

AGENDA

PLANNING COMMITTEE MEETING



Date: Thursday 6 April 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

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - Monday 10 April 2017

Continued Over/:

Issued on 29 March 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.
10. Minutes of the meeting held on 16 March 2017 1 - 8
11. Presentation of Petitions (if any)
12. Report of the Head of Planning and Development - Deferred Items 9
13. 15/504300 - Land North Of 61 Knaves Acre, Headcorn, Kent 10 - 24
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17. Appeal Decisions 59 - 60
18. Chairman's Announcements

PLEASE NOTE

The order in which items are taken at the meeting may be subject to change.

The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website.

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, King Street, Maidstone, Kent ME15 6JQ.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 16 MARCH 2017

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

Also Present: Councillors Adkinson and Harper

325. APOLOGIES FOR ABSENCE

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

326. NOTIFICATION OF SUBSTITUTE MEMBERS

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

327. NOTIFICATION OF VISITING MEMBERS

Councillors Adkinson and Harper indicated their wish to speak on the report of the Head of Planning and Development relating to application 16/507491.

328. ITEMS WITHDRAWN FROM THE AGENDA

16/505966 - CHANGE OF USE AND CONVERSION OF THE RAILWAY TAVERN TO ONE DWELLING AND THE ERECTION OF A NEW DETACHED DWELLING WITH PARKING AND LANDSCAPING - RAILWAY TAVERN, STATION ROAD, STAPLEHURST, KENT

The Development Manager sought the agreement of the Committee to the withdrawal of application 16/505966 from the agenda to enable the viability report which had been submitted with the application to be put out to public consultation. The Development Manager explained that the report had been withheld because the Officers considered that it contained sensitive information, but it now transpired that the report should have been made available for the public to view.

RESOLVED: That agreement be given to the withdrawal of application 16/505966 from the agenda to enable the viability report submitted with the application to be put out to public consultation.

329. 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.

330. DISCLOSURES BY MEMBERS AND OFFICERS

With regard to the report of the Head of Planning and Development relating to application 16/502993, Councillor Munford stated that he was the Chairman of Boughton Monchelsea Parish Council. However, since he had not taken part in the Parish Council's Planning Committee's discussions on the proposed development, and he did not attend the public meeting, he intended to speak and vote when the application was considered.

331. EXEMPT ITEMS

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

332. MINUTES OF THE MEETING HELD ON 23 FEBRUARY 2017

RESOLVED: That the Minutes of the meeting held on 23 February 2017 be approved as a correct record and signed.

333. PRESENTATION OF PETITIONS

It was noted that a petition might be referred to in relation to application 16/502993.

334. 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

15/504300 - OUTLINE APPLICATION FOR TWO STOREY DETACHED HOUSE WITH ACCESS, LAYOUT, SCALE AND APPEARANCE TO BE CONSIDERED - LAND NORTH OF 61 KNAVES ACRE, HEADCORN, KENT

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

335. 16/507491 - DEMOLITION OF EXISTING BUILDING AND ERECTION OF 19 NO. APARTMENTS - 3 TONBRIDGE ROAD, 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.

Mr Thurlow, for an objector, Mr Stroud, for the applicant, and Councillors Adkinson and Harper (Visiting Members) addressed the meeting.

RESOLVED: That consideration of this application be deferred to:

- (a) Obtain an Air Quality Assessment; and
- (b) Reconsider the design and layout in the light of the Air Quality Assessment; this to be landscape-led, including trees and planting on the Tonbridge Road frontage, and the treatment of the elevations to be reconsidered to improve amenity for future occupants.

Voting: 13 – For 0 – Against 0 – Abstentions

336. 16/502993 - DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF 18 NEW C2 EXTRA CARE RETIREMENT HOMES, CLUB HOUSE, CAR PORTS, BIN STORES, LANDSCAPE SCHEME AND ACCESS ROAD. DEMOLITION OF GARAGE TO REAR OF 70 CHURCH STREET AND ERECTION OF NEW OAK FRAMED CAR PORT TO REAR GARDEN - LAND TO WEST OF 70 CHURCH STREET, BOUGHTON MONCHELSEA, 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 Edmunds, an objector, Councillor Martin of Boughton Monchelsea Parish Council, and Mr Osborne (for the applicant)/Mr Unwins (in support) addressed the meeting.

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

- The provision of 20% affordable housing on site (with option for off-site contributions if a registered provider cannot be secured) in line with DM13;
- The restriction of the units to persons of 55 years of age and over and that occupants are subject to care need assessment and are required to commit to a minimum care package to be agreed with the Local Planning Authority; and
- A healthcare contribution of £15,163.20 (the Head of Planning and Development acting under delegated powers to investigate with the CCG whether the healthcare contribution can be used to deliver medical facilities in Boughton Monchelsea, and, subject to the outcome of those discussions, to finalise where it is to be spent),

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

- An additional condition regarding the cutting back of the hedge on the boundary with Church Street to maintain visibility splays, these splays to subsequently be maintained at all times (the precise wording of the additional condition to be finalised by the Head of Planning and Development acting under delegated powers); and
- An informative to the effect that the Ward Member should be involved in approval of details relating to landscaping (the precise wording of the informative to be finalised by the Head of Planning and Development acting under delegated powers).

Voting: 7 – For 6 – Against 0 – Abstentions

Councillor Munford requested that his dissent be recorded.

337. 16/507377 - ERECTION OF ONE DETACHED DWELLING WITH CAR PARKING PROVISION, NEW ACCESS - THE GABLES, MAIDSTONE ROAD, SUTTON VALENCE, KENT

Councillor Prendergast stated that she had been lobbied.

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

Councillor Mrs Riden of Sutton Valence Parish Council and Mr Street, for the applicant, addressed the meeting.

RESOLVED: That subject to no new planning issues (that have not already been considered) being raised as a result of the advertisement of the proposal as a departure from the Development Plan, the Head of Planning and Development be given delegated powers to grant permission subject to the conditions set out in the report.

Voting: 6 – For 2 – Against 4 – Abstentions

Note: Councillor Cox left the meeting during consideration of this application (9.28 p.m.), but returned at 9.35 p.m. prior to consideration of application 16/507996.

338. 16/507996 - RAISING OF ROOF WITH INSERTION OF 3 DORMER WINDOWS, 2 ROOF LIGHTS AND ALTERATIONS TO FENESTRATION TO PROVIDE ADDITIONAL LIVING SPACE - THE WHITE HORSE, WHITE HORSE LANE, OTHAM, KENT

Councillor English stated that he had been lobbied.

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

Councillor Mrs Gray of Otham Parish Council addressed the meeting.

RESOLVED: That permission be granted subject to the conditions set out in the report with the amendment of condition 2 to secure the use of natural slate for the roof (the precise wording of the amended condition to be finalised by the Head of Planning and Development acting under delegated powers).

Voting: 13 – For 0 – Against 0 – Abstentions

339. 16/505311 - CHANGE OF USE FROM A C3 (4 BEDROOM HOUSE) TO SUI GENERIS USE HOUSE OF MULTIPLE OCCUPATION FOR 8 FLATS - 47 FREEMAN WAY, MAIDSTONE, KENT

Councillors English and Powell stated that they had been lobbied.

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

Contrary to the recommendation of the Head of Planning and Development, a motion to grant permission subject to the conditions and informatives set out in the report was lost.

The Development Manager advised the Committee that it would be necessary to provide reasons, which could be sustained at appeal, to support a proposal to refuse permission. Any decision to refuse the application due to misuse of permitted development rights would not be defensible at appeal. Given that it could be reasonably concluded that the erection of the flank dormer window was work that could be carried out as permitted development as it was undertaken before the use of the house as an HMO had commenced, the issue for consideration was restricted to the impact on the character and appearance of the locality of the change of use of the property from an HMO for six unrelated persons (which could be carried out as permitted development) to an HMO for eight unrelated persons which required planning permission. The Officers considered the impact to be marginal.

The Committee wishing to receive further advice from the Officers in private:

RESOLVED: That the public be excluded from the meeting for the following item of business because of the likely disclosure of exempt information for the reasons specified having applied the public interest test:

Head of Schedule 12A and Brief Description

Advice Relevant to the Determination of Application 16/505311

3 – Financial/Business Affairs

5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

The Development Manager reiterated that it would be necessary to provide reasons, which could be sustained at appeal, to support a proposal to refuse permission. At the moment no reasons which could be sustained at appeal had been put forward. To refuse the application for reasons which were not sustainable could result in the award of costs against the Council.

The Committee:

RESOLVED: That the public be re-admitted to the meeting.

It was moved and seconded that permission be refused on the basis that the building had been completed and inhabited without planning permission being granted. The Development Manager advised the Committee that this reason would not be sustainable at appeal. The issue was the impact on the character and appearance of the locality of the change of use of the property from an HMO for six unrelated persons to an HMO for eight unrelated persons.

An amendment was moved and seconded that permission be granted subject to the conditions and informatives set out in the report. The amendment was put to the vote and carried. The substantive motion was then put to the vote and carried.

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

Voting: 6 – For 1 – Against 6 – Abstentions

FURTHER RESOLVED: That Southern Water be asked to investigate any breach of the Water Regulations, in the interests of residential amenity.

Voting: 12 – For 0 – Against 1 – Abstention

340. LONG MEETING

During consideration of the report of the Head of Planning and Development relating to application 16/505311, the Committee:

RESOLVED: That the meeting should continue to 11.00 p.m. if necessary.

341. 5025/2016/TPO - 164 ASHFORD ROAD, BEARSTED, KENT

The Committee considered the report of the Head of Planning and Development concerning Tree Preservation Order No.5025/2016 which had been made to protect trees on land at 164 Ashford Road, Bearsted. It was noted that, on balance, it was considered that the trees on the site, which were large, mature specimens visible from public viewpoints, made a significant contribution to local landscape character and amenity, and should continue to benefit from the ongoing protection of a Tree Preservation Order as it would ensure that the Council retained a measure of control over their future management.

RESOLVED: That Tree Preservation Order No.5025/2016 be confirmed without modification.

Voting: 13 – For 0 – Against 0 – Abstentions

342. S106 DELIVERY REPORT

RESOLVED: That consideration of this report be deferred until the next meeting of the Committee.

343. 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.

During the ensuing discussion, a Member sought clarification regarding the role of Planning Committee Members in the appeal process. It was noted that specific reference was made to this in the Code of Conduct for Councillors and Officers Dealing with Planning Matters, which formed part of the Council's Constitution.

It was suggested that, since the Chairman of the Democracy Committee had been asked to arrange for a review to be undertaken of the existing delegations to the Chief Executive and the Head of Planning and Development in relation to planning enforcement, the scope of the work be widened to include a review of other procedural matters in relation to the operation of the Planning Committee.

The Chairman of the Democracy Committee, who was present at the meeting, indicated that it would be helpful to receive recommendations from the Planning Committee on this subject.

RESOLVED:

1. That the report be noted.
2. That a report be included on the agenda for a future meeting of the Committee to enable Members to review the provisions of the

Council's Constitution relating to the Planning Committee and to consider whether to recommend any changes.

344. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements on this occasion.

345. DURATION OF MEETING

6.00 p.m. to 10.55 p.m.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

6 APRIL 2017

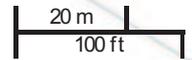
REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

DEFERRED ITEMS

The following applications stand deferred from previous meetings of the Planning Committee. The Head of Planning and Development will report orally at the meeting on the latest situation.

<u>APPLICATION</u>	<u>DATE DEFERRED</u>
<p><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></p> <p>Deferred to enable the Officers to negotiate movement of the signage to locations that are less visually intrusive.</p>	14 January 2016
<p><u>16/507491 - DEMOLITION OF EXISTING BUILDING AND ERECTION OF 19 NO. APARTMENTS - 3 TONBRIDGE ROAD, MAIDSTONE, KENT</u></p> <p>Deferred to:</p> <p>(a) Obtain an Air Quality Assessment; and</p> <p>(b) Reconsider the design and layout in the light of the Air Quality Assessment; this to be landscaped, including trees and planting on the Tonbridge Road frontage, and the treatment of the elevations to be reconsidered to improve amenity for future occupants.</p>	16 March 2017

Agenda Item 13



15/504300 - Land North of 61 Knaves Acre

Scale: 1:1415

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REPORT SUMMARY

REFERENCE NO - 15/504300/OUT		
APPLICATION PROPOSAL Outline application for two storey detached house with access, layout, scale and appearance to be considered.		
ADDRESS Land North Of 61 Knaves Acre Headcorn Kent TN27 9TJ		
RECOMMENDATION - APPROVE		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development is not in accordance with Development Plan policy. However, the proposal would not cause unacceptable visual harm; the living conditions of existing and future residents will be acceptable; it is considered to be sustainable development; and there is no objection in terms of highway safety, arboricultural issues and biodiversity. In the absence of any harm and the significant weight afforded to emerging policy H1(40), this is considered grounds to depart from the adopted Local Plan.		
REASON FOR REFERRAL TO COMMITTEE - It is a departure from Development Plan - It is contrary to views expressed by Headcorn Parish Council		
WARD Headcorn	PARISH COUNCIL Headcorn	APPLICANT Mr Bailey
DECISION DUE DATE 07/04/17	PUBLICITY EXPIRY DATE 05/01/17	OFFICER SITE VISIT DATE 08/11/16
RELEVANT PLANNING HISTORY:		

- MA/80/1119 - Outline application for erection of dwelling – Refused

MAIN REPORT

1.0 Site description - SEE ATTACHED REPORT

2.0 Proposal - SEE ATTACHED REPORT

3.0 Policies/guidance - SEE ATTACHED REPORT

4.0 Consultee responses - SEE ATTACHED REPORT AND MAIN BODY OF THIS REPORT

5.0 Neighbour representations – SEE ATTACHED REPORT FOR PREVIOUS COMMENTS MADE. 2 FURTHER REPRESENTATIONS HAVE BEEN MADE FROM THE OCCUPIERS OF 60 AND 61 KNAVES ACRE WHO SET OUT THAT THEY HAVE SHARED OWNERSHIP OF THE ACCESS TO THIS PROPERTY

6.0 Policy background - SEE ATTACHED REPORT

7.0 Background information

7.01 This application was reported to Planning Committee on 2nd February 2017 and subsequently deferred for the following reason:

- *TO INVESTIGATE POSSIBILITY OF PUBLIC RIGHT OF WAY THROUGH THE SITE LINKING TO DIVERTED PROW OUTSIDE SITE (TO NORTH-EAST); AND TO ASSESS IMPLICATIONS OF THIS ON ECOLOGY/WILDLIFE CORRIDOR AND PROTECTED SPECIES.*

7.02 In terms of connectivity, reference has also been made to draft policy HNP15 of the Headcorn Neighbourhood Plan (2011-2031) which states:

This policy covers Small Village Developments and Larger Village Developments (as defined under policy HNP6). New development in Headcorn village, in accordance with the Neighbourhood Plan, will be permitted where it:

- *Creates safe and well connected housing areas within the village, promoting and enhancing links both to Headcorn High Street and to the countryside that can be easily accessed by foot and cycle;*
- *Creates a self-contained development, to avoid creating large estates by default;*
- *Is accessed in a way that avoids creating harmful rat runs;*
- *Is accessed in a way that avoids creating the appearance of ribbon development along the existing road network (for example with direct vehicular access to all the houses in the development to an existing road);*
- *Avoids where possible choosing access routes that will exacerbate key pinch points for traffic flows within the village;*
- *Takes advantage of opportunities to enhance road safety, for example by enhancing existing junctions that will be key for the access of the development in a way that is appropriate for Headcorn's rural setting; and*
- *Makes best use of pre-existing site access (for example to facilitate the retention of hedgerows) unless reasons such as road safety require alternative access routes onto the existing road network to be provided.*

7.03 This policy covers small village developments and larger village developments, which are defined under draft policy HNP6 as developments of more than 2 dwellings and more than 9 dwellings respectively. This proposal is for 1 dwelling and as such, does not fall within the threshold requirements of draft policy HNP15 of the Headcorn Neighbourhood Plan.

7.04 It should also be noted that the Inspector's examination on the Headcorn Neighbourhood Plan was held in October 2016 and the Inspector's 'Report to Maidstone Borough Council of the Examination into the Headcorn Neighbourhood Plan' was released on 19th March 2017. The Inspector's recommendation is that this neighbourhood plan does not meet the Basic Conditions in terms of: having appropriate regard to national planning policy; contributing to the achievement of sustainable development; being in general conformity with the strategic policies in the adopted development plan for the local area; and compatibility with human rights requirements has not been demonstrated in the preparation of the Plan. The Inspector therefore concludes that the Plan should not proceed to a referendum.

8.0 Applicant response

8.01 The applicant is not prepared to undertake the works to provide a public footpath as part of this application for the following reasons (summarised):

- *There is no policy basis for request in that site is allocated for housing in submitted version of Local Plan and there is no reference to the need for a public footpath through the land. There is only reference to KH606 being retained, which it is, and this application does not impact upon the existing footway which is to be diverted.*
- *With regard to draft Headcorn Neighbourhood Plan, the examiner has failed this document and it cannot go forward for referendum. This document should therefore be given limited weight.*
- *There is no planning document or evidence to suggest that a PROW should be imposed onto this housing plot.*
- *Driveway is not in applicant's ownership (they have right of way over it) and it is therefore probable that owners will also find the imposition of a PROW unacceptable as it brings about a reduction on their amenity and privacy.*
- *It is not desirable to have footpath in terms of privacy and tranquillity for future occupants.*
- *If public footpath were to be installed, it would lead to further intensification of parking in Knaves Acre because new footpath would provide a short pedestrian link to surgery area*

where car park is constantly full, with parking spilling over into Grigg Lane and The Hardwicks.

9.0 Biodiversity implications

9.01 After further consultation, the Biodiversity Officer is concerned with a public footpath here due to the fragmentation of the Great Crested Newt receptor site to the east which is part of the neighbouring development. Indeed, if the path was hardsurfaced and measured 1.5m wide (as recommended by the KCC Public Rights of Way Officer) it is likely to prevent amphibian/reptile movements and render the proposed mitigation measures void.

10.0 Other considerations - SEE ATTACHED REPORT

11.0 Conclusion

11.01 Having investigated the reason for deferral further, the KCC Public Rights of Way Officer considers a new footpath here to be both acceptable and feasible. However, the applicant is not prepared to, and is unable to commit to providing a public footpath on this site (given shared ownership issue); and the Biodiversity Officer has also raised concerns in terms of its potential impact upon protected species. Furthermore, there is no requirement for this site to provide a connecting footpath under emerging policy H1(40) of the new Local Plan; and notwithstanding that this proposal does not fall within the threshold of policy HNP15, the draft Headcorn Neighbourhood Plan is not considered to carry sufficient enough weight to refuse this planning application. Even if the applicant was agreeable to a new footpath as part of this development, it is considered that securing such a matter by way of condition would not meet the 6 tests. Indeed it is not considered to be relevant or required, in order to make the development acceptable; and the pre-existing problem of lack of connectivity has not been created by this proposed development. The absence of the connecting footpath would therefore not be grounds to refuse this planning application.

11.02 The reason for deferral has been suitably investigated and for the reasons set out, it is not considered reasonable to pursue this issue any further. I remain of the view that this proposal would not cause unacceptable visual harm; the living conditions of existing and future residents will be acceptable; it is considered to be sustainable development; and there is no objection in terms of highway safety, arboricultural issues and biodiversity. In the absence of any harm and the significant weight afforded to emerging policy H1(40), this is considered grounds to depart from the adopted Local Plan. I therefore recommend approval subject to the appropriate conditions.

12.0 RECOMMENDATION – APPROVE with conditions:

CONDITIONS to include

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

a. Landscaping

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

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

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

- (3) Pursuant to condition 1 details of landscaping (to include measures for tree protection) shall be designed using the principles established in the Councils adopted Landscape Character Assessment and Landscape Guidelines and shall include:

- a) Retention of all boundary trees as shown on drawing 005 Rev C;
- b) Additional tree planting along southern boundary of site as shown on drawing 005 Rev C;
- c) Details of post and rail fencing and new native hedge planted to divide the garden with the ecological mitigation area as shown on drawing 005 Rev C.

Reason: To safeguard future of existing trees, ensure a satisfactory appearance to the development and in the interests of biodiversity.

- (4) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the 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.

- (5) Prior to the commencement of any works/development on site, an Arboricultural Method Statement in accordance with BS5837:2012, which includes details of no dig construction for the driveway and tree protection details, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the future of the trees.

- (6) In accordance with the submitted Preliminary Ecological Appraisal Report and prior to commencement of works/development above DPC level, an ecological method statement which details what enhancements are going to be implemented and where and how, shall be submitted to and approved in writing by the local planning authority, and shall include the following;

- i) Provision of bird boxes within the site, including integral bird bricks/boxes on northern elevation of building;
- ii) Provision of bat roosting spaces within eaves of building(s) and/or installation of ready-made bat boxes.

The development shall be built in accordance with the approved ecological mitigation strategy and all features shall be retained in that manner thereafter;

Reason: In the interests of biodiversity enhancement.

- (7) The development shall be carried out in accordance with the mitigation proposals set out in section 5.3 of the submitted Great Crested Newt Survey, including the ecological mitigation area with hibernaculum and log piles, as shown on drawing 005 Rev C received 15/12/16. Prior to the commencement of works/development above DPC level, details of a long-term management plan for the ecological mitigation area shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with these approved details unless otherwise agreed in writing by the local planning authority;

Reason: To ensure appropriate mitigation and protection of species.

- (8) 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 (to include white weatherboarding at first floor level) of the building and hardsurfacing 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.

- (9) 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.

- (10) 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.

- (11) The development hereby permitted shall be carried out in accordance with the following approved plans: 006 and 007 received 16/06/16 and 003 Rev C and 004 Rev C received 15/12/16;

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. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is

therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

- (2) The applicant is advised to carry out any work to vegetation that may provide suitable bird nesting habitats outside of the bird breeding season (bird breeding season is March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation needs to be removed during the breeding season then mitigation measures should be implemented during construction in order to protect breeding birds. This includes examination by an experienced ecologist prior to starting work and if any nesting birds are found during work, development must cease until after the juveniles have fledged.
- (3) Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Team regarding noise control requirements.
- (4) Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc. to nearby residential properties.
- (5) Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.
- (6) Vehicles may only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.
- (7) Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

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 - 15/504300/OUT		
APPLICATION PROPOSAL Outline application for two storey detached house with access, layout, scale and appearance to be considered.		
ADDRESS Land North Of 61 Knaves Acre Headcorn Kent TN27 9TJ		
RECOMMENDATION - APPROVE		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development is not in accordance with Development Plan policy. However, the proposal would not cause unacceptable visual harm; the living conditions of existing and future residents will be acceptable; it is considered to be sustainable development; and there is no objection in terms of highway safety, arboricultural issues and biodiversity. In the absence of any harm and the significant weight afforded to emerging policy H1(40), this is considered grounds to depart from the adopted Local Plan.		
REASON FOR REFERRAL TO COMMITTEE It is a departure from Development Plan and contrary to views expressed by Headcorn Parish Council.		
WARD Headcorn	PARISH COUNCIL Headcorn	APPLICANT Mr Bailey
DECISION DUE DATE 03/02/17	PUBLICITY EXPIRY DATE 05/01/17	OFFICER SITE VISIT DATE 08/11/16
RELEVANT PLANNING HISTORY:		

- MA/80/1119 - Outline application for erection of detached dwelling – Refused

MAIN REPORT

1.0 Site description

- 1.01 The proposal site relates to a parcel of land that is of a general rectangular shape that measures some 0.15ha in area. The site benefits from an existing access point in the southern corner of the site that is taken from Knaves Acre. The site is overgrown and there are a number of trees along its boundaries, including a number of individual trees protected under Tree Preservation Order no.3 of 1978. The surrounding land to the north of the site will be built out with residential development and this is highlighted at the beginning of this report.
- 1.02 For the purposes of the adopted Development Plan the application site is within the designated countryside that falls within the Low Weald Special Landscape Area as shown by the Maidstone Borough-Wide Local Plan 2000 (MBWLP).

2.0 Proposal

- 2.01 This proposal is an outline application for the erection of a single dwelling with access, appearance, layout and scale for consideration now with landscaping reserved for future consideration.
- 2.02 The proposed dwelling would have a ridge height of some 9m; an eaves height of some 5m; and the attached double garage would stand some 4.3m in height from ground level. In general terms, the property would measure some 10.8m wide, with the garage a further 6.3m in length; and the property's overall depth would be some 12m.
- 2.03 The property would have 5 bedrooms; a feature chimney; elements of weatherboarding; a gable-end front projection; access would be from an existing driveway that goes in between 61 and 62 Knaves Acre; and its parking and turning area would be to the front of the building. The proposal would be positioned towards the southern end of the site, with its front elevation facing southwards.

3.0 Policies and other considerations

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34, T13
- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- Submitted version of Maidstone Local Plan: SP17, H1, H1(40), DM1, DM2, DM27, DM34
- Headcorn Neighbourhood Plan (Draft)

4.0 Consultee responses

4.01 **Headcorn Parish Council:** Wishes to see application refused and reported to Planning Committee;

- *Site is outlined as sustainable site in draft HNP for development of 5 2/3 bed houses - HNP survey showed no requirement for 5 bedroomed houses;*
- *Site would be used to improve connectivity in that area, with footpath linking Knaves Acre with Grigg Lane - HPC wish to stress that overriding issue is one of connectivity and reference should be made to Policy HNP15 of emerging Headcorn Neighbourhood Plan;*
- *Given number of trees at property, they should be assessed in terms of TPO's; and*
- *Committee reviewed Great Crested Newt Survey and note the comments with regards to the newt corridor - This does not alter original grounds for objection.*

4.02 **KCC Highways Officer:** Raises no objection.

4.03 **Landscape Officer:** Raises no objection.

4.04 **Biodiversity Officer:** Raises no objection.

5.0 **Neighbour responses:** 3 representations have been made raising concerns over covenants; impact of construction traffic; impact upon trees; sewerage; loss of privacy; layout; and highway safety; and visual impact.

6.0 Policy background

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

6.02 The application site is outside of the defined village boundary of Headcorn. It is therefore upon land defined in the adopted Local Plan as countryside. The starting point for consideration is saved policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 which states as follows:-

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

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

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

6.03 The proposed development does not fit into any of the exceptions set out in policy ENV28, which is why it has been advertised as a departure from the Development Plan. The proposal site is also within a Special Landscape Area and policy ENV34

seeks to protect the distinct character of the area. However, the site is allocated in the new Local Plan which has significant weight, for 5 houses under emerging policy H1(40), which states:

Knaves Acre, as shown on the policies map, is allocated for development for approximately 5 dwellings at an average density of 25 dwellings per hectare. In addition to the requirements of policy H1, planning permission will be granted if the following criteria re met.

Design and layout

1. The function of public footpath KH606 is to be retained, and consideration given to the safety of future users and occupiers of the development.

Access

2. Access will be taken from Knaves Acre only.

- 6.04 This is considered to warrant grounds to depart from saved policy ENV28 of the adopted Development Plan subject to the proposal being otherwise acceptable.
- 6.05 The NPPF sets out a clear presumption in favour of sustainable development (paragraph 14), which is defined as having three dimensions, the economic, the social, and the environmental (paragraph 7). The NPPF also makes it clear that proposed development needs to respect the intrinsic character and setting of the countryside (paragraph 17); and that 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" (paragraph 64). In terms of location, the proposal site is considered to be sustainable.
- 6.06 Paragraph 109 of the NPPF also states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible; and that conservation of wildlife is an important consideration in all areas (para 115).
- 6.07 In terms of other emerging policies from the submitted version of the Local Plan, policy SP17 seeks to restrict inappropriate development in the countryside; policy DM1 seeks good design; policy DM2 seeks sustainable design; policy DM27 sets out parking standards; and policy DM34 allows for high quality of design development in the countryside provided certain criterion is met, including respecting the landscape character of the locality.
- 6.08 The proposal site is also allocated within Headcorn Parish Council's draft Neighbourhood Plan for 5 properties; and the Parish Council have also pointed out that their Neighbourhood Plan survey shows no requirement for 5 bedroomed houses. However, the Inspector's Examination on the Headcorn Neighbourhood Plan (NP) was held in October 2016. The Inspectors findings have not yet been published but it is expected that amendments will need to be made to the NP and possible further consultation required. So whilst the NP is a material consideration, the provision of 1 house as opposed to the potential number of 5 houses as stated in the NP is not considered grounds to refuse this application; and in reference to emerging policy H1(40), the proposal would not affect the public footpath (KH606) to the rear of the site.
- 6.09 I will now go on to consider the details of this planning application.

7.0 Visual impact

7.01 Appearance, layout and scale are for consideration under this application. The proposed dwelling would be set behind existing properties in Knaves Acre, but given the level of residential development directly behind the site; and the fact a similar development has been approved on land in between 35 and 36 Knaves Acre, I am of the view that a detached house here would not adversely go against the pattern and grain of development in the area. The design of the new dwelling is considered acceptable, and it would draw on elements of the properties in Knaves Acre such as the weatherboarding at first floor level; and whilst a larger property, given its set back from the road I am satisfied it would not appear visually dominant or incongruous when viewed from Knaves Acre. Similarly, given the layout of the residential development behind, and the separation distance of the house from the site's northern boundary, the proposal would not appear visually harmful from any public vantage point to the north. To further ensure a satisfactory appearance to the development, appropriate conditions will be imposed requesting details of external materials and hardsurfacing. 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.

8.0 Residential amenity

8.01 Given the separation distances between the new house and any neighbouring property (existing and proposed) and given the proposal's scale, design and siting, I am satisfied that it would not result in a significant loss of privacy, 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 existing access would not result in an unacceptable increase in noise and disturbance to existing properties.

9.0 Access/Highway safety implications

9.01 Access is for consideration at this stage and the proposed dwelling would make use of the existing vehicle access from Knaves Acre; and it would also benefit from a double garage, private drive and vehicle turning area. I am therefore satisfied that the proposal would have adequate parking and turning facilities within the site; and the additional vehicle movements for one property to and from the site are not considered significant enough to object on highway safety grounds.

10.0 Landscaping (not for consideration at this stage)

10.01 As previously set out, there are a number of boundary trees including individual trees protected under Tree Preservation Order no.3 of 1978 along the site's eastern boundary. From reviewing the submitted details, the Landscape Officer raises no objections on arboricultural grounds subject to a pre-commencement condition requiring an Arboricultural Method Statement in accordance with BS5837:2012 which includes details of no dig construction for the driveway and tree protection details. This condition will be duly imposed to safeguard the future of the trees.

10.02 The illustrative landscaping plans do show the retention of all the trees within the site and additional tree planting along the front (southern) boundary; and a new hedgerow is also shown to divide the private garden area of the property and the ecology area to the rear of the site (discussed further on in the report). With this considered, I am satisfied that an appropriate landscaping scheme would be possible at the reserved matters stage, and a condition will be imposed to secure the retention of the boundary trees and suitable new planting.

11.0 Biodiversity implications

- 11.01 The applicant has submitted a Preliminary Ecological Appraisal Report and a Great Crested Newt (GCN) Survey as part of this application. In terms of the proposal's potential impact upon protected species and habitats, the Biodiversity Officer has reviewed these reports and is satisfied that no further ecological information is required prior to the determination of this application. This is subject to the creation of a wildlife corridor with hibernaculas at the northern end of the site which will link with other receptor sites. The applicant has shown this area on the submitted plans and a condition will be imposed to ensure it is retained as non-garden land. The Biodiversity Officer has reviewed this and considers the details shown to be acceptable.
- 11.02 Notwithstanding this, one of the principles of the NPPF is that *"opportunities to incorporate biodiversity in and around developments should be encouraged"*. The Preliminary Ecological Appraisal Report has made a number of recommendations for ecological enhancements which can be incorporated in to the site, and a suitable condition will be imposed to ensure that these enhancements are incorporated in to the development.

12.0 Other considerations

- 12.01 Foul sewage disposal will be via the mains sewer and surface water will be disposed of via a sustainable drainage system; and no objection is raised in this respect. Given the scale, nature and location of the site, no further details are required in terms of land contamination, flood risk and air quality.
- 12.02 The site allocation within the submitted version of the draft Local Plan (policy H1[40]) for approximately 5 houses. Whilst only 1 house is proposed, this is not considered grounds to refuse this application. I would also add that this policy seeks the retention of the function of the public footpath (KH606). In response, there is a current application to divert this footpath, because of the residential development behind the site, and the proposed diversion does not run through this proposal site.
- 12.03 The issues raised by Headcorn Parish Council and the local residents have been addressed in the main body of this report.

13.0 Conclusion

- 13.01 This proposal would not cause unacceptable visual harm; the living conditions of existing and future residents will be acceptable; it is considered to be sustainable development; and there is no objection in terms of highway safety, arboricultural issues and biodiversity. In the absence of any harm and the significant weight afforded to emerging policy H1(40), this is considered grounds to depart from the adopted Local Plan. I therefore recommend approval subject to the appropriate conditions.

14.0 RECOMMENDATION – APPROVE with conditions:

CONDITIONS to include

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

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

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

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

- (3) Pursuant to condition 1 details of landscaping (to include measures for tree protection) shall be designed using the principles established in the Councils adopted Landscape Character Assessment and Landscape Guidelines and shall include:

- a) Retention of all boundary trees as shown on drawing 005 Rev C;
- b) Additional tree planting along southern boundary of site as shown on drawing 005 Rev C;
- c) Details of post and rail fencing and new native hedge planted to divide the garden with the ecological mitigation area as shown on drawing 005 Rev C.

Reason: To safeguard future of existing trees, ensure a satisfactory appearance to the development and in the interests of biodiversity.

- (4) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the 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.

- (5) Prior to commencement of works/development above DPC level, an Arboricultural Method Statement in accordance with BS5837:2012, which includes details of no dig construction for the driveway and tree protection details, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority;

Reason: To safeguard the future of the trees.

- (6) In accordance with the submitted Preliminary Ecological Appraisal Report and prior to commencement of works/development above DPC level, an ecological method statement which details what enhancements are going to be implemented and where and how, shall be submitted to and approved in writing by the local planning authority, and shall include the following;

- i) Provision of bird boxes within the site, including integral bird bricks/boxes on northern elevation of building;
- ii) Provision of bat roosting spaces within eaves of building(s) and/or installation of ready-made bat boxes.

The development shall be built in accordance with the approved ecological mitigation strategy and all features shall be retained in that manner thereafter;

Reason: In the interests of biodiversity enhancement.

- (7) The development shall be carried out in accordance with the mitigation proposals set out in section 5.3 of the submitted Great Crested Newt Survey, including the ecological mitigation area with hibernaculum and log piles, as shown on drawing 005 Rev C received 15/12/16. Prior to the commencement of works/development above DPC level, details of a long-term management plan for the ecological mitigation area shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with these approved details unless otherwise agreed in writing by the local planning authority;

Reason: To ensure appropriate mitigation and protection of species.

- (8) 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 (to include white weatherboarding at first floor level) of the building and hardsurfacing 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.

- (9) 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.

- (10) 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.

- (11) The development hereby permitted shall be carried out in accordance with the following approved plans: 006 and 007 received 16/06/16 and 003 Rev C and 004 Rev C received 15/12/16;

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. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
- (2) The applicant is advised to carry out any work to vegetation that may provide suitable bird nesting habitats outside of the bird breeding season (bird breeding season is March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation needs to be removed during the breeding season then mitigation measures should be implemented during construction in order to protect breeding birds. This includes examination by an experienced ecologist prior to starting work and if any nesting birds are found during work, development must cease until after the juveniles have fledged.
- (3) Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Team regarding noise control requirements.
- (4) Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc. to nearby residential properties.
- (5) Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.
- (6) Vehicles may only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.
- (7) Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

Case Officer: Kathryn Altieri

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



16/508640 - Land East of Eyhorne St.

Scale: 1:1250

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REPORT SUMMARY

REFERENCE NO - 16/508640/FULL		
APPLICATION PROPOSAL Erection of 10 residential dwellings, together with associated access, parking, drainage and landscaping.		
ADDRESS Land East Of Eyhorne Street, Hollingbourne, Kent		
RECOMMENDATION - Permission		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the site is located in sustainable location on the edge of Hollingbourne and is allocated for 10 houses in the new Local Plan (2011-2013) and accords with the criterion of emerging policy H1 (63). The proposal is not considered to result in any significant planning harm, and these matters, and that the development is considered to be in compliance with the National Planning Policy Framework is sufficient grounds to depart from the Borough-wide Local plan 2000.		
REASON FOR REFERRAL TO COMMITTEE Hollingbourne Parish Council wish to see the application refused for the reasons set out below.		
WARD North Downs	PARISH/TOWN COUNCIL Hollingbourne	APPLICANT Fernham Homes AGENT DHA Planning
DECISION DUE DATE 24/04/17	PUBLICITY EXPIRY DATE 17/02/17	OFFICER SITE VISIT DATE 27/02/2017
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): 14/0475/FULL - Land opposite the application site - An application for the erection of 14No. detached dwellings inclusive of garaging/car barns and open amenity land adjacent to the northern boundary – Approved at committee on 16.10.2014		

MAIN REPORT EIA Screening

EIA Development	No
Comments	N/A

1.0 DESCRIPTION OF SITE

- 1.1 This site relates to a flat field/pasture land which has not been managed for some time and has become overgrown and contains a number of self seeded trees and shrubs. The site is located in the countryside and a SLA, but also in between the built up areas of Hollingbourne village which are spread either side of the substantially raised railway line. To the south of the site is the designated village envelope of Hollingbourne.
- 1.2 The site is located on the south-east side of the B2163 Eyhorne Street, with a frontage of some 60m between the small residential cul-de-sac of Claygate and the grade II* listed residential property of Godfrey House. The site frontage has an established tree/hedge line abutting the road. On the opposite side of Eyhorne Street is a recently approved housing site for 14 houses. This neighbouring site is currently being constructed and is located opposite the site and Godfrey House.

- 1.3 The site is part of a larger field to the south-east and is not physically separated /defined from that larger field. The rear (south-east) boundary of that larger field consists of dense tall vegetation but its south boundary only low vegetation. There are open fields and pasture land to the rear, and to the south these rise quite steeply. A public footpath KH198 runs quite close behind these boundaries. Much further south-eastwards on higher land is public footpath KH200.
- 1.4 The site is located in the open countryside and SLA for the purposes of the Local Plan 2000. However, the site has been allocated for approximately 10 houses in the emerging Local Plan under policy H1 (63).

2.0 PROPOSAL

- 2.1 Erection of 10 residential dwellings, together with associated access, parking, drainage and landscaping.
- 2.2 10 two storey detached houses are proposed - 5 x 4 bed units and 5 x 5 bed units. The houses would be of a traditional design. Materials include two types of facing brick (a dark red and a multi coloured red), red plain hanging tiles and plain brown roofs tiles.
- 2.3 A new vehicle access is proposed onto Eyhorne Street in a central position along the site frontage. The internal access road has been devised to an adoptable standard, with the intention being that the highway authority will adopt the main spine road. The existing access in the northwest corner of the site would be closed off. New native hedgerow and tree planting is proposed along the site frontage and along the south eastern boundary. New native tree, shrub and wildflower planting are also proposed within the site and along the site boundaries.
- 2.4 22 parking spaces are proposed across the site which includes 2 visitor parking spaces. Each house would have to off-street parking spaces in addition to a detached or attached garage.
- 2.5 The proposed layout includes a landscape buffer along the east boundary adjacent Godfrey Houses and a wildlife / landscape strip along the west boundary which is to be left free of development due to a restrictive covenant on the land. The site also includes the field to the rear which would serve as the receptor site which is accessed via the southwest corner of the development site.

3.0 BACKGROUND

- 3.1 The site has been included within the emerging Local Plan under Site reference H1 (63) and has been recommended for future residential development for an approximate yield of 10 units subject to certain criteria, including;

Design and layout

1. Structural landscaping will be implemented along the eastern and southern boundaries of the site in order to screen the edge of development from the open countryside and to protect the setting of the Grade II listed Godfrey House.*

2. The hedgerow along the western boundary of the site will be enhanced in order to provide a suitable buffer between new housing and existing housing on Eyhorne Street to protect the amenity and privacy of residents.

Access

3. Access will be taken from Eyhorne Street only towards community infrastructure will be provided, where proven necessary.

Noise

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

4.0 POLICIES

Local Plan 2000: ENV6, ENV28, ENV34, T13

National Planning Policy Framework

National Planning Policy Guidance

Affordable Housing DPD

Public Open Space DPD

Emerging Local Plan (submission version) May 2016: SP1, SP11, SP14, SP17, H1 (63), DM1, DM3, DM5, DM8, DM11, DM12, DM13, DM27, DM34.

5.0 LOCAL REPRESENTATIONS

5.1 Some 2 neighbours have objected to the proposal. 4 letters commenting (not objecting) on the proposal have been submitted. The points of objection / comments are summarised as follows:

- Affordable housing should be provided on the site.
- High quality materials should be used due to the location of the grade II* house adjacent the site.
- The site is outside the village envelope and adjacent to the AONB.
- The village school is over subscribed.
- Serious problem with surface water drainage and sewerage in Hollingbourne.
- Increased traffic / congestion.
- There is adequate screening proposed to Godfrey Houses.
- More screening required adjacent Claygate.
- Loss of trees / hedgerow along the road frontage.
- Loss of privacy to properties located on the opposite side of Eyhorne Street
- Impact of building works on the structure of the adjacent grade II* listed building.
- The proposed wildlife buffer and landscaping lack detail.
- The development has been very carefully thought through.
- The development is to be applauded in regard to sensitivity to the local area in terms of materials and architectural style, and also in the use of environmental mitigation factors such as the reptile receptor area.
- The SUDs attenuation pond is poorly located and an alternative location further away from existing houses could be provided.
- Impact on tree RPAs.
- Location of the receptor site to neighbour sites.

6.0 CONSULTATION RESPONSES

6.1 **KCC Highways:** No objections

6.2 **UK Power Networks:** No objections

6.3 **Southern Water:** No objections

6.6 **Environment Agency:** No comments to make.

6.5 **KCC Sustainable Drainage:** No objections subject to conditions.

- 6.6 **MBC Landscape Officer:** No objection to the tree report / survey and removal of hedge and trees on the site. Raises concern regarding future pressure on the proposed hedgerow and tree planting at the front of the site.
- 6.7 **MBC Environmental Health:** No objection subject to conditions.
- 6.8 **MBC Public Open Space:** No objection. Request contributions.
- 6.9 **Historic England:** Advise the application site allows clear views of Godfrey House and advise that development of this site which is adjacent a grade II* listed building will do some harm to its significance. Recommend a more substantial landscape buffer adjacent Godfrey House.
- 6.10 **Natural England:** No objection. Recommend following standing advice.
- 6.11 **Upper Medway Internal Drainage Board:** No objection.
- 6.12 **NHS:** Request contributions towards local surgeries.
- 6.13 **KCC Development Contributions:** Request contributions towards local primary schools and libraries.
- 6.14 **Hollingbourne Parish Council:** Requests refusal. *'The majority of the Parish Councillors do not feel that the local infrastructure caters for the residential development and the roads wouldn't be able to cope with extra traffic generated. The proposed dwellings are not technically 'affordable homes', which would be more desirable within the village'*

7.0 **ASSESSMENT** **Land Use**

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 7.2 The application site is outside the defined settlement boundary of Hollingbourne. It is therefore upon land defined in the Local Plan 2000 as countryside and policy ENV28 is relevant.
- 7.3 Paragraph 215 of the NPPF states that, *"due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."*

Paragraph 216 of the NPPF states that,

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

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

- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*”
- 7.4 Saved policy ENV28 seeks to protect the countryside by restricting development beyond identified settlement boundaries. In general terms, this policy is consistent with the NPPF, which at paragraph 17 recognises the intrinsic character and beauty of the countryside. However, the emerging Local Plan evidence base identifies objectively assessed needs for additional housing over the plan period 2016-2031, which the emerging Local Plan addresses, in part, by way of site allocations for housing sites outside existing settlement boundaries. The emerging LP is at an advanced stage and was submitted to the Secretary of State for examination on the 20 May 2016. Public examination followed in the later part of 2016 and the Inspector has provided his interim findings and the emerging LP will deliver the development (and infrastructure to support it) to meet objectively assessed need over the plan period.
- 7.5 The existing settlement boundaries defined by the adopted Local Plan (2000) will be revised by the emerging LP to deliver the development necessary to meet identified needs in accordance with the site allocations in submitted draft MBLP policies and H1. In this instance the weight attached to ENV28 should be reduced due to the allocation of the site in the emerging Local Plan under policy H1 (63).
- 7.6 Inevitably any major development on a greenfield site will clearly have an impact upon the environment. In this respect at paragraph 152 the NPPF advises that:
- “Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate.”*
- 7.8 In allocating this site, the Council considers its use for housing is appropriate subject to the criteria outlined within emerging policy H1(63) to mitigate the impact of the development as far as possible. On this basis, it is considered that in general, the proposed allocation is consistent with the principles and policies set out in the NPPF when taken as a whole. The LP Inspector has not raised any objections to the allocation of the application for housing development.
- 7.9 As such, the non-compliance with saved policy ENV28 must be considered in the context of the site's inclusion within the planned expansion to Hollingbourne. The Council can demonstrate a five-year housing land supply that is based, in part, on the allocation of housing sites in the emerging LP, which will alter existing development boundaries. Those allocations include this site. Accordingly, although this application does not comply with ENV28 as it proposes development in the 'countryside' under the 2000 Local Plan, limited weight should be accorded to that non-compliance, as the site is allocated for development in the emerging LP.
- 7.10 In terms of the suitability of the location of the development, the NPPF advises as one of its core principles to, *“actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.”* Eythorne Street (Hollignbourne) is defined as a Larger Village under emerging policy SP11 and SP14.

Policy SP11 and SP14 advises that larger villages are third in hierarchy for future growth and can accommodate limited growth. Including this site approximately 39 new dwellings will be delivered on three allocated sites in Hollingbourne (policies H1 (63), (64) and (65)).

- 7.11 In conclusion, the proposal does not comply with the settlement boundaries of the Local Plan 2000 but in order to meet current housing needs these boundaries must change. To meet this need, the emerging LP allocates the application site for housing development under H1 (63) which is considered to attract significant weight. With this in mind, I consider the policy principle of residential development at this location is acceptable, this being a sustainably located site adjacent to a settlement with a range of services and public transport links, and the provision of 10 houses would provide a meaningful contribution towards housing need and this is considered to be a strong material consideration in favour of the development.
- 7.12 The report will now go on to consider the key planning issues which are considered to be visual impact/design, heritage impact, access/highway safety, infrastructure, ecology, drainage, residential amenity and landscape / trees. It will also be necessary to assess whether the proposal accords with policy H1 (63) of the emerging LP.
- 8.0 Design and visual impact on the character of the area
- 8.1 In terms of visual impact the application site is relatively level and is well contained by existing vegetation on the site boundaries, and also by existing built development on east and the west. The visual impact of the development would mainly be limited to close range public views of the site from Eyhorne Street at the front of the site. There would be some close to mid range views at the rear from PROW KH198, although the existing trees and landscaping together with the proposed planting would screen a majority of the development when viewed from the PROW.
- 8.2 The removal of the existing boundary treatment at the front of the application site adjacent Eyhorne Street and the erection of 10 new houses would inevitably create a more urban appearance to the site. However, given the surrounding character of the area along this stretch of Eyhorne Street, which includes housing on either side of the site and, a new housing development of 14 units on the opposite side of the road, the development of the application site would constitute infill development in keeping with the predominately residential character of the immediate area.
- 8.3 The density would be in accordance with the draft allocation for this site which stipulates approximately 10 units. The removal of the existing hedgerow along the front of the site would be regrettable but has been driven by highway safety matters and the need to provide clear sightlines on either side of the new central access point. The proposed layout consists of two houses fronting onto Eyhorne Street which address the streetscene in a similar fashion to the properties on either side of the site. In this instance a layout fronting onto Eyhorne Street would be in keeping with the pattern of development on either side of the site. The frontage properties would address the Eyhorne Street and make a positive contribution to the streetscape by creating an active frontage in keeping with the existing properties along the southern side of the road. The frontage properties would be set in-line and slightly behind the front elevation of the closest neighbouring property located to the west of the site at the cul-de-sac of Claygate. New native hedgerows and tree planting would be provided at the front of the site along Eyhorne Street to mitigate for the loss of the existing boundary treatment. The new planting would also soften the impact of the housing development and provide a strong landscaped frontage to the site.

- 8.4 Eight more properties would be set further back within the site and accessed via a central internal road. The existing built development located to the west of the site consists of a similar cul-de-sac pattern of developments at Claygate, Tile Fields and Tile Fields Close, with housing located behind properties fronting onto Eyhorne Street. The proposed development would not project beyond the rear boundaries of the built development located to the west of the site and the development would not be out on a limb or result in any significant protrusion beyond the current settlement as a result.
- 8.5 The house design and proposed materials would be in keeping with the local vernacular. The houses would be of traditional form and materials would include hung tiles, two types of facing brickwork and clay roof tiles. It is considered that the traditional design of the buildings would be appropriate for this location and that buildings would have sufficient detailing, and the use of a varied but uniform palette of materials would provide a quality appearance. I consider it would be necessary to require samples by condition in order to secure a high standard of design, including details of surface materials to ensure a high quality and porous materials and wildlife friendly gullies where appropriate.
- 8.6 Overall, it is considered that the development of the site would cause some visual harm and therefore result in some conflict with policies ENV28 of the Local Plan but this would be relatively low and localised harm. Additional landscaping along the boundaries would to some degree mitigate the visual impact of the built development.
- 8.7 In addition, it is considered that the layout is of a high quality standard and the layout and design would successfully integrate the neighbouring developments and the existing ecology and landscape features of the site to create a quality sense of place.
- 9.0 Heritage impacts
- 9.1 The proposed development is located to the west of Godfrey House which is a grade II* listed building. The Historic England listing describes the architectural and historic features of the houses. There is no reference to its grounds or setting in the listing.
- 9.2 Godfrey House fronts onto the Eyhorne Street with views from the house afforded towards the new housing development on the north side of the road. Godfrey House, by virtue of its architectural character and age clearly makes a positive contribution to the immediate streetscape of Eyhorne Street and it would be important to ensure the development of the application site does not harm its setting.
- 9.3 When approaching from the west along Eyhorne Street, Godfrey Houses is not readily visible within the streetscape until the private access drive for the house is reached. Godfrey House is largely screened from views from the west along Eyhorne Street due to the existing boundary treatment along the shared boundary between the application site and Godfrey House, and also due to the slight set back from the road. As such Godfrey House is mainly visible within the streetscape of Eyhorne Street when standing directly in front of the grade II* listed building. Given its orientation and the existing boundary screening, inter-visibility between the application site and Godfrey House is limited. The Heritage Statement submitted in support of the application advises that there is no legible historical association between the site and Godfrey House.
- 9.4 The proposed layout includes a landscape buffer on the east boundary and the built development is set away from the shared boundary in accordance with the criteria in

emerging policy H1 (63). As such it is considered that the development of the application site would have only a limited impact on the setting of the listed building.

- 9.5 Nevertheless the proposed housing development would have some visual impact on the setting of the listed building and there is a requirement to assess 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.
- 9.6 Given the existing boundary treatment and the orientation of Godfrey House; the proposed layout which proposes to set the houses away from the shared boundary and includes a landscape buffer adjacent to the shared boundary, it is considered, on balance, that the proposed development would only have a limited impact on the setting of the neighbouring grade II* listed building. Clearly when allocating the application site for 10 houses the council were of the view that the development of this site would be acceptable in terms of the impact on the setting of the listed building, subject to the criteria in policy H1 (63).
- 9.7 In my mind, this is a clear case of balancing the benefits of the development versus the impact to the setting of the listed building. The proposed development would undoubtedly have some visual impact on the setting of the nearby listed building due to the introduction on new housing and the vehicle access point, however, as outlined above this impact is considered to be limited. The NPPF advises that 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.
- 9.8 In this instance it is therefore considered that the public benefits arising from an additional 10 houses in accordance with emerging policy H1 (63) would, in my view, outweigh the limited harm identified by the Historic England and should not therefore prohibit the development of the site as proposed.
- 9.9 Historic England comments suggest that the Godfrey House is clearly visible across the application site and the application site makes a contribution to the significance of the listed building. However, during my site visit I did not consider this to be the case and the landscaping along the shared boundary effectively screens the listed building from application site and inter-visibility between the application site and Godfrey House is limited. As such the application site does not significantly contribute to the setting of the listed building.
- 10.0 Amenity
- 10.1 It is considered that the houses would be positioned a sufficient distance from any existing and proposed properties bordering the site so as not to cause any unacceptable loss of privacy, outlook or light. The proposal is for housing development which is clearly a compatible use with neighbouring residential uses.
- 10.2 The proposal comprises four and five bedroom houses. The proposal would provide internal living space in accordance with national requirements. In addition, each house would benefit from a reasonably sized private garden suitable for these family sized units.

11.0 Parking & highways safety

- 11.1 The application is accompanied by a Transport Statement detailing the existing transport conditions, proposed on-site parking provision, anticipated trip generation from the development and the new access and internal road in terms of safety and accessibility.
- 11.2 The development includes a new priority junction onto Eyhorne Street in broadly a central location along the site frontage, which will connect to an internal spine road providing access to the houses. There is a historic access point onto Eyhorne Street in the northwest corner of the site which would be closed up. During pre-app discussion KCC Highways advised the applicant that the existing access would not provide the necessary visibility splays for a new housing development at this site. Sufficient visibility splays and swept path analysis has been undertaken to assess how service vehicles and private cars will access the site. A pedestrian crossing point on Eyhorne Street is proposed outside the site providing access to the footpath on the north side of Eyhorne Street.
- 11.3 All units would be provided 2 parking spaces comprising tandem parking for seven houses and three houses will be provided with two independently accessible bays. One house would be provided a single garage with the remaining properties provided with a double garage. The garages have not been included in the parking provision calculation. Two visitor parking bay would be provided on site. Cycle parking would be afforded for each property.
- 11.4 Parking provision would be in accordance with KCC Standards and the council emerging residential parking standards under policy DM27. KCC Highways have agreed the principles of a pedestrian crossing point on Eyhorne Street outside the site which would be secured through a S278 Agreement. KCC advise that in traffic generation terms the development could not be considered to represent a significant transport impact. On this point it is considered that the proposed development of 10 houses would not result in a significant number of vehicle trips and the NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 11.5 The use of the existing access point into the site would have been optimal and may have allowed for the retention of some of the existing boundary planting. However, the existing access would not provide acceptable / safe visibility for the proposed housing development. No objections are raised to the location of the proposed vehicle access point from a highways safety perspective.

12.0 Infrastructure

- 12.1 A development of this scale is expected to place extra demands on local services and facilities and it is important to ensure that the development can be assimilated within the local community. As such suitable contributions to make the development acceptable in planning terms can be sought in line with policy CF1 of the Local Plan.
- 12.2 However, any request for contributions needs to be scrutinised, in accordance with Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criterion that sets out that any obligation must meet the following requirements: -

It is:

- (a) necessary to make the development acceptable in planning terms;*
(b) directly related to the development; and

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

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

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

(b) four or more separate planning obligations that—

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

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

- 12.3 This section came into force on 6th April 2015 and means that planning obligations cannot pool more than 4 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010).

The following contributions have been sought:

- 12.4 A primary education contribution of £23,609.60 is sought towards the enhancement of Harrietsham Primary School. There will be a greater demand placed on schools within the local area from the occupants of the 10 houses as such the contribution is considered justified and appropriate in order to enhance the local primary school.
- 12.5 Clearly Hollingbourne primary school is located much closer to the application site than Harrietsham primary school. When asked why the contributions would go towards Harrietsham rather than Hollingbourne School, KCC Education department confirmed that *'they have put in place strategic plans to deal with the shortage of places for the Borough. The contribution from this development to mitigate the impact of the additional demand the development is creating, is towards that strategic provision. The additional strategic places will allow the natural redistribution of pupils, so pupils can attend their local schools. In addition, now that Hollingbourne Primary School is oversubscribed, the selection criteria will favour those pupils living in Hollingbourne'*.
- 12.6 The KCC has sought a contribution of £480.16 towards additional bookstock at local libraries to mitigate the impact of the new borrowers from this development. It is likely that the proposed development of 10 houses would result in additional demand placed on the book stock in the local area and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 12.7 The NHS has sought a contribution of £13,860 towards investment in the local surgery premises at The Glebe Medical surgery which is within 2.5 miles of the proposed development site. The NHS advise that this contribution will be directly related to supporting improvements within primary care by way of extension, refurbishment and/or upgrade to services in order to provide the required additional capacity through the delivery of the primary care hub and cluster model as set out in the primary care development strategy. It is likely that the proposed development of 10 houses would result in additional demand placed on local surgeries and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 12.8 MBC Parks and Open Space have requested an off-site contribution of £1575 per dwelling. At 10 dwellings the POS Officer has confirmed this would equate to

£15,750. It is likely that the proposed development would result in additional pressure on local play facilities in the local area and as such the contribution is considered justified and appropriate. POS have not confirmed where the contribution would be spent to date. Further details will follow as an urgent update.

- 12.9 Justification for the contributions is outlined above and also within the consultation responses from KCC Economic Development, MBC POS and the NHS and I consider that the requested contributions have been sufficiently justified to mitigate the additional strain the development would put on these services and comply with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the CIL tests above.
- 13.0 Landscape and Ecology
- 13.1 The application is accompanied by a CGN and reptile report, bat survey and badger monitoring report, Extended Phase 1 Habitat Survey and a Landscape and Ecology Management Plan.
- 13.2 There are a number of ponds within proximity to the site and the surveys indicate that the development of the site has the potential to impact potential GCN habitat as well as individual animals and other reptiles.
- 13.3 Given the likely presence of GCN and other reptiles on the site the proposed layout includes a reptile receptor area to the south of the housing development in an area of land in the same ownership as the applicant. Prior to the commencement of development or site clearance any GCNs and reptiles found within the development area of the site would be tramped and relocated to the receptor site. There is sufficient space within the receptor site to accommodate ecology mitigation and enhancements for the site including locations for log piles and hibernacula. There is also grassed area and wildflower areas proposed within the development site along the east and west boundary and additional tree and landscaping proposed within the site and along the site boundaries.
- 13.2 Trees would be retained on a majority of the site boundaries and additional tree planting is also proposed. However, it is proposed to remove the trees and the hedgerow along the front of the site to facilitate the development. The proposal is supported by a tree survey and the landscape officer does not object to the removal of any of the trees or hedgerow due to their condition and amenity value. Importantly, there is sufficient space within the site to plant additional trees to compensate for tree loss. Additional tree planting and landscaping, including species and location, can be secured by a condition.
- 13.3 The landscape officer has raised concerns regarding the potential future pressure on the proposed trees and hedgerow at the front of the site. The applicant has confirmed that the landscaping at the front of the site would fall within the remit of the long term landscape management plan and would not be privately owned by the two properties at the front of the site. As such I consider that the long term future of these trees and the hedgerow would be adequately secured.
- 14.0 Other Matters
- 14.1 The site is outside the Maidstone Town Air Quality Management Area and the Council EHO has confirmed that the development does not warrant an air quality assessment. The EHO has requested a land contamination condition to ensure the site does not contain any contaminated land.

- 14.2 The proposal is not located within an area at risk of flooding and the EA have raised no objection on flooding grounds as a result advising the proposed development site is located in Flood Zone 1. KCC Drainage has accepted the principle of the sustainable drainage strategy subject to further details being submitted by condition. The development site will follow the existing drainage regime by draining to the existing watercourse located in the southern corner of the site and will not contribute additional surface water runoff to Eyhorne Street. The proposals will incorporate a SuDS strategy, including an above attenuation basin located in the southern corner of the site (to the rear of the housing development) to ensure that the runoff from the site will not be increased from the green field condition and no additional runoff will be added to the downstream watercourse. Southern Water does not raise any objection in terms of foul sewerage and have not indicated in their consultation response that the local sewerage network would not be able to accommodate the sewerage from the development.

15.0 CONCLUSION

- 15.1 The proposed development is contrary to policy ENV28 in that it represents housing development outside a settlement boundary in the Local Plan 2000. However, the draft MBLP evidence base identifies objectively assessed needs for additional housing over the plan period 2016-2031, which the draft MBLP addresses, in part, by way of site allocations for housing sites outside existing settlement boundaries. The existing settlement boundaries defined by the adopted Local Plan (2000) will be revised by the MBLP to deliver the development necessary to meet identified needs in accordance with the site allocations in draft MBLP policies and H1. In this instance the weight attached to ENV28 should be reduced due to the allocation of the site in the emerging Local Plan under policy H1 (63).
- 7.02 There would be some impact upon the landscape and thus conflict with the countryside protection element of policy ENV28 but this would be limited and localised and is considered to result in low environmental harm. However, this is a factor that weighs against the development.
- 7.03 The development would have a limited impact upon the setting of the nearby grade II* listed building. It is not considered that this would be a significant impact to resist development altogether and the mitigation and proposed layout is in accordance with policy H1 (63) in this regard.
- 7.03 In favour of the development, the site is considered to be at a sustainable location adjacent the settlement boundary of Hollingbourne in the Local Plan, which offers a good range of facilities and services. The proposal would infill space between existing built development along Eyhorne Street and not be out on a limb or result in any significant protrusion beyond the current settlement as a result. The proposal would not result in a significant increase in traffic and highways safety issues and parking provision is considered to be acceptable. Drainage issues have been fully considered and mitigation for the development could be achieved and secured by condition. There are no objections from the Environment Agency in terms of flooding or the LLFA in terms of surface water drainage. There are no amenity, design, tree/landscaping or ecology objections or any other matters that result in an objection to the development.
- 7.04 In accordance with advice in the NPPF, there are three dimensions to sustainable development giving rise to the need for the planning system to perform environmental, economic and social roles. It is considered that the development would provide economic benefits through delivering houses, associated construction

jobs, and the likelihood of local expenditure (economic benefits commonly recognised by Inspectors at appeal). It is considered that there would be social benefits through providing much needed housing, community infrastructure, and I do not consider the impact upon existing resident's amenity would be harmful. There would be some impact upon the landscape character and heritage impacts but this would be limited. There would be no other significant harm to the environment. As such, it is considered that the development would perform well in terms of economic, social and environmental roles required under the NPPF.

- 7.05 All representations received on the application have been fully taken into account. Balancing matters, it is considered that the low level of landscape and heritage harm caused by the development is outweighed by the economic and social benefits of providing much needed housing at a sustainable location, including at a location identified in the emerging Local Plan. As such, it is considered that compliance with policy within the NPPF is sufficient grounds to depart from the adopted Local Plan and it is recommended that permission is granted subject to conditions and a legal agreement as set out below.

8.0 RECOMMENDATION

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

- Financial contribution of £23,609.60 towards the enhancement of Harrietsham Primary School
- Financial contribution of £480.16 towards additional bookstock at local libraries.
- Financial contribution of £13,860 towards The Glebe Medical surgery.
- Financial contribution of £15,750 towards Parks and Open Space. Further details will follow as an urgent update.

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) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the proposals within the Drainage Statement by DHA Environment ref. CS/11076 (December 2016) and demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of at a rate not exceeding Q_{bar} . The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

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

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

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

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

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

Reason: To ensure adequate sewerage is provide for the development.

- (5) The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

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

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

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

Reasons: In the interests of health and safety.

- (6) Prior to any development above damp proof course level, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Details of the materials shall include swift and / or bat bricks incorporated into the development.

Reason: To ensure a satisfactory appearance to the development.

- (7) Prior to any development above damp proof course level details of a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection during the course of development in the form of a Tree Protection Plan undertaken by an appropriately qualified party in accordance with BS5837:2012 and a programme for the approved scheme's implementation and long term management, shall be submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment 2012 and shall include details of the repair and retention of existing hedgerows and tree lines within the site;

The implementation and long term management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens. The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details over the period specified;

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

- (8) The occupation of the development hereby permitted shall not commence until all planting, seeding and turfing specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: To ensure a satisfactory landscaped setting for the development.

- (9) The development shall not commence until an Arboricultural Method Statement in accordance with BS5837:2012 has been submitted to and approved in writing by the

Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

- (10) No development shall take place (including any vegetation clearance or ground works) until a detailed Reptile Mitigation Strategy, in accordance with the submitted GCN and Reptile Report by Corylus Ecology, has been submitted to and approved in writing by the local planning authority. The content of the Strategy shall include the:

- a) purpose and objectives of the proposed mitigation works, including the creation of compensatory habitat and protection of reptiles during construction works;
- b) detailed design(s) and working method(s) to achieve stated objectives;
- c) identification of 'biodiversity protection zones', including the use of protective fences, exclusion barriers and warning signs;
- d) timetable for implementation, demonstrating that the mitigation works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the works, including provision for specialist ecologists to be present on site to oversee reptile protection works.;
- f) provision for long-term management and monitoring of the compensatory habitat;
- g) provision for identification and implementation of remedial actions if monitoring shows that objectives are not being met.

The approved Reptile Mitigation Strategy shall be implemented in accordance with the approved details.

Reason: In the interest of ecology and biodiversity enhancement.

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

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

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

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

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

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

- (14) No building hereby permitted shall be occupied until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors.

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

Reason: In the interest of residential amenity

- (15) Prior to the commencement of development above damp proof course level details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter;

Reason: To ensure an energy efficient form of development.

- (16) No building hereby permitted shall be occupied until details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter. Boundary treatment shall include:

Cut-outs at ground level in the garden fences of the new residential houses to allow wildlife to move freely between gardens;

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

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

Drawings: 051405-FERN-01D, 051405-FERN-02D, 051405-FERN-03D, 051405-FERN-04D, 051405-FERN-05A, 051405-FERN-06A; dated 23.12.2016 and 051405-A-E1A, 051405-A-P1A, 051405-G-P1A and 051405-G-P2A; dated 10.01.2017 and 051405-B-E1, 051405-B-P1, 051405-C-E1, 051405-C-P1, 051405-G-E1, 051405-G-E2, 051405-G-E3, 051405-GAR01, 051405-GAR02, 051405-GAR03; dated 19.12.2016 and JEC/438/02; dated December 2016 and Visibility Splays plan; received 27.02.2017.

Supporting documents: Bat Survey & Badger Monitoring Report; dated Dec 2014 and Tree Report; dated 23.12.2016 and GCN & Reptile Report; dated Nov 2015 and Phase 1 Extended Habitat Survey; dated Nov 2016 and Drainage Statement, Heritage Statement, Landscape & Ecology Management Plan, Landscape & Visual Assessment, Planning Statement, Specification For Soft Landscape & Maintenance Works, Transport Statement; dated Dec 2016

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

INFORMATIVES

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.

**Maidstone Borough Council
PLANNING COMMITTEE
6 April 2017**

REPORT BY THE HEAD OF PLANNING SERVICES

**The Maidstone Borough Council
TREE PRESERVATION ORDER NO 5023/2016/TPO**

Land Off, Blunden Lane, Yalding, Kent

EXECUTIVE SUMMARY

This report seeks the permission of the Planning Committee to Confirm without modification TPO Tree Preservation Order No 5023/2016/TPO for which objections have been received.

FOR DECISION

RELEVANT PLANNING HISTORY

15/509402/OUT Land At Mount Avenue/Blunden Lane Yalding Kent - Outline application for a residential development of 30 dwellings considering the access arrangements from Mount Avenue and Blunden Lane with all other matters (appearance, landscaping, layout and scale) reserved for future consideration. Refused 17/02/2016. Appeal Allowed 31/01/2017

SUMMARY TPO INFORMATION

TPO Served (Date): 18/10/2017	TPO Expiry Date 18.04.2017	
Served on: Owners Agents Adjacent properties where trees overhang		
Copied to: Public Right Of Way Kent Highway Services Mid Kent Division GIS Team MKIP Parish/Town Council Land Charges Team Planning Applications Unit		
Representations	Representations: 2	Objections: 1

OBJECTIONS

An objection to the TPO was received from Millwood Designer Homes, also made on behalf of the owners of the site. The objection is summarised below, with the Landscape Officer response to the objection being made in italics:

A tree survey was carried out and submitted as supporting evidence for the planning application. This did not identify any individual trees with an A category grading (using the BS5837:2012 criteria), with the vast majority of the trees present being graded B or C; Several large, mature Ash and Oak are present on the northern and eastern boundaries, with the remainder of the tree stock being poor quality, self-set Ash, Cherry and Hawthorn and several over-mature Crab Apple trees.

This is a broadly accurate description of the tree cover present on the site. Some larger and good quality trees are present, mainly on the boundaries as described, but with some larger trees within the site, with a lower quality understorey of regenerating woodland.

A Landscape and Visual Appraisal was also prepared and submitted as supporting evidence for the planning application. This noted that there is a network of informal paths across the site, but the land is private and does not have any formal public access. Public Right of Way KM192A runs along the northern boundary. The site has a very limited visual envelope, with views restricted to those from KM192A, residential properties close to the site and from a small number of locations on two other Public Rights of Way to the east of the site. The Council's Landscape Character Assessment mentions 'small broadleaf woodland blocks scattered frequently across the landscape' but woodland is not listed as one of the key characteristics of this Landscape Character Area. The site is in poor condition, does not represent a rare or unusual landscape feature and does not make a significant contribution to local landscape character.

Again, this is a broadly accurate description of the site. Long-range views are limited, but Public Right of Way KM192A, which is immediately adjacent to the woodland and passes under the canopy of the trees, gives public views into much of the site and a feeling of passing through woodland. This is clearly a well-used path, being close to many residential properties and also the route of The Greensand Way. Whilst the woodland does not contribute significantly to the wider landscape character, it's short range views and woodland character close to the urban edge is considered to give it value on a localised level.

The objection refers to the TPO guidance, particularly around the issue of amenity value, public visibility and the quality of individual trees present. It argues that the TPO is inappropriate on this site for a number of reasons:

The site has a limited visual envelope as discussed above. The majority of the trees are poor quality, self-set and graded as moderate to low quality, being suppressed, poorly formed, declining in health or dying/dead and the guidance states that it is inappropriate to make a TPO in respect of

a tree that is dead, dying or dangerous. The removal of such trees (those graded U in the survey) would leave a far more open vegetation cover, which would not resemble woodland.

The woodland has been unmanaged for at least 30 years and continues to be unmanaged, so its future amenity potential is low. It has no rarity value, and although it does provide some screening to the edge of the village, it makes no contribution to the village conservation area. The site makes a limited contribution to the Yalding Farmlands landscape character area and it contributes to the poor condition of the local landscape. Other mature tree groups in the vicinity reduce the significance of the trees on the site.

The fact that a site is unmanaged woodland containing trees of low quality that would otherwise be removed in a managed situation does not necessarily devalue a whole woodland, nor does it mean that it will remain unmanaged. It is difficult to justify the amenity value of any woodland on the basis of visual amenity, as in most cases it is the only the edge trees that are visible, as these block views of the trees deeper within the site. It is acknowledged that this woodland is not of the best quality and that if the removal of poor quality trees was carried out, it would be more open. Many of the poor quality trees are the younger semi-natural understorey that has developed in the last 30 years – this is typical at this stage of any naturally regenerating woodland and despite its unmanaged state, contributes to amenity in other ways. ‘Amenity’ encompasses more than just visual amenity. An unmanaged woodland ecosystem will have value in its contribution to biodiversity, for example, and its screening value softens and filters views of the urban edge from countryside viewpoints. It is considered that this woodland contains a number of good quality mature trees in addition to the poorer quality trees present and that, at this time, a woodland designation is appropriate.

The objection concludes that the reports submitted in support of the planning application for residential development on the site conclude that the trees do not make a significant contribution to amenity and local landscape character and that without appropriate management the vegetation cover will continue to decline and with it, any contribution it makes to amenity and local landscape character. The planning application for the site proposes to retain the boundary trees together with the best quality trees within the interior of the site, which will then be appropriately managed. The boundaries of the site will be reinforced with additional native planting and there will be additional tree planting within the developed part of the site. The planting will mitigate the removal of the poorer quality interior trees and enhance the contribution the site makes to local amenity and landscape value.

The merits of the planning application are not considered relevant to whether the TPO should be confirmed. At the time the objection was submitted, the Council had refused the planning application, a decision that the objector appealed against. Outline planning permission has subsequently been granted at appeal, but this does not alter the considerations of this report. Whilst the implementation of a full planning permission effectively overrides a TPO, outline permission does not and a subsequent detailed scheme could propose changes to the indicative layout in the outline scheme that would affect the trees that are retained. Appearance, landscaping, layout and scale were all matters reserved for future consideration and could

therefore be subject to change. Alternatively, having secured the principle of development on the site, an entirely different scheme could come forward.

REPRESENTATIONS

Representations were received from the occupiers of The Brambles, Vicarage Road and The Beeches, Vicarage Road. The properties are both adjacent to the southern boundary of the TPO, and next-door to each other. Neither objected to the TPO in principle, but both expressed concern about trees in the woodland close to their properties potentially failing, following an incident last year when a large branch failed, causing damage to a fence, and wish for the specific trees in question to be excluded from the Order.

Millwood Designer Homes have since contacted the Council and met with the Landscape Officer to inspect the trees in question. It has been agreed, due to their poor condition, that they may be felled under the exceptions to the Tree Preservation Regulations.

APPRAISAL

The woodland contains a number of good quality mature trees on its boundaries and a sparse covering of good quality trees in the interior of the site, with a poorer quality understorey. It still resembles woodland, albeit unmanaged. Its public visibility is limited to relatively short range views, including from the immediately adjacent footpath/Greensand Way. Longer range views of the woodland in the wider landscape are less significant. The woodland is considered to contribute to amenity for biodiversity, even in its unmanaged state and for its screening function. It is not an outstanding quality piece of woodland, but it does contain some good quality mature trees and has value as a whole. On balance, it is still considered that the woodland makes sufficient contribution to localised landscape character and amenity to merit TPO protection.

It is considered that the Woodland designation is currently the most appropriate. The site broadly resembles woodland and whilst it would be possible to pick out better quality individuals and groups of trees, this would exclude many lower quality trees, a component of any woodland ecosystem, and naturally regenerating seedlings and saplings present that could become good quality trees in the future.

The Council must also consider whether it is expedient to continue to protect the trees. The outline planning consent granted at appeal does not mean that the applicant is bound to continue to pursue the indicative scheme in submitting details, nor that they will continue to pursue a similar scheme.

Without the benefit of ongoing TPO protection on the site, the landowner could fell trees at will. Forestry Commission felling licence controls would prevent the wholesale clearance of the site, but would not prevent severe pruning and would still allow the felling of up to five cubic metres of timber without a felling licence; this could still result in the uncontrolled felling of some of the better quality trees present and works that could destroy the amenity value of remaining trees. It is therefore recommended that the Council should continue to maintain control over proposed felling

and pruning works to prevent pre-emptive felling and pruning ahead of a detailed development proposal.

Any subsequent detailed planning consent will not be frustrated by a TPO and, subject to available resources, officers could reconsider whether a woodland designation is still the most appropriate once a detailed planning consent is being implemented.

RECOMMENDED

Tree Preservation Order No. 5023/2016/TPO be confirmed without modification

Contact Officer: Nick Gallavin

Head of Planning Services

Appendices: Plan and schedule for 5023/2016/TPO

SCHEDULE

Specification of trees

Woodlands (within a continuous black line on the map)		
<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>

W1	Consisting mainly of Apple, Ash, Birch, Crab Apple, Field Maple, Hawthorn, Hazel, Horse Chestnut, Oak, Pine, Sallow, Sycamore, Wild Cherry.	East of Mount Avenue and Blunden Lane
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Trees specified individually (encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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None

Trees specified by reference to an area (within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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None

Groups of trees (within a broken black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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None



PLANNING COMMITTEE 6 APRIL 2017

S.106 CONTRIBUTIONS SECURED & HELD (DECEMBER 2016) TOWARDS:

PUBLIC OPEN SPACE AND RECREATION	£2, 005, 289.29
TOWN CENTRE	£101,453
CAR PARK WORKS	£21,199.60
CYCLE STORE	£15,095.60
WILDLIFE	£823.48
COMMUNITY FACILITY	£ 174,298.25
*HEALTHCARE	£ 927,129.50

*The Healthcare Sums are collected on behalf of NHS England and held by Maidstone until the appropriate project is identified and monies requested by NHS England for release

Traffic Light Analysis	Less than 2 years to spend	3-5 years to spend	No spend by date or 6 years + to spend
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Spent 2016

S106	PUBLIC OPEN SPACE & RECREATION HELD AT DECEMBER 2016	AMOUNT SPENT TO DATE	PROJECT DELIVERY	PROJECT STATUS	SPEND BY DATE
St.Faith's Lane Bearsted MA/04/1608	00.00	6663.01	Spent on improvements to public open spaces in Bearsted - Payment to BPC		Spent
Land at Ware Street Bearsted MA/01/1297	00.00	£59, 275.55	Spent Play Area Improvement Scheme - towards Peveral Drive		Spent
Land at Maidstone Car Park Site, Brenchley Gardens (Waterside – Fairmeadow) High St MA/05/0211	00.00	£30,027.15	Spent on toilets at Brenchley Gardens		Closed
Land East of Ecclestone Road, Tovil South MA/05/0279	00.00	£31,064	towards multi-sport facility at South Park		Closed
Wallis Yard (All Saints) Fant MA/04/0951	00.00	£59,267	Spent on Woodbridge Drive rocky outcrop repairs; Fant Wildlife Area; Law Courts shrub beds and rebuild steps		Closed
Beaconsfield Road (Cartem Site) South MA/05/0335	00.00	£44,474.96	Spent on off site POS drainage works at Woodbridge Drive & resurfacing play area at Bridge Mill Way		Closed
Railway Hotel – Broadway Fant MA/05/1719	00.00	£9719.40	Spent towards the war memorial works		Closed
Former Ophthalmic Hospital High Street MA/06/0093	00.00	£3,647	Towards Trinity Park signage		Closed
Parkwood Tavern Parkwood MA/07/1344	00.00	£40,950	Parkwood Skate Park		Closed
Land at Oakwood Park Heath MA/07/2328	00.00	£31,500	Spent on Gatland Lane Park Play Area Improvement Scheme		Closed
Threeways Depot, Headcorn MA/06/0389	00.00	£71,515.07	Spent by Headcorn Parish Council towards Days Green Play Area/Hoggs Bridge Green		Closed
59 Wheeler Street/Sherway Close Headcorn MA/06/1940	00.00	£22,503.18	Spent towards the refurbishment upgrading and improvement at Days Green and Hoggs Bridge Recreational grounds		Closed
Former BP Garage 531 Tonbridge Road Fant MA/12/0825	00.00	£22,443.50	Spent towards Play Area Improvement Scheme At Gatland Lane		Closed

Land at Northland & Groom Way Harrietsham and Lenham MA/12/1777	00.00	£17,593.39	Spent by Lenham Parish Council towards the refurbishment and upgrade of play equipment at ham Lane playpark and Cherry Estate Park		Closed
S106	PUBLIC OPEN SPACE & RECREATION HELD AT DECEMBER 2016	AMOUNT SPENT TO DATE	PROJECT DELIVERY	PROJECT STATUS	SPEND BY DATE
Sandling Place North MA/03/0886	£30,000	00.00	£5k to be used to improve Sandling Allotment infrastructure (paths, roadways, boundary fencing, etc.) £5k to be used for James Street Allotments wall repairs. Brookbank Play Area £10k for improvements to play area or open space. Penenden Heath £10k - Interpretation of site	To commence 2017/18	No date
Westree Works - Hart Street Fant MA/05/0492	£67,162.49	00.00	£50k towards Mote Park Play Area Improvements. £17k towards improvements to River Park Infrastructure including Whatman Park	To commence 2017/18	No date
Land at 390-408 Loose Road South MA/06/0273	£15,530	00.00	Towards Fencing at South Park	To commence 2017/18	October 2019
Convent of Mercy Park Wood MA/06/1044	£6,412.51	00.00	Towards Parkwood Recreation Ground pathway works	To commence 2017/18	No date
Furfield Quarry Boughton Monchelsea MA/01/1904	£34,000	00.00	Parkwood Recreation Ground pathway, access improvements and interpretation	To commence 2017/18	September 2022
Fintonaugh House North MA/05/1101	£12,076	00.00	Penenden Heath Play Area improvements	to be included in Play Improvement Project	December 2023
Former Leonard Gould Factory Loose MA/04/1363	£530	00.00	Towards repairs or signage at King George playing fields	For Loose PC	June 2020
22-27 High Street & 1-9 Pudding Lane High Street MA/06/2134	£48,029	00.00	£48,029 Towards Whatman Skate Park	to be included in Play Improvement Project	No date
46 Sittingbourne Road East MA/08/0108	£22,050	00.00	Foley Park infrastructure improvements. £14332.50 Ashhurst Road Tree Planting and infrastructure improvements £7717.5	To commence 2018-21	June 2021
Former Trebor Basset Site Maidstone MA/02/0820	£71,532.80	00.00	£45k already used to improve riverside access. Remainder to be used on other riverside improvements in town centre	To commence 2018-22	No date
58-64 Sittingbourne Road East MA/09/0996	£17,325	00.00	Penenden Heath Play Area Improvements	to be included in Play Improvement Project	No date
Senacre College Site Parkwood MA/10/1413 & 0846	£300,000	00.00	Proposal to improve access and quality of Mote Park from Shepway (School Lane and York Roped and Claygate), improvements to Shepway Green. Improvements to access and safety of Senacre Wood. Projects to be agreed. Hampshire Drive Allotment Community Project, Wooley Road open space, Somerset Road open space and other local projects	Spend on each project to be agreed To commence 2018-22	April 2022

115 Tonbridge Road Fant MA/08/2323	£13,912.81	00.00	Improvements to boundary walls at Rocky Hill Allotments.	To commence 2017	February 2018
S106	PUBLIC OPEN SPACE & RECREATION	AMOUNT SPENT TO DATE	PROJECT DELIVERY	PROJECT STATUS	SPEND BY DATE
	HELD AT DECEMBER 2016				
Cedarwood, Queens Road Bridge MA/07/0415	£15,326.16	00.00	to be used to surface car park at Giddyhorne lane Open Space	To commence 2018-22	November 2022
Parisfield Headcorn MA/07/0629	£18,900	00.00	Towards Staplehurst PC for the enhancement & provision of outdoor/ amenity space facilities within the parish of Staplehurst in particular Surrenden Road play area	Staplehurst PC have obtained quotes for work to Surrenden Field and money is due to be released	November 2017
Ecclestone Road, Tovil South MA/10/1478	£55,214.38	00.00	Improvements to riverside footpath and to Bridgemill Way open space including Play area and infrastructure.	To commence 2017/18	No date
27 Hartnup Street Fant MA/06/0767	£17,325	00.00	For improvements to Fant Allotments, Wildlife site and Roseholm open space.	To commence 2018-22	No date
Astley Road (Kent Music School) High Street MA/10/0594	£39,554.79	00.00	£19,554 towards Mote path way. £10k for Len Valley NR Interpretation and infrastructure. £10k to improve access link between Mote Park and Town Centre via river Len Green Corridor	To commence 2017/18	December 2022
Land at Depot Site George Street High Street MA/12/0590	£52,030.75	00.00	Towards the enhancement and repair and renewal at Collis Millenium Green	To be transferred to Collis Millenium Green Trust	February 2023
Hadlow College - Oakwood Park Heath MA/10/0485	£80,556.18	00.00	Towards Open Space	Project to be agreed in 2017	No date
13 Tonbridge Road Fant MA/11/1078	£16,092.61	00.00	Clare Park Play Area	To be included in Play Improvement Project	July 2023
Land to rear of 125 Tonbridge Road Fant MA/12/0381	£3,349.54	00.00	Rocky Hill Allotment wall repairs	In Progress	November 2018
Former Car Sale Site – Ashford Road Harrietsham and Lenham MA/11/2154	£12,032.75	£3,717.25	Towards Glebefield Play Area	£3,717.25 Spent by Harrietsham Parish Council towards repairs of play equipment at Glebefield Play Area	September 2019
The Willows, Church Green, Marden and Yalding MA/10/0562	£16,770.60	00.00	Cockpits Play Area improvements	To Marden Parish Council to be included in Play Improvement Project	November 2020
Former Rose PH, Farleigh Hill, Tovil South MA/12/0367	£22,306.31	00.00	£ 13383.77 improvements to play equipment and access to Woodbridge Drive play area and £8922.52 required tree works along the footpath at Hudsons Quarry	To commence 2018/22	February 2024
Hayle Place (Hayle Mill Road) South MA/11/0580	£167,049.08	00.00	£100,000 Towards Fencing and £67,000 on the new parking with pathway on Armstrong Road at South Park	To commence 2017/19	November 2019

Oliver Road, Staplehurst Staplehurst MA/12/2106	£40,502.03	00.00	Towards provision of allotments and outdoor sports facilities and for improving, enhancing and replacing the play area equipment at Surrenden Road play area	To Staplehurst Parish Council	May 2025
S106	PUBLIC OPEN SPACE & RECREATION	AMOUNT SPENT TO DATE	PROJECT DELIVERY	PROJECT STATUS	SPEND BY DATE
	HELD AT DECEMBER 2016				
Westree Court, Rowland Close Fant MA/13/0718	£57,602.87	00.00	£15,000 to be used on each site at Cornwallis Park, Clare Park, Whatman Park and Mote Park to improve infrastructure (paths, boundaries, planting, interpretation, bins, play improvements, etc.)	To commence 2018-22	May 2025
Oakapple Lane and Hermitage Lane Heath 14/500412/FULL	£108,675.00	00.00	Infrastructure improvements (paths, boundaries, planting, interpretation, bins, play improvements, etc.) at Barming Heath, St Andrews Park and Tarragon Road open spaces.	To commence 2018-22	June 2022
22-26 Tonbridge Road Bridge MA/13/0941	£60,096.09	00.00	£34,667 towards Clare Park Play Area & £20,000 towards Cornwallis Park play areas and £5429.09 towards infrastructure at Clare Park and Cornwallis Park	To commence 2018-22	November 2025
Land at Buckland Hill Bridge MA/13/1213	£102,922.11	00.00	£35,000 to set up Buckland Hill local wildlife area including fencing, interpretation, works to trees, etc., including allotments. £67,922 Improvements to Whatman and River Park in town centre infrastructure (paths, boundaries, planting, interpretation, bins, play improvements, etc.)	To commence 2017/18	January 2021
Land at North Sutton Rd, Otham(Imperial Park) Park Wood MA/13/0951	£134,545.19	00.00	Project imminent following greenspaces audit.	To commence 2018-20	January 2021
Land off Marigold Way (Wyatt Grove) Heath MA/12/1749	£64,449.20	00.00	Sum divided up towards Tarragon Road, St Andrews Park, Barming Heath, Oakwood Hospital closed cemetery for repairing, improving and enhancing existing	To commence 2018-22	February 2026
Land to north of Lenham Rd, Headcorn 14/505162/FULL	£30,350.77	00.00	Towards the Refurbishment of Hoggs Bridge Green Play Area	To commence 2018-22	February 2026
Russell Hotel 136 Boxley Road North 14/500997/FULL	£23,217.36	00.00	Towards Penenden Heath History Garden currently underway	In Progress	No date
MAP Depot Site, Marden Marden and Yalding MA/13/0115	£89,150.51	00.00	Towards the cost of upgrading Marden Playing Fields and Cockpits in Marden	To Marden Parish Council	June 2025
Bridge Nursery, London Road Allington 14/501209/FULL	£57,245.45	00.00	£27,000 Towards Midley Close Play Area Improvements Funding £30,245 to be used for Allington Open space infrastructure improvements (paths, boundaries, interpretation, planting, interpretation, bins, and play improvements.)	To commence 2018-22	August 2026

S106	PUBLIC OPEN SPACE & RECREATION HELD AT DECEMBER 2016	AMOUNT SPENT TO DATE	PROJECT DELIVERY	PROJECT STATUS	SPEND BY DATE
Eyhorne Street, Hollingbourne North Downs MA/14/0475	£22,050.00	00.00	Open Space Provision for the maintenance, replacement and renewal of existing play equipment and outdoor sports facilities and/or installation of new facilities at Hollingbourne Recreation Ground and Cardwell Play Area	To commence 2018-22	May 2026
The Coppice (Land adjacent to Bicknor Farm) Sutton Road Park Wood MA/13/1523	£40,513.95	00.00	Towards cost of improvements, refurbishment and replacement of facilities (inc pavilions, play equipment and play areas, ground works and facilities) at Senacre Recreation Ground or Parkwood Recreation Ground	To commence 2018-20 Project to be agreed following greenspaces audit	October 2021
43-51 Lower Stone Street (Miller House) High Street 15/510396/FULL	£18,900	00.00	Improvements, maintenance and/or enhancement of the natural and semi-natural areas and amenity green space at Archbishops Palace, Maidstone and/or improvements and/or maintenance of natural and semi-natural area at Mill Pond Maidstone or such other improvement refurbishment enhancement renewal and/or maintenance of such other green space amenity and/or play areas within a one (1) mile radius of the Development	To commence 2018-22	No date

Other Sums

S106	TOWN CENTRE CONTRIBUTION HELD AT DECEMBER 2016	AMOUNT SPENT TO DATE	PROJECT DELIVERY WHAT MONEY TO BE SPENT ON TO DATE	PROJECT STATUS	SPEND BY DATE
Next Store - Eclipse Park East MA/12/2314	£101,453	£ 40,000	£140,453 To be allocated to the Council's Maidstone Town Team for projects to improve the vitality of Maidstone Town Centre.	Spent on Town Team activities – primarily events run by the Events Group, but also In Bloom last year for example. With the formation of One Maidstone, the Town Team funding was specifically ring-fenced to fund activities that used to be carried out by Town Team	December 2018

S106	CAR PARK CONTRIBUTION HELD AT DECEMBER 2016	AMOUNT SPENT TO DATE	PROJECT DELIVERY WHAT MONEY TO BE SPENT ON TO DATE	PROJECT STATUS	Spend By Date
Victoria Court: 17-21 Ashford Road Maidstone MA/94/0156	£21,199.60	00.00	Towards Lockmeadow Car Park Lighting	To be spent 2017/18	No date

S106	CYCLE STORE CONTRIBUTION HELD AT DECEMBER 2016	AMOUNT SPENT TO DATE	PROJECT DELIVERY WHAT MONEY TO BE SPENT ON TO DATE	PROJECT STATUS	SPEND BY DATE
MAP Depot Site, Marden Marden and Yalding MA/13/0115	£15,095.60	00.00	Towards provision of cycle stores at Marden rail Station, Library and Post Office	To Network Rail and Kent County Council towards cycle racks	July 2024

S106	WILDLIFE HELD AT DECEMBER 2016	AMOUNT SPENT TO DATE	PROJECT DELIVERY WHAT MONEY SPENT ON TO DATE	PROJECT STATUS	SPEND BY DATE
The Hollies, Hook Lane Harrietsham and Lenham MA/11/0592	£823.48	00.00	towards management of receptor sites identified for the translocation of any relevant wildlife from the site	Towards River Len LNR (A 2.54 hectare MBC owned reserve, where connections exist to adjacent Mote Park, Turkey Mill, local authority allotments and railway embankments. Survey work indicated absence of slow worm. Prior to translocation, scalloping of ride edges carried out and creation of numerous timber, brash, leaf and hay/straw piles). Required tree-thinning works along the southern bank of the River Len at the western sector of the reserve scheduled for autumn/winter 2017)	November 2024

S106	COMMUNITY FACILITIES HELD AT DECEMBER 2016	AMOUNT SPENT TO DATE	PROJECT DELIVERY WHAT MONEY SPENT ON TO DATE	PROJECT STATUS	SPEND BY DATE
Springfield Development, Moncktons Lane Maidstone MA/01/1356	£ 72,833.05	£3,078	Springfield Park community feasibility study - £3078 towards consultant appointment with residue towards Community Facility if built	Study to begin 2017	No date
Springfield Park Royal Engineers Road North 15/506426/MOD106	£101,465.20	00.00	Part-Paid towards the provision of the Community Facility- a community meeting facility and crèche area to be provided within the ground floor of the retail unit of the development or such other community facility	Study to begin 2017	September 2026

which directly serves the occupants of the development

Healthcare Sums

S106	Healthcare Sums Held (December 2016)	Spend By Date
Astley Road (Kent Music School) Hastings Road (High Street) 10/0594	£21,240 improve existing healthcare facilities to the surgery sited at King Street	Dec 2017
Rear of 48-54 Buckland Road (Bridge) 07/2477	£15,120 towards provision of primary healthcare services or facilities within a 3 mile radius of the land	March 2019
115 Tonbridge Road (Fant) 08/2323	£5,980 Towards the provision of facilities Within one mile radius	February 2018
Land adj 27 Hartnup St (Fant) 06/0767	£9,900 Towards facilities in Maidstone Borough	No date
The Hollies, Land at Hook Lane (Harrietsham) 11/0592	£56,099.17 Upgrade/ improve doctors surgery in Harrietsham to serve development	November 2024
13 Tonbridge Road (Fant) 11/1078 & 12/0774 DOV	£11,444.04 Towards Vine Medical Centre	July 2020
Land at James Whatman Way 09/0863	£ 81,370 Use within a 5 mile radius	August 2019
Land to rear of 125 Tonbridge Road (Fant) 12/0381	£3,177.28 within one mile radius of the site	November 2018
Former Car Sales Site, Ashford Road (Harrietsham) 11/2154	£10,080 upgrading facilities at Glebe/ Sutton Valance/ Cobtree/ New Grove Green Medical Centres/ surgery	September 2019
Land at Hillbeck Res Home, (Bearsted) 12/1012	£5,850.03 For upgrading and improving up to 3 local surgeries known as Bearstead Medical Practice, Downswood Surgery and Grove Green Surgery, all within 2 miles of the Property	No date
The MAP Depot Site, Goudhurst Road, Marden 13/0115	£27,321.58 Towards expansion works at Marden Medical Practice	June 2025
Hayle Place Hayle Mill Road 11/0580	£50,728.81 within a two mile radius of the land	November 2019
Land at Oliver Road (Staplehurst) 12/2106	£38,001.60 Towards new healthcare services and facilities within the Parishes of Staplehurst and Marden	March 2025

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Former BP Garage 531 Tonbridge Road 12/0825	£12,078.67 Towards the provision of primary healthcare services and facilities within a five mile radius of the land	March 2020
S106	Healthcare Sums Held (December 2016)	Spend By Date
The Old School 92A Melville Road (High Street) 11/2108	£3,544.18 Towards all or any of the medical centres; Marsham St, St Lukes, Holland Rd, Brewer St and Grove Park	June 2025
Buckland Hill, Maidstone MA/13/1213	£24,260.21 For primary healthcare services & facilities within the Borough primarily to support the delivery of investments to surgeries at St Andrews Road (Blackthorn), Allington Park and College Road Maidstone	January 2021
Land at Northland and Groom Way, Old Ashford Road, Lenham MA/12/1777	£9,139.42 Towards the cost of healthcare services	No Date
Land at Langley Park, Sutton Road 13/1149	£106,200 (50%) Towards improvements to health care provision within the locality of the development	November 2025
Land North Sutton Road, (Imperial Park) Maidstone 13/0951	£133,919.17 For extension, refurbishment and/or upgrade at the 4 doctors surgeries at Wallis Avenue, Orchard Langley, The Mote and Cobtree	January 2026
Land off Marigold Way, Maidstone MA/12/1749	£26,516.24 Towards improvements to existing and new healthcare services and facilities (including upgrading and improving the doctors surgeries which will serve the development within a two mile radius of the site) anticipated the nearby Blackthorn and College surgeries will get first attention	February 2023
Mote House Retirement Village Mote Park MA/10/0748	£38,110.96 Towards Northumberland Road and Shepway Surgery	No Date
Former Russell Hotel 136 Boxley Road, Maidstone (North) MA/14/500997/FULL	£12,407.27 St Lukes/ Brewer Street/ Marsham Street/Grove Green Surgeries/The College Practice/ Lockmeadow Clinic/Allington Park Surgery/ Allington Clinic	No Date
Eyborne Street, Hollingbourne MA/14/0475	£20,880 Toward extension, refurbishment and/or upgrade of Orchard Surgery Langley, Glebe Surgery Harrietsham, Yeomans Lane Surgery Bearstead	May 2021
Bridge Nursery, London Road 14/501209/FULL	£113,650.80 Towards improvements (refurbishment and reconfiguration) of Aylesford Medical Practice	August 2026
Springfield Park, Royal Engineers Road, Maidstone (North) 15/506426/ MOD106	£15,507.69 (1 st Instalment) Health Trust Contribution towards provision of investment into primary health care facilities and infrastructure at Bower Mount Surgery, Allington Park Surgery, The College Practice and Albion Place Surgery	September 2026
The Coppice (Land at Bicknor Farm) Sutton Road MA/13/1523	£74,602.38 Towards improvements by way of extension, refurbishment and/or upgrade at the doctors surgeries sited at Wallis Avenue, Orchard Langley, The Mote and Cobtree surgeries	October 2021

THE MAIDSTONE BOROUGH COUNCIL
PLANNING COMMITTEE – 6th April 2017

APPEAL DECISIONS:

1. 15/510509

Outline (Landscaping reserved) –
Demolition of existing front annexe building and side shed to Southfield Stables house, and construction of new attached single-storey extension; Demolition of stable blocks and outbuildings including removal of existing caravans, and erection of 5 detached dwellings with garaging/parking together with construction of access roads

APPEAL: Dismissed

Southfield Stables, South Lane, Sutton Valence
Kent

(Delegated)

2. 16/506092

Erection of six new dwellings and associated access following the demolition of the existing building on site.

APPEAL: Dismissed

9 Sittingbourne Road, Maidstone, Kent, ME14
5ET

(Delegated)

3. 16/504256

Erection of four dwellings, garaging, new highway access and other associated works

APPEAL: Dismissed

Bearsted Golf Club, Ware Street, Bearsted
Kent, ME14 4PQ

(Delegated)

4. 16/504256

The application is made by MBC for a full award of costs against Bearsted Golf Club

APPEAL: The award of costs is allowed

Bearsted Golf Club, Ware Street, Bearsted
Kent, ME14 4PQ

(Delegated)

5. 16/50224

Outline application with access for consideration and all other matters reserved, for residential development comprising 25 houses.

APPEAL: Dismissed

Land North Of West Street, Harrietsham
Kent

(Delegated)

6. 16/502527

Outline application for the demolition of existing buildings and the construction of four detached dwellings (Access to be considered at this stage and all other matters reserved for future consideration)

APPEAL: Dismissed

Beech Depot, Sheephurst Lane, Marden, Kent
TN12 9NU

(Delegated)

7. 16/500454

Construction of two dwellings including landscaping and access provision

APPEAL: Dismissed

Land East Of Goddington Lane, Harrietsham,
Kent, ME17 1JX

(Delegated)

8. 15/509962

Outline application for development of up to 225 dwellings (including affordable homes). Provision of public open space (inc. children's play area and landscaping) associated infrastructure and necessary demolition and earthworks. The formation of new vehicular access from Gatland Lane and secondary pedestrian and cycle access from Gatland Lane to be considered at this stage. All other matters (appearance, landscaping, layout and scale) reserved for future consideration.

APPEAL: Dismissed

Land At Fant Farm, Fant, Maidstone, Kent

(Delegated)