MBC Conservation Officer:**

These works are associated with an outline planning application to erect 100 dwellings on nearby land. Whilst the housing development in itself will have only a limited impact on the setting of the Grade II listed Barty House, works to improve the access to the site will have a far greater impact. A resolution has been passed to grant planning permission for the housing scheme but listed building consent was refused for the demolition of the boundary wall and its relocation.

The proposal seeks to demolish an existing boundary wall defining the curtilage of Barty House at the edge of the unmade track leading to the side of the listed building and to rebuild a new wall further back into the site. The reason for the re-positioning of the wall is to create a widened vehicular access to service the proposed housing development site on land behind properties fronting Roundwell. The proposals for a replacement wall have been amended since the previous refusal of listed building consent.

The wall in question, which acts as a retaining wall, appears for almost its entire length along the track to be of late 18th/ early 19th Century date. It is an attractive feature which makes a positive contribution to the setting of the listed building. It appears to be the last surviving section of the original boundary enclosure of Barty House. The curved section towards the junction with Roundwell indicates where the former driveway which ran across the frontage of Barty House entered the plot. For these reasons I consider that it adds to the significance of the listed building.

Whilst the wall shows evidence of some cracking and bulging which may require attention, in my view this could be addressed by careful and conservative in situ repair. Contrary to the claim in the Design and Access Statement this would not be impossible and similar historic retaining walls have been successfully repaired/ rebuilt in other locations in the Borough (in Upper Street, Leeds, for example). The revised proposal is to build a new but lower wall sited some 2-3 metres or so further back in to the plot. This will reduce the curtilage of Barty House on this side, leaving the house in a less spacious setting. The lower wall would also have less visual presence than the existing one; the introduction of a flight of steps up the landscaped bank behind the proposed wall would provide an inappropriate focus on a subsidiary entrance to the building which lies within the apparently post 1908 rear wing. Views of the house from this direction are the most important ones as it is only from this side that the listed building can be appreciated in its original form and size, without the large modern nursing home extensions being readily visible. The setting would be further damaged by the change from an unmade track to a surfaced and engineered road with pavements which would be an urbanising feature. I therefore consider that the proposals will cause harm to the significance of the listed building because of the loss of historic fabric and the impact on the setting of the listed building. The submitted heritage statement admits that less than substantial harm to the significance of Barty House would be caused by the loss of the existing historic wall. I agree with this assessment of the level of harm.

This being the case, the NPPF requires that the harm be balanced against any public benefit accruing from the proposals. In coming to a decision, the Council is obliged by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting and the courts have made it clear that where there is harm to the setting of a listed

building this is a consideration which should be given considerable importance and weight.

The Government published Planning Practice Guidance “Conserving and enhancing the historic environment” in 2014 and paragraph 020 of this document gives advice on what can be considered to be public benefits. It states that public benefits can be anything which delivers economic, social or environmental progress (as set out in Paragraph 7 of the NPPF, which identifies the provision of an adequate supply of housing land to be a public benefit) and that they should flow from the proposed development. It also outlines a number of heritage benefits which can also be taken into account, such as:-

- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting – the proposals insofar as they relate to the boundary wall cause harm to significance.
- Reducing or removing risks to a heritage asset – Barty House is not considered to be at risk
- Securing the optimum viable use of a heritage asset in support of its long-term conservation – these proposals will do nothing in this regard.

The proposals insofar as they relate to the demolition and rebuilding of the boundary wall will result in less than substantial harm to the significance of the Grade II listed Barty House. As such, in accordance with paragraph 134 of the NPPF, this harm needs to be weighed against the public benefits provided by the housing scheme for which a resolution to grant planning permission has been passed.

6.0 BACKGROUND PAPERS AND PLANS

- 6.1 This report should be read alongside the report dealing with outline planning permission for the current housing scheme at Barty Farm.

The following plans and documents were submitted in support of this application:
Drawing no.s 2527-07; 2527-16; 2527-20 Rev A; 2527-03H
Design & Access Statement August 2016; Supporting Statement by Hobbs Parker August 2016; Alan Baxter Partnership letter dated 17 September;
Method Statement For Constructing Brick Wall in Root Protection Zone (RMB consultants).
BARTY HOUSE BOUNDARY WALL, HERITAGE IMPACT ASSESSMENT
SEPTEMBER 2016

7.0 APPRAISAL

- 7.1 It is specifically set out in s.16 and s.66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that the Council must have special regard to the desirability of preserving the listed structures or their settings or any features of special architectural or historic interest which they possess. The main issue for consideration is the impact of the proposal on the fabric of the Listed structure, together with the level of harm that would be caused and whether there is any justification for allowing the harm i.e. benefits arising. Impact on character, appearance and setting of the listed building are considered under the planning application. There has been concern over whether or not the wall is listed and for clarity I advise as follows: The Planning (Listed Buildings and Conservation Areas)

Act 1990 states that the statutory protection afforded to listed buildings extends to any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1948. As such, whilst not listed in its own right, the wall is considered 'curtilage listed'.

7.2 Policy DM3 of the emerging Local Plan requires new development to protect and enhance the historic environment and to provide for the long term maintenance and management of all heritage assets. Chapter 12 of the NPPF sets out criteria for local authorities in assessing planning and listed building consent applications and stipulates the following key points should be considered:

- *The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and,*
- *The desirability of new development making a positive contribution to local character and distinctiveness.*

It is important to assess whether the proposal not only protects but enhances the listed building – this is an assessment that has been undertaken in the planning application. The NPPF seeks to conserve heritage assets and in paragraph 17 advises this should be done 'in a manner appropriate to their significance so that they may be enjoyed for their contribution to the quality of life of this and future generations'. Paragraphs 131 – 134 provide advice on the determination of planning applications and weighing up the significance of a heritage asset. Depending on whether it is felt that substantial harm or less than substantial harm will be caused by a proposal, then this informs the process of acceptability or otherwise and the matters for consideration.

7.3 The existing Grade II property is of significant historical and architectural interest and importance. The key consideration for this application is whether the physical works that are proposed to the wall would inflict an unacceptable level of harm to the setting of the property.

7.4 I have set out in full the Council's Conservation Officer's views. It will be recalled that in the application refused at Planning Committee in April 2016, that he clearly raised objection to the proposed re-siting of the boundary wall. He objected due to the loss of the historic fabric (the wall) and the impact on the setting of the Grade II Listed Barty House that would arise. Notwithstanding the officer's recommendation, the application for Listed Building Consent was refused for the following reason: ***The proposed development would cause harm to the setting of the Grade II Listed Barty Nursing Home and to the fabric of the curtilage wall. Notwithstanding the lack of a 5 year supply, it is considered that the benefits of the development are not sufficient to overcome the harm identified.***

7.5 In assessing this application I have had total regard to the outcome reached on those previous applications. Previously it was identified that the difference between the two recommendations on the listed building applications rested largely on whether there was justification to permit the scheme - in light of the fact that the planning permission for the wall was being sought through the outline planning application for up to 100 dwellings. The initial planning application (14/506798/FULL) was a standalone scheme which if approved could have led to the alterations to the curtilage wall without the housing scheme being delivered. Comments have been

received from objectors stating that there would need to be a material change in circumstances for the case officer to come to a different view than the refused scheme. However, the previous reports recommended a grant of planning permission for the outline scheme and a grant of Listed Building consent, so a further positive recommendation would not mean the officer had changed their view. It is however clear that a previous decision is a material consideration in the determination of the current application.

- 7.6 The significance of the building is set out in the listing at the beginning of the report. It is noted that the wall itself is not mentioned in the listing, although I note the comments of both the conservation officer and local residents whom advise of the historic nature and importance of the wall in terms of both the setting and context it provides and the presence of original bricks. The building has been significantly extended at the rear (north/east elevation) - the mass of this is not fully appreciated from the principal elevation of the building. At present the access to Barty House is an unmade farm track to the Barty Farm complex and Barty House. The main view is informal and due to the alignment of the street, the prominent view from the south/west is of the house in its garden setting enclosed with boundary wall. The proposal will result in a formal foreground of greater width and a reduced 'green' setting. The main aspect of harm which falls for consideration is the physical works required to the wall and whether it can be taken down without detriment to the fabric of the Listed Building. I note concerns raised by residents regarding the introduction of the new stepped access which would also impact on the structure when rebuilt.
- 7.6 As was previously noted from the research undertaken in support of the application, the entrance has been altered previously. In fact, submitted photographs show that in 1940, in addition to the existing rear access, that there was also an access at the front of the property comprising an in-out driveway on and off Roundwell. This front access was removed prior to the Listing in 1968 by which time it had been replaced with lawn as can be seen today. Residents disregard this information and do not consider it has a bearing on the acceptability of the proposal. I have not given great weight to the previous circumstances of the site as at the time of listing the access arrangements were as seen today. I consider the important consideration is in relation to the changes proposed now.
- 7.7 Considering the proposal in its current setting, it is apparent that a fairly significant change will occur to the setting of the listed building – this was the subject of discussion when the planning application was considered. I recognise that the scheme has put more focus into enhancing the setting of the listed building through a carefully thought out formalised garden. However, notwithstanding the efforts to address the refusal of the most recent listed building application, I feel that the combination of changes that need to take place will have a harmful impact on the listed building. I therefore concur with the conservation officer's view that the proposed development would cause visual harm on the setting of Barty House. It falls to consider whether the harm caused by works to the wall warrant a refusal of listed building consent.
- 7.8 In order to reach a conclusion as to whether the proposal can be deemed acceptable, it is essential to consider Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that special regard should be had to the desirability of preserving the building or its setting. It is clear from the assessment undertaken by myself and the conservation officer that there would be harm to the setting (considered in the planning application) and fabric of this listed building and as such this should be given considerable importance and weight. The applicant

also acknowledges that a level of harm will occur. Therefore, with regard to section 16 of the above Act, I conclude that a level of harm will be caused.

7.9 In my mind, this is a clear case of balancing the benefits of the development versus the harm to the listed building. The proposed development would undoubtedly have a visual impact on the historic setting of the nearby Grade II listed building and result in the loss of fabric of the building, in this instance the wall. I agree with the view of the Conservation Officer, in that there will be harm caused to the Listed Building and that this harm will be less than substantial.

7.10 The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, 'great weight should be given to the asset's conservation'. Clear justification needs to be given if an asset is to be degraded as once lost the harm cannot be undone. Substantial harm to a Grade II listed building is considered in paragraphs 132 and 133 of the NPPF and indeed, were the proposal to be considered to cause substantial harm then, without an exceptional reason, then consent should be refused. However, in this instance the level of harm is not considered to be substantial and therefore Paragraph 134 should be applied.

The NPPF at paragraph 134 requires that the harm be balanced against any public benefit accruing from the proposals. *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'*

7.11 It is therefore still considered that the significant public benefits arising from an additional 100 houses (which includes 30% affordable housing) together with generating construction jobs, an enhanced public bus service and additional revenue through use of local shops and services in Bearsted, would, in my view outweigh the harm to the setting and fabric of the Grade II listed building and should not prohibit the development of the site. It is the case that the outline planning application was given a resolution to grant planning permission subject to a s106 legal agreement at the planning committee held on April 28 2016. However, the outline scheme is on the agenda for this evening due to material changes since the previous resolution. As stated in my previous reports, the need for this proposal is generated by the housing proposal and should the housing scheme not come on line then this scheme will not be implemented.

7.12 It is welcomed that the applicant proposes to retain existing bricks from the wall and re-use in the reconstruction thereby retaining some of the historic fabric of the wall. Clearly the success of this will be dependent on the quality of the bricks. This can be subject to condition, together with requiring details of wall bond/pointing details, appropriate mortar mix to ensure the original wall is reflected in both character and detail as far as can be.

7.13 As stated, it is a material consideration that two previous Listed Building applications have been refused for essentially the same proposal. The applicants have tried to overcome the concerns expressed in the reason for refusal by submitting more supporting detail to the scheme, such as landscaping, in an attempt to mitigate the impact of the works. The insertion of the stepped pedestrian access and the graduation of the profile of the wall, are intended to support a more sympathetic way of dealing with the works to the wall. I note that the Conservation Officer is firmly of the view that the introduction of steps is not a positive change and it is the works to the wall that require the Listed Building Consent.

Other Matters

- 7.13 The applicants have submitted a Heritage Impact Assessment (HIA) in addition to the previous structural report in support of the demolition of the wall. The HIA provides a chronology of the historic development of Barty House through ordnance survey maps. It analyses the make-up of the curtilage wall and differentiates between the modern infill wall at the front (western boundary) and the historic wall which incorporates some ragstone in parts. The HIA considers that the significance of the wall is in relation to its aesthetic and attractive setting it provides to the boundary of the listed building, but that its value has been compromised through repairs and alterations over the years prior to its listing. In coming to my view, I have also taken note of the structural appraisal undertaken by 'Alan Baxter Partnership' dated 17 September 2015. The report notes a bulge and lean to the existing wall and general poor condition (visual cracks) throughout. Due to these weaknesses the wall is purported as being unsafe. It is therefore contended by the applicant that the wall is in need of rebuild in any event. I do not consider any weight should be attached to this document in balancing the acceptability of this proposal; should the wall require rebuilding or remedial work then this can take place in situ. I concur with the conservation officers views on this matter and agree that any weaknesses in the stability of the wall would not provide justification for its relocation within the setting.
- 7.14 Comments have been received from residents regarding the plans submitted with this application (an issue raised on the previous application). I would clarify that as this application is concerned with the listed building consent to relocate and build the wall, it is not necessary to provide full details of the access to the new development as these are all provided in the outline permission. The application is assessing the impact of moving the wall, the physical works that are taking place. I am satisfied that the appropriate plans have been submitted in order to reach a recommendation on this application, however I have requested a copy of the elevational plan which is contained in the D&A statement in order to make things simpler for referencing.

8.0 Conclusion

- 8.1 The proposed relocation of the wall is considered to cause harm to the setting and fabric of the listed building (Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, however this harm is considered to be less than substantial. In accordance with advice contained in paragraph 134 of the NPPF which indicates that if the harm caused brings about sufficient benefits to the wider public then permission can be granted.
- 8.2 In this instance it is considered that whilst the relocation of the wall is neither essential in terms of repair work nor desirable in terms of reducing the setting to this Grade II listed building, the public benefit test in the NPPF cannot be ignored. If Listed Building Consent is granted, then it will facilitate the development of 100 houses on the nearby site. The site in question, is an allocation in the emerging local plan, which would deliver much needed affordable homes and other benefits such as support of the local economy.
- 8.3 Were it not for the linkage with the outline planning application the recommendation would be one of refusal as the need and harm could not be justified.

- 9.0 RECOMMENDATION** – Grant Listed Building Consent subject to the following conditions:

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

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Works shall not commence on the demolition of the existing wall until a method statement has been submitted providing the following information:
 - Process of demolition
 - Materials to clean up bricks
 - Storage of bricks

Reason: To ensure the protection and re-use of existing brick work.

3. Works on rebuilding the wall shall not commence until a sample brick panel of both bricks for the new wall and replacement have been constructed and inspected on site by the local planning authority. Written details shall also be provided confirming details of mortar/brick bond and pointing. The wall build shall be undertaken in accordance with the approved details.

Reason: To ensure the design, materials and construction of the boundary wall is visually acceptable.

4. The listed building consent hereby approved shall only be implemented in conjunction with the valid implementation of outline planning permission pursuant to planning application ref. 14/506738/OUT. In accordance with this condition, prior to the demolition of the listed wall subject of this application, the applicant/future successor in title will enter into a signed contract with the developer to ensure the delivery of the associated housing development. A copy of the signed agreement shall be provided to the Council before the wall is taken down.

Reason: Without justification of application 14/506738 the listed building consent would be unacceptable.

5. The development hereby permitted shall be undertaken in strict accordance with the following plans:

Drawing no.s 2527-03H; 2527-07; 2527-16 Boundary demolition plan; 2527-20 Rev D site location plan; 475-127A.

Method Statement For Constructing Brick Wall in Root Protection Zone (RMB consultants).

Case Officer: Amanda Marks

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



16/505311 47 Freeman Way

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REPORT SUMMARY

REFERENCE NO - 16/505311/FULL		
APPLICATION PROPOSAL Change of Use from a C3 (4 bedroom house) to Sui Generis for multiple occupancy of 8 bedrooms, conversion of loft with the insertion of rooflights and side dormer window, conversion of garage to bedroom with alterations and provision of additional parking.		
ADDRESS 47 Freeman Way Maidstone Kent ME15 8AR		
RECOMMENDATION		
SUMMARY OF REASONS FOR RECOMMENDATION Given what can be carried out without the consent of the Council under its planning powers the impact of the development in excess of this is considered marginal.		
REASON FOR REFERRAL TO COMMITTEE Cllr Powell objects to the proposal on parking, footway crossing, drainage grounds and harm to visual amenity and requires the application to be determined by the Planning Committee		
WARD Shepway South	PARISH/TOWN COUNCIL	APPLICANT Mr Daniel Ryan AGENT
DECISION DUE DATE 09/09/16	PUBLICITY EXPIRY DATE 12/08/16	OFFICER SITE VISIT DATE 22/07/16

1.0 MAIN REPORT

1.01 This application was deferred by the Planning Committee at its meeting on the 17th November 2016 (report attached as **APPENDIX 1**) to enable the following matters to be addressed being:

- Highways impact and usability of the parking layout;
- Southern Water impact;
- Residential amenity of neighbours;
- Terms of the House in Multiple Occupation (HMO) licence and how the licence fits in with the planning permission;
- Site boundary;
- Disputed facts in the report attached as **APPENDIX 1** in relation to the permitted development position;
- Future residential amenity of the occupiers of the HMO; and
- Status of policy H22 of the adopted Local Plan 2000.

2.0 Proposal:

2.01 Partly In response to the above a parking layout plan has been submitted showing 4 spaces sited in the front garden area serving the 47 Freeman Way.

2.0 CONSULTATIONS

- 2.01 **Kent Highways:** Freeman Way is an unclassified road. Adjacent dwellings have off road parking while road side parking is also available. The road is estimated to be at least 5 metres wide and there have been no injury crashes on Freeman Way or Spencer Way for at least 17 years (source crashmap.co.uk). Have also assessed the submitted parking layout which is acceptable. Based on the above raise **no objection** to the proposed development.
- 2.02 **Housing and Health Officer:** The applicant has been granted an HMO licence under Part 2 of the Housing Act 2004 for up to 8 people in the property. He is aware that the property can be occupied by up to six people and that planning permission is required to enable the property to be occupied by 8 people.

3.0 BACKGROUND PAPERS AND PLANS

- 3.01 The development proposals are shown on site location plans received on the 8th and 14 July 2016 and drawing nos:FreemanWay-47-02, 03 and 04 and parking layout plan received on the 23rd November 2016.

The application is supported by a letter dated the 8th June 2016 and a planning statement.

3.0 APPRAISAL

Highways impact and usability of the parking layout;

- 3.01 Kent Highways have been consulted and are satisfied that taking into account the nature of the local road network, existing parking patterns, absence of accidents in the locality and layout of the proposed parking area that there are no highways or parking objections to the proposal. A plan has been submitted demonstrating that 4 vehicles can park in accordance with standards.
- 3.02 It should also be noted that permitted development entitlements enabling a single family dwelling to be converted to a small HMO bring no requirement to provide any on site parking. As such, while 8 units are being proposed no parking can be required for 6 units. By providing 4 parking spaces the applicant is in effect making excess provision with a consequential beneficial impact on local on street parking conditions.

Southern Water impacts;

- 3.03 Southern Water has been consulted and its views are awaited. These will be reported to Members as an update.

Residential amenity of neighbours;

- 3.04 It can only be reiterated that as the house can already be used as an HMO for 6 persons. As such it is considered it would be difficult to differentiate between noise and disturbance in connection with this use and the comings and goings of two additional persons.
- 3.05 Regarding the impact of the external works that have been carried out, as has been made clear in the earlier report attached as **APPENDIX 1** (and will be assessed in more detail later in this report) the work that has been carried out was permitted development and therefore did not fall to be considered by the Council under its planning powers. Nevertheless in order to minimise loss of privacy due to 1st floor

overlooking recommended condition 5 proposes the use of obscure glass and limiters to flank windows in the dormer that has been erected.

- 3.06 The remaining key external impact is laying out of the front garden as a parking area. It has been previously recommended to Members that its impact on the street scene will not be significant and this remains the view in connection with the detailed parking layout plan that has been submitted.

Terms of the House in Multiple Occupation (HMO) licence and how the licence fits in with the planning permission;

- 3.07 The Housing and Health Officer advises the applicant has been granted an HMO licence under Part 2 of the Housing Act 2004 for up to 8 people in the property. Furthermore the applicant is aware that the property can currently only be occupied by up to six people and that planning permission is required to enable the property to be occupied by 8 people.
- 3.08 It should be noted it is possible to grant planning permission for an HMO without an HMO licence first being in place and vice versa. Where planning permission and HMO licence are both required the use cannot commence until approval in connection with both are first in place.

Site boundary;

- 3.09 The ownership certificate accompanying the application states that 21 days before the date of the application nobody apart from the applicant was the owner of any part of the land to which the application relates as shown on the red outline plan accompanying the application. In the absence of compelling evidence being submitted to the dispute this the submitted ownership certificate and site plan must therefore be taken at face value.

Disputed facts in the report attached as APPENDIX 1 in relation to the permitted development position;

- 3.10 The concern here is the extensions to the property took place **after** the use of building as an HMO had commenced. If this proved to be the case permitted development rights enabling the extensions/external to be carried out without requiring planning permission from the Council would no longer apply.
- 3.11 The external building inspectors responsible for ensuring the development complied with the Building Regulations confirms the works described in this application commenced on the 16th May 2016. Site photographs taken by the case officer on the 22nd July 2016 show works in connection with construction of the flank dormer and replacement of the garage door with a section of new wall and a window already largely complete. The applicant confirms first occupation of the building as an HMO commenced in late September 2016. As such it can be reasonably concluded that erection of the flank dormer and installation of the new window took place when use of the dwelling as an HMO had not commenced and therefore planning permission was not required for this work.

Future residential amenity of the occupiers of the HMO;

- 3.12 The Housing and Health Officer advises an HMO licence has already been granted under Part 2 of the Housing Act 2004 for up to 8 people. Furthermore given the size

and regular shape of individual rooms, kitchen/ living area and communal amenity space it is considered that the proposed accommodation is of a reasonable standard consistent with the use of the premises as an HMO.

Status of policy H22 of the adopted Local Plan 2000.

- 3.13 Policy H22 of the adopted local plan is a material planning consideration and relates to houses in multiple occupation. It states that permission will only be granted if:

(1) THERE WOULD BE NO HARM TO THE AMENITY OF THE INTENDED OCCUPIERS OF THE BUILDING, OR OCCUPIERS OF NEIGHBOURING BUILDINGS NOR TO THE CHARACTER OR APPEARANCE OF THE BUILDING OR LOCALITY; AND

(2) THE PROPERTY IS IN AN AREA WITH A PREDOMINANTLY COMMERCIAL CHARACTER WITH SOME RESIDENTIAL USE; AND

(3) THE PROPERTY HAS ACCEPTABLE ACCESS AND SUFFICIENT CAR PARKING ARRANGEMENTS PROVIDED IN ACCORDANCE WITH THE BOROUGH COUNCIL'S CURRENTLY ADOPTED STANDARDS; AND

(4) THE PROPERTY IS LOCATED WHERE INCREASED TRAFFIC ACTIVITY WOULD NOT BE DETRIMENTAL TO LOCAL AMENITY.

- 3.14 it should be noted the above policy predated changes to permitted development entitlements enabling a dwelling to be used an HMO for up to 6 persons without planning permission. For the reasons set out above and as amplified in the report attached as **APPENDIX 1** it is considered the impact of two additional persons compared to the change of use that can be carried out as 'permitted development' to use the property as an HMO for 6 persons will not result in any material conflict with the provisions of policy H22 set out above.

4.0 CONCLUSION

- 4.01 This remains that given what can be carried out as permitted development i.e. use of the property as an HMO by 6 unrelated persons, the impact of two additional persons is considered marginal. It is therefore considered planning permission should be granted as already recommended.

9.0 RECOMMENDATION – GRANT subject to the following conditions:

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

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

2. The vehicle hardstanding hereby approved shall be surfaced in a water permeable material.

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

Planning Committee Report

3. Details of the size, design and siting of any refuse bin housing shall be submitted for prior approval in writing by the Local Planning Authority and shall be available for use on occupation of the 4th bedroom.

Reason: In the interests of amenity.

4. No more than 8 persons shall be resident at the premises at any one time.

Reason: to retain control over the use in the interests of amenity.

5. The windows shown to be obscure glazed and fixed shut on drawing no:FreemanWay-47-04 shall be installed with these measures in place before first occupation of the rooms which they serve and maintained as such at all times thereafter.

Reason: To maintain privacy in the interests of amenity.

6. The development hereby permitted shall be carried out in accordance with the following approved plans: site location plans received on the 8th and 14 July 2016 and drawing nos:FreemanWay-47-02, 03 and 04 and parking layout plan received on the 23rd November 2016.

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

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 - 16/505311/FULL		
APPLICATION PROPOSAL Change of Use from a C3 (4 bedroom house) to Sui Generis for multiple occupancy of 8 bedrooms, conversion of loft with the insertion of rooflights and side dormer window, conversion of garage to bedroom with alterations and provision of additional parking.		
ADDRESS 47 Freeman Way Maidstone Kent ME15 8AR		
RECOMMENDATION		
SUMMARY OF REASONS FOR RECOMMENDATION Given what can be carried out without the consent of the Council under its planning powers the impact of the development in excess of this is considered marginal.		
REASON FOR REFERRAL TO COMMITTEE Cllr Powell objects to the proposal on parking, footway crossing, drainage grounds and harm to visual amenity and requires the application to be determined by the Planning Committee		
WARD Shepway South	PARISH/TOWN COUNCIL	APPLICANT Mr Daniel Ryan AGENT
DECISION DUE DATE 09/09/16	PUBLICITY EXPIRY DATE 12/08/16	OFFICER SITE VISIT DATE 22/07/16

MAIN REPORT**1.0 DESCRIPTION OF SITE**

- 1.01 The application site is occupied by a detached house located on the eastern side of Freeman Way just north of its junction with Spencer Way. The immediate area comprises a mix of mainly detached and semi detached houses falling within the built up area of Maidstone.

2.0 PROPOSAL

- 2.01 Consent is being sought to change the use of the property into a house in multiple occupation (HMO) with the property being divided up into 8 separate bedroom units. All rooms have ensuite bathroom and toilet facilities apart from bedroom 3 which has access to bathroom and toilet facilities but which are in a separate module just opposite. Communal cooking and a living room areas are to be provided on the ground floor.
- 2.03 Turning to the external changes that have taken place, the applicant advises that installation of the flank dormer and rooflight have been carried out as 'permitted development' i.e. without the need to seek planning permission from the Council. This work is possible as the property remains a dwellinghouse to which permitted development can be lawfully carried out.

Planning Committee Report

2.04 The front garden area will be laid out as parking for 4 cars to compensate for loss of an integral garage which is to be converted into a separate bedroom unit.

2.05 The following has also been submitted in support of the application:

- The applicant is part of a national franchise committed to meeting the housing needs of local professionals key workers.
- A rigorous vetting process will be in place to ensure that tenants meet and maintain high standards.
- A cleaner and gardener will be employed to ensure that the property is maintained both internally and externally in good condition.

2.06 The applicant also notified local residents of the proposal before submitting the application.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
 National Planning Practice Guidance (NPPG)
 Development Plan: H22
 Submission version of the draft local plan: DM4, DM8

4.0 LOCAL REPRESENTATIONS

4.01 Cllr Powell objects to the proposal on parking, footway crossing, drainage grounds and harm to visual amenity and requires the application to be determined by the Planning Committee

4.02 A petition has been received with just over 50 signatories objecting to the proposal on the following grounds:

- The loft extension will overlook adjacent properties and create a loss of privacy.
- The loft extension is visually out of proportion
- Insufficient parking provision leading to a dangerous situation at the junction of Freeman Way/Garden Close and Spencer Way roads.

4.03 10 neighbouring properties were notified of the application – 6 objections have been received that are summarised as follows:

- Concerned about discrepancies in plans.
- Dormer not in keeping with the character of the area.
- Additional occupants will overload existing sewer while siting the bin area could be a source of smells to adjoining properties.
- As only 4 parking spaces are proposed whereas the property is to be converted into 8 units will result in parking conflict while the additional traffic will result in harm to the free flow of traffic and highway safety in the locality.
- Use as an HMO will appear out of character .
- Development has gone ahead without planning permission first being obtained.

5.0 CONSULTATIONS

- 5.01 **Housing and Health Officer:** The person in control of the above property has applied for a House in Multiple Occupation License under the Housing Act 2004, Part 2.

6.0 BACKGROUND PAPERS AND PLANS

The development proposals are shown on site location plans received on the 8th and 14 July 2016 and drawing nos:FreemanWay-47-02, 03 and 04.

The application is supported by a letter dated the 8th June 2016 and a planning statement.

7.0 APPRAISAL

- 7.01 Members are advised that use of a dwellinghouse as an HMO by not more than 6 residents does not represent a material change of use requiring planning permission as Class L of the GDPO allows the change from a dwellinghouse to a HMO. A HMO can be defined by the relevant government circular as a '**Class C4: Houses in multiple occupation** (3-6 occupants) – in broad terms, the new C4 class covers small shared houses or flats occupied by between 3 and 6 unrelated individuals who share basic amenities. In the circumstances the assessment for this application must turn on whether the impact of two additional residents will have a material harmful impact over that which can be carried out without requiring planning permission from the Council.
- 7.02 In this case it is considered it would be extremely problematic to seek to argue any additional material harm to the character of the area, impact on amenity or erosion to the free flow of traffic or highway safety in the locality when compared with what could be undertaken without planning permission under Class L. A planning condition is proposed to limit the numbers of persons in the property.
- 7.02 In addition though objections have been raised regarding the visual impact of the dormer, this was erected as permitted development without requiring planning permission from the Council as the property was a dwellinghouse at the time of the works. Similarly, the installation of the rooflight and infilling the garage door void and replacing it with brickwork and a window was also be undertaken as permitted development.
- 7.03 The remaining built element i.e. the laying out of the front garden as a parking space only requires planning permission as it appears an impermeable surface is being proposed. However if this was permeable surfacing, again permission would not be required to provide a parking area to the front of the property. In any case its impact on the street scene is considered insignificant and is a common feature seen within many residential areas.

Other matters

- 7.03 Regarding the capacity of the existing sewer to accommodate the development, in the absence of evidence to support this it is not a matter that can be taken into account in determining this application.
- 7.04 The siting of any the bin storage area has not been shown but given the size of the front garden area it is not anticipated this will result in any harm and is a matter that can be dealt with by condition which is proposed at the end of this report.

Planning Committee Report

- 7.05 Concerns relating to the retrospective nature of the application are noted. However as advised above the external works do not require permission while until 7 or more people occupy the premises the consent of the Council is also not required. The applicant advises he is currently only marketing the property on the basis of being able to rent up to 6 rooms. So far five tenants are in occupation and include one who will be shortly working in a local IT firm while another is currently serving in the army and will shortly be employed by Kent Police. The applicant considers this shows consistency with the tenancy policy set out being that the development will provide high quality, affordable shared accommodation to working professional people such as key workers, graduates.
- 7.06 In connection with privacy concerns, windows to the flank dormer are shown to be obscure glazed and fixed shut and this can be conditioned. The windows shown to the front and rear of the dormer are in elevations already having windows at 1st floor level. Given that high level overlooking already exists, additional windows on these elevations will not materially erode existing privacy standards in the locality.

8.0 CONCLUSION

- 8.01 Given what can be carried out without the consent of the Council under its planning powers (namely the use of the property as an HMO by 6 unrelated persons) the impact of two additional persons is considered marginal and not sufficient to justify refusing planning permission. It is therefore considered planning permission should be granted as consequence.

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 vehicle hardstanding hereby approved shall be surfaced in a water permeable material.

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

3. Details of the size, design and siting of any refuse bin housing shall be submitted for prior approval in writing by the Local Planning Authority and shall be available for use on occupation of the 4th bedroom.

Reason: In the interests of amenity.

4. No more than 8 persons shall be resident at the premises at any one time.

Reason: to retain control over the use in the interests of amenity.

5. The windows shown to be obscure glazed and fixed shut on drawing no:FreemanWay-47-04 shall be installed with these measures in place before first occupation of the rooms which they serve and maintained as such at all times thereafter.

Reason: To maintain privacy in the interests of amenity.

6. The development hereby permitted shall be carried out in accordance with the following approved plans: site location plans received on the 8th and 14 July 2016 and drawing nos:FreemanWay-47-02, 03 and 04.

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

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.

Agenda Item 16



16/506605 Land North of Victoria PH

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REPORT SUMMARY

REFERENCE NO - 16/506605/FULL			
APPLICATION PROPOSAL			
Construction of Eight Open Market 1 and 3 bedroom homes, construction of Five affordable 1, 2 & 3 bedroom homes, construction of access road, parking bays and car ports, installation of new landscaping and ecology enhancements			
ADDRESS Land North Of The Victoria Inn Heath Road East Farleigh ME15 0LR			
RECOMMENDATION - Refuse Planning Permission			
SUMMARY OF REASONS FOR REFUSAL			
The introduction of 13 houses in this countryside location would result in significant harm to the open and rural character of the area contrary to Policies ENV28 of the MBWLP and emerging Policy SP17 of the MLP. The provision of 5 local needs houses (LNH) does not outweigh this harm.			
REASON FOR REFERRAL TO COMMITTEE			
The application has been called in by Councillor Webb "to give members the chance to debate whether it assists with the East Farleigh housing needs survey, to supply accommodation for the local needs identified in the survey."			
WARD Coxheath And Hunton	PARISH/TOWN COUNCIL East Farleigh	APPLICANT Country House Homes Ltd AGENT Country House Developments Ltd	
DECISION DUE DATE 07/12/16	PUBLICITY EXPIRY DATE 19/10/16	OFFICER SITE VISIT DATE 28.09.16	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
16/502673	Erection of 8 No Open Market 1 and 3 bedroom homes, and 5No Affordable 1, 2 & 3 bedroom homes. Construction of access road, parking bays and car ports. Installation of new landscaping and ecology enhancements.	Withdrawn	05.09.2016
<i>Summarise Reasons</i>			
<i>Application withdrawn to allow for an identical re-submission which would qualify for a Member call in within the first 28 days</i>			
13/0154	Construction of 5. no 3 bed houses of which 100% are to be local needs housing as amended by drawings submitted 24 June 2013 - (resubmission of MA/12/0817). (Application on nearby site S of Victoria Court, fronting Heath Road)	Refused <i>Appeal Dismissed</i>	31.07.2013 09.04.2014
<i>Summarise Reasons</i>			
<i>Inspector's Decision: The proposal would cause harm to the character and appearance of the</i>			

area through the formation of development in the countryside. The proposal failed to comply with Policy ENV28 of the MBWLP or Paragraph 55 of the NPPF. In the absence of a five year housing land supply the site was considered to have mixed benefits in terms of sustainable location, though was found to be acceptable in this respect. The development of five houses would consolidate frontage development and detract from the loose knit form of built development which currently exists, contrary to ENV28 and Paragraph 56 of the NPPF. The Housing Needs Survey had not been updated since 2005 and the evidence from the housing register sought 1 and 2 bedroom dwellings, not the 3 bedroom houses proposed. A local needs housing justification has not therefore been advanced.

12/0817	Construction of 5 No. 3 Bed Houses (Application on nearby site S of Victoria Court, fronting Heath Road)	Refused	30.08.2012
<p><i>Summarise reasons</i></p> <p><i>The development is contrary to the National Planning Policy Framework Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and the National Planning Policy Framework 2012 in that the dwellings would constitute additional unsustainable sporadic development in the open countryside causing harm to the character of the area by virtue of the further erosion of open space between the built development. In the absence of any special circumstances to override the policy objection there is no justification for this unsustainable development outside the village envelope.</i></p>			
07/2249	Erection of two one bedroom bungalows, two, two bedroom houses and one, three bedroom house (100% Affordable Housing) (Application to form Victoria Court to south)	Approved	25.01.2008

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The site fronts on to Gallants Lane to the east but is accessed via Victoria Court to the south of the site. Victoria Court is a development of five 100% local needs housing, being 2 bungalows and 3 houses developed under planning permission 07/2249. Further to the south of Victoria Court and to the west of the Victoria PH lies a rectangular piece of land which fronts on to Heath Road. This site was subject to the 2012 refusal and the 2013/14 refusal and appeal set out in the planning history above. To the west of the site lies a brick reclamation/builders yard, to the north lies an amenity space and play area which wraps around the south of 6 Crittenden Bungalows.

1.02 The site is open and undeveloped, having been used as paddock land and has a 1.6m native hedge along the Gallants Lane boundary. The southern boundary which fronts on to Victoria Court currently has 2m Herras fencing behind a young hedge which has yet to establish. The boundary to the north with the amenity land is partially screened with semi-mature trees with a section of 1.8m high wire mesh fencing which is currently overgrown, and the western boundary with the brick reclamation yard has a 4-5m hedge.

1.03 The site is relatively flat and there is an existing access off Victoria Court next to 5 Victoria Court. The site provides a break in development between Victoria Court and the

cluster of housing along Gallants Lane to the north. The character of the area is provided by some linear development along roads interspersed with large breaks in development formed by open fields/paddocks. Gallants Lane, has a rural character other than when it passes through the cluster of housing to the north of the site which has the feeling of a small village/hamlet.

2.0 PROPOSAL

2.01 The proposal would provide 13 houses, 5 Local need Houses (LNH) and 8 market housing. The layout of the development is shown to provide two blocks of development at right angles to each other, the block which runs parallel to the western boundary of the site would provide Plots 1-6 being a row of two storey terraced housing with six car ports to the north, gardens to the west and parking spaces to the east. The second block would run parallel to the northern boundary and is formed by a terrace of three houses attached to a back-to-back group of four units (Plots 7-13), gardens are proposed to the north with parking in a car park to the south. Each unit would have two parking spaces, with Plots 3-8 having the car ports and a space forward of the car port. Two visitor spaces are also proposed outside Plot 3. Landscaping is proposed around the site with new tree planting and an ecological area. The native hedge along the eastern boundary with Gallants Lane is proposed to remain.

2.02 Details of the western block: Plots 1-4 would be three bedroom houses with Plots 5 and 6 being two bedroom houses. There are two breaks in the ridge line and slab level to address a change in level across the site dropping down towards the north. Each property would have front and rear facing windows at ground and first floor. This western block would measure 10m deep by 33.4m wide, has an eaves height of 4.9m and an overall ridge height of 8.35m.

2.03 Details of the northern block: Plots 7 to 8 would be three bedroom houses, Plot 9 would be a two bedroom houses and Plots 10 to 13 would be one bedroom back to back homes. There is no change in ridge level for this northern block. This northern block would measure 13.25m deep (at its deepest point) by 27.3m wide with an eaves height of 4.35m and an overall ridge height of 8.7m.

2.04 The proposed car ports would be three bays each and measure 8m wide by 5.6m deep, eaves is proposed at 2.5m with an overall ridge height of 5.1m. The car ports would have plain tiled roofs with barn hips and a cat-slide roof slope to the rear with a low eaves height of 1.7m.

2.05 11 garden sheds are proposed for the development, one for each of the 2 and 3 bedroom houses and two are shown to serve the one bedroom houses although it is not clear which units would have the benefit of the sheds.

3.0 SUMMARY INFORMATION

	Proposed
Site Area (ha)	0.3ha
Approximate Ridge Height (m)	8.35m / 8.7m
Approximate Eaves Height (m)	4.35m / 4.9m
Approximate Depth (m)	10m / 13.25m
Approximate Width (m)	27.3m / 33.4m
No. of Storeys	2
Parking Spaces	28 incl 6 car

	ports
No. of Residential Units	13
No. of Affordable Units	5 (Local Needs)

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) Paragraphs 7, 17, 32, 49, 55, 56, 57, 58, 109, 123

National Planning Practice Guidance (NPPG) Paragraph 01 (Planning Obligations)

Development Plan: Policies ENV28

Emerging Local Plan: Policies SP17, DM1, DM14, DM34

Supplementary Planning Guidance: Affordable Housing DPD (2006)

5.0 LOCAL REPRESENTATIONS

5.01 Parish Council (East Farleigh) No Comment

5.02 Neighbours: One letter received raising the following comments: There are many aspects of the design of this proposal with merit but nonetheless, having had an opportunity to read the history of applications for this site, I write to object to the proposal. I was most struck by the words of the planning inspector when he dismissed the appeal to the 2013 proposal for 5 houses on the site. In his view the nature of the development was not consistent with the location, although he did go on to say that the reason for refusal may have been outweighed if there were a proven need for more affordable housing.

Whilst much has changed in 3 years and it seems that a need seems proven this application seeks to build beyond that need and then adds 8 open market homes on top. A total of 13 homes against the 5 rejected previously, and, whilst smaller in size, overall there are more bedrooms. It is the resultant density of the development and the associated traffic issues that are of concern. No matter how good the screening, this development will impinge on the openness of the area. Secondly given the level of provision there is the potential for parking to spill over onto Gallants Lane and create parking in a road that, in that stretch, retains the appearance of a rural lane. I hope the Committee will take due note of these issues when reaching its decision. *[It should be noted that the appeal referred to by the PC is not on the same site but on a nearby site]*

6.0 CONSULTATIONS

6.01 KCC Highways: No objection to this application subject to conditions, query regarding access to car ports. Amended comments: No objection, previous issue regarding car ports addressed.

6.02 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.

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

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

These tests have been duly applied in the context of this planning application and give rise to the following specific requirements: £21,248.64 (£2360.96 per dwelling) for Primary School Enhancements (East Farleigh) and £624.21 (£48.02 per dwelling) for Library Book Stock and a condition is recommended in relation to Broadband provision.

6.03 Natural England: No comments

6.04 KCC Biodiversity Officer: No objections. We have reviewed the submitted documents in support of this application and advise that no further information is required prior to determination of any planning application.

A preliminary ecological appraisal has been submitted and concluded that the development will have no significant impacts to any protected species or habitats and we are satisfied with this conclusion.

6.05 Landscape Officer: There are no protected trees on, or immediately adjacent to, this site. The Arboricultural Report produced by SylvanArb is considered acceptable, as are the principles of the landscape scheme (subject to confirmation of the size/specification for the proposed new hedgerow planting). I therefore raise no objection so long as there is a condition attached requiring compliance with the above mentioned report.

6.06 Environment Agency: No comments

6.07 Southern Gas networks: No direct comments on this application

6.08 Police Crime Prevention Officer: No comments

6.09 Environmental Health: No objection, subject to conditions and informatives.

6.10 Southern Water: No comments. Informative recommended in relation to foul drainage.

6.11 UMDB: No comments

6.12 KCC Archaeology: No comments

7.0 BACKGROUND PAPERS AND PLANS (date received in brackets)

- Design and Access Statement (26.08.16)
- Arboricultural Report (26.08.16)
- Preliminary Ecological Appraisal (26.08.16)
- Appeal Decision APP/U2235/W/16/3146765 "Appleacres" Maidstone Road, Sutton Valance (26.08.16)
- Appeal Decision APP/U2235/W/15/3131945 "Land West of Ham Lane" Ham Lane, Lenham (26.08.16)
- Copy of MBC Housing Comments to application 16/502673 (26.08.16)
- Copy of KCC Economic Development comments to application 16/502673 (26.08.16)
- Copy of KCC Highways Comments to application 16/502673 (26.08.16)
- Copy of Southern Water's comments to application 16/502673 (26.08.16)
- Opinion on MBC's Five Year Land Supply as declared in May 2016 by Country House Developments Ltd dated 17.06.2015 (26.08.16)
- East Farleigh Housing Needs Survey November 2014 (26.08.16)

- Letter from Kent Police in relation to Secured by Design dated 07.06.16 (28.06.16)
- Bus Timetable, Maidstone to Coxheath and east Farleigh via Loose Road, Loose, and Linton Cross Roads. (28.06.16)
- Location Plan 501/B0/001 (26.08.16)
- Existing Block Plan 500/B0/007 (28.06.16)
- Proposed Block Plan 500/B0/010/B (28.06.16)
- Plot 1-6 Floor Plans and Elevations 500/B0/004/C (28.06.16)
- Plot 7-13 Floor Plans and Elevations 500/B0/004/C (28.06.16)
- Monochrome Site Layout 500/B0/002/C (28.06.16)
- Monochrome Site Layout 500/B0/003/C (28.06.16)
- Landscape Scheme and Ecology Enhancement Plan 500/B0/008/B (28.06.16)
- Proposed Gallants Lane Street Scene 501/B0/009/B (28.06.16)
- Car Port, garden Shed and internal boundary treatment detail plan 500/B0/006 (28.06.16)
- Topographical Survey 500/B0/011 (28.06.16)
- Appeal Decision APP/U2235/W/16/3149542 “Land South of Orchard End”, Maidstone Road, Warmlake (21.11.16)
- Email from Agent (21.11.16)

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, as such, the starting point for consideration of the proposal is policy ENV28 which relates to development within the open countryside. The policy states that:

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

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

8.02 None of the exceptions against the general policy of restraint apply, and therefore the proposal represents a departure from the Development Plan. It then falls to be considered firstly whether there are any material considerations which indicate that a decision not in accordance with the Development Plan is justified in the circumstances of this case.

8.03 Notwithstanding the above, Paragraph 49 of the NPPF states that “Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

8.04 As the applicant has raised the assertion that the Council does not have a five year land supply for housing, this matter will be addressed for completeness below. However, it

is the harm to the countryside and rural amenities of the locality which would be harmed as a result of the failure to accord with the policies set out above which is more relevant in my view. *[The applicant has submitted three appeal decisions to support his view that the Council does not have a 5 year housing land supply (see Background Papers at section 8 for full details), all of the appeals relate to the Council's position on 5 year housing land supply.]*

8.05 The Maidstone Borough Local Plan was submitted to the Secretary of State for examination on 20 May 2016. The Plan allocates housing sites considered to be in the most appropriate locations for the borough to meet its objectively assessed needs, and the Housing Topic Paper (which was submitted with the Local Plan) demonstrates that the Council has a five-year supply of deliverable housing sites. The independent examination commenced on 4 October 2016, and the hearings are programmed to mid-December. The examination will close following further consultation on modifications to the Local Plan and receipt of the Inspector's final report. Adoption of the Plan is expected spring/summer 2017.

8.06 Housing land supply monitoring is undertaken at a base date of 1 April each year. The Council's five-year housing land supply position includes dwellings completed since 1 April 2011, extant planning permissions, Local Plan allocations, and a windfall allowance from small sites (1-4 units). The methodology used is PPG-compliant in that it delivers the under-supply of dwellings in the past five years over the next five years; it applies a discount rate for the non-implementation of extant sites; and, in conformity with the NPPF paragraph 47, a 5% buffer is applied given the position that is set out in full in the Housing Topic Paper. As at 1 April 2016 the Council can demonstrate **5.12 years'** worth of deliverable housing sites against its objectively assessed need of 18,560 dwellings.

8.07 In September 2016, a desktop exercise was completed in order to test how the Council is continuing to meet its 20-year and five-year housing targets. Using the same methodology, the housing land supply calculation was rolled forward five months; the contribution from new planning permissions granted since April was included; the phased delivery of extant permissions and Local Plan allocations was reviewed; and the windfall contribution was adjusted to avoid double counting. The Housing Topic Paper Update reaffirmed that the Council's five-year housing land supply position is robust and that the assumptions being made are justified, demonstrating an illustrative uplift in the Council's position to 5.71 years. The purpose of the update was to show an indicative position as at 1 September: the update does not replace the 1 April 2016 Topic Paper because a full survey was not undertaken in September. A full five-year housing land supply update will be completed through the annual housing information audit to produce the 1 April 2017 position.

8.08 It is accepted that the most recent appeal decision submitted by the agent (November 2016) finds that the Council does not have a five year housing land supply, based on the submission of the Draft Local Plan and May Housing Topic paper. However, as set out above, the position of 5 year housing land supply has evolved since that appeal was heard (6th September 2016) through the publication of a September 2016 update as set out above. It is therefore considered that the materiality which can be attributed to the 5YHLS has increased since the November 2016 appeal hearing date (6 September 2016) and, as such, the presumption in favour of sustainable development still does not apply.

8.09 Moreover, a further appeal decision has been received (dated 9 December 2016) which relates to "Land North of Lenham Road, Headcorn" PINS reference APP/U2235/W/16/3151144, and within which the Inspector has concluded, against a four stage argument against MBC having a 5YHLS, that "it is more likely than not that there is currently a 5YHLS." This Inspector in the Headcorn case took in to account the recent September update to the Housing Topic Paper which were absent from the appeal decisions referred to by the applicant in this case at East Farleigh.

8.10 Finally, policies ENV28 and SP17 are up to date which do not allow for this scale of residential development. Whilst there may be justification for Local Needs Housing within the countryside, this is an exception and the impacts/need for such development will be considered below.

8.11 Detailed consideration shall now take place as to whether the adverse impacts of the development (dis-benefits) would be outweighed by other material considerations (benefits).

Visual Amenity and Impact on the Character and Appearance of the Countryside

8.12 Paragraph 17 of the NPPF states that Planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

8.13 Paragraph 56 of the NPPF attaches great importance to the design of the built environment and considers it key to sustainable development. It is indivisible from good planning and should contribute positively towards making places better for people.

8.14 Paragraph 58 of the NPPF states that developments should function well and add to the overall quality of an area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history, create safe and accessible environments and be visually attractive as a result of good architecture and appropriate landscaping.

8.15 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. The intrinsic character and beauty of the countryside should be recognised.

8.16 The Kent Design Guide (2005) (KDG) emphasises that design solutions should be appropriate to context and the character of the locality. Development should reinforce positive design features of an area; include public areas that draw people together and create a sense of place; avoid a wide variety of building styles or mixtures of materials; form a harmonious composition with surrounding buildings or landscape features; and seek to achieve a sustainable pattern and form of development to reduce the need to travel and improve the local context.

8.17 The Inspector on the 2013 appeal on the nearby site discusses the visual impact of the proposed infilling of an open site. He stated that: The site is “clearly visible... and serves as a green gap together with other areas of vegetation or undeveloped frontages... in the immediate vicinity.” The Inspector is referring to Heath Road in this instance and while the proposal is off Gallants Lane, the same appraisal of open character applies, perhaps even more so. The Inspector goes on to state that “local character... is one of intermittent built form within in a countryside setting.” The current application is a larger site which provides an open, rural and verdant separation between the Heath Road frontage developments and the developments to the north along Gallants Lane, which could be argued to be more important in the establishment of a countryside setting compared to the appeal scheme on Heath Road. The introduction of development within this site would be highly visible when approaching from the south as there is only an open herras fence at present with low shrub planting, and from the north the development would be clearly visible above the 1.6m approx. hedge. This would detract from the “loose knit form of built development which currently exists” as identified by the appeal Inspector for the Heath Road site. In this respect the proposal would harm the rural character of the locality thereby failing to enhance the natural environment as required by Paragraph 7 and 56 of the NPPF. For the same reasons the proposal would fail to accord with Policy ENV28 of the MBWLP

and draft Policy SP17 which seek to protect the character and appearance of the countryside.

8.18 If the design of the houses proposed is taken in isolation, the scheme can be regarded to be well designed and proposes housing which is well laid out without filling the confines of the site and allows for good separation between the two blocks of terraced houses. The design is of a high quality in terms of providing homes with a Kentish vernacular design with the use of tile hanging and plain tiled roofs. There is sufficient variation within each terrace to ensure that the proposal has interest which is enhanced by the differing widths of plots and slight changes in building line and ridge height where appropriate. The parking has been located in close proximity to the dwellings to ensure it would be well used and provides two spaces per dwelling plus two visitor spaces. The scheme also incorporates a good proportion of landscaped areas within the site including the retention of the hedge along Gallants Lane and the creation of an ecological area within the south-eastern corner of the site. It is therefore considered that the design of the proposal, in isolation, conforms to the provisions of national and local policy set out above. However, the introduction of this sub-urban housing development in to this open countryside site would be harmful for the reasons set out above and the design, although good, does not overcome that significant harm.

8.19 I therefore find that the design cannot be correct for this site as it proposes housing in the countryside, therefore eroding the loose knit form of development which is interspersed with built form. The proposal therefore fails to add to the overall quality of the area and would harm the intrinsic character and beauty of the countryside through the loss of this open paddock. In this respect, the proposal fails to accord with Paragraphs 17, 56, 58 and 109 of the NPPF and emerging policies DM1 and DM34 of the MLP.

8.20 Notwithstanding the above, should only five LNH be proposed, and be consolidated at the southern end of the site, close to Victoria Court with the remainder of the site left open, there could be justification, based on local needs housing benefit, to override the harm to the countryside through a more limited development. However, as the proposal also seeks 8 open market homes, this exception cannot be applied to the whole proposal and therefore there is not sufficient justification to allow for the development. It should be noted that no viability statement has been provided that seeks to justify the 8 open market homes as an enabler to provide/supplement the LNH and, as such they would amount to 8 speculative homes within the countryside.

Sustainability

8.21 Paragraph 7 of the NPPF sets out that *“there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles.”*

8.22 Saved Policy ENV28 of the Maidstone Borough-Wide Local Plan (2000) states that in the countryside, planning permission will not be given for development which harms the character and appearance of the area.

8.23 Policy SP17 of the Submission Version of the Draft Local Plan states that small-scale residential development may be acceptable which meets local housing needs where they do not harm the character and appearance of the area and any impacts can be appropriately mitigated.

8.24 It is acknowledged that Paragraph 49 of the NPPF states that “Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered

up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.” However, the Council can, as stated above, demonstrate a five year supply of housing and accordingly the presumption in favour of sustainable development does not apply. Nevertheless, for completeness the proposal will be considered in terms of its sustainability.

8.25 The Inspector, when considering housing on the site adjacent to the Public House (to the west of the PH and south of the five houses in Victoria Court), 13/0154, took a balanced view on the sustainability of the site. The Inspector, when assessing the sustainability of the site considered the location to have “mixed benefits”, finding that the site is “some distance away from both East Farleigh and Coxheath village boundaries and that access by walking would be unlikely given the distances involved and the lack of footpaths along either route.” He found that “there may be other sites therefore closer to the either village which might be more suitable for new housing.” The Inspector then stated that “however there is a bus stop in close proximity to the site providing services to both Coxheath and Maidstone beyond. The site is also in close proximity to surrounding development, not only along the Heath Road frontage but also to a cluster of housing a short distance to the north along Gallants Lane.” The Inspector also took account of the fact that the Council had approved the 5 affordable housing units in Victoria Court which must have been found to be acceptable in locational terms. In conclusion, the Inspector therefore found that the site “had some advantages from a locational sustainability point of view.”

8.26 As the current application is very close to the appeal site and would be sandwiched between the Heath Road development and the developments along Gallants Lane, the proposal can reasonably be found to have the same locational advantages to the appeal site, which contributes to the environmental role of sustainable development. The proposal therefore meets the locational test of sustainability. However, this in itself does not outweigh the objections to the proposal by being located within the open countryside.

8.27 The proposal would generate employment from the construction of the housing and would marginally increase the economic activity and vitality of the two nearby villages at east Farleigh and Coxheath. Nevertheless these benefits do not hold significant weight in my view as the site is not directly attached to the village boundaries and, whilst the previous Inspector on the nearby site found the site to have some locational benefits it also had dis-benefits. I therefore conclude that the marginal economic benefits of the proposal are outweighed by the likelihood that the majority of trips to the nearby villages, or the town centre are likely to be made by car. The benefits to the economic and social role of the development are therefore limited in my view.

8.28 One of the tests of environmental sustainability is contribution to protecting and enhancing our natural, built and historic environment. As set out at paragraphs 8.17-8.19 above, the proposal has been found to harm the rural character of the locality thereby failing to enhance the natural environment as required by Paragraph 7 and 56 of the NPPF in terms of environmental sustainability and design. For the same reasons the proposal would fail to accord with Policy ENV28 of the MBWLP and draft Policy SP17 which seek to protect the character and appearance of the countryside. The proposal therefore fails to be supported by Paragraph 7 of the NPPF in terms of the environmental role of the scheme.

8.29 In summary, the balance of the three dimensions of sustainability concludes that the proposal fails to meet the tests set out in Paragraph 49 of the NPPF and, accordingly, even if the five year land supply position were found to be unsound, then the proposal is not supported by the presumption in favour and fails in any event.

Affordable Housing

8.30 Maidstone's Affordable Housing DPD (2006) defines affordable housing as "that which is provided with subsidy, for rent and intermediate market housing, for people who are unable to resolve their housing requirements in the local private sector housing market because of the relationship between housing costs and incomes. This definition covers housing for social rent and intermediate housing, i.e. shared ownership, low cost home ownership and sub-market rent." Exceptions sites are defined within the same document as "Small sites within and adjoining existing villages, which may be subject to policies of restraint and which the local plan or LDF would not otherwise release for housing, that can be released to provide for affordable housing to meet local needs in perpetuity."

8.31 It is acknowledged that Policy H30 (Local Needs Housing) of the MBWLP has not been saved, however emerging policy DM14 of the MLP now has weight in the development control process. In the preamble to Policy DM14 it is stated that "*local needs housing seeks to address the lack of general supply by allowing the development of exception sites under agreed local needs, sustainability and environmental criteria. The housing must remain affordable in perpetuity and priority will be given to occupants who have a specified connection to the settlement – often being residential, employment or family.*"

8.32 The application proposes 5 local needs houses (3 affordable rent and 2 shared ownership) which are affordable housing with a further local test applied to seek to house those individuals or families which have a need *and* a local connection to East Farleigh. The Parish Council have updated their Housing Needs Assessment since the 2013 appeal on the site fronting Heath Road which was found by the Inspector to be out of date. The more recent *Housing Needs Assessment November 2014* is considered to be an up-to-date appraisal of local needs within the parish and concludes that the need is as follows: a total of 6 adults and 3 children have a housing need all with a local connection, resulting in a need for 4 affordable homes, 2 couples without children and 2 families. MBC's Housing Enabling Officer has assessed the proposals and agrees that there is a local need for four affordable homes. However, the need can be updated through the information on the Council's Housing Register. In this case, MBC Housing consider that the current need is 2 x 1-beds 1 x 2-bed, 1 x 3-bed. The Applicant has been approached and has agreed that the following will be provided, in line with the updated need: 2 x 1-beds (Affordable Rent) – Plot 10 and 11; 2 x 2-beds (Affordable Rent) – Plots 5 and 6; and 1 x 3-bed (Shared Ownership) – Plot 8. This provision meets MBC's Housing requirement for local need, however there is an over-supply of one unit. MBC Housing consider there is a general need for affordable housing, outside of the local needs assessment, and this additional unit would add to the overall supply of affordable homes within the borough, albeit a local test would be applied to this unit in the first instance.

8.33 Whilst the proposal of 5 LNH has been accepted to provide a sufficient justification to override Policy ENV28 in this instance, the scheme also proposes 8 market houses which do not fall within the same category. Accordingly, although there is provision of LNH within the application, it does not justify the further development of the site with 8 market homes which together would cause significant harm.

Residential Amenity

8.34 The proposed new dwellings are a sufficient distance away from nearby housing (Victoria Court to the south and Crittenden Bungalows to the north) to ensure that no undue level of overlooking, overshadowing or overbearing impact would occur.

8.35 In terms of the proposed houses, the two blocks are a sufficient distance from each other, and orientated away from each other, to ensure that the future occupants would have

sufficient amenity in terms of light, outlook and privacy. The nearest road, Gallants Lane is a relatively quiet rural lane and, as such, no undue impact would occur in terms of road noise. However, the western block of houses is close to the boundary with a builders/reclamation yard which could give rise to noise to the rear elevations of those properties. MBC's Environmental Health Officer has agreed that a noise report and mitigation measures can be reasonably required by condition to deal with the issue of aural amenity for future occupiers. I therefore consider the proposal respects both the amenity of neighbours and that of future occupants thereby complying with Paragraphs 17, 109 and 123 of the NPPF and emerging Policy DM1(iv) of the MLP.

Highways

8.36 The proposal would result in a new access off Victoria Court to the south of the site which then feeds out on to Gallants Lane. KCC Highways have assessed the proposal for its appropriateness in terms of access/visibility and its impact on the wider highway network. KCC have raised no objection to the application on highway grounds. I concur with this view, as the site has good visibility for access on to Victoria Court and, in turn, Victoria Court has good visibility for exiting on to Gallants Lane. The development of 13 houses in this location would not result in an undue impact of highway safety, thereby complying with Paragraph 32 of the NPPF and emerging Policy DM1(ix) of the MLP.

Landscaping

8.37 A detailed landscaping scheme has been submitted as part of the application and proposes a mix of new tree planting, areas of lawn and planting beds. The proposals are sufficiently detailed and would be acceptable, subject to a landscaping condition requiring the scheme to be implemented and maintained. A Landscape management plan would also be capable of being conditioned to ensure the landscaping is appropriately maintained. A hard landscaping scheme could also be conditioned to control the type of block paving and pathways etc.

Ecology

8.38 KCC's Ecological Advisor is satisfied with the preliminary ecological investigation and is satisfied no protected habitats or species would be affected by the proposals. She also welcomes the inclusion of an ecological enhancement area within the site. All of these biodiversity aspects can be appropriately secured through either conditions or informatives in my view.

Contaminated Land

8.39 MBC's Environmental Health Officer is satisfied that the site is not likely to be subject to contaminated soil due to historic uses and maps. A condition which ensures that any unexpected contamination which is found on site is suitably dealt with would therefore be sufficient in my view.

Contributions

8.40 Whilst the applicant is likely to be willing to enter in to an agreement to secure the LNH in perpetuity and other contributions, there is no legal agreement in place at this time and, as such, this must form an additional reason for refusal to the application. The use of a S106 Agreement would be necessary to make the development (part of it in this case) acceptable, would be directly related to the development and the provision of contributions in this case is fairly and reasonably related in scale and kind to the development. This approach is supported by Affordable Housing DPD (2006), Paragraph 204 of the NPPF,

Paragraph 01 of the NPPG (Planning Obligations) and the Community and Infrastructure Levy Regulations 2010.

10.0 CONCLUSION

10.01 In light of the above considerations, the application is recommended for refusal due to the proposal being located within the open countryside where significant harm would be caused to through the introduction of housing in to this open and verdant site. The benefits to the development, being the introduction of 5 LNH units and an ecological area, would not override the harm identified.

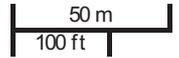
11.0 RECOMMENDATION –REFUSE for the following reasons:

1. The proposed development, by virtue of the introduction of a housing scheme in to this open and verdant paddock, would result in harm to the character and appearance of this rural area and consolidate development between Heath Road and Gallants Lane to the north. Similarly, the siting and bulk of the development would, by its very introduction in to this open site, give rise to harm to visual and rural amenity through the urbanisation of the site for housing purposes, thereby failing to respect the landscape character of the locality. The proposal therefore fails to comply with Paragraphs 17, 56, 58 and 109 of the National Planning Policy Framework 2012, Policy ENV28 of the Maidstone Borough Wide Local Plan 2000 and emerging Policies SP17, DM1 and DM34 of the Draft Maidstone Local Plan (Submission Version) 2016.
2. The absence of a legal agreement fails to secure relevant planning contributions for primary schools and libraries or to provide 5 Local Needs Houses in perpetuity. In this respect the proposal fails to comply with Paragraph 204 of the National Planning Policy Framework 2012, Paragraph 01 of the National Planning Practice Guidance (Planning Obligations), the Community and Infrastructure Levy Regulations 2010, the Maidstone Borough Affordable Housing DPD (2006) and Emerging Policies DM14 and DM23 of the Draft Maidstone Local Plan (Submission Version) 2016.

Case Officer: Lucy Harvey

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

Agenda Item 17



REPORT SUMMARY

REFERENCE NO - 16/506717/FULL		
APPLICATION PROPOSAL Erection of a storage barn with associated mobile poultry shed and mobile home for the establishment of an organic egg enterprise and associated works.		
ADDRESS Cobnut Farm Pett Road Stockbury Kent ME9 7RJ		
RECOMMENDATION Grant planning permission subject to planning conditions and any further comment from Natural England		
SUMMARY OF REASONS FOR RECOMMENDATION The development proposed is reasonably necessary for the purposes of agriculture and the scheme would not have a significant negative impact on the character of the AONB, and is acceptable after consideration of other planning issues.		
REASON FOR REFERRAL TO COMMITTEE Stockbury Parish Council has requested committee consideration with the comments provided in Section 4 of this report.		
WARD North Downs	PARISH/TOWN Stockbury	COUNCIL APPLICANT Mr & Mrs Wayte AGENT George Webb Finn LLP
DECISION DUE DATE 08/12/16	PUBLICITY EXPIRY DATE	OFFICER SITE VISIT DATE 16/11/16
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): None directly relevant.		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The land referred to in the application as Cobnut Farm is located in attractive open countryside to the north east of the hamlet of South Green. This is land within the Kent Downs Area of Outstanding Natural Beauty (AONB) and the North Downs Special Landscape Area (SLA).
- 1.02 The land extends to around 4.6ha and involves grassland that slopes up away from the east side of Pett Road. There are no buildings on the land at present and there is currently no active agricultural use of this land. There is a wide access point in the southern corner of the land with a rough track leading off up the slope, along the southern boundary. The land is bounded by well-established hedging and trees to all boundaries and the semi natural ancient woodland of Gore Wood is located immediately to the north west of the site. There are no protected trees in the vicinity of the site.
- 1.03 This is a relatively isolated location on the North Downs and the site has no near residential neighbours: the houses at South Green are approx. 260m away 'as the crow flies' to the south east and the nearest property is Magpie Hall Farm approx. 150m from the north east boundary of the holding. Pett Road is a narrow country lane, in common with the entire highway network in this broad location.

2.0 PROPOSAL

- 2.01 This application seeks the erection of a storage barn, a mobile poultry shed and the stationing of a residential mobile home in order to establish an organic egg producing enterprise. It is the buildings/mobile home that require planning permission; not the use of land for agriculture.
- 2.02 Mr and Mrs Wayte intend to develop this 4.6ha holding as a 2000 bird free-range organic poultry unit, producing eggs mainly for sale to Stonegate packers (suppliers to Waitrose). The applicants have submitted a comprehensive business plan, with associated budgets. The development would include a mobile poultry shed (approx. 52.5m x 9m), a feed silo, a general purpose storage barn (approx. 18m x 10m) and a mobile home (initially sought on a temporary basis) to be occupied by the applicants as agricultural workers.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
MBWLP 2000 Policies: ENV6, ENV28, ENV33, ENV34, ENV43
Maidstone Borough Local Plan (Regulation 19) Submission Version 2016 Policies: SS1, SP17, DM1, DM2, DM3, DM24, DM34, DM38, DM40
Supplementary Planning Documents: Kent Downs AONB Management Plan 2014

4.0 LOCAL REPRESENTATIONS

- 4.01 Stockbury Parish Council “has considered the above application and wish to raise strong objections to the proposals for the following reasons. The application has been submitted as Cobnut Farm, Pett Road, Stockbury. Cobnut Farm does not exist at this site as this land has never operated as a Farm, it is our understanding that this area of land has recently been purchased and we feel that submitting the application as an existing farm is misleading.
- 4.02 The land is designated agricultural land and falls within an Area of Outstanding Natural Beauty. The Parish Council objects to the proposal to place a mobile home on this site as it believes that this will lead to an application for a permanent dwelling at some point in the future. This will set a precedent for other land within the parish.
- 4.03 We are concerned regarding the operating of a business in an area where access to the land would be difficult. The lanes in this area are narrow and already serve existing businesses with difficulty. We understand that an additional access gate which has recently been installed from the field making an unauthorised additional access onto Pett Road.
- 4.04 There is already a chicken farm operating in the area and the environmental impact on residents is felt in the summer months with excessive flies. The Parish Council feels that a second chicken farm in close proximity would be detrimental to the environment and the well-being of the residents in the area.
- 4.05 For the reasons stated above Stockbury Parish Council objects to this application and would request that if the views of the Planning Officer differ from the Parish Councils that it is submitted to the Planning Committee for their consideration.”

- 4.02 Four letters of objection have been received from local residents and the following (summarised) points are raised:
- a) The development would harm the character of the AONB.
 - b) The local road network is unsuitable to serve the development and the access point is steep and unsuitable. It is likely that South Green Lane would be used, not Pett Lane, and that is equally unsuitable.
 - c) The development would lead to an increased infestation of flies.
 - d) This scheme could lead to a proliferation of housing.
 - e) Utilities along the access roads would be damaged.

5.0 CONSULTATIONS

- 5.01 Natural England points out that the application site is within 4 km of the following European designated site (also commonly referred to as Natura 2000 sites) and therefore has the potential to affect the interest features of this site.
- Queendown Warren Special Area of Conservation (SAC)

The application site is also within 4 km of the following sites which are also notified at a national level as Sites of Special Scientific Interest (SSSIs):

- Queendown Warren
- Purple Hill
- Hollingbourne Downs

Against this background, an assessment needs to be made as to the impact of the development on air quality to ensure that the sensitive sites mentioned do not suffer unacceptable impact from aerial pollutants.

In response to the above the applicants have submitted an air quality assessment. The views of Natural England are awaited on the submitted air quality assessment.

- 5.02 The KCC Biodiversity Officer has examined the application and concludes that there is no need for an ecological scoping survey to be carried out on this managed grassland field. The area of greatest interest is the mature boundary and the area of woodland to the north west and these areas should be protected from damage from hens. All hedgerows should be protected during the implementation of the development. Lighting should be controlled with particular regard to the potential presence of bats.
- 5.03 The Environment Agency has no objection, but points out the responsibilities of developers with regard to the prevention of pollution from the septic tank, surface water drainage, etc.
- 5.04 KCC Highways and Transportation has no objection subject to conditions on the surfacing and gradient of the access track, the positioning of gates, the safeguarding of parking and turning space and control over the construction phase.
- 5.05 Southern Water has no objection.
- 5.06 The Upper Medway Drainage Board has no objection.
- 5.07 The Forestry Commission points out the presence of the nearby ancient woodland and refers to standing advice.

- 5.08 The Kent Downs AONB Unit objects to the development. No functional and financial justification has been put forward for the proposed residential use. In addition to that, the built development (including the access track) on rising ground away from the highway would be harmful to the character of the AONB. [Officer comment: a functional and financial justification has been advanced and this is discussed below in the appraisal section of this report.].
- 5.09 MIDKENT Environmental Health Shared Service has no objection subject to conditions as regards details of plant and the storage of manure.
- 5.10 The MBC Landscape Officer expresses no objection but points out the need for conditions to protect trees and hedgerows from damage from hens.
- 5.11 Rural Planning Ltd. confirms a reasonable need for the development. [Officer comment: Further discussion below in relation to 'Need'.]

6.0 APPRAISAL

Principle of Development and the issue of 'Need'

- 6.01 Development in the countryside is restricted under the terms of the Development Plan and the Central Government Guidance set out in The National Planning Policy Framework (NPPF). The high quality of the AONB/SLA landscape is to be protected from visually harmful development.
- 6.02 As an exception to the general theme of restraint, Policy and Guidance allow for the construction of buildings, access roads, etc. and the creation of rural worker dwellings where there is an essential need for such accommodation. The NPPF states in para. 55:
- “To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as (amongst other things) the essential need for a rural worker to live permanently at or near their place of work in the countryside.
- 6.03 Similarly adopted Local Plan Policies ENV28 and ENV43 allow for the creation of farm buildings and dwellings as an exception to an otherwise restrictive regime. Emerging Policies provide similar guidance.
- 6.04 Having examined the supporting statements, the view of Rural Planning Ltd. is that:
- “The applicants have submitted a fairly comprehensive and carefully considered business plan, with associated budgets. There appears to be clear evidence of their intention to develop the business, supported, as I understand it, by private funding rather than borrowings. The applicants have potentially secured a main production outlet, as indicated above, and hope to supplement that income by direct local retailing of a small proportion of “seconds” quality eggs. The size and design of the mobile poultry shed, silo and barn appear appropriate to the needs of a unit such as this.”
- 6.05 The policy background also allows for the principle of rural worker accommodation but clearly, to avoid the proliferation of such dwellings, they should only be allowed

where there is an essential need. There is no Development Plan Policy directly related to such dwellings. The old PPS7 Annex A had detailed guidance on how to assess need but PPS7 has now been superseded by the NPPF. Nevertheless, in my view (and that of Rural Planning), the tests in Annex A remain the most appropriate means of assessing need and I consider it appropriate to utilise it in this case.

- 6.06 Annex A sets a functional test and a financial test. The applicant has requested that sensitive financial information be kept confidential. Rural Planning Ltd. concludes that there is an essential need for a worker to live on site to provide care and security to the hens. On the 'financial test', from the information available, I agree with Rural Planning Ltd. that the business is potentially viable. I consider the scale of accommodation to be appropriate to the needs of the holding. Rural Planning Ltd. states:

"I also consider that an on-site residential presence is necessary for the proper functional care and welfare of the hens, as set out in the Business Plan.

- 6.07 There are many examples where planning permission has been granted for on-site accommodation on comparable units, not least locally at Cherry Tree Farm. A further example is off Pett Road, Stockbury, where a similar scale business was successfully established in recent years supplying Stonegates.
- 6.08 The main remaining issue, in my view, is whether there is clear evidence that the proposed enterprise has been planned on a sound financial basis. In this regard, the submitted budgets (latterly revised to include depreciation and for more realistic yields) appear to be reasonably soundly based, albeit it would be necessary to annualise the assumed "per flock" income figures and costs, because a typical crop cycle would be over some 60 weeks, rather than 52, thereby proportionately reducing the annual net profit figure.
- 6.09 Furthermore, the Business Plan suggests that part-time outside labour would be employed in addition to the work to be provided by Mr and Mrs Wayte. I am not convinced that a free range unit of this size and type would be able to afford (or in fact require in terms of typical labour input) the employment of such labour, and still leave the applicants with a sufficient return to their own labour and capital input.
- 6.10 That is a particular matter that could be reviewed, however, if planning permission is granted and once production is underway. Otherwise, on balance I consider there should be sufficient potential under the applicants' plans (which also includes, outside the budgets prepared to date, the introduction of sheep for organic lamb production on nearby rented land) to meet the usual financial test for such proposals.
- 6.11 I conclude the general principle of this scheme is acceptable but clearly the detailed impact must also be deemed appropriate. Such organic egg production farms are clearly a much more acceptable alternative to the intensive units of the past and, in my view, any harm must be balanced against the benefits of providing eggs and poultry products to the public in a way that meets the latest animal welfare and environmental standards.

Visual Impact and Landscaping

- 6.12 The impact of the development on the character of the AONB is clearly a key issue. The buildings and the mobile home would be sited up the slope on a flatter area of land away from the steeper slopes that characterise the area close to the road. This location and the land form would, in my view, reduce their prominence. These are

relatively low level structures (for example, the barn is only approx. 4.6m high) and would benefit to a certain extent by the mature boundary trees and hedging that is already established around this large field, not least the banking and associated roadside hedging along the lane. In my view their impact on the open character of the area would not be significant. I do have some concerns as to the prominence of the proposed access road as it ascends the slope way from the highway but it seems to me that such an arrangement is not unusual on farmland. I am satisfied that, overall, the development would conserve landscape character.

- 6.13 The application states that new planting would be put in place to reinforce existing boundaries and to provide some softening of the impact of the access track as it climbs the steeper part of the site. Conditions should be imposed to ensure that the boundaries of the site are reinforced and enhanced. Subject to these I consider the scheme acceptable in terms of its visual impact.

Residential Amenity

- 6.14 In my view the site is sufficiently divorced from the nearest residential properties to ensure that there would be no significant loss of amenity from noise, smells, dust, flies, etc. I recognise that there is a similar egg production facility at Cherry Tree farm to the north of the application site but I am not convinced that the combined impact would be such as to warrant withholding permission. The Environmental Health Officer has no objection subject to conditions: I agree that a condition should be imposed to control how manure is stored and disposed of but, given the nature of the development and the relative isolation of the site; I see no need for conditions on noise from any plant and machinery.

Highways

- 6.15 It is estimated the enterprise would generate approx. 123 lorry movements per year equating to one lorry every 3 days for collection and one lorry every 17.5 days for delivery. I therefore agree with the Highways Officer that the anticipated volume of traffic generated by this proposal is not excessive. Livestock farms need open land to function and it is often the case that they are necessarily located in relatively remote areas away from centres of population: on that basis it is inevitable that such enterprises will be served by narrow country lanes as is the case here. Given the likely low level of traffic both the local highway network and the site access details are considered adequate to serve the development.

Ecology

- 6.16 The KCC Biodiversity Officer confirms the application site is not of significant ecological value. Conditions can be imposed to protect the vegetated boundaries of the site during construction and from any adverse impacts from foraging animals. New landscaping is likely to provide enhanced habitat and the applicant expresses a willingness to enhance ecological value through the introducing a bumblebee-friendly management regime, including field corner management and wild flower margins; and the installation of bat and bird boxes.
- 6.17 Natural England expresses concern over the potential adverse impacts of aerial pollutants on nearby protected sites. As such it requested an air quality assessment which has been received. Natural England has been reconsulted and its views will be reported to Members as an update.

Environmental Impact Assessment Screening

- 6.18 The site lies within the AONB a 'sensitive area' for the purposes of the Environmental Impact Assessment Regulations. I have assessed whether the development requires an environmental impact assessment: My conclusions on the various planning impacts of the scheme lead to the view the proposal would not have sufficiently significant effects on the AONB requiring the submission of an EIA.

7.0 CONCLUSION

- 7.01 The development would not cause significant harm to the character, amenity and functioning of the Kent Downs Area of Outstanding Natural Beauty.
- 7.02 Active and beneficial use of agricultural land is part of the character of the Kent countryside and the limited environmental impact should be balanced alongside the benefits of modern egg production that meets current animal welfare standards. I recommend that permission be granted.

RECOMMENDATION – Grant planning permission subject to the following planning conditions and any further comment from Natural England

- (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 occupation of the mobile home shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants;

Reason: The site is in an area where new residential development is not normally permitted unless essentially required for the proper functioning of the enterprise concerned.

- (3) The residential use of the mobile home shall cease and the mobile home shall be removed from the site on or before 31 December 2019;

Reason: The long term viability of the business has not yet been sufficiently demonstrated and it would not be appropriate to allow a permanent dwelling until such time as that long term viability is established.

- (4) Prior to any of the buildings hereby approved proceeding past ground works, written details and samples of the materials to be used in the construction of the external surfaces of the buildings 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.

- (5) Prior to any of the buildings hereby approved proceeding past ground works a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management

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 full details of proposed boundary treatments so as to prevent animals damaging the northern hedgerow and the woodland beyond;

Reason: In the interests of visual amenity and ecology.

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

Reason: In the interests of visual amenity and ecology.

- (7) Prior to any of the buildings hereby approved proceeding past ground works full details of the proposed lighting and the methods to prevent light spillage shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details;

Reason: In the interests of ecology and to prevent light pollution within the Kent Downs Area of Outstanding Natural Beauty.

- (8) The changes to the access road shall be completed before the first use of the farm buildings hereby permitted;

Reason: In the interests of highway safety.

- (9) Before the first use of the farm buildings hereby permitted, full details of the storage and disposal of manure and waste materials shall be submitted to and approved in writing by the Local Planning Authority and the use shall operate in accordance with the approved details;

Reason: In order to prevent residential amenity problems and avoid problems associated with potential environmental pollution.

- (10) Prior to any of the buildings hereby approved proceeding past ground works, a scheme of ecology enhancement works, including a timetable for the scheme's implementation and long term management, shall be submitted to and approved by the Local Planning Authority. The scheme shall include a bumblebee-friendly management regime for the site, including field corner management and wild flower margins; and the installation of bat and bird boxes.

Reason: In the interests of visual amenity and ecology.

- (11) The development hereby permitted shall be carried out in accordance with the following approved plans:
drawing nos. 1368/1, 2, 3, 4, 7 received 6/9/16; and 1368/5 received 8/9/16.

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

Planning Committee Report

Case Officer: Geoff Brown

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

Agenda Item 18



16/506782 Vinters Park Crematorium

Scale: 1:2500

Printed on: 30/12/2016 at 10:46 AM

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REPORT SUMMARY

REFERENCE NO - 16/506782/FULL		
APPLICATION PROPOSAL Extension of existing car parking facility including additional disabled parking. Creation of new parking area adjacent to existing offices and creation of new wheel chair access. Creation of a single storey building housing a pet cremation facility. Removal of existing wheelchair access ramp.		
ADDRESS Vinters Park Crematorium, Bearsted Road, Weaving, Kent, ME14 5LG		
RECOMMENDATION – Permission		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposal is considered to preserve the character and appearance of the surrounding area and would not result in any amenity or highways safety harm. The proposal would comply with the Development Plan and there are no overriding material considerations to indicate a refusal.		
REASON FOR REFERRAL TO COMMITTEE Maidstone Borough Council application.		
WARD Boxley	PARISH/TOWN COUNCIL Boxley	APPLICANT Mr Tom Hayes AGENT Mr Tom Hayes
DECISION DUE DATE 29/11/16	PUBLICITY EXPIRY DATE 01/11/16	OFFICER SITE VISIT DATE 10/10/16
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): 16/505779/FULL - Extension of existing overflow car park, create 2 smaller car parks, construct single storey building to house a new pet crematorium – Withdrawn 14/506527/ADV - Advertisement consent for the installation of 2 brushed stainless signs mounted on the existing ragstone walls (non-illuminated) – Permitted 14/0337 - Advertisement consent for the erection of 300mm high built up stainless steel letters with up lighting illumination – Refused 13/1223 - An application to alter main entrance to mitigate use as a turning circle, unauthorised parking and additional parking for staff and users - Permitted 11/0076 - Covered wheelchair access extension to Book of Remembrance Hall – Permitted 09/0375 - Erection of covered walkway extension to cloisters and alterations to crematorium building including installation of air blast cooler, condenser unit and alterations to fenestration including insertion of access door to roof void – Permitted 98/0728 A full planning application for new building works consisting of an extension to the existing overflow car park, alterations to the front gates and the construction of new footpaths – Permitted 81/1214 - Extension of treatment rooms, new staff room and w.c. replacing mobile cabin – Permitted 94/1718 - Provision of a disabled ramp and access door on the west side of the building – Permitted		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The application site relates to Vinters Park Crematorium located on the south side of Bearsted Road. The site is located within the urban area of Maidstone and is designated an Area of Local Landscape Importance. A number of trees on the site are covered by group TPOs. An area of ancient woodland is located to the west of the site and Vinters Park nature reserve is located to the south.
- 1.2 Vehicle access is afforded from Bearsted Road. The main crematorium building is located on the southern part of the site with a parking area to the east of the building. Further parking is provided in the northeast part of the site. A building in the northwest corner adjacent Bearsted Road contains the site office.

2.0 PROPOSAL

- 2.1 Extension of the existing car parking area in the northeast part of the site from 44 spaces to 70 spaces including disabled parking. The additional parking would include an extension of 14 spaces to the east of the existing car park and a further 18 spaces to the north which would require cutting into the existing bank and installing a low level retaining wall.
- 2.2 Creation of a new parking area for 10 cars to the side and rear of the office building, including 3 disabled parking spaces.
- 2.3 Creation of new wheel chair access to the office building.
- 2.4 Erection of a single storey building housing a pet cremation facility. The building would be located to the rear / south of the existing office building. The proposed building would be timber clad on a low level brick plinth with timber fenestration and a standing seam metal sheet roof. The building would measure some 4m from ground level to the top of the pitched roof and have a floor area of some 105m².

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: ENV6, ENV35, T13
Emerging Local Plan (submission version) May 2016: SP1, DM1, DM3, DM20, DM27

4.0 LOCAL REPRESENTATIONS

- 4.1 Cllr Harwood recommends the use of porous tarmac or wildlife friendly gullies.
- 4.2 **Boxley Parish Council:** Wish to see the application approved.

5.0 CONSULTATIONS

- 5.1 **KCC Archaeology:** Recommends a watching brief
- 5.2 **MBC Landscape:** No objections
- 5.3 **Forestry Commission:** Recommends following Natural England standing advice.

6.0 APPRAISAL

6.1 Principle of Development

6.2 The National Planning Policy Framework supports sustainable economic growth and the expansion of existing businesses. Key aims and objectives of the emerging Local Plan (submission version) May 2016 include the delivery of sustainable growth and regeneration whilst protecting the boroughs natural and built assets. Best use will be made of available sites in the urban area.

6.3 The whole of the site and the existing crematorium is located within a designated Area of Local Landscape Importance as defined in the Local Plan Policy ENV35. Policy ENV35 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. This designation does not prohibit the proposed development, however, any future buildings would need to be sensitively designed and sited to preserve the character of the area.

6.4 Overall there are no land use objections to the expansion of the Vinters Park Crematorium to include a pet crematorium and extended car park. The site is located within the urban area in a sustainable location and is well served by local transport connections. In my view key issues would be the impact on the Area of Local Landscape Importance, impact on trees and biodiversity and highways safety.

6.5 Visual Impact

6.6 The proposed crematorium building would be a low level single storey structure and discreetly located to the rear of the existing office building. The proposed building would also be appropriately located adjacent the existing office building to limit the impact on the open character of the Area of Local Landscape Importance. Given the appropriate location and overall height the building is not considered to have a harmful impact on the character of the surrounding area and Area of Local Landscape Importance.

6.7 The proposed extension to the existing car park is not considered to result in a harmful visual impact due to the proposed location directly adjacent the existing park. In addition, landscaping and banking around the car park would help to screen the development. The new parking spaces adjacent the office building would be located in close proximity to the rear and side of the building and would be screened by additional planting.

6.8 Overall the proposed development is considered to have an acceptable visual impact on the character of the surrounding area and Area of Local Landscape Importance.

6.9 Amenity

6.10 The proposed development would be located a sufficient distance from any residential properties.

6.11 Highways

6.12 The existing vehicle access onto Bearsted Road would be utilised and is deemed to be safe with acceptable visibility splays. The new building / use is not considered to result in a significant increase in vehicle movements. The parking layout would be functional with sufficient turning areas and the size of the proposed parking spaces would meet KCC parking standards. The additional parking spaces would facilitate

additional vehicle movements to and from the site, however, given the number of spaces proposed the increase in traffic generation is not considered to be significant and it is considered that the surrounding road network would be able to accommodate any increase in vehicle movements.

6.13 **Trees and ecology**

6.14 The application is supported by a tree survey which indicates that a number of trees would need to be removed to facilitate the new pet crematorium building. The car park extension would not require the removal of any trees. The Council's arborist has reviewed the tree survey and agrees with the recommendations of the survey and does not object to the removal of the trees highlighted within the report. In accordance with policy ENV6 the proposal includes additional tree and landscape planting to mitigate for the loss of the trees on the site. A landscaping condition is attached to ensure appropriate tree and planting species are utilised in this sensitive location. The proposed development would be located a sufficient distance from the ancient woodland to the west of the site and appropriate tree protection barriers would safeguard the retained trees within and adjacent the site.

6.15 The extension to the car park and the proposed pet crematorium building would be located on managed grassed areas such that there would be limited ecological impacts.

7.0 **CONCLUSION**

7.1 The proposal is considered to preserve the character and appearance of the surrounding area and would not result in any amenity or highways safety harm. The proposal would comply with the Development Plan and there are no overriding material considerations to indicate a refusal.

8.0 **RECOMMENDATION** – GRANT Subject to the following conditions:

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 any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority.

Details shall include swift and / or bat boxes / bricks. The new hardstanding shall be formed of porous tarmac. If this approach is not appropriate wildlife friendly gullies shall be incorporated in to the development.

The development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

- (3) The development, including site clearance, shall be undertaken in accordance with the tree Survey dated September 2016 and the amended tree protection plan (ref: 2458/16/B/12); dated 14.11.2016.

Reason: For tree protection and to ensure a satisfactory external appearance to the development.

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

Reason: To ensure a high quality design, appearance and setting to the development and in the interest of biodiversity.

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

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

- (6) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

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

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

P01 A, P02 A, P03 A, P04 A, P05 A, P06 A, P07 A; received on 08.11.2016 and 13632/10.A; received on 09.11.2016 and amended tree protection plan received on

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

INFORMATIVES

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals

Planning Committee Report

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 approved in a timely manner.

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

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

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.



16/506989 1 Queen Anne Rd

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REPORT SUMMARY

APPLICATION PROPOSAL		Ref No 16/506989/FULL
Conversion of office into 4 self-contained flats with changes to fenestration and doors and internal alterations.		
ADDRESS 1 Queen Anne Road Maidstone Kent ME14 6QA		
RECOMMENDATION - PERMIT		
SUMMARY OF REASONS FOR RECOMMENDATION		
The proposed development is considered to comply with the policies of the Maidstone Borough-Wide Local Plan 2000, the Submission Version of the Maidstone Borough Local Plan, and the National Planning Policy Framework and there are no overriding material considerations to indicate a refusal of planning consent.		
REASON FOR REFERRAL TO COMMITTEE		
- Maidstone Borough Council owns the site and is the applicant.		
WARD High Street	PARISH COUNCIL N/A	APPLICANT Mr David Guest AGENT
DECISION DUE DATE 02/12/16	PUBLICITY EXPIRY DATE 02/12/16	OFFICER SITE VISIT DATE 19/10/16
RELEVANT PLANNING HISTORY (including relevant history on adjoining site):		

- 15/506019 - Prior notification for change of use of office to 6 flats – Prior approval not required
- MA/02/1761 – Replacement of existing timber windows to new UPVC windows – Approved
- MA/98/0171 – Change of use and associated minor alterations from offices to 2 flats (ground floor only) - Refused
- MA/97/1579 - Change of use of first floor from residential to offices - Approved
- MA/96/0584 - Erection of a first floor extension - Approved
- MA/86/0012 - Change of use to light industrial – Approved
- MA/75/0501 - Change of use from light industrial to offices - Refused

MAIN REPORT

1.0 Site description

- 1.01 1 Queen Anne Road is a 2-storey vacant office building that is located on the western side of the road opposite the junction with Brooks Place. The surrounding area is a mixture of residential and commercial uses; and the site is within the Holy Trinity Conservation Area. For the purposes of the adopted Local Plan, the site is within the defined urban area and does not fall within any town centre or economic designation.

2.0 Proposal

- 2.01 Planning permission is sought for the conversion of the building into 4 self-contained flats (2 1-bed & 2 2-bed) and alterations to the fenestration, including the replacement of the 2 doors on the northern elevation of the building. 2 off-street parking spaces will also be provided on the forecourt to the north of the building.
- 2.02 Although the conversion to 4 flats has been included in this application, this change of use is possible under permitted development rights subject to considerations to highway impacts; land contamination; flood risk and noise. It should also be noted

that there is an extant prior notification to convert the building into 6 flats; and this is a strong fall-back position and a material planning consideration.

3.0 Policies and other considerations

- Maidstone Borough-Wide Local Plan 2000: N/A
- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- Submitted version of Maidstone Local Plan: SP1, DM1, DM3, DM27

4.0 Consultee responses

4.01 **KCC Highways:** Wishes to make no comment.

4.02 **Conservation Officer:** Raises no objection on heritage grounds.

4.03 **Environmental Health Officer:** Raises no objection.

5.0 Neighbour responses: No representations received.

6.0 Principle of development

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

6.02 There is no specific Maidstone Borough-Wide Local Plan 2000 policy that concerns the change of use of office buildings to self-contained flats. However, general advice within the National Planning Policy Framework (NPPF) is that development should be sustainable and protect existing communities. The application site is in a sustainable area in terms of location and there is no saved policy that restricts residential development in such a location. The principle for residential use in this location is therefore considered acceptable.

6.03 Paragraph 7 of the NPPF states that there are three dimensions to sustainable development, including a social role that should create a high quality built environment; and paragraph 9 of the NPPF seeks positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to), improving the conditions in which people live, work, travel and take leisure. One of the core principles in paragraph 17 also states that planning should;

"...always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings."

6.04 Paragraphs 129, 131 and 132 of the NPPF are important in setting out the desirability of sustaining and enhancing the significance and setting of heritage assets and putting them to viable uses consistent with their conservation.

6.05 The submitted version of the Development plan went to the Secretary of State for examination on the 20th May 2016 and is currently under examination which is expected to finish in December of this year. The emerging Plan is considered to hold significant weight; and there is policy support for this type of development in this location, subject to its details which the report will go on to assess.

7.0 Visual impact and design

7.01 The only external changes are minor fenestration alterations. This building dates from around the mid-19th Century and it has been extended and altered. The Conservation Officer considers the building to make a neutral contribution to the character of the conservation area; and this proposal is considered acceptable in terms of its impact upon the setting of the conservation area and near-by listed buildings, as the alterations are minor and would constitute an improvement to its appearance. I raise no objection to the development in this respect.

8.0 Residential amenity

8.01 The planning history suggests that the first floor has been in use as a flat since 1998; and the fall-back position here is an extant prior notification to convert the building into 6 flats.

8.02 I am satisfied that the proposal would not have a detrimental impact upon the amenity of neighbouring properties; and future occupants would benefit from acceptable living conditions in terms of privacy, outlook and light.

8.03 It is noted under MA/98/0171 that the change of use of the ground floor into 2 flats was refused by the local planning authority because future occupants would be subject to an unacceptable level of noise from the adjacent car repairs garage; and this garage is still in operation. However, the planning history suggests the first floor has lawful residential use and the fall-back position can see this building converted to 6 flats. With these factors considered, and bearing in mind the Environmental Health Team do not wish to object and recommended condition to minimise noise impact, I raise no objection to this proposal in this respect.

8.04 I am therefore satisfied that this proposal would not cause adverse harm to the amenity of existing and future occupants and raise no objection in this respect.

9.0 Highway safety implications

9.01 The proposal would benefit from 2 off-road car parking spaces; and the site is in a sustainable location, close to Maidstone town centre. It should also be noted that this provision in accordance with emerging policy DM27 of the submitted Local Plan, where even nil provision is encouraged in town centres. I do not consider it reasonable therefore to raise objection to the proposal on the grounds of parking provision or highway safety.

10.0 Other considerations

10.01 The Environmental Health Officer raises no objection in terms of air quality given the scale of the proposal and its distance from an air quality hot spot; and whilst the site has been identified as having a risk rating of low in terms of land contamination, no groundworks are to be included as part of the development and so again no objection is raised. Foul sewage and surface water will be disposed of via the mains sewer, and the Environmental Health Officer also raises no objection in this respect.

10.02 The loss of office accommodation is considered acceptable as the site does not fall within a specially designated economic area and the floor area here is modest and of poor quality.

11.0 Conclusion

11.01 The proposal would not cause visual harm; the living conditions of existing and future residents will be acceptable; and there is no objection the loss of this office building or in terms of highway safety. The proposal is therefore considered acceptable with regard to the relevant provisions of the adopted and emerging Development Plans, the NPPF and all other material considerations such as are relevant; and conditional approval is recommended on this basis.

12.0 RECOMMENDATION – APPROVE with conditions:

CONDITIONS to include:

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

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

- (2) Prior to the first occupation of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units 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.

Reason: To safeguard the amenity of future occupants.

- (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) The development hereby permitted shall be carried out in accordance with the following approved plans: 1783/002 A & 004 received 07/10/16;

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

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.

REPORT SUMMARY

REFERENCE NO - 16/507379/FULL			
APPLICATION PROPOSAL Amendment to planning approval 15/507189/FULL for the erection of a new detached four bedroom dwelling and detached garage and amendment to approved access			
ADDRESS Warmlake Farmhouse Maidstone Road Sutton Valence Kent ME17 3LR			
RECOMMENDATION THE HEAD OF PLANNING BE GIVEN DELEGATED POWERS TO GRANT PLANNING PERMISSION SUBJECT TO THE EXPIRY OF THE NEWSPAPER ADVERT AND NO MATERIAL NEW ISSUES RAISED:			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL <ul style="list-style-type: none"> • Changes to the footprint, dimensions and appearance of the new dwelling are minor from that approved under 15/507189 • There have been no objections raised from Highways to the revised access arrangements – i.e. maintaining single access points rather than the approved shared access. 			
REASON FOR REFERRAL TO COMMITTEE Called in by Sutton Valence Parish Council on highways grounds.			
WARD Sutton Valence And Langley	PARISH/TOWN COUNCIL Sutton Valence	APPLICANT Mr John Mason AGENT JK Designs	
DECISION DUE DATE 08/12/16	PUBLICITY EXPIRY DATE 11/11/16	OFFICER SITE VISIT DATE 02.11.16	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
15/507189	Erection of a new detached four bedroom dwelling, erection of a single garage and creation of new vehicular access.	Approved	15.01.2016
<i>Summarise Reasons</i> <i>The proposed development did not conform with policy ENV28 of the Maidstone Borough-wide Local Plan 2000. However, the development was considered to be in a sustainable location, immediately adjoining an existing settlement, and was not considered to result in significant planning harm. Given the shortfall [at the time of the decision] in the required five-year housing supply, the low adverse impacts of the development were not considered to significantly outweigh its benefits. As such, the development was considered to be in compliance with the National Planning Policy Framework and this was sufficient grounds to depart from the Local Plan.</i>			
11/2149	Extension to existing garage to include 4no. additional bays and games room over, as shown on drawing numbers 1890/000 Rev P/00, 1890/001 Rev P/00, 1890/004 Rev P/00	Refused	22.02.2012

	and 1890/005 Rev P/00 received on 16/12/11.		
<i>Summarise Reasons</i>			
<i>The proposed building was of excessive scale and mass, failed to appear subordinate to the main house and would have eroded the openness of the countryside, contrary to policies ENV28 and H33 of the Maidstone Borough Wide Local Plan 2000, policy C4 of the South East Plan 2009 and the advice given in the Supplementary Planning Guidance Document 'Residential Extensions'.</i>			

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 This site is located to the south of Warmlake Farmhouse and is currently being used as part of the private garden to the existing house. Warmlake Farmhouse itself is a large two storey red brick building located to the west of Maidstone Road and approximately 140m north of the Warmlake crossroads. The existing house has a typical Kentish design, similar to other houses along this section of the road. It has a gabled roof and hung tiles to the northern extension.
- 1.2 The building is set back by 10m from the road with space for parking in front of the house and a single garage to the north west of the property. Properties along this road are generally arranged in the pattern of a ribbon development.
- 1.3 The site is largely flat in its topography and has a tree lined eastern boundary with a 1.8m high close boarded fence in front. The plot is irregular in its shape to the south in order to accommodate the large sycamore tree to the south of the site. To the rear of the site is an overgrown patio area, which is currently being used for storage.
- 1.4 There are no trees protected by TPO on or near to the application site and the closest listed building is the Oast house, approximately 40m to the north. Warmlake Business Estate is located between the application site and the Oast house.
- 1.5 The site is located within the open countryside, as defined by the Maidstone Borough Wide Local Plan 2000. No other designations apply to the site.
- 1.6 It must be noted that, on the opposite side of the road at "The Oaks", ten large detached houses were permitted at appeal under 14/0830 (APP/U2235/A/14/2228989). That site is currently under construction.

2.0 PROPOSAL

- 2.1 The application is a resubmission of an approved scheme from 2016 and seeks to vary the approved access arrangements, along with some alterations to the design of the new house. As such, there is a strong fall-back position for this dwelling as there is a live planning permission which could be commenced lawfully subject to all outstanding conditions being discharged.
- 2.2 The previous 2015 scheme was revised during the course of that application following local concerns, to omit the originally applied for new access and resorted to shared use of a new access, with the existing access serving Warmlake Farmhouse being close up. It should be noted that there was not an objection from KCC

Highways to the original access arranged proposed in 2015. This application seeks to vary the approved arrangements and retain the existing access for Warmlake Farmhouse while allowing for a new access solely for the use of the new dwelling.

2.3 The following changes to the design of the dwellinghouse have been proposed:

- Maximum depth of house increased by 0.3m to 13m and addition of bay window to the front elevation of the living room.
- Maximum width of house increased by 1.3m to 15.5m.
- Central section of house (kitchen area) increased in width by 2.1m to 7.6m at ground floor only with three new roof lights over the lean-to area created. French doors changed to bi-fold doors. Rear of garage also squared off with the omission of the log store.
- Increase in height of garage roof.
- New roof light on front cat-slide roof.
- Eaves line raised on rear elevation and lowered on front elevation.
- Windows on ground and first floor flank elevations relocated.
- Chimney re-sited along south flank wall.

3.0 PLANNING CONSTRAINTS

Open Countryside
Potential Archaeological Importance

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF): 17, 57, 58
National Planning Practice Guidance (NPPG)
Development Plan: ENV28
Emerging Policy: SP17, DM1, DM34

5.0 LOCAL REPRESENTATIONS

5.1 Parish Council: The Parish Council resolved that this application be refused and are prepared to go to Committee. The Parish Council do not wish to see another access on this dangerous stretch of the road.

5.2 Neighbours: Two neighbours have raised objection on the following grounds (in summary):

- The provision of two accesses close to the bend in the road would be hazardous.
- The existing access should be used to serve both houses.
- The approved application required the closing up of the existing access, to keep two would be hazardous.
- Warmlake Crossroads has been designated as a “Crash Remedial Measures Site”

6.0 CONSULTATIONS

6.1 KCC Highways: *Original Comments*: No objection. The application proposes to retain the current vehicular access to Warmlake Farmhouse rather than close it, as previously approved under application 15/507189/FULL. The crash record for this location is low, with one slight injury crash in the last 10 years. I note there are no

amendments proposed to the new access. I therefore write to confirm that I raise no objection on behalf of the local highway authority.

Additional Comments: I can confirm that the junction of Warmlake Road, Chartway Street, Maidstone Road and North Street is identified as a crash remedial site and remedial measures are planned for this site by the KCC Schemes Team. This application (16/507379) lies approximately 130m north of the crossroads and therefore falls outside of the identified crash remedial site. I appreciate the site is located on the busy A274 road however as previously stated the crash record for this stretch of road is low with one personal injury crash recorded in the last 10 years. This occurred on the bend opposite The Oaks and was not associated with the proposed application site.

A new shared access was approved under application 15/507189 with the condition to close an existing access. Given this application (16/507379) seeks to retain the existing access which has a good crash record, I confirm that this highway authority has no grounds for sustaining an objection.

- 6.2 Environmental Health: No comments or objections
- 6.3 Conservation Officer: No objection. The proposal will have no significant impact on the setting of the listed Oasthouse at Warmlake Farm which will be separated from the development by the farmhouse and modern farm buildings.
- 6.4 Landscape Officer: No objection. This proposal to amend the original planning approval, 15/507189/FULL, with a revised access arrangement does not appear to cause any additional arboricultural implications.
- 6.5 Southern Water: Comments received in relation to the existing public sewer which may need to be diverted.

8.0 BACKGROUND PAPERS AND PLANS

- 025.1113.03A Proposed Floor Plans (13.10.16)
- 025.113.04A Proposed Elevations (13.10.16)
- 025.113.06 Proposed Site Plan (13.10.16)
- 025.1113.01 Site Location Plan (13.10.16)
- 025.1113.07 Proposed Detached Garage (13.10.16)
- 025.1113.05 Proposed Roof Plan (13.10.16)
- 025.1113.02 Existing Site Plan (13.10.16)

9.0 APPRAISAL

Principle of Development

- 9.1 The principle of development was established through the granting of the previous planning application. Since January 2016 when the extant permission was approved, the Council has submitted its new Local Plan to the Inspectorate and held most of the hearings for the Examination in Public. The Council can now demonstrate a 5.17 years housing land supply and, sites such as this would now have to be assessed against up to date policy on development within the countryside, in this case Policy

ENV28 of the adopted Maidstone Borough Wide Local Plan 2000 (MBWLP) and emerging Policy SP17 of the Draft Maidstone Local Plan 2016 (Submission Version). However, the existence of the extant permission overrides the need to reconsider the principle of development in this particular instance.

Visual Impact

- 9.2 The changes proposed to the overall size and external appearance of the proposed dwelling are minor and, as such, the proposal will continue to respect the character and appearance of the locality. In this respect, the proposal will continue to accord with Paragraphs 57 and 58 of the NPPF and emerging policies DM1 and DM 34 of the Draft Maidstone Local Plan 2016 (MLP) in terms of good design. Similarly, the proposal would not harm the character and appearance of the area or the rural amenities of the countryside any more so than the approved scheme and therefore continues to comply with the aims of adopted Policy ENV28 of the MBWLP.

Residential Amenity

- 9.3 Whilst the proposal seeks to alter the ground and first floor flank windows, the changes would have no greater impact on the privacy of neighbouring properties over and above the approved scheme. In this respect the proposal would not give rise to any worsening in the amenities of neighbours over and above the approved scheme and I therefore consider the proposal accords with Paragraph 17 of the NPPF and emerging Policy DM1 of the MLP. Similarly, the proposal would not give rise to harm to the amenities of surrounding occupiers as required by Policy ENV28 of the MBWLP.

Highways

- 9.4 As stated in Section 2 above, the proposal seeks to secure an independent access to the site while allowing for the existing access to Warmlake Farmhouse to remain in use. This proposal is an alternative to the approved new shared access. It is acknowledged that the site is located on the busy A274 and close to a bend in the road.
- 9.5 It should also be noted that the Council has already accepted an access in this location, albeit a shared access, and the existing access to Warmlake Farmhouse has not presented any highway concerns over recent years, as set out by KCC Highways. It is therefore unlikely that the provision of a new access and the retention of the existing access would have a worse impact than one new shared access, as approved.
- 9.6 KCC Highways have confirmed that 130m to the south at the Warmlake Crossroads there is a "Crash Remediation Site" but the current application site falls outside of this remedial area and the history for crashes in the vicinity of the site is said to be low. In this respect, KCC Highways do not consider an objection can be substantiated on the grounds of highway safety. Without an objection from KCC Highways the proposal cannot be regarded to give rise to severe harm and therefore accords with the requirements of Paragraph 32 of the NPPF.

Landscaping

- 9.7 A detailed landscaping scheme is proposed to be required by condition which is the same as required for the extant permission. In addition, Condition 3 below seeks

arboricultural details to safeguard existing trees. I am satisfied that the use of conditions is appropriate as the site is already well landscaped.

10.0 CONCLUSION

10.1 In light of the above considerations, I am satisfied that minor revisions to the design are acceptable and, on the basis of the advice received from KCC Highways, that no severe impact would result from the new access, the position of which is as previously approved through 15/507189. I therefore recommend permission is granted.

10.2 Condition 9 (low carbon/decentralised power) has been carried forward from the previous permission as it was added by Members' at Planning Committee in January this year.

11.0 RECOMMENDATION – Members be **RESOLVED** to give delegated powers to the Head of Planning to **GRANT Planning Permission** subject to no new material being received from the press advert and subject to the following conditions:

CONDITIONS to include

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 025.1113.03A Proposed Floor Plans (13.10.16), 025.113.04A Proposed Elevations (13.10.16), 025.113.06 Proposed Site Plan (13.10.16), 025.1113.07 Proposed Detached Garage (13.10.16), 025.1113.05 Proposed Roof Plan (13.10.16)

Reason: To ensure the quality of the development is maintained and to prevent harm to the open countryside

3. Prior to the commencement of the dwelling hereby permitted, an arboricultural method statement and tree protection plan must be submitted and approved in writing by the Local Planning Authority. A schedule of any required access facilitation pruning must be included. The provisions of the submitted arboricultural method statement and tree protection details must be strictly complied with throughout the course of development.

Reason: In the interests of tree protection and to ensure the quality of the development is maintained.

4. The development hereby permitted shall not be occupied until a scheme of landscaping has been submitted and approved, in writing, by the local planning authority. This should include details of any trees and planting to be retained together with measures for their protection in the course of development and a programme of maintenance. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding season following commencement of the development (or such other period as may be agreed in writing by the Local

Planning Authority) and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

5. No development above ground level shall take place until written details and samples of the materials to be used in the external surfaces of the buildings hereby permitted have been submitted to and approved in writing, by the Local Planning Authority and the development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance of the development.

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

Reason: In the reason of amenity.

7. Notwithstanding the provisions of the Town and Country Planning (general Permitted Development) (England) Order (or any order revoking and re-enacting that order with or without modification) no extensions shall be carried out without the permission of the local planning authority;

Reason: To safeguard the character of the open countryside.

8. Prior to the first use of the building hereby permitted, bat boxes shall be installed in the eaves, the details of which shall first be submitted to, and approved in writing by the Local Planning Authority;

Reason: In the interests of biodiversity.

9. No development above ground 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 have been 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.

INFORMATIVES

1. Planning permission does not convey any approval for construction of the new vehicular crossing proposed, or any other works within the highway, including closure of the existing access. A statutory licence must be obtained and 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. It is likely that in order to ensure satisfactory standards for the redesign of this road frontage (over approximately 50m in length),

that the applicant will need to enter into a S278 agreement with this authority, should this application be approved.

2. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under 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.
3. A formal application for connection to the public sewage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 0330 3030119) or www.southernwater.co.uk
4. The surface to the entrance of the site must be a bound surface for at least the first 5 metres of the access from the edge of the highway, as shown by the plans. The gradient of the access shall be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.

Case Officer: Lucy Harvey

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 - 16/507398/FULL			
APPLICATION PROPOSAL Relocation of steps.			
ADDRESS Scotney Gardens St Peters Street Maidstone Kent			
RECOMMENDATION Approve subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION The proposed replacement steps are not dissimilar to the existing steps currently at the site. The proposals are considered to be compatible with requirements set out in the Maidstone Borough-Wide Local Plan and the government guidance in the NPPF. The replacement steps will not have any significant adverse impact on The Riverside Zone of Special Townscape Importance and the setting of the nearby industrial units, the Scotney Gardens development or the Medway River. Kent Highways and Environment and Transport Services raise no objection on grounds of pedestrian safety and flooding.			
REASON FOR REFERRAL TO COMMITTEE Maidstone Borough Council is the Applicant			
WARD Bridge	PARISH/TOWN COUNCIL		APPLICANT Mr John Foster AGENT Mr Ian Upton
DECISION DUE DATE 12/12/16	PUBLICITY EXPIRY DATE 17/11/2017	OFFICER SITE VISIT DATE 27/10/2016	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
None			
<i>Summarise Reasons</i>			
<i>Summarise Reasons</i>			

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site are the steps at the northern flank of Riverside Walkway, located immediately to the north east of the amenity space at the rear of the development known as Scotney Gardens. The steps links Riverside Walk to Public Rights of Way (KMX15 footpath), which runs along the northern boundary of the Scotney Gardens development. The site is within the Maidstone Town Centre boundary as defined on the Maidstone Borough Wide local plan (2000).
- 1.02 The steps forms part of the Riverside Walkway and links the walkway to St Peters Street. The site has Maidstone Industrial Centre to its north western boundary and the Scotney Gardens development to its south western boundary. The Riverside Walkway is set along the western banks of the Medway River, stretching from the rear of St Peters Wharf Retail Park to the south eastern corner of the Maidstone Industrial Centre Building.

2.0 PROPOSAL

- 2.01 The application proposes to relocate the existing steps at the end of Riverside Walk to allow the extension of Riverside Walkway. The proposed replacement steps would have a 300mm tread width and a 170mm rise to match existing, incorporating a retaining wall and matching paving handrails. It would be constructed with concrete and have inserts to make the nosing more apparent.
- 2.02 The information submitted in support of this application states that the applicant is Maidstone Borough Council (MBC). The supporting information further states that the new steps would comply with requirements of a 'general access stair', with continuous handrails on each side. Materials to be used in the construction would be concrete, stone and painted steel balustrade to match existing.

3.0 PLANNING CONSTRAINTS

- 3.01 The Riverside Walkway forms part of the Riverside Zone of Special Townscape Importance and identified in the Maidstone Borough Wide Local Plan as an important element of Maidstone Town Centre. Consequently, the criteria set for developments in this area focuses on aspects of detailed design considered to be important in achieving a high quality riverside environment. The site also falls within flood zone 2 and 3.

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) Paragraph 21,64 and 69
National Planning Practice Guidance (NPPG)
Development Plan: Maidstone Borough Wide Local Plan Policy ENV7 and ENV37

6.0 LOCAL REPRESENTATIONS

- 6.01 The owners/occupiers, owners and users of neighbouring commercial premises were notified of the application by letter and a site notice displayed. No response supporting or objecting to the application was received by the Local Planning Authority.

7.0 CONSULTATIONS

- 7.01 **KCC Highways and Transportation;** Raises no objection to this application and comments that "this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements".
- 7.02 **KCC Growth, Environment and Transport Services;** Raises no objection to the application and comments that Public Rights of Way KM15 footpath runs outside the northern boundary of the site and should not affect the application. It recommends an informative relating to the applicants responsibility to ensure that the Public Right of Way is not stopped, diverted, obstructed (this includes any building materials or waste generated during any 2 of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

8.0 BACKGROUND PAPERS AND PLANS

- 8.01 The application is supported by the following drawing/documents;
- Design and Access Statement
 - Risk Assessment
 - Management Systems Plan
 - Drawing number 4 Site Location Plan
 - Drawing number 5 Block Plan Existing
 - Drawing number 6 Block Plan Proposed
 - Drawing number 7 Plans Existing
 - Drawing number 8 Sections Existing
 - Drawing number 9 Plans Phase 1
 - Drawing number 10 Sections Phase 1
 - Drawing number 11 Plans Phase 2
 - Drawing number 12 Sections Phase 2

9.0 APPRAISAL

Principle of Development

- 9.01 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 material considerations indicate otherwise. In this case the development plan comprises The Maidstone Borough-Wide Local Plan (2000).
- 9.02 Policy ENV7 of the local plan states that within the Riverside Zone of Special Townscape Importance, development would not be permitted unless it enhances the quality of the Riverside and pays particular regards to the relationship with the river and other riverside developments, with a particular focus on achieving a high standard of design.
- 9.03 Policy ENV37 states that a development which would harm the character, nature conservation, archaeological and recreational importance of watercourses and corridors will not be permitted.
- 9.04 Government guidance in the National Planning Policy Framework NPPF (Para 21) encourages Local Planning Authorities to support sustainable economic growth by identifying priority areas for economic regeneration, infrastructure provision and environmental enhancement. Paragraph 56 of the NPPF attaches great importance to the design of the built environment, emphasising that good design which is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people.
- 9.05 Paragraph 69 of the NPPF emphasises the need for safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas. The NPPF further states that (para 64) permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 9.06 The principle underpinning the proposed relocation of the steps at this site (Riverside Walkway) is consistent with government guidance and the Maidstone Borough-Wide Local Plan policies listed above. The extension of Riverside Walkway will further enhance the recreational potential of this location and improve the visual appearance

along this section of the Medway River, within the Riverside Zone of Special Townscape Importance.

Visual Impact

- 9.07 The key issue for consideration is the impact of the development proposed on the setting of the river and the Riverside Zone of Special Townscape Importance. The scale, height and appearance of the replacement steps proposed which would involve erection of a retaining wall and paving handrails to match existing handrails is acceptable in the context of the location. In terms of design, the steps proposed replicates the existing set of steps on the site and would not be considered to have a harmful impact on the character and appearance of the vicinity. Overall, the replacement steps and railings are of similar appearance to existing and apart from the change in orientation, there would be no significant harm to the setting of the river and neighbouring residential and commercial properties.

Residential Amenity

- 9.08 The type of development proposed and its location is not considered to give rise to any significant concerns around residential amenity issues. The proposal would enhance pedestrian movement along the River and improve the visual appearance of the locality. It would also enhance the recreational potential and public patronage of the water front.

Accessibility

- 9.09 The scheme has been designed to improve pedestrian movement along Riverside Walk and links the existing public footpath to St Peters street. Kent Highways does not raise any overriding concerns in relation to design limitations of the replacement steps proposed that might compromise pedestrian safety. The new steps complies with 'general access requirements', and would have a continues rail on each side, which represents an improved design when compared with the existing stairs on the site. Consequently, the replacement steps are considered to be acceptable in terms of accessibility.

9.10 Flooding

The work proposed does not affect the existing river wall, any existing drains or drainage routes or areas of permeable surfaces and would not increase the risk of flooding.

10.0 CONCLUSION

- 10.01 The proposed replacement steps is not dissimilar to the existing one currently at the site. In planning policy terms, the proposal is considered to be compatible with requirements set out in the Maidstone Borough-Wide Local Plan and the government guidance in the NPPF. The replacement stairs will not have any significant adverse impact on The Riverside Zone of Special Townscape Importance, the setting of nearby dwellings, industrial units or the Medway River. Kent Highways and Environment and Transport Services raise no objection on grounds of pedestrian safety and flooding. It is recommended that planning permission be granted for the proposal subject to planning conditions.

- 11.0 RECOMMENDATION – GRANT** Subject to the following conditions:

CONDITIONS to include

(1) The work 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 external surfacing materials to be used on the work hereby permitted shall match the respective external surfacing materials used on the existing steps;

Reason: To ensure a satisfactory appearance to the work proposed.

(3) The work hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans, drawing numbers received 17.10.16;

- Drawing number 6 Block Plan Proposed
- Drawing number 9 Plans Phase 1
- Drawing number 10 Sections Phase 1
- Drawing number 11 Plans Phase 2
- Drawing number 12 Sections Phase 2

Reason: To ensure the quality of the work is maintained and to prevent harm to the setting of the Medway River and residential amenity of neighbouring occupiers.

INFORMATIVES

The granting of planning permission confers no other permission or consent on the applicant. No works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. The Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

Waste

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2), provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore its handling, transport, treatment and disposal is subject to waste management legislation which includes:

- i. Duty of Care Regulations 1991
- ii. The Waste (England and Wales) Regulations 2011
- iii. Hazardous Waste (England and Wales) Regulations 2005
- iv. Pollution Prevention and Control Regulations (England and Wales) 2000
- v. Environmental Permitting (England and Wales) Regulations 2010

NOTE TO APPLICANT: 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. The Council works with applicants/agents in a positive and proactive manner by offering pre-application advice, where possible, suggesting solutions to secure a successful outcome and 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 without delay; and the application was considered by the planning committee where applicant/agent has the opportunity to speak to the committee and promote the application.

Case Officer: Francis Amekor

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

Agenda Item 22



16/507443 15 Amsbury Rd

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REPORT SUMMARY

REFERENCE NO - 16/507443/FULL		
APPLICATION PROPOSAL Erection of 1no. four bedroom chalet bungalow with integral garage and associated parking.		
ADDRESS 15 Amsbury Road Coxheath Kent ME17 4DW		
RECOMMENDATION - APPROVE		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development is considered to comply with the policies of the adopted Maidstone Borough-Wide Local Plan 2000, the Submission Version of the Maidstone Borough Local Plan, and the National Planning Policy Framework and there are no overriding material considerations to indicate a refusal of planning consent.		
REASON FOR REFERRAL TO COMMITTEE - Councillor Webb has called the application to planning committee. - Coxheath Parish Council wish to see the application refused.		
WARD Coxheath And Hunton	PARISH COUNCIL Coxheath	APPLICANT Mrs S Godsmark AGENT E P Architects Ltd
DECISION DUE DATE	PUBLICITY EXPIRY DATE 28/12/16	OFFICER SITE VISIT DATE 05/12/16
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

None relevant.

MAIN REPORT

1.0 Site description

1.01 15 Amsbury Road is a detached bungalow set back some 60m from the road, and is accessed by a long drive that is also used by 17 Amsbury Road which is another bungalow. This access is on the southern side of the road and runs in between 13 and 19 Amsbury Road. The proposal site is the garden land to the east of 15 Amsbury Road. The surrounding area is very much residential in character and predominantly made up by detached and semi-detached bungalows and 2-storey houses, although to the south of the site is countryside and sporadic residential development. The nearest public footpath (KM134) to the south of the proposal site would be more than 180m away. For the purposes of the adopted Local Plan the proposal site is within the defined village boundary of Coxheath.

2.0 Proposal

2.01 The proposal is for the erection of a detached, chalet-style bungalow with 4 bedrooms and an integral garage. Sited to the east of 15 Amsbury Road, the front elevation would face northwards; parking would be found to the front; and the existing vehicle access from Amsbury Road would be used, with a new driveway running along the northern edge of the site.

2.02 In terms of appearance, the property would have a number of hipped dormer windows; the roof would have barn-hipped elements; the front projecting feature would be set lower than the main roof line; and the building would be of yellow facing brick and fibre cement roof tiles. The main ridge line would stand some 7.2m in height.

3.0 Policies and other considerations

- Maidstone Borough-Wide Local Plan 2000: ENV6, H27, T13
- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- Submitted version of Maidstone Local Plan: SP13, DM1, DM10, DM27

4.0 Consultee responses

- 4.01 **Councillor Webb:** Wishes to refer to planning committee for discussion for residents to express their views;

“All comments refer to the narrowness of the access to the site and sight-lines for coming out onto Amsbury Road. As this is caused by trees in a neighbours property the applicant has no means of remedying this problem, but also due to the legal parking of cars on the public highway at this point any vehicle turning into the driveway is severely hampered.

Also, perhaps more importantly, the question of rights of way along this driveway seem to be unaddressed as the applicant does not actually own the driveway and the person who does own it, is one of the neighbours who has written an objection!

Other problems mentioned to me have been with regard to the development itself, as a 4 bed chalet bungalow is seen by some as too large a building to be built in the back garden of a smaller bungalow and with views into the rear gardens of others causing a loss of privacy, as well as the loss and overcrowding of a garden site.”

- 4.02 **Coxheath Parish Council:** Wish to see the application refused and reported to planning committee:

“1. A four bedroom chalet bungalow in what is essentially a back garden is considered to be out of character with the area and a gross overdevelopment of the site.

2. The driveway to the proposed property is very narrow and would provide limited access to the site and could be a nuisance to the neighbouring property.

3. Our understanding is that the proposed access would have to cross land owned by the neighbouring property (No 17 Amsbury Road).

4. The neighbouring hedge at No 13 Amsbury Road restricts the sight lines for exiting the site.

5. The design drawings indicate that most of the bedrooms on the first floor would be adversely affected by the angle of the sloping roof.”

- 4.03 **KCC Highways:** Raise no objection.
- 4.04 **Environmental Health Officer:** Raises no objection.
- 4.05 **Building Control:** Raises no objection.

- 5.0 Neighbour responses:** 21 representations have been made raising concerns over:

Loss of outlook/privacy; loss of light; disturbance caused by construction traffic; potential property damage caused by construction vehicles and vibrations; air pollution; noise pollution; impact of additional vehicles on sewers running underneath existing vehicle access; general disturbance to neighbours from additional vehicle movements; poor design and out of character with area; parking provision; highway safety and constrained driveway; refuse bin collection; private covenant preventing access into site; impact upon trees; ecology; loss of property value; and site is on Green Belt land and in an Area of Archaeological Potential.

6.0 Principle of development

- 6.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 6.02 Saved policy H27 of the adopted Local Plan allows for minor residential development within the boundary of Coxheath village; and central Government guidance within the

National Planning Policy Framework (NPPF) does encourage new housing in sustainable locations as an alternative to residential development in more remote countryside situations. The proposal site is within the defined village boundary of Coxheath and I have no argument against the site being in a sustainable location.

6.03 This said, paragraph 53 of the NPPF does state;

“Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.”

6.04 The NPPF also seeks development to contribute, protect and enhance the built environment and paragraph 64 of the NPPF states;

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”

6.05 The submitted version of the Development plan went to the Secretary of State for examination on the 20th May 2016 and is currently under examination with the closing session expected at the end of January 2017. The emerging Plan is considered to hold significant weight, with emerging policy SP13 allowing for minor development; emerging policy DM1 seeking good design; emerging policy DM10 seeking appropriate development of garden land within larger villages; and emerging policy DM27 setting out parking standards.

6.06 There is policy support for this type of development in this location, subject to its details which the report will go on to assess.

7.0 Visual impact and design

7.01 The proposed dwelling would be a detached, chalet-style property that would sit in line with 15 and 17 Amsbury Road. The two bungalows the property would sit alongside are of differing scale and design; and the wider area is also characteristic of residential properties of differing scale and design. So whilst different in appearance to the adjoining properties, this is not considered to be objectionable given the mixed streetscene and its set back from the road; and I am satisfied that its compact design, siting and low eaves height would ensure that it would not appear as a cramped development. I am therefore satisfied that the proposal would not appear incongruous in terms of the pattern and character of development in the area hereabouts.

7.02 The proposal would be set back from Amsbury Road by more than 55m, behind the existing built frontage; the site is some 120m to the west of from Westerhill Road; and is more than 180m to the north of a public footpath. Whilst there may be glimpses of the proposal from these public vantage points, given the separation distances and the existing built and natural environment, I am satisfied that this proposal (with its low eaves height) would not appear visually dominant or harmful from any public vantage point.

7.03 The agent has also confirmed that the southern boundary hedge and the large fruit tree within the site will be retained, which is acceptable to the Landscape Officer; and a suitable landscaping scheme condition will be imposed to ensure this. Further native landscaping will also be requested, to soften the development along the western boundary of the site; and the use of appropriate materials will be secured by way of condition.

7.04 I therefore consider the scale, design and siting of the proposal to be appropriate in this setting, and I am satisfied that it would not cause adverse harm the character and appearance of the surrounding area hereabouts and would not be inappropriate garden land development.

8.0 Residential amenity

8.01 The first floor bedroom window facing 15 Amsbury Road is a second window to the master bedroom. This window would overlook part of the garden area of the existing property as well as facing this neighbour's eastern flank where there are openings serving 2 bedrooms (one at ground floor). In my view, boundary fencing would not ensure acceptable levels of privacy and so this window will be conditioned to be obscure glazed and fixed shut (except for fanlight). The first floor ensuite window that faces westwards will also be conditioned to be obscure glazed and fixed shut.

8.02 The first floor windows facing southwards would not result in a significant loss of privacy; I also raise no objection in terms of the rooflights shown, given their location within the roof slope; and appropriate boundary treatments would ensure adequate privacy at ground floor level without causing a significant loss of light.

8.03 There is a first floor bedroom window that faces northwards towards the properties on Amsbury Road. However, the separation distances from this window to the neighbours would be more than 30m, which I consider acceptable in maintaining acceptable levels of privacy.

8.04 Given the separation distances between the new house and any neighbouring property and given the proposal's scale and siting, I am satisfied that the proposal would not result in a significant loss of light or outlook to any neighbour, and it would not appear overbearing for any neighbour when enjoying their garden. I am also satisfied that a new dwelling here with its associated comings and goings and use of the access would not result in an unacceptable increase in noise and disturbance to existing properties when compared to the current situation; and the Environmental Health Officer has also raised no objection in this respect.

9.0 Highway safety implications

9.01 The proposed dwelling would use the existing access onto Amsbury Road and would benefit from 3 off-road parking spaces and an integral garage. I am satisfied that the property would have adequate parking and turning facilities and the parking provision is in accordance with emerging policy DM27 of the submitted Local Plan.

9.02 The access is narrow and 2 cars cannot pass along it, which could result in vehicles having to reverse back onto Amsbury Road. However, this is the current situation with 2 properties using the access; the crash records show that there have been no injury crashes on Amsbury Road between Westerhill Road and Pippin Close for at least the last 10 years; and after consultation with the Highways Authority, the additional vehicle movements of an additional house using this access are not considered to be so significant in that the current situation would be so exacerbated to warrant refusal. The Highways Authority have confirmed that with the evidence presented, a development of this scale would not result in a highway safety issue and no objections are raised.

10.0 Other considerations

- 10.01 The Environmental Health Officer raises no objection in terms of air quality, noise and land contamination and so I consider it unreasonable to request any further details in these respects. Disposal of foul sewage is unknown and surface water will be disposed of via soakaway. Building Control confirm that the use of a soakaway here is acceptable; and further details for foul sewage disposal will be requested by way of condition to ensure adequate drainage is provided for the development. Building Control is also satisfied that the property could install a suitable sprinkler system to overcome access issues for fire trucks.
- 10.02 The proposal site is maintained garden land and it is not considered reasonable to request any further ecological information. However, in accordance with the NPPF and in the interests of biodiversity enhancement, details of appropriate landscaping and ecological enhancements will be requested by way of condition.
- 10.03 As with 15 and 17 Amsbury Road, future occupants of the property will walk refuse bins down to Amsbury Road for collection; and the Council's Waste Management Team and KCC Highways confirm there is no objection to this approach.
- 10.04 The objections raised by Councillor Webb, Coxheath Parish Council and the neighbours have been addressed in the main body of this report. However, I would add that I am satisfied that the correct ownership notices have been served on the relevant parties; and the potential disturbance or damage caused by construction traffic and vibrations; and potential impact on sewers running underneath existing vehicle access; and private covenants and rights of way; and loss of property values, are not material planning considerations in the determination of this application. I can also confirm that the proposal site is not on Green Belt land or within an Area of Archaeological Potential.

11.0 Conclusion

- 11.01 The proposal would not cause visual harm; the living conditions of existing and future residents will be acceptable; and there is no objection in terms of highway safety. The proposal is therefore considered acceptable with regard to the relevant provisions of the adopted and emerging Development Plans, the NPPF and all other material considerations such as are relevant; and conditional approval is recommended on this basis.

12.0 RECOMMENDATION – APPROVE with conditions:

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 commencement of works/development above damp-proof course (DPC) level, written details and samples of the materials to be used in the construction of the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the approved materials and maintained thereafter unless otherwise agreed in writing by the local planning authority;

Reason: To ensure a satisfactory appearance to the development.

- (3) Prior to commencement of works/development above DPC level, written details of the provision of swift and/or bat/bird boxes within the development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to the first occupation of the property and maintained thereafter unless otherwise agreed in writing by the local planning authority;

Reason: In the interests of biodiversity enhancement.

- (4) Prior to commencement of works/development above DPC level, written details of a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority, using indigenous species, which shall include tree and hedge protection details and long term management plan. The scheme shall be designed using the principles established in the Councils adopted Landscape Character Assessment and Landscape Guidelines and shall include:

- a) Retention of tree within site as shown on drawing 1735.P.02 Rev A;
- b) Retention of southern boundary hedge;
- c) Details of native hedge planting along full length of western boundary of site.

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

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

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

- (6) Before the development hereby permitted is first occupied, all first floor side windows facing westwards 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 prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers.

- (7) Prior to commencement of works/development above DPC level, written details of the foul drainage system to serve the development shall be submitted to and agreed in writing by, the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved plans prior to the first occupation of the development hereby permitted;

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

- (8) 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.

- (9) Notwithstanding the provisions of 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), no extension to the property 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.

- (10) The development hereby permitted shall be carried out in accordance with the following approved plans: 1735.P.01 received 18/10/16 and 1735.P.02 Rev A received 14/12/16;

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

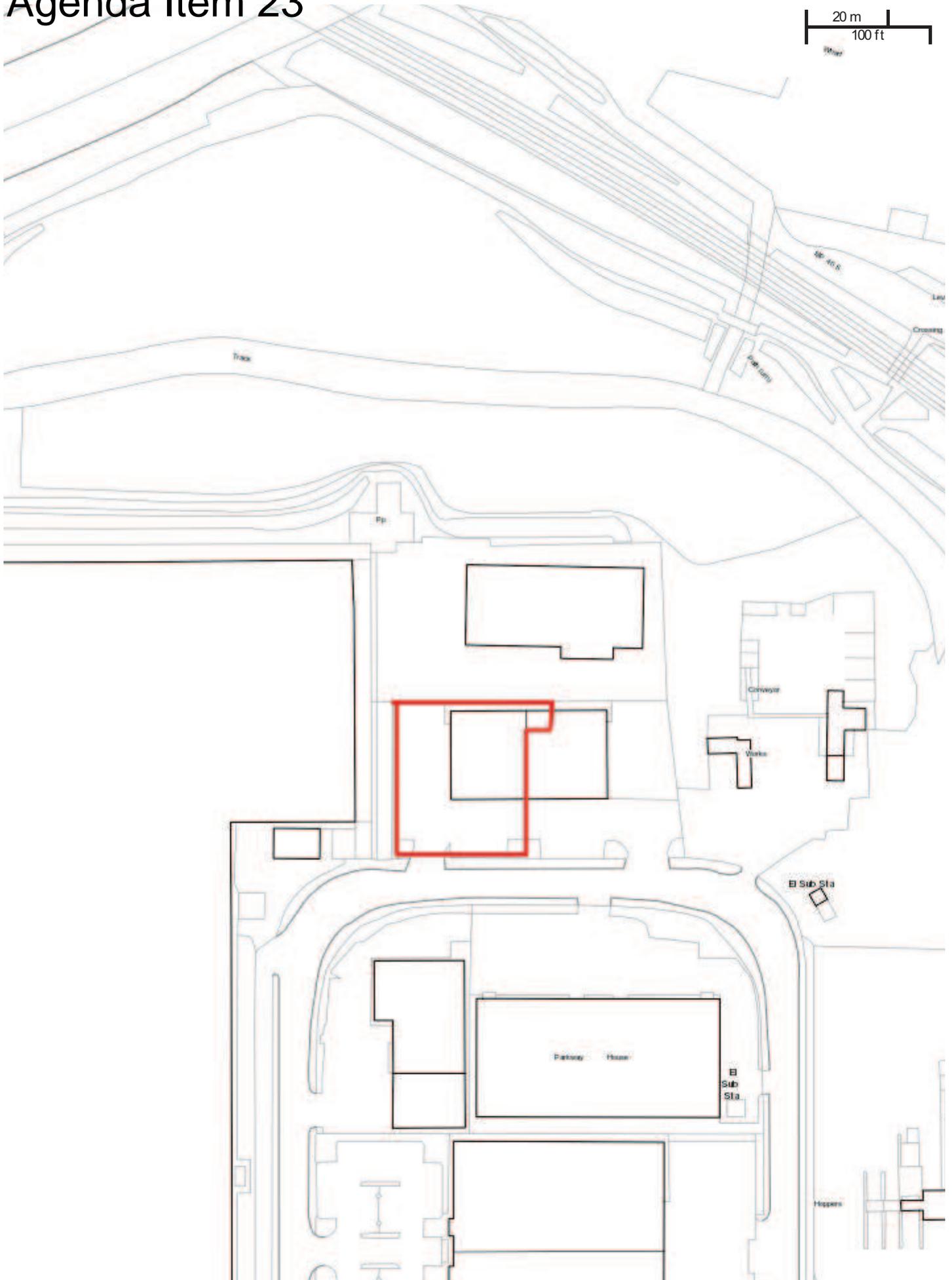
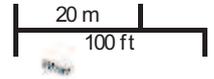
INFORMATIVES

- (1) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

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.

Agenda Item 23



16/508145 Liphook Way

Scale: 1:1250

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REPORT SUMMARY

REFERENCE NO - 16/508145/FULL		
APPLICATION PROPOSAL Retrospective application for extension of external plant compound, to accommodate additional building plant.		
ADDRESS Sekisui Diagnostics UK Ltd, Liphook Way, Maidstone, Kent, ME16 0LQ		
RECOMMENDATION - PERMIT		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development is considered to comply with the policies of the Maidstone Borough-Wide Local Plan 2000, the Submission Version of the Maidstone Borough Local Plan, and the National Planning Policy Framework and there are no overriding material considerations to indicate a refusal of planning consent.		
REASON FOR REFERRAL TO COMMITTEE - Maidstone Borough Council owns the land.		
WARD Allington	PARISH COUNCIL N/A	APPLICANT Mr R. Cormode
DECISION DUE DATE 24/01/17	PUBLICITY EXPIRY DATE 23/12/16	OFFICER SITE VISIT DATE 05/12/16
RELEVANT PLANNING HISTORY:		

15/501503 - Proposed new timber enclosure to side of premises for AC Condensers including proposal of louvres for supply and extract of air to the rear of the building – Approved

MAIN REPORT

1.0 Site description

1.01 Sekisui Diagnostics UK Ltd is a company that delivers differentiated products, instrument systems and services that support the improvement of patient care worldwide. The proposal site is an office building that is located at the northern end of Liphook Way and it is surrounded by other commercial premises. For the purposes of the Development Plan, the proposal site is within a designated employment area.

2.0 Proposal

2.01 This is a retrospective application for an extension to an external plant compound to accommodate additional building plant. Located on the western side of the building, the hit and miss timber panelling matches that of the existing enclosure; and it stands some 2.2m in height.

3.0 Policies and other considerations

- Maidstone Borough-Wide Local Plan 2000: ED2
- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- Submitted version of Maidstone Local Plan: DM1, DM4, DM21

4.0 **Neighbour responses:** No representations received

5.0 Principle of development

5.01 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.

5.02 Paragraph 7 of the NPPF states that there are 3 dimensions to sustainable development, including a social role that should create a high quality built

environment; and paragraph 9 of the NPPF seeks positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to), improving the conditions in which people live, work, travel and take leisure.

- 5.03 The submitted version of the Development plan went to the Secretary of State for examination on the 20th May 2016 and is currently under examination which is expected to finish in December of this year. The emerging Plan is considered to hold significant weight and there is policy support for this type of development in this location, subject to its details which the report will go on to assess.

6.0 Visual impact and design

- 6.01 The enclosure is set back some 12.5m from the front elevation of the building, which in itself is set back from the road by some 15m. The development projects modestly from the flank wall, set behind the existing enclosure and the use of hit and miss timber panelling is not objectionable. I am therefore satisfied that this development does not appear visually dominant or harmful from any public vantage point and is very much in context with its industrial estate setting.

7.0 Other considerations

- 7.01 Given the modest scale, design and location of the development, no objection is raised in terms of its impact upon residential amenity and highway safety; and the development has no impact upon the employment designation of the site.

8.0 Conclusion

- 8.01 The development does not cause visual harm; and there is no resultant residential amenity or highway safety harm. The development is therefore considered acceptable with regard to the relevant provisions of the adopted and emerging Development Plans, the NPPF and all other material considerations such as are relevant; and conditional approval is recommended on this basis.

9.0 RECOMMENDATION – APPROVE

Case Officer: Kathryn Altieri

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

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 17th January 2017**

APPEAL DECISIONS:

- 1. 16/505245** Two new 2 bedroom flats
APPEAL: Dismissed
67 Calder Road, Maidstone, Kent, ME14 2QG
(Delegated)
-
- 2. 16/502026** Proposed first floor side extension.
APPEAL: Dismissed
89 Badger Road, Boxley, Kent, ME5 8XR
(Delegated)
-
- 3. 16/502377** The erection of 20 dwellings including garages/carports, landscaping, public open space, access and pedestrian links.
APPEAL: Dismissed
Land South Of Court Lodge Road, Harrietsham, Kent
(Delegated)
-
- 4. 15/509305** Erection of new detached dwelling with alterations to existing access, garaging, car parking with other ancillary works.
APPEAL: Dismissed
The Covers, Lower Road, East Farleigh, Kent, ME15 0JW
(Delegated)
-
- 5. 15/509288** Outline planning application for the construction of up to 57 no. dwellings including 40% affordable housing, associated public open

space, ecological mitigation land and new vehicular access from Lenham Road.

APPEAL: Dismissed

Land To The North Of Lenham Road
Headcorn
Kent
TN27 9TU

(Committee)

6. 15/507493

Outline planning application for residential development of up to nine dwellings considering access from Chartway Street with all other matters (appearance, landscaping, layout and scale) reserved for future consideration.

APPEAL: Allowed and outline permission granted

Land North Of Wind Chimes, Chartway Street
Sutton Valence, Kent, ME17 3JA

(Committee)

7. 15/509275

Outline application with access matters reserved for proposed residential development following demolition of existing buildings with replacement storage building.

APPEAL: Dismissed

Land South West To The Gables, Marden Road,
Staplehurst, Kent, TN12 0PE

(Committee)

8. 16/500489

Outline - Detached single dwelling with access to be considered at this stage and all other matters reserved for future consideration.

APPEAL: Allowed and planning permission granted

Land Rear Of Redic House, Warmlake Road
Sutton Valence, Kent

(Delegated)