

AGENDA

PLANNING COMMITTEE MEETING



Date: Thursday 2 February 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 Items withdrawn from the Agenda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 - 9 February 2017

Continued Over/:

Issued on 25 January 2017

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Alison Broom

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

6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
10. Minutes of the meeting held on 12 January 2017 1 - 9
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PLEASE NOTE

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

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

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

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 12 JANUARY 2017

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

Also Present: Councillors Cuming, Garten, Webb and de Wiggondene

249. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Munford, Round and Mrs Stockell.

250. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor M Burton for Councillor Round
Councillor Mrs Gooch for Councillor Munford
Councillor Greer for Councillor Mrs Stockell

251. NOTIFICATION OF VISITING MEMBERS

Councillor Cuming indicated his wish to speak on the reports of the Head of Planning and Development relating to applications 14/506738 and 16/506735.

Councillor Garten indicated his wish to speak on the report of the Head of Planning and Development relating to application 16/506717.

Councillor Webb indicated his wish to speak on the reports of the Head of Planning and Development relating to applications 16/506605 and 16/507443.

It was noted that Councillor de Wiggondene had indicated his wish to speak on the report of the Head of Planning and Development relating to application 14/506738.

252. ITEMS WITHDRAWN FROM THE AGENDA

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

AND PROVISION OF ADDITIONAL PARKING - 47 FREEMAN WAY,
MAIDSTONE, KENT

The Development Manager sought the agreement of the Committee to the withdrawal of application 16/505311 from the agenda as there were some issues within the report that needed further investigation. The Development Manager advised the Committee that he wanted to establish from the plans produced by an independent building surveyor and approved under the Building Regulations whether the new dormer window was permitted development. He would report the application back to the Committee when the investigation had been completed.

RESOLVED: That agreement be given to the withdrawal of application 16/505311 from the agenda.

Note: Councillor Powell entered the meeting after consideration of this item (6.10 p.m.).

253. 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.

254. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Harwood stated that he was a Member of Boxley Parish Council, but he had not participated in the Parish Council's discussions regarding application 16/506782, and intended to speak and vote when it was considered.

255. DISCLOSURES OF LOBBYING

All Members stated that they had been lobbied on the reports of the Head of Planning and Development relating to applications 14/506738, 16/506735 and 16/507443.

Councillors Boughton, Cox, English and Powell stated that they had been lobbied on the report of the Head of Planning and Development relating to application 16/505311.

All Members except Councillors M Burton, Clark, Mrs Gooch, Greer and Prendergast stated that they had been lobbied on the report of the Head of Planning and Development relating to application 16/506605.

Councillors English and Mrs Gooch stated that they had been lobbied on the report of the Head of Planning and Development relating to application 16/506717.

Councillors English, Mrs Gooch and Powell stated that they had been lobbied on the report of the Head of Planning and Development relating to application 16/506782.

All Members except Councillor Clark stated that they had been lobbied on the report of the Head of Planning and Development relating to application 16/507379.

No Members stated that they had been lobbied on the reports of the Head of Planning and Development relating to applications 16/506989, 16/507398 and 16/508145.

256. EXEMPT ITEMS

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

257. MINUTES OF THE MEETING HELD ON 8 DECEMBER 2016

RESOLVED: That the Minutes of the meeting held on 8 December 2016 be approved as a correct record and signed.

258. PRESENTATION OF PETITIONS

There were no petitions.

259. DEFERRED ITEM

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

The Development Manager advised Members that, unfortunately, the Officer dealing with this application had left the employment of the Council. The application was now with the Principal Planning Officer who had been instructed to ensure that it was progressed and reported back to the Committee at the earliest opportunity.

260. LOCAL PLAN UPDATE

The Development Manager advised the Committee that on 22 December 2016, the Inspector had submitted his interim findings from the examination of the Maidstone Borough Local Plan to the Council. These findings were being reviewed by the Officers who needed to ensure that the Inspector was satisfied with the approach the Council was taking. The Inspector had endorsed the Council's stated position that it had a five year housing land supply and reduced the objectively assessed housing need figure. The interim findings were a material consideration in terms of the determination of planning applications, and further updates would be provided going forward.

261. 14/506738 - OUTLINE APPLICATION FOR THE ERECTION OF UP TO 100 DWELLINGS - RESERVED MATTERS FOR WHICH APPROVAL IS BEING SOUGHT: ACCESS, INCLUDING ACCESS WIDENING COMPRISING RELOCATION OF WALL FORMING PART OF OUTER CURTILAGE OF BARTY NURSING HOME (GRADE II LISTED) - LAND AT BARTY FARM, ROUNDWELL, BEARSTED, KENT

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

Mr Spooner, for objectors, Councillor Horne of Thurnham Parish Council, Councillor Ash of Bearsted Parish Council, Ms Scott, for the applicant, and Councillors de Wiggondene and Cuming (Visiting Members) addressed the meeting.

During the discussion specific reference was made to the proposed financial contributions to mitigate the impact of the development on local schools having regard to current capacity issues. It was suggested that the Head of Planning and Development be given delegated powers to agree with Kent County Council (Education) both the amounts of the contributions and where they are to be spent.

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

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

A primary education contribution, the Head of Planning and Development acting under delegated powers to agree with Kent County Council (Education) both the amount of the contribution and where it is to be spent;

A secondary education contribution, the Head of Planning and Development acting under delegated powers to agree with Kent County Council (Education) both the amount of the contribution and where it is to be spent;

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

A contribution of £31.78 per dwelling to be used to address the demand from the development for youth services locally; the identified project in

this instance being the provision of new furniture for InFoZoNe Youth Centre;

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

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

A contribution of up to £15,000 for improvements at Bearsted railway station to promote sustainable access, the amount to be finalised by the Head of Planning and Development acting under delegated powers;

A contribution towards the upgrading of PRoW KH127 to Church Lane, the amount to be finalised by the Head of Planning and Development acting under delegated powers following discussions with KCC PRoW and the applicant; and

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

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

Voting: 12 – For 1 – Against 0 - Abstentions

262. 16/506735 - LISTED BUILDING APPLICATION FOR ALTERATIONS TO BOUNDARY WALL AND PROVISION OF LANDSCAPING TO FACILITATE IMPROVED ACCESS - BARTY HOUSE NURSING HOME, ROUNDWELL, BEARSTED, KENT

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

Mr Spooner, for objectors, Councillor Ash of Bearsted Parish Council, Ms Scott, for the applicant, and Councillor Cuming (Visiting Member) addressed the meeting.

RESOLVED: That listed building consent be granted subject to the conditions set out in the report, as amended by the second urgent update report, with an additional condition as follows:

The demolition of the existing wall shall not commence until a detailed photographic survey of the existing wall along the Northern and Western boundaries of Barty House Nursing Home has been submitted to, and approved in writing by, the local planning authority;

Reason: In order to record the character, appearance and alignment of the existing wall which is of historical significance.

Voting: 7 – For 5 – Against 1 – Abstention

Note: The meeting was adjourned briefly during consideration of this application to enable the Development Manager to discuss with colleagues the implications of points raised by Members in their deliberations.

263. 16/506605 - CONSTRUCTION OF EIGHT OPEN MARKET 1 AND 3 BEDROOM HOMES, CONSTRUCTION OF FIVE AFFORDABLE 1, 2 & 3 BEDROOM HOMES, CONSTRUCTION OF ACCESS ROAD, PARKING BAYS AND CAR PORTS, INSTALLATION OF NEW LANDSCAPING AND ECOLOGY ENHANCEMENTS - LAND NORTH OF THE VICTORIA INN, HEATH ROAD, EAST FARLEIGH, KENT

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

Mr Osborne, for the applicant, and Councillor Webb (Visiting Member) addressed the meeting.

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

Voting: 10 – For 2 – Against 0 – Abstentions

Note: Councillor Harwood left the meeting during consideration of this application (8.40 p.m.).

264. 16/507379 - AMENDMENT TO PLANNING APPROVAL 15/507189/FULL FOR THE ERECTION OF A NEW DETACHED FOUR BEDROOM DWELLING AND DETACHED GARAGE AND AMENDMENT TO APPROVED ACCESS - WARMLAKE FARMHOUSE, MAIDSTONE ROAD, SUTTON VALENCE, KENT

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

The Development Manager advised the Committee that the representative of Kent Highways was unable to attend the meeting due to the weather conditions, and had submitted his apologies.

Mr Cowen, an objector, and Councillor Poole of Sutton Valence Parish Council addressed the meeting.

RESOLVED: That subject to the expiry of the newspaper advertisement and no material new issues being raised, the Head of Planning and

Development be given delegated powers to grant permission subject to the conditions and informatives set out in the report.

Voting: 10 – For 2 – Against 0 – Abstentions

265. 16/507443 - ERECTION OF 1 NO. FOUR BEDROOM CHALET BUNGALOW WITH INTEGRAL GARAGE AND ASSOCIATED PARKING - 15 AMSBURY ROAD, COXHEATH, KENT

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

Mr Waller, for objectors, Mr Gordon, the applicant, and Councillor Webb (Visiting Member) addressed the meeting.

Councillor M Burton stated that he knew a member of the applicant's family, but he did not believe that he had an interest in the application, and intended to speak and vote.

RESOLVED: That permission be granted subject to the conditions and informative set out in the report and the additional condition set out in the urgent update report.

Voting: 7 – For 5 – Against 0 – Abstentions

266. 16/506717 - ERECTION OF A STORAGE BARN WITH ASSOCIATED MOBILE POULTRY SHED AND MOBILE HOME FOR THE ESTABLISHMENT OF AN ORGANIC EGG ENTERPRISE AND ASSOCIATED WORKS - COBNUT FARM, PETT ROAD, STOCKBURY, KENT

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

Councillor Garten (Visiting Member) addressed the meeting.

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

Voting: 11 – For 1 – Against 0 – Abstentions

267. LONG MEETING

Prior to 10.30 p.m., during consideration of the report of the Head of Planning and Development relating to application 16/506717, the Committee considered whether to adjourn at 10.30 p.m. or to continue until 11.00 p.m. if necessary.

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

268. 16/506782 - EXTENSION OF EXISTING CAR PARKING FACILITY INCLUDING ADDITIONAL DISABLED PARKING. CREATION OF NEW PARKING AREA ADJACENT TO EXISTING OFFICES AND CREATION OF NEW WHEEL CHAIR ACCESS. CREATION OF A NEW SINGLE STOREY BUILDING HOUSING A PET CREMATION FACILITY. REMOVAL OF EXISTING WHEELCHAIR ACCESS RAMP - VINTERS PARK CREMATORIUM, BEARSTED ROAD, WEAVERING, KENT

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

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

Voting: 12 – For 0 – Against 0 – Abstentions

269. 16/506989 - CONVERSION OF OFFICE INTO 4 SELF-CONTAINED FLATS WITH CHANGES TO FENESTRATION AND DOORS AND INTERNAL ALTERATIONS - 1 QUEEN ANNE ROAD, MAIDSTONE, KENT

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

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

Voting: 12 – For 0 – Against 0 – Abstentions

270. 16/507398 - RELOCATION OF STEPS - SCOTNEY GARDENS, ST PETERS STREET, MAIDSTONE, KENT

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

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

Voting: 12 – For 0 – Against 0 – Abstentions

271. 16/508145 - RETROSPECTIVE APPLICATION FOR EXTENSION OF EXTERNAL PLANT COMPOUND, TO ACCOMMODATE ADDITIONAL BUILDING PLANT - SEKISUI DIAGNOSTICS UK LTD, LIPHOOK WAY, MAIDSTONE, KENT

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

RESOLVED: That permission be granted.

Voting: 12 – For 0 – Against 0 – Abstentions

272. 16/505311 - CHANGE OF USE FROM A C3 (4 BEDROOM HOUSE) TO SUI GENERIS FOR MULTIPLE OCCUPANCY OF 8 BEDROOMS, CONVERSION OF LOFT WITH THE INSERTION OF ROOFLIGHTS AND SIDE DORMER WINDOW, CONVERSION OF GARAGE TO BEDROOM WITH ALTERATIONS AND PROVISION OF ADDITIONAL PARKING - 47 FREEMAN WAY, MAIDSTONE, KENT

See Minute 252 above.

273. 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. The representative of the Interim Head of Legal Partnership drew the Committee's attention to a costs decision against the Borough Council in relation to one of the appeals.

RESOLVED: That the report be noted.

274. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements on this occasion, but some Members took the opportunity to express their frustration regarding the ongoing problems associated with the new webcasting system and their hope that these problems would be resolved very soon.

275. DURATION OF MEETING

6.00 p.m. to 10.50 p.m.

Agenda Item 12

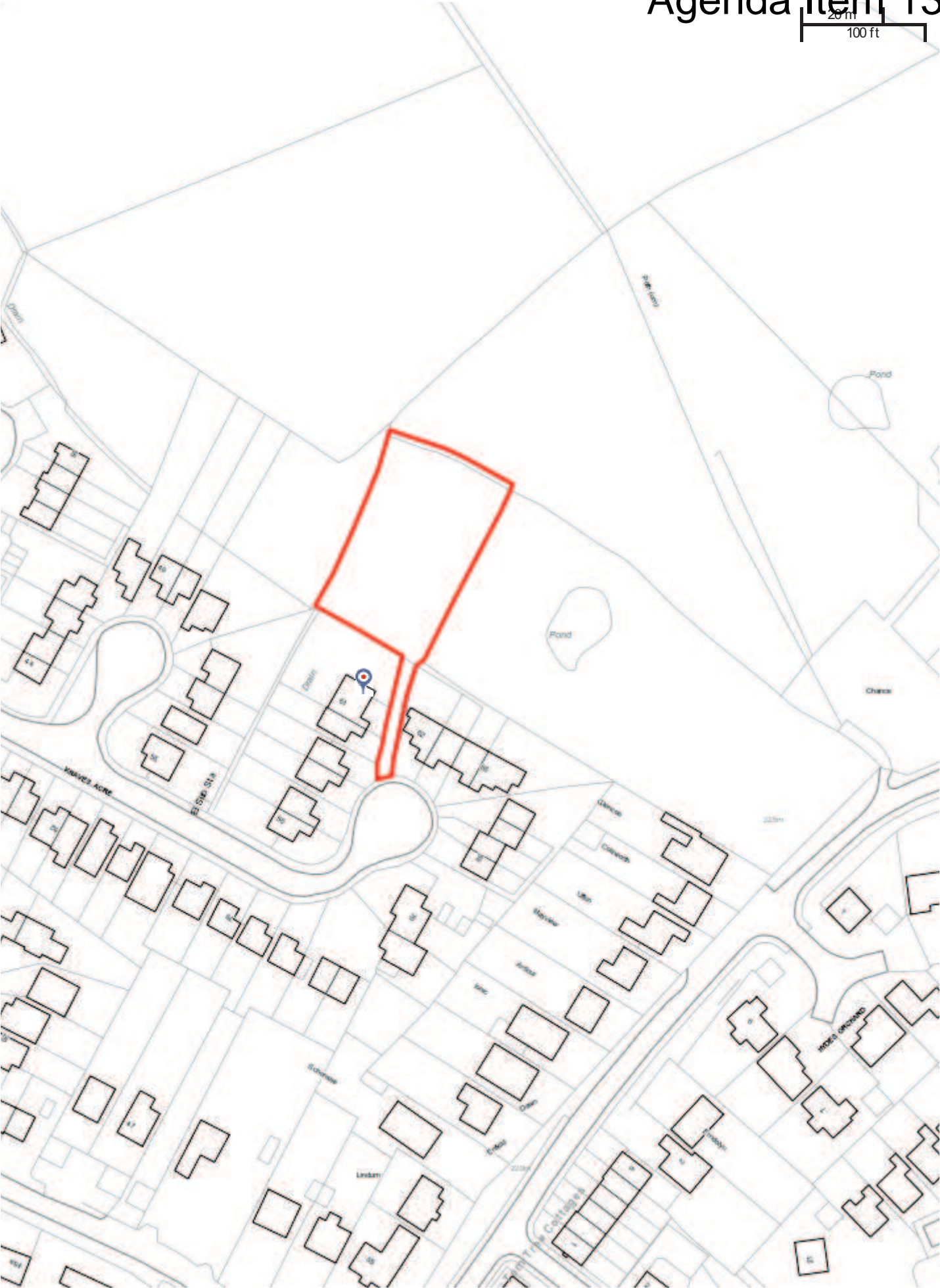
MAIDSTONE BOROUGH COUNCIL
PLANNING COMMITTEE
2 FEBRUARY 2017

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.

APPLICATION	DATE DEFERRED
<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>16/505311 - CHANGE OF USE FROM A C3 (4 BEDROOM HOUSE) TO SUI GENERIS FOR MULTIPLE OCCUPANCY OF 8 BEDROOMS, CONVERSION OF LOFT WITH THE INSERTION OF ROOFLIGHTS AND SIDE DORMER WINDOW, CONVERSION OF GARAGE TO BEDROOM WITH ALTERATIONS AND PROVISION OF ADDITIONAL PARKING - 47 FREEMAN WAY, MAIDSTONE, KENT</u></p> <p>Deferred for one cycle to enable the Officers to provide clarification on various concerns raised during the course of the discussion, including:</p> <ul style="list-style-type: none">• Highways impact and usability of parking layout;• Southern Water impact;• Residential amenity of neighbours;• Terms of the House in Multiple Occupation (HMO) licence and how the licence fits in with any planning permission;• Site boundary;• Disputed facts in reports in relation to Permitted Development position;• Future residential amenity of occupiers of the HMO; and• Status of Policy H22 of the adopted Local Plan 2000.	17 November 2016



15/504300 - 61 Knaves Acre

Scale: 1:1250

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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 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.

Reference number: 15/504300/OUT

- In order to safeguard the future of surrounding trees, it is recommended that condition 5 is amended to read:

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.

Recommendation remains unchanged.

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A two-story house with a light-colored upper half and a tan lower half. The house has a brown tiled roof and a chimney. A wooden fence runs along the front of the property. A light blue car is parked in the driveway, and a red car is parked further down. The scene is set on a clear day with a blue sky and lush green trees in the background. A large number '22' is overlaid on the left side of the image.

22

23



24

PRIVATE



REPORT SUMMARY

REFERENCE NO - 16/505113/FULL			
APPLICATION PROPOSAL Variation of condition 2 of 15/506338 (Permanent siting of one static and one touring caravan for residential use by Romany gypsies) - to replace the touring caravan with another static mobile home			
ADDRESS The Chances, Lughorse Lane, Hunton, Kent			
RECOMMENDATION - Permission			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and there are no overriding material considerations to indicate a refusal of planning consent.			
REASON FOR REFERRAL TO COMMITTEE Hunton Parish Council wish to see the application refused.			
WARD Coxheath And Hunton	PARISH/TOWN COUNCIL Hunton	APPLICANT Mrs Lena smith AGENT	
DECISION DUE DATE 01/09/16	PUBLICITY EXPIRY DATE 12/08/16	OFFICER SITE VISIT DATE 1/11/2016	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
16/505965/FULL	Variation of condition 2 of 15/506245 (Permanent siting of one static and one touring caravan for residential use by Romany gypsies) - to allow extra static home. This application relates to the adjoining site.	Pending decision	
16/505347/FULL	Variation of Condition 2 and 8 of planning permission 15/506338/FULL (Permanent siting of one static and one touring caravan for residential use by Romany gypsies) - to permit the stationing of two static caravans and two touring caravans on the land and to vary the site layout to form a third plot	Refused	
15/506245	Permanent siting of one static and one touring caravan for residential use by Romany gypsies	Permanent consent. Granted at committee.	07.04.2016
15/506338	Permanent siting of one static and one touring caravan for residential use by Romany gypsies (adjoining site)	Permanent consent. Granted at committee	07.04.2016
10/1336	Variation of enforcement appeal reference ENF/8968 Conditions 1 and 2 to allow the use of the site for the siting of a mobile home and a touring caravan on a permanent basis for an extended gypsy family –	Temporary 4 year personal permission	Committee 22.11.2010

11/1900	Variation of condition 4 of planning permission MA/10/1336 to read: 'No more than 3 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which not more than 2 shall be a static caravan) shall be stationed on the site at any time.'	Permitted	11.10.2012
ENF/8968	The Inspector allowed use of the current site for a temporary personal permission for 3 years for stationing of caravans and use as a traveler site.	Allowed	7.08.2007
10/1542	Planning permission on the adjoining field to north of the site was refused for change of use of land to provide two plots for gypsy travelers	Refused: Impact on open countryside	Committee 11.08.2011

MAIN REPORT

1.0 BACKGROUND

- 1.1 This site and the adjoining site to the east are allocated for use as gypsy traveller sites in the emerging Local Plan (submission version) May 2016. Policy GT1 (7) advises in accordance with policy GT1, planning permission for 4 permanent pitches at The Chances, Lughorse Lane, Hunton, will be granted providing the total site capacity does not exceed 4 pitches; future permissions to include additional landscaping and ecology mitigation.
- 1.2 At present The Chances has permanent planning permission for two pitches (over two applications 15/506245 and 15/506338). Permanent permission has been granted for two statics and two tourers in total. The emerging site allocation allows for a further two statics on the site.

2.0 SITE DESCRIPTION

- 2.1 The application site is located on the south side of Lughorse Lane in the open countryside. The site has been granted permanent consent for one static and tourer which are currently on site.
- 2.2 The site is set back approx. 130m from Lughorse Lane and is accessed via a vehicle track running through the adjacent field to the north. The vehicle track is formed of compacted hard-core and is shared with the adjoining site to the west. PROW KM163 crosses the vehicle access to the west of the site. An area of ancient woodland is located to the southwest of the site. The remaining area surrounding the site to the north, east, south and west is open countryside / fields. To the west is an adjoining traveller site with permanent consent for one static and one tourer. To the east of the site is further gypsy traveller site with one static caravan which does not benefit from planning permission and is the subject of enforcement action. Further to the south is a commercial engineering premises. There is mature vegetation along the site boundaries with the exception of the vehicle access point on the western boundary. The site is located within a Special Landscape Area.

3.0 PROPOSAL

3.1 Variation of condition 2 of 15/506338 (Permanent siting of one static and one touring caravan for residential use by Romany gypsies) - to replace the touring caravan with another static mobile home.

3.2 Condition 2 currently states:

3.3 No more than one static caravan and one tourer, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time unless otherwise agreed in writing with the Local Planning Authority;

3.4 This application seeks to vary the wording as below:

3.5 No more than two statics caravan and one tourer, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time unless otherwise agreed in writing with the Local Planning Authority;

3.6 The second static caravan which is the subject of this application is proposed adjacent to the east boundary. The static would be used by the applicant's son.

4.0 POLICIES AND OTHER CONSIDERATIONS

- Development Plan 2000: ENV6, ENV28, ENV34, T13
- National Planning Policy Framework
- National Planning Practice Guidance
- Draft Local Plan policies: SP5, GT1, GT1 (7), DM16
- Planning Policy for Traveller Sites (PPTS)

5.0 LOCAL REPRESENTATIONS

5.1 Some 6 objections have been received. One letter of support has been received. The main points of objection are summarised as follows:

- The caravan is already on site.
- The number of caravans on site exceeds the per hectare guidelines for gypsy and traveller sites.
- Boundary screening has not been provided.
- The site is within the Greensand Ridge Special Landscape Area.
- The site is clearly visible from Greensand Way and other PROW.
- Current screening will be severely compromised in the autumn/winter months
- The site is clearly unoccupied for long periods so the specific personal housing and schooling needs in the original application and subsequent appeal do not apply.
- Overdevelopment of the site.
- Part of the access drive fall under different land ownership.
- Increase in pitches will harm the local environment.
- Increased traffic movements.
- Harmful to the countryside.

5.2.1 **Hunton Parish Council:** Hunton Parish Council recommends refusal and asks for the application to be heard by the Planning Committee. The Parish Council objections are summarised as follows:

- The applicants are not nomadic

- The applicants are already in breach of the existing licence as there is more than one static caravan on the site.

6.0 CONSULTATION RESPONSES

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

6.2 **KCC PROW:** No objections

7.0 PRINCIPLE OF DEVELOPMENT

7.1 There are no saved Local Plan policies that relate directly to this type of development. Policy ENV28 of the MBWLP relates to development in the countryside stating that;

“Planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers.”

7.2 Policy ENV28 then outlines the types of development that can be permitted and this does not include gypsy and traveller development.

7.3 However, a key consideration in the determination of this application is central Government guidance contained within ‘Planning Policy for Traveller Sites’ (PPTS) amended in August 2015. This places an emphasis on the need to provide more gypsy sites, supporting self-provision and acknowledging that sites are likely to be found in rural areas.

7.4 Issues of need are dealt with below but in terms of broad principles Development Plan Policy and Central Government Guidance allows for gypsy sites to be located in the countryside as an exception to the general development restraint policies.

7.5 In addition, the submitted version of the Development plan went to the Secretary of State in May 2016 and public examination took place in the later part of 2016. This Plan and its policies are considered to hold significant weight; and policy GT1(7) allocates the application site for 4 gypsy traveller pitches whilst policy DM16 accepts this type of accommodation can be provided in the countryside provided certain criteria are met.

Need for Gypsy Sites

7.6 Although the emerging local plan is well advanced, there are not yet any adopted development plan policies relating to the provision of gypsy sites. Members are reminded that Local Authorities have responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans. Maidstone Borough Council, in partnership with Sevenoaks District Council commissioned Salford University Housing Unit to carry out a Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) dated January 2012. The GTAA concluded the following need for pitches over the remaining Local Plan period:

Oct 2011 – March 2016	-	105 pitches
April 2016 – March 2021	-	25 pitches
April 2021 – March 2026	-	27 pitches
April 2026 – March 2031	-	30 pitches
Total: Oct 2011 – March 2031	-	187 pitches

7.7 The GTAA was completed prior to the refinement to the definition of Gypsies and Travellers contained in the revised PPTS published in August 2015. The GTAA is

the best evidence of needs at this point, forming as it does part of the evidence base to the emerging Local Plan, and it is considered to be a reasonable and sound assessment of future pitch needs, albeit that actual needs may prove to be a degree lower as a result of the definition change. The current GTAA provides the best evidence of needs available at this point of time and the decision needs to be based on evidence at the time of the decision.

- 7.8 The target of 187 additional pitches is included in Policy SS1 of the Maidstone Borough Local Plan which itself was agreed by Full Council on 20th January 2016 and submitted to the Secretary of State on 20th May 2016.

Supply of Gypsy sites

- 7.9 Accommodation for Gypsies and Travellers is a specific type of housing that councils have the duty to provide for under the Housing Act (2004).

- 7.10 Since 1st October 2011, the base date of the GTAA, the following permissions for pitches have been granted (net):

- 85 Permanent (non-personal)
- 16 Permanent (personal)
- 3 Temporary (non-personal)
- 33 Temporary (personal)

- 7.11 Therefore a net total of 101 permanent pitches have been granted since 1st October 2011. A further 86 permanent pitches are needed by 2031 to meet the need identified in the GTAA.

- 7.12 The PPTS states that local planning authorities should identify a future supply of specific, suitable Gypsy and Traveller sites sufficient for the 10 year period following adoption of the Local Plan. The submission Draft Local Plan does allocate specific sites, and these are sufficient to provide 41 additional pitches by 2031. In addition, it can reasonably be expected that some permanent consents will be granted on suitable 'unidentified' sites in the future. There will also be turnover of pitches on the two public sites in the borough. Overall, by the means of the site allocations, the granting of consents (past and future) and public pitch turnover, the identified need for 187 pitches can be met over the timeframe of the Local Plan. The Local Plan's adoption is currently timetabled for the latter half of 2017.

- 7.13 The PPTS directs that the lack of a 5 year supply of Gypsy pitches should be given weight in the consideration of granting a temporary consent. With the submission of the Local Plan, the council's position is that it can demonstrate a 5.6 year supply of G&T sites at the base date of 1st April 2016. In these circumstances, the PPTS direction to positively consider the granting of a temporary consent does not apply.

Gypsy Status

- 7.14 The Government has issued revisions on the national planning guidance for Gypsy & Traveller development contained in 'Planning Policy for Traveller Sites' (PTS). The revised guidance came into force on 31st August 2015, and the planning definition of 'gypsies & travellers' have been amended to exclude those who have ceased to travel permanently. The revised definition is as follows;

"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."

- 7.15 The definition still includes those who are of a nomadic habit of life who have ceased to travel temporarily because of their own, or their dependants', health or education needs or old age. To determine whether an applicant falls within the definition in terms of ceasing travel temporarily, the PTS advises that regard should be had to; a) whether they had previously led a nomadic habit of life; b) the reasons for ceasing their nomadic habit of life; and c) whether there is an intention of living a nomadic habit of life in the future and if so, how soon and in what circumstances.
- 7.16 In this instance permanent planning permission already exists on this site for one static and one touring caravan and the gypsy traveller status of the applicant was confirmed during the determination of the original permission. This application proposes one additional static caravan for the applicant's son. As such the gypsy traveller status of the applicant has already been confirmed and the applicant and his family are considered to fall within the definition of a gypsy traveller. The parent planning permission contains a condition restricting the use of the site to travellers.
- 7.17 Given the fact the Council is unable to offer any alternative accommodation and taking into consideration the emerging policy GT1 (7) for this site which allocates a total of 4 pitches (2 more than the current consents), the principle of one additional static caravan is considered to be appropriate and would not result in more than 4 caravans on the site.

8.0 VISUAL IMPACT

- 8.1 Guidance in the PPTS states that Local Planning Authorities should strictly limit new traveller development in the countryside but goes on to state that where sites are in rural areas, considerations are that sites do not dominate the nearest settled community and do not place undue pressure on local infrastructure. No specific reference to landscape impact is outlined; however, this is addressed in the NPPF and saved Local Plan policy ENV28 and ENV34.
- 8.2 The landscape in the vicinity of the application site is in relatively flat agricultural land, interspersed with hedgerows and woodland blocks. The site itself is fairly well enclosed. There is mature hedgerow planting along the north, east, south and a majority of the west boundary with the exception of the vehicle access. The boundary screening and distance of the site from Lughorse Lane all limit mid- to long-distance views into the site. Short range views are also limited by the boundary screening. Close range views are mainly limited to views of the site entrance and shared vehicle access. There is a further gypsy/traveller caravan site adjacent (app no. 15/506245), to which the application site would be well related without significant cumulative visual impact. The additional caravan would be appropriately located adjacent to the east boundary hedge and would not be significantly visible from any public vantage points due to the established boundary screening. In this context the one additional caravan is not considered to be visually intrusive, and would be neither incongruous nor discordant.
- 8.3 There is a further unlawful gypsy traveller site located directly to the west of the site with one static caravan on the site. This application has recently been refused planning permission due to visual harm and is the subject of enforcement action.
- 8.3 Overall it is considered that the site is currently well screened and the additional caravan on this site would not cause undue harm to the open countryside and Special Landscape Area.

9.0 SUSTAINABILITY

9.1 Gypsy traveller sites will almost inevitably be located in countryside locations. The site is located less than 1 mile from Hunton and less than 2 miles from Yalding. In my view, I do not consider the site to be so far removed from basic services, schools and other facilities as to justify grounds to refuse this application in terms of being unsustainable.

10.0 RESIDENTIAL AMENITY

10.1 The site is some distance from the nearest residential properties such that I am satisfied that the development would not have a significant detrimental impact on the residential amenity of any neighbouring occupant, in terms of loss of light outlook and privacy and in terms of general noise and disturbance. The Environmental Health Department have confirmed there have been no complaints regarding this site. A further gypsy traveller site is located to the east of the site. Sufficient screening is provided on the east boundary between the two sites to ensure there are no adverse amenity impacts between the two sites.

11.1 HIGHWAY SAFETY IMPLICATIONS

11.1 The site has an established vehicle access onto Lughorse Lane across / along the boundary of the field to the north of the site. The development would not result in a significant increase in traffic movements and I consider the local highway network to be capable of accommodating the relatively low vehicle movements to and from the site. There is sufficient parking and turning space within the site; the access road is suitably surfaced; and the gates are set back from the highway. KCC Highways have raised no objection on highways safety or parking grounds.

12.0 LANDSCAPE AND BIODIVERSITY IMPLICATIONS

12.1 The site has been used as a gypsy traveller site since 2006 and hard-core for the vehicle access and parking areas is already laid. Not including the established vegetation along the site boundaries the application site is likely to have limited ecological value due to the continued occupation.

12.2 One of the principles of the National Planning Policy Framework is that “*opportunities to incorporate biodiversity in and around developments should be encouraged*”. Biodiversity enhancements including bird / bat boxes were erected on the site as part of the original permission.

12.3 As stated above the site is well screened and benefits from established mature boundary vegetation and additional planting has been secured via the parent planning permission.

12.4 No objections have been raised by KCC and landscape officer on the grounds that that there would be any impact on the ancient woodland to the south of the site.

13.0 OTHER CONSIDERATIONS

13.1 Given the location of the proposal site, I am satisfied that there are no objections to be raised in terms of flood risk.

13.2 There are other gypsy and traveller sites within the wider area in Hunton and Yalding but I do not consider the granting of permission here would lead to an unacceptable over-concentration of sites, or result in unacceptable visual harm given the distance between each of the sites. Further, given the sporadic residential development within the immediate area and relatively sustainable location, it is not considered that this site would individually or cumulatively dominate the nearest settled community or place undue pressure on the local infrastructure.

- 13.3 I am satisfied that the mobile home falls within the definition of a caravan as set out under Section 13 of the Caravan Sites Act 1968 (as amended), and an appropriate condition will control this.
- 13.4 I do not recommend any conditions restricting occupancy to the applicant on the basis that the site and development are considered acceptable for the reasons above and the site is allocated as a gypsy traveller site in the emerging Local Plan. In the case of this specific site, there is no reason to object to a permanent unrestricted use as a gypsy site.
- 13.5 Objections have also been raised regarding the density of the site and number of caravans per hectare. In this regard the additional caravan would be in accordance with the criteria of policy GT1 (7) and it is considered that the site would not appear cramped or overdevelopment with an additional static (4 statics in total). A local resident has advised that they own part of the vehicle access drive and field adjacent the site. Ownership Certificate B has been completed and notice has been served on the relevant owner. Local objectors state that the condition on the original consent have not been complied with. In this regard application 16/505423/SUB covers the discharge of all the onerous conditions on the original such as additional landscaping and erection of bird boxes.

14.0 CONCLUSION

- 14.1 The site is located within the countryside; however, gypsy sites can be acceptable in the countryside. It is considered that the applicant is a gypsy and complies with the definition contained within the Planning Policy for traveller sites document.
- 14.2 The visual impact of the development is minimal. There is good boundary screening and the site is set back from the road. Nonetheless, boundary treatment conditions should still be imposed to further screen the site.
- 14.3 The application site, when combined with other gypsy sites in the vicinity, and in relation to existing authorised developments, does not dominate the settled community.
- 14.4 In the context of gypsy and traveller accommodation, the application site is considered to be in a relatively sustainable location that is not so remote from services and facilities to justify a refusal.
- 14.5 The emerging policy GT1(7) for this site allocates a total of 4 pitches (2 more than the current consents) and the principle of one additional static caravan is considered to be appropriate and would not result in more than 4 caravans on the site.
- 14.6 The application development does not have any adverse impact on residential amenity.
- 14.7 The application development does not lead to any increased risk to highway safety.
- 14.8 There are no other significant planning issues that would warrant refusal of the application.
- 14.9 I therefore consider the development is acceptable and recommend permanent permission.

CONDITIONS

- (1) No more than two statics caravans and one tourer, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time unless otherwise agreed in writing with the Local Planning Authority;

Reason: To safeguard the character and appearance of the countryside.

- (2) The development hereby permitted shall be carried out in accordance with the following drawings:

Site Location and Block Plan; received on 11.07.2016.

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

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.

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Agenda Item 15



16/505965 The Chances

Scale: 1:2500

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REPORT SUMMARY

REFERENCE NO - 16/505965/FULL			
APPLICATION PROPOSAL Variation of condition 2 of 15/506245 (Permanent siting of one static and one touring caravan for residential use by Romany gypsies) - to allow extra static home.			
ADDRESS The Chances, Lughorse Lane, Hunton, Kent, ME15 0QU			
RECOMMENDATION – Permission			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and there are no overriding material considerations to indicate a refusal of planning consent.			
REASON FOR REFERRAL TO COMMITTEE Hunton Parish Council wish to see the application refused.			
WARD Coxheath And Hunton	PARISH/TOWN COUNCIL Hunton	APPLICANT Mr John Collins AGENT	
DECISION DUE DATE 29/09/16	PUBLICITY EXPIRY DATE 20/09/16	OFFICER SITE VISIT DATE 16.08.2016	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
16/505113/FULL	Variation of condition 2 of 15/506338 (Permanent siting of one static and one touring caravan for residential use by Romany gypsies) - to replace the touring caravan with another static mobile home. This application relates to the adjoining site.	Pending decision	
16/505347/FULL	Variation of Condition 2 and 8 of planning permission 15/506338/FULL (Permanent siting of one static and one touring caravan for residential use by Romany gypsies) - to permit the stationing of two static caravans and two touring caravans on the land and to vary the site layout to form a third plot	Refused	
15/506245	Permanent siting of one static and one touring caravan for residential use by Romany gypsies	Permanent consent. Granted at committee.	07.04.2016
15/506338	Permanent siting of one static and one touring caravan for residential use by Romany gypsies (adjoining site)	Permanent consent. Granted at committee	07.04.2016
10/1336	Variation of enforcement appeal reference ENF/8968 Conditions 1 and 2 to allow the use of the site for the siting of a mobile home and a touring caravan on a permanent basis for an extended gypsy family –	Temporary 4 year personal permission	Committee 22.11.2010

11/1900	Variation of condition 4 of planning permission MA/10/1336 to read: 'No more than 3 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which not more than 2 shall be a static caravan) shall be stationed on the site at any time.'	Permitted	11.10.2012
ENF/8968	The Inspector allowed use of the current site for a temporary personal permission for 3 years for stationing of caravans and use as a traveler site.	Allowed	7.08.2007
10/1542	Planning permission on the adjoining field to north of the site was refused for change of use of land to provide two plots for gypsy travelers	Refused: Impact on open countryside	Committee 11.08.2011

MAIN REPORT

1.0 BACKGROUND

- 1.1 This site and the adjoining site to the west are allocated for use as gypsy traveller sites in the emerging Local Plan (submission version) May 2016. Policy GT1 (7) advises in accordance with policy GT1, planning permission for 4 permanent pitches at The Chances, Lughorse Lane, Hunton, will be granted providing the total site capacity does not exceed 4 pitches; future permissions to include additional landscaping and ecology mitigation.
- 1.2 At present The Chances has permanent planning permission for two pitches (over two applications 15/506245 and 15/506338). Permanent permission has been granted for two statics and two tourers in total. The emerging site allocation allows for a further two statics on the site.

2.0 SITE DESCRIPTION

- 2.1 The application site is located on the south side of Lughorse Lane in the open countryside. The site has been granted permanent consent for one static and tourer which are currently on site. A second static has recently been stationed on site adjacent to the western boundary. This second static is the subject of this application.
- 2.2 The site is set back approx. 130m from Lughorse Lane and is accessed via a vehicle track running through the adjacent field to the north. The vehicle track is formed of compacted hard-core and is shared with the adjoining site to the west. PROW KM163 crosses the vehicle access to the west of the site. An area of ancient woodland is located to the southwest of the site. The remaining area surrounding the site to the north, east, south and west is open countryside / fields. To the west is an adjoining traveller site. Further to the south is a commercial engineering premises. There is mature vegetation along the site boundaries with the exception of the vehicle access point on the western boundary. The site is located within a Special Landscape Area.

3.0 PROPOSAL

3.1 Variation of condition 2 of 15/506245 (Permanent siting of one static and one touring caravan for residential use by Romany gypsies) - to allow extra static home.

3.2 Condition 2 currently states:

3.3 No more than one static caravan and one tourer, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time unless otherwise agreed in writing with the Local Planning Authority;

3.4 This application seeks to vary the wording as below:

3.5 No more than two statics caravan and one tourer, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time unless otherwise agreed in writing with the Local Planning Authority;

3.6 The second static caravan which is the subject of this application has already been brought onto the site and is located adjacent the west boundary. The static is used by the applicant's son.

4.0 POLICIES AND OTHER CONSIDERATIONS

- Development Plan 2000: ENV6, ENV28, ENV34, T13
- National Planning Policy Framework
- National Planning Practice Guidance
- Draft Local Plan policies: SP5, GT1, GT1 (7), DM16
- Planning Policy for Traveller Sites (PPTS)

5.0 LOCAL REPRESENTATIONS

5.1 Some 7 objections have been received. One letter of support has been received. The main points of objection are summarised as follows:

- Land within the red line boundary is owned by a third party.
- Description of the proposed development is confusing and flawed.
- Site is visible from the PROW.
- Should not be allowed in the SLA.
- The number of caravans (including adjacent sites) exceeds MBC density calculations.
- If all applications permitted on site there would be 5 statics which would exceed the guidelines of the emerging policy.
- The plot is only half an acre not one acre as stated in the Local Plan.
- Site can be seen from Greensand Way and the road.
- Conditions on previous approval have not been complied with.
- Site is detrimental to the local environment.
- Additional vehicle traffic
- Impact on the character of the surrounding area / countryside.

- One letter of support vouching for the character of the applicant.

5.2.1 **Hunton Parish Council:** Hunton Parish Council recommends refusal and asks for the application to be heard by the Planning Committee. The Parish Council objections are summarised below:

- The site is not large enough to accommodate more caravans.
- The site is 0.2 hectares not 0.4 hectares as previously stated.
- Visual harm to the countryside.
- The disposal of waste water poses a public and environmental health risk.

6.0 CONSULTATION RESPONSES

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

6.2 **KCC PROW:** No objections

6.3 **Environmental Health Team:** No objections

6.5 **MBC Landscape:** No objections.

6.6 **Southern Water:** No comments to make.

6.7 **Forestry Commission:** Recommend following Natural England's Standing Advice

7.0 PRINCIPLE OF DEVELOPMENT

7.1 There are no saved Local Plan policies that relate directly to this type of development. Policy ENV28 of the MBWLP relates to development in the countryside stating that;

"Planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers."

7.2 Policy ENV28 then outlines the types of development that can be permitted and this does not include gypsy and traveller development.

7.3 However, a key consideration in the determination of this application is central Government guidance contained within 'Planning Policy for Traveller Sites' (PPTS) amended in August 2015. This places an emphasis on the need to provide more gypsy sites, supporting self-provision and acknowledging that sites are likely to be found in rural areas.

7.4 Issues of need are dealt with below but in terms of broad principles Development Plan Policy and Central Government Guidance allows for gypsy sites to be located in the countryside as an exception to the general development restraint policies.

7.5 In addition, the submitted version of the Development plan went to the Secretary of State in May 2016 and public examination took place in the later part of 2016. This Plan and its policies are considered to hold significant weight; and policy GT1(7) allocates the application site for 4 gypsy traveller pitches whilst policy DM16 accepts this type of accommodation can be provided in the countryside provided certain criteria are met.

Need for Gypsy Sites

7.6 Although the emerging local plan is well advanced, there are not yet any adopted development plan policies relating to the provision of gypsy sites. Members are reminded that Local Authorities have responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans. Maidstone Borough Council, in partnership with Sevenoaks District Council commissioned Salford University Housing Unit to carry out a Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) dated January 2012. The GTAA concluded the following need for pitches over the remaining Local Plan period:

Oct 2011 – March 2016	-	105 pitches
April 2016 – March 2021	-	25 pitches
April 2021 – March 2026	-	27 pitches
April 2026 – March 2031	-	30 pitches
Total: Oct 2011 – March 2031	-	187 pitches

7.7 The GTAA was completed prior to the refinement to the definition of Gypsies and Travellers contained in the revised PPTS published in August 2015. The GTAA is the best evidence of needs at this point, forming as it does part of the evidence base to the emerging Local Plan, and it is considered to be a reasonable and sound assessment of future pitch needs, albeit that actual needs may prove to be a degree lower as a result of the definition change. The current GTAA provides the best evidence of needs available at this point of time and the decision needs to be based on evidence at the time of the decision.

7.8 The target of 187 additional pitches is included in Policy SS1 of the Maidstone Borough Local Plan which itself was agreed by Full Council on 20th January 2016 and submitted to the Secretary of State on 20th May 2016.

Supply of Gypsy sites

7.9 Accommodation for Gypsies and Travellers is a specific type of housing that councils have the duty to provide for under the Housing Act (2004).

7.10 Since 1st October 2011, the base date of the GTAA, the following permissions for pitches have been granted (net):

- 85 Permanent (non-personal)
- 16 Permanent (personal)
- 3 Temporary (non-personal)
- 33 Temporary (personal)

7.11 Therefore a net total of 101 permanent pitches have been granted since 1st October 2011. A further 86 permanent pitches are needed by 2031 to meet the need identified in the GTAA.

7.12 The PPTS states that local planning authorities should identify a future supply of specific, suitable Gypsy and Traveller sites sufficient for the 10 year period following adoption of the Local Plan. The submission Draft Local Plan does allocate specific sites, and these are sufficient to provide 41 additional pitches by 2031. In addition, it can reasonably be expected that some permanent consents will be granted on suitable 'unidentified' sites in the future. There will also be turnover of pitches on the two public sites in the borough. Overall, by the means of the site allocations, the granting of consents (past and future) and public pitch turnover, the identified need for 187 pitches can be met over the timeframe of the Local Plan. The Local Plan's adoption is currently timetabled for the latter half of 2017.

7.13 The PPTS directs that the lack of a 5 year supply of Gypsy pitches should be given weight in the consideration of granting a temporary consent. With the submission of the Local Plan, the council's position is that it can demonstrate a 5.6 year supply of G&T sites at the base date of 1st April 2016. In these circumstances, the PPTS direction to positively consider the granting of a temporary consent does not apply.

Gypsy Status

7.14 The Government has issued revisions on the national planning guidance for Gypsy & Traveller development contained in 'Planning Policy for Traveller Sites' (PTS). The revised guidance came into force on 31st August 2015, and the planning definition of

'gypsies & travellers' have been amended to exclude those who have ceased to travel permanently. The revised definition is as follows;

"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."

- 7.15 The definition still includes those who are of a nomadic habit of life who have ceased to travel temporarily because of their own, or their dependants', health or education needs or old age. To determine whether an applicant falls within the definition in terms of ceasing travel temporarily, the PTS advises that regard should be had to; a) whether they had previously led a nomadic habit of life; b) the reasons for ceasing their nomadic habit of life; and c) whether there is an intention of living a nomadic habit of life in the future and if so, how soon and in what circumstances.
- 7.16 In this instance permanent planning permission already exists on this site for one static and one touring caravan and the gypsy traveller status of the applicant was confirmed during the determination of the original permission. This application proposes one additional static caravan for the applicant's son. As such the gypsy traveller status of the applicant has already been confirmed and the applicant and his family are considered to fall within the definition of a gypsy traveller. The parent planning permission contains a condition restricting the use of the site to travellers.
- 7.17 Given the fact the Council is unable to offer any alternative accommodation and taking into consideration the emerging policy GT1 (7) for this site which allocates a total of 4 pitches (2 more than the current consents), the principle of one additional static caravan is considered to be appropriate and would not result in more than 4 caravans on the site.

8.0 VISUAL IMPACT

- 8.1 Guidance in the PPTS states that Local Planning Authorities should strictly limit new traveller development in the countryside but goes on to state that where sites are in rural areas, considerations are that sites do not dominate the nearest settled community and do not place undue pressure on local infrastructure. No specific reference to landscape impact is outlined; however, this is addressed in the NPPF and saved Local Plan policy ENV28 and ENV34.
- 8.2 The landscape in the vicinity of the application site is in relatively flat agricultural land, interspersed with hedgerows and woodland blocks. The site itself is fairly well enclosed. There is mature hedgerow planting along the north, east, south and a majority of the west boundary with the exception of the vehicle access. The boundary screening and distance of the site from Lughorse Lane all limit mid- to long-distance views into the site. Short range views are also limited by the boundary screening. Close range views are mainly limited to views of the site entrance and shared vehicle access. There is a further gypsy/traveller caravan site adjacent (app no. 15/506338), to which the application site would be well related without significant cumulative visual impact. The additional caravan has been appropriately located adjacent to the west boundary hedge and is not significantly visible from any public vantage points due to the established boundary screening. In this context the one additional caravan is not considered to be visually intrusive, and would be neither incongruous nor discordant. In my view the vegetation along eastern boundary could be improved to plug up any gaps to further improve the screening and further limit views of the site from the east. This could be adequately secured by condition.

8.3 Overall it is considered that the site is currently well screened and subject to additional supplementary planting along the east boundary, the additional caravan on this site would not cause undue harm to the open countryside and Special Landscape Area.

9.0 SUSTAINABILITY

9.1 Gypsy traveller sites will almost inevitably be located in countryside locations. The site is located less than 1 mile from Hunton and less than 2 miles from Yalding. In my view, I do not consider the site to be so far removed from basic services, schools and other facilities as to justify grounds to refuse this application in terms of being unsustainable.

10.0 RESIDENTIAL AMENITY

10.1 The site is some distance from the nearest residential properties such that I am satisfied that the development would not have a significant detrimental impact on the residential amenity of any neighbouring occupant, in terms of loss of light outlook and privacy and in terms of general noise and disturbance. The Environmental Health Department have confirmed there have been no complaints regarding this site. A further gypsy traveller site is located to the west of the site. Sufficient screening is provided on the west boundary between the two sites to ensure there are no adverse amenity impacts between the two sites.

11.1 HIGHWAY SAFETY IMPLICATIONS

11.1 The site has an established vehicle access onto Lughorse Lane across / along the boundary of the field to the north of the site. The development would not result in a significant increase in traffic movements and I consider the local highway network to be capable of accommodating the relatively low vehicle movements to and from the site. There is sufficient parking and turning space within the site; the access road is suitably surfaced; and the gates are set back from the highway. KCC Highways have raised no objection on highways safety or parking grounds.

12.0 LANDSCAPE AND BIODIVERSITY IMPLICATIONS

12.1 The site has been used as a gypsy traveller site since 2006 and hard-core for the vehicle access and parking areas is already laid. Not including the established vegetation along the site boundaries the application site is likely to have limited ecological value due to the continued occupation.

12.2 One of the principles of the National Planning Policy Framework is that "*opportunities to incorporate biodiversity in and around developments should be encouraged*". Biodiversity enhancements including bird / bat boxes were erected on the site as part of the original permission.

12.3 As stated above the site is well screened and benefits from established mature boundary vegetation. Additional landscaping could be secured along the east site boundary which would improve the landscape and biodiversity within the site.

12.4 No objections have been raised by KCC, the forestry commission and landscape officer on the grounds that that there would be any impact on the ancient woodland to the south of the site.

13.0 OTHER CONSIDERATIONS

13.1 Given the location of the proposal site, I am satisfied that there are no objections to be raised in terms of flood risk.

- 13.2 There are other gypsy and traveller sites within the wider area in Hunton and Yalding but I do not consider the granting of permission here would lead to an unacceptable over-concentration of sites, or result in unacceptable visual harm given the distance between each of the sites. Further, given the sporadic residential development within the immediate area and relatively sustainable location, it is not considered that this site would individually or cumulatively dominate the nearest settled community or place undue pressure on the local infrastructure.
- 13.3 I am satisfied that the mobile home falls within the definition of a caravan as set out under Section 13 of the Caravan Sites Act 1968 (as amended), and an appropriate condition will control this.
- 13.4 I do not recommend any conditions restricting occupancy to the applicant on the basis that the site and development are considered acceptable for the reasons above and the site is allocated as a gypsy traveller site in the emerging Local Plan. In the case of this specific site, there is no reason to object to a permanent unrestricted use as a gypsy site.
- 13.5 Objections have also been raised in relation to the accuracy of the site area as set out in the emerging policy GT1 (7). On review of the policy the application site appears to accord with the site plan area associated with the emerging policy. Policy GT1 (7) does not state the size of the site. Local objectors state that the conditions on the original consent have not been complied with such as additional planting and the installation of bird / boxes. The council has contacted the applicant and expect a condition application to be submitted shortly.

14.0 CONCLUSION

- 14.1 The site is located within the countryside; however, gypsy sites can be acceptable in the countryside. It is considered that the applicant is a gypsy and complies with the definition contained within the Planning Policy for traveller sites document.
- 14.2 The visual impact of the development is minimal. There is good boundary screening and the site is set back from the road. Nonetheless, boundary treatment conditions should still be imposed to further screen the site.
- 14.3 The application site, when combined with other gypsy sites in the vicinity, and in relation to existing authorised developments, does not dominate the settled community.
- 14.4 In the context of gypsy and traveller accommodation, the application site is considered to be in a relatively sustainable location that is not so remote from services and facilities to justify a refusal.
- 14.5 The emerging policy GT1(7) for this site allocates a total of 4 pitches (2 more than the current consents) and the principle of one additional static caravan is considered to be appropriate and would not result in more than 4 caravans on the site.
- 14.6 The application development does not have any adverse impact on residential amenity.
- 14.7 The application development does not lead to any increased risk to highway safety.
- 14.8 There are no other significant planning issues that would warrant refusal of the application.

- 14.9 I therefore consider the development is acceptable and recommend permanent permission.

CONDITIONS

- (1) No more than two static caravans and one tourer, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time unless otherwise agreed in writing with the Local Planning Authority;

Reason: To safeguard the character and appearance of the countryside.

- (2) Within three months of the date of this decision notice, details of a scheme of landscaping, using indigenous species which shall be in accordance with BS:5837 (2012) 'Trees in relation to design, demolition and construction - Recommendations' and include a programme for the approved scheme's implementation, maintenance and long term management plan shall be submitted for approval in writing by the Local Planning Authority. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall include the following;

i) Details of the species, size, density and location of new planting along the east site boundary;

Reason: To safeguard the character and appearance of the countryside, and in the interest of biodiversity.

- (3) 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 date of the approval; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

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

- (4) The development hereby permitted shall be carried out in accordance with the following drawings:

Block Plan and Site Plan; received on 4.09.2016.

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

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.



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16/505127 - 51 London Road

Scale: 1:1250

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REPORT SUMMARY

REFERENCE NO - 16/505127/FULL		
APPLICATION PROPOSAL Erection of a residential development comprising 26 new residential flats with 20 parking spaces proposed at basement level.		
ADDRESS 51 London Road, Maidstone, Kent, ME16 8JE		
RECOMMENDATION - Permission		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposal is considered to preserve the character and appearance of the surrounding area and would not result in any amenity or highways safety harm. The proposal would comply with the Development Plan and there are no overriding material considerations to indicate a refusal.		
REASON FOR REFERRAL TO COMMITTEE Cllr David Pickett and Cllr Georgia Harvey have called the application to committee for the reasons set out below.		
WARD Bridge	PARISH/TOWN COUNCIL	APPLICANT Innovation Design & Build Limited AGENT GDM Architects
DECISION DUE DATE 21/09/16	PUBLICITY EXPIRY DATE 26/12/16	OFFICER SITE VISIT DATE 05/07/2016
RELEVANT PLANNING HISTORY (including relevant history on adjoining site):		
App No	Summary	
08/1990	Outline planning permission for the demolition of existing office and erection of a 42 bed, five storey nursing home with access to be considered at this stage and all other matters reserved for future consideration (Resubmission of MA/08/0988) – Approved with conditions	
08/0988	Outline planning permission for the erection of 55 bed, five storey nursing home with means of access only to be considered at this stage and all other matters reserved for future consideration – Withdrawn	
16/501265/FULL	Erection of 32 dwellings comprising 24 x 2 bedroomed flats plus 8 x 1 bedroomed flats together with 27 car parking spaces – Refused for the following summarized reasons: <ul style="list-style-type: none"> • Design, height and bulk and resultant impact on the streetscape • Visually intrusive, overbearing and unneighbourly form of development • Lack of outdoor amenity space • Highways safety 	

1.0 DESCRIPTION OF SITE

1.1 The application site is located on the south side of London Road. The site is located in urban area for the purposes of the Local Plan 2000. The ground levels within the site are approximately 2m above the public highway and the gradient of the land rises up towards the rear / southwest of the site. Vehicle access is currently afforded onto London Road from the northwest corner of the site. There is a ragstone wall on the front boundary of the site adjacent London Road. The site area measures approx. 1,744m². The site is currently overgrown and there are a number

of self seeded trees within the site. There are more mature trees located toward the site boundaries.

- 1.2 The area immediately adjoining the application site is characterised by two storey properties. To northwest of the site is Bower Mount Medical Practice, a two storey Victorian property with later two storey extensions and car parking areas to the front and side which are set at a higher level. 49 London Road is a detached residential house located to the southeast of the site. No. 49 is a large two storey detached Victorian property with living accommodation in the roof and a large single storey extension to the rear. The rear boundary of the site abuts the rear garden of 3 Bower Mount Road and 22 and 23 Whitchurch Close which are two storey residential houses. The wider streetscape of London Road exhibits a mix of building types and there are several examples multi storey developments within the streetscape.

2.0 PROPOSAL

- 2.1 Erection of a residential development comprising 26 flats together with 20 car parking spaces and cycle storage. A summary of the proposed development is as follows:

- Excavation of a basement level parking area to accommodate 20 parking spaces, cycle parking, service and stair and lift access to the upper levels.
- Turning area at the front of the building.
- Four levels of residential accommodation with the fourth level set within the curved roof and occupying the front part of the building only.
- 15x1 bed units and 9x2 bed units and 2x3 bed units.
- The 8 ground floor units would be affordable (5x1 beds and 3x2 beds).
- The flats would be accessed via a long central / internal corridor connecting to stair / lift access at the front and rear of the building.
- The flats would mainly be orientated to face northwest or southeast with windows located in the long flank elevations. Corner flats at the front would also have openings and balconies on the front and side.
- The building would have a long and narrow footprint measuring approx. 630m²
- The building is designed in a modern idiom with a curved roof divided into two sections covering the front part of the building with a lower flat roof above the rear part of the building.
- Materials include facing brick, coloured weatherboarding, ragstone, rendered walls and aluminium fenestration.
- New planting is proposed on the site boundary.

3.0 BACKGROUND

- 3.1 Outline permission was granted for a 5 storey 42 bed nursing in November 2010. This consent has now expired. The outline consent only considered site access, however, the indicative drawings presented a 5 storey building therefore a precedent has been set on this site for a multi storey development. There have been relevant changes in planning policy with the publication of the National Planning Policy Framework in 2012 which post-date the original application. There have also been changes at adjoining properties which post-date the original application. As such the expired consent does not hold any significant weight in the current decision making process.

- 3.2 More recently planning permission was refused for a residential development comprising 32 flats at this site due to the height, scale, lack of amenity space and impact on neighbour amenity. The difference between the refused scheme and the current proposal are summarised as follows:

- Reduction in flats from 32 to 26.
- Height at front elevation reduced by some 1.5m.
- Height at rear elevation reduced by some 4m and flat roof replaces the curved roof.
- Materials changes to include facing brickwork and coloured weather boarding.
- Footprint reduced by some ...
- Enlarged communal amenity area at the rear of the building.
- Rear elevation moved some 7.8m further away from the rear boundary. Approximately 13.5m between the rear elevation and rear site boundary adjoining the rear gardens of properties fronting Whitchurch Close.
- Balconies and habitable room windows removed from the rear elevation.

3.3 Following the refusal of the above planning application the applicant sought pre-application advice to better understand and to seek to overcome the councils reasons for refusal.

4.0 AMENDED PLANS

4.1 Amended plans and additional documents have been submitted during the course of this application and the council has sent out three separate notification letters to neighbours and objectors, as well as putting up a site notice and advertising the application in the local newspaper. Amendments include changes to the articulation of the front elevation to include balconies and different materials; correcting errors on the drawings; changes to the vehicle access; additional tree and ecology reports; lowering the rear section of the building.

5.0 POLICIES

Local Plan 2000: ENV6, ENV21, T13
National Planning Policy Framework
National Planning Policy Guidance
Affordable Housing DPD
Public Open Space DPD
London Road Character Area Assessment SPD 2008.
Emerging Local Plan (submission version) May 2016: SP1, DM1, DM4, DM5, DM8, DM11, DM12, DM13, DM27

6.0 LOCAL REPRESENTATIONS

6.1 Some 12 neighbours have objected to the proposal, submitting a number of objection letters during the extended consultation process. The points of objection are summarised as follows:

- Building would be out of character and scale with the surrounding area.
- Poor design.
- The building design will create anti-social behaviour and poor quality of life
- Out of scale with neighbouring developments
- Under provision of parking
- Loss of trees and ecology
- Over development of the site
- Highways safety issues regarding the vehicle access
- Errors regarding the drawings / elevations
- Overshadowing neighbouring properties
- Overlooking / loss of privacy
- Increased traffic on London Road
- Examples of multi storey developments on London Road do not justify this development

- Air quality
- Flood risk
- Contrary to SPD relating to quality of build
- Increased traffic
- Loss of light
- Noise generated from the flats
- Increased parking congestion in surrounding roads
- Lack of consultation
- Excavation of the basement level will result in damage to neighbouring properties (*non material planning consideration*)
- Loss of a view (*non material planning consideration*)

6.2 Cllr David Pickett objects on the following grounds:
'If you are minded to approve this application I would like it referred to the Planning Committee on the following grounds:

Notwithstanding the partial reduction in the footprint and scale of the development there remain significant concerns.

1 The removal of one level of flats has not resulted in a comparable reduction in the height of the building.

2 The revised plan fails to reflect the fundamental concerns within the NPPF that the development should deliver high quality design.

The amended design is an unsatisfactory compromise which provides neither a traditional or modernist approach to the character of the mature and established street scene.

The scheme is lacking in character and architectural detail and a poor choice of materials. There does not appear to be any consideration given to any landscaping approach which is essential in this prominent location.

I do not consider this application to be appropriate to this mature residential location'.

'Notwithstanding the revised plan submitted I would like to maintain my view that the application for this location should be referred to the Planning Committee should the recommendation be for approval'.

6.3 Cllr Georgina Harvey objects on the following grounds:
'This is the second application submitted for this site and although the plans show some changes from the initial application my concerns are the following:

- *The removal of one level of flats from the original design has not resulted in a significant reduction in the height of the building.*
- *The lack of any appropriate landscaping detail means that no action has been taken to mitigate the poor air quality in this area.*
- *In terms of the materials, the cedar cladding should only be used if suitably treated so as to ensure that the appearance of the building does not deteriorate over time.*

Based on the current plans, I do not feel that this application is suitable for the area'.

7.0 CONSULTATION RESPONSES

- 7.1 **KCC Highways:** No objections regarding parking provision and trip generation. KCC have requested a Stage 1 Safety audit via condition to assess whether any minor improvements to the vehicle access are required.
- 7.2 **UK Power Networks:** No objections
- 7.3 **Southern Water:** Additional local infrastructure required to accommodate surface water. SW can provide foul sewage on the site. No objections subject to conditions and informatives.
- 7.4 **Kent Police:** No objections
- 7.5 **KCC Sustainable Drainage:** No objections subject to conditions.
- 7.6 **MBC Landscape Officer:** Raised original objection regarding potential future pressure to fell a tree adjacent the building. Amended drawings have moved the proposed building away from the tree in question.
- 7.7 **MBC Environmental Health:** No objection subject to conditions.
- 7.8 **Upper Medway IDB:** No objections
- 7.9 **MBC Housing:** No objections. 40% affordable housing proposed.
- 7.10 **MBC Public Open Space:** No objection. Request contributions.
- 7.11 **Natural England:** No comments.
- 7.12 **Upper Medway Internal Drainage Board:** No objection.
- 7.13 **NHS:** Request contributions towards local surgeries.
- 7.14 **KCC Development Contributions:** Request contributions towards local primary schools and libraries.

8.0 ASSESSMENT

- 8.1 The site is located within the urban area of Maidstone where the principle of additional housing is acceptable in this sustainable location in accordance with the NPPF. The site is a brownfield site and has remained vacant for a number of years following the demolition of the former office building and, the redevelopment of the site for residential use, subject to a suitable design standard, would contribute to the supply of housing in the borough in accordance the NPPF.
- 8.2 I consider the key issues to be the impact upon the character and appearance of the surrounding area, neighbour amenity, ecology and landscaping, future living conditions, highways safety and parking congestion.

Design

- 8.3 The application site is located in a prominent location on a primary A route into Maidstone town centre adjacent London Road (A220) and Policy ENV21 Strategic Transportation Corridors is considered relevant.
- 8.4 Policy ENV21 of the Local Plan 2000 states development will not be permitted which would harm the character, appearance and functioning of strategic routes within the borough. Paragraph 3.65 of policy ENV21 advises the character, appearance and

functioning of the strategic transportation routes within the Borough are important in terms of their influence on the perceptions of visitors and potential investors.

8.5 Paragraph 56 of the NPPF states the government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that new developments (paragraphs 58, 60 and 61):

- establish a strong sense of place;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- address the connections between people and places;
- integrate with the historic environment; and
- promote or reinforce local distinctiveness.

8.6 Paragraph 60 of the NPPF Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

8.7 The application site is currently vacant and is overgrown with trees and vegetation, a number of which are likely to be self seeded. The area immediately adjoining the application site is characterised by two storey properties. To northwest of the site is Bower Mount Medical Practice, a two storey Victorian property with later two storey extensions and car parking areas to the front and side. 49 London Road is a detached residential house located to the southeast of the site. No. 49 is a large two storey detached Victorian property with living accommodation in the roof and a large single storey extension to the rear. The rear boundary of the site abuts the rear gardens of 3 Bower Mount Road, 22 and 23 Whitchurch Close which are two storey residential houses. The wider streetscape of London Road does exhibit several multi storey developments, however, Bower Mount Medical Practice and 49 London Road form the immediate streetscene setting and it is considered that the height of any future development on the application site should respect the height of these two adjoining properties.

8.8 As with the recently refused scheme the proposed development is in a modern idiom and in terms of design and elevational treatment, is considered acceptable. I am mindful that the NPPF advises that planning decisions should not attempt to impose architectural styles or particular tastes (para. 60). Given the varied character of the streetscape along London Road it is considered that a development in a modern idiom such as the one proposed would not necessarily be inappropriate or incompatible with the wider streetscape. Materials proposed include facing brickwork and coloured render which are evident within the immediate and wider streetscape. There are fewer examples of coloured weatherboarding or curved roofs within the streetscape, however, these elements are considered to compliment the overall design of the building. The front elevation of the building would be set back some 12m from London Road behind the existing 2m high ragstone wall and additional tree planting and frontage planting, which would soften the visual impact of the building on the streetscene.

- 8.9 The previous application was refused on this site due to the height and scale of the building in relation to the adjacent properties. This scheme has sought to overcome this by reducing the highest part of the building by some 1.5m and accommodating the top / fourth level of living accommodation in the curved roof spaces of the building. The proposed building remains higher than the adjacent properties at 49 London Road and the Bower Road Medical Practice, however, given the set back from the street, curved roof design and wider streetscene context, it is considered that this site could accommodate a building of the height and scale proposed.
- 8.10 At the front of the building the use of materials, balconies, recesses and angled building line constitutes a high standard of design and is considered to be visually attractive in accordance with the NPPF. The flank and rear elevations exhibit fewer materials and less articulation than the front elevation and are not considered to represent such a high standard of design as the front of the building. However, as the flank and rear elevations would largely be screened from public view the lesser design quality of these elevations is considered acceptable in this instance.
- 8.11 There have been a number of objections regarding the design and compatibility with the streetscape. The proposal is located between two Victorian properties, however, I do not consider that the future redevelopment on this site need necessary follow the architectural style of the two immediate neighbours given the varied built environment of the wider streetscape. Further, the Medical Practice which is located to the northwest of the site has a modern two storey side extension which extends further back than the proposed building and is also visible from London Road. There are also a number of examples of multi storey developments along London Road such that I do not consider a building of the height and design proposed would appear out of keeping with the surrounding area.

Amenity

- 8.12 Four levels of residential accommodation are proposed comprising 5x1 bed units and 3x2 bed units on the ground, first and second floors and two top floor 3 bed flats. The flats would mainly be orientated to face northwest or southeast with windows located in the long flank elevations. Balconies are proposed at the flats located at the front of the building.
- 8.13 49 London Road is a detached residential property adjoining the southeast boundary of the application site. The relatively small rear gardens of residential properties on Whitchurch Close back onto the southwest boundary of the application site.
- 8.14 The rear elevation would contain two windows on the ground to third floor level serving the hallway and secondary openings for the living room kitchen areas. Compared to the refused scheme the number of windows in the rear elevation has been reduced, the rear balconies have been omitted and the rear building line would be some 13m from the rear boundary of the site. There would be approximately 20m separation between the rear elevation of the building and the rear elevation of the properties fronting onto Whitchurch Close, which is considered acceptable from a privacy and outlook perspective. There would still be an element of overlooking towards the gardens of the properties located to the rear of the site therefore I consider it would be appropriate to attach a condition securing obscure glazing on the secondary living room windows on the rear elevation.
- 8.15 The proposed development is not considered to have a harmful impact in terms of loss of light or outlook on the houses at Bower Mount Road and Whitchurch Close located to the rear of the site due to the set in from the rear site boundary of approx. 13m distance and the height of the rear flat roof element. Additional landscape

screening is also proposed along the rear site boundary which would further screen the proposed development from the residential properties at the rear of the site.

- 8.16 The proposal would introduce a four/five storey residential development with a number of habitable room windows overlooking the neighbouring properties on either side of the site at 49 London Road and the Bower Mount Medical Practice. The number of windows overlooking 49 London Road could be considered unneighbourly development and does weigh against the proposal. However, compared to the refused scheme the footprint has been reduced such that the flank windows would not directly overlook the rear garden space of 49 London Road. Oblique views would be afforded from the side windows towards the rear garden of 49 London Road, however, the rear garden of 49 London Road is already directly overlooked by first floor windows at three adjoining residential properties and, I do not consider the proposal would significantly increase to the existing levels of overlooking due to the oblique viewing angles.
- 8.17 The proposal would have some negative impacts in terms of loss of outlook, light and privacy on the openings in the northwest flank elevation of 49 London Road, including windows serving the kitchen and games room (ground level) and windows serving a bedroom and bathroom (first floor level). These are north facing windows serving largely non-habitable rooms with the exception of the bedroom. The negative impact on 49 London Road does weigh against the proposal, however, this is a common situation with flank windows on a brownfield site in a built up area. Further this situation has been previously considered when outline permission for the nursing home was approved on the application site and during a planning application to convert 49 London Road from an office to a dwellinghouse (ref: 10/2015). The NPPF also advises that schemes should optimise the potential of the site to accommodate development (para 58) and, to completely safeguard the amenity / outlook of 49 London Road would significantly limit the redevelopment potential at the development site and would fail to make the most efficient use of this sustainable brownfield site. On balance it is therefore considered that the impact on 49 London Road would not warrant refusal.
- 8.18 Additional landscaping is also proposed along the southern boundary of the site which would assist in screening the proposed building from the ground floor side windows at 49 London Road.
- 8.19 The proposal is not considered to have a detrimental impact to the property to the north of the site which is Bower Mount Medical Surgery.

Amenity of future occupants

- 8.20 The proposal comprises one, two and three bedroom flats. The proposal would provide internal living space in accordance with national requirements. In addition, the flats at the front of the building would be afforded private outdoor amenity space (balconies) and there would be a reasonable size area at the rear of the building for use as a communal garden.

Parking & highways safety

- 8.21 The proposal includes the excavation of a basement level parking area to accommodate 20 parking spaces and further cycle parking spaces. A turning area for cars and service vehicles is proposed at the front of the building. The existing vehicle access to the site would be utilised.
- 8.22 The number of spaces proposed would represent an under provision of parking when assessed against the Council and KCC parking standards which requires 1 space

per 1 and 2 bed units in this edge of town location and 2 spaces for 3 bed units. However, the site is located within a sustainable location in proximity to Maidstone town centre, train stations and bus routes and future occupants would not have to rely on private vehicles to access public transport, services and employment within the town centre. Therefore I do not consider the proposed development would have an unacceptable impact on parking provision or highways safety from an under provision of parking. KCC Highways have not objected due to an under provision of parking. KCC guidance promotes 1 cycle parking space per flat which would be provided at basement level.

8.23 Following discussions between the developer and KCC Highways the existing single vehicle access point onto London Road would be utilised with a turning area at the front of the building. KCC Highways recommended the existing access be maintained as opposed to the in out vehicle access originally proposed. The turning area would accommodate service vehicles accessing the site and allow vehicles to enter and exit the site in forward gear. KCC Highways have recommended a safety audit is undertaken as a condition to determine any minor changes that may be required to the vehicle access.

8.24 The proposal would result in an increase in vehicle movements at the application site and within the surrounding road network. The figures in the TA advise that the proposal would result some 86 additional vehicle trips per day. KCC Highways have not objected to the increased traffic movement on London Road and surrounding road networks and I have no reason to differ from their view on this matter. On this point I have had regard to paragraph 32 of the NPPF which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Infrastructure

8.25 A development of this scale is clearly 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.

8.26 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.

- 8.27 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:

- 8.28 A primary education contribution of £6492.64 is sought towards the Brunswick House Primary School enhancement. There will be a greater demand placed on schools within the local area from the occupants of the 26 flats as such the contribution is considered justified and appropriate in order to enhance the local primary school.
- 8.29 The KCC has sought a contribution of £1248.41 towards additional bookstock in the town centre libraries to mitigate the impact of the new borrowers from this development. It is likely that the proposed development of 26 flats would result in additional demand placed on the book stock in Maidstone and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 8.30 The NHS has sought a contribution of £10,626 towards investment in two local surgery premises; Alington Park and Alington Clinic. It is likely that the proposed development of 26 flats 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.
- 8.31 MBC Parks and Open Space have requested an off-site contribution of £1575 per dwelling. At 26 dwellings the POS Officer has confirmed this would equate to £40,950. It is likely that the proposed development would result in additional pressure on local play facilities in Maidstone and as such the contribution is considered justified and appropriate.
- 8.32 Justification for the contributions is outlined above and also within the consultation responses from KCC Economic Development 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.

Landscape and Ecology

- 8.33 The Ecology report identifies the site as having a low habitat value for badger, dormouse, and reptiles. The site has a low - moderate habitat value for foraging and commuting bats and a very low habitat value for great crested newt. The site has a high habitat value for breeding birds. KCC Ecology have advised that the Ecology Survey and the contents and methodology within the ecology appraisal is considered acceptable and do not raise any objections in terms of ecology impacts. The ecology enhancements include the installation of bat and bird boxes and additional tree and landscaping and can be secured by condition.
- 8.34 Trees would be retained on the site boundaries additional tree planting is also proposed along the site boundaries. However, it is proposed to remove a number of trees from 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 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.

- 8.35 The landscape officer has raised concerns regarding the potential future pressure to fell a TPO Lime tree on the northern boundary of the site due to the proximity of the development. The landscape officer has not raised an objection regarding the proximity of the development and damage to the RPA or canopy of this tree. The developer has amended the proposal to move the building further away from the tree to overcome the landscape officer comments. In addition, the tree would be located adjacent bedroom and secondary windows only therefore an objection relating to future pressure to fell is not considered to warrant a sustainable objection. In addition the tree in question is covered by a TPO therefore the council would control any works to this tree in the future to prevent its removal.

Affordable Housing

- 8.36 The development is for a total of 26 units with the applicant proposing 30% affordable housing which equates to 8 units. All of the ground floor units (5x1 bed and 3x2 bed) would be affordable units. The Council Housing department has confirmed that Moat Housing has been in discussion with the developers who are proposing to deliver the scheme in accordance with the council's affordable housing policy. An appropriate mix will be secured via an S106 agreement during discussions between the developer and the Housing department.

Other Matters

- 8.37 The application is accompanied by an Air Quality and Noise Report. The Council EHO has reviewed the findings of both reports and does not raise any objections in terms of air quality, the impacts of traffic noise or land contamination upon future occupants of the site subject to suitable conditions.
- 8.38 A number of neighbouring residents have raised objections relating to the excavation works that would be required. Matters of land stability will be assessed under the building regulations procedure and are not a material planning consideration to warrant refusal or objection to a scheme.
- 8.39 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. Following the initial consultation response from KCC Drainage the developer has submitted a proposed sustainable drainage strategy for the site and development which KCC have accepted in principle subject to further details being submitted by condition.
- 8.40 Several residents have raised objections in relation to the council's consultation processes. In this regard 3 separate consultation letters have been sent to neighbours following the submission of additional and amended plans. A site notice was also erected outside the site and the proposed development has been advertised in the Kent Messenger when the application was initially received and validated by the council. National and Maidstone Councils own consultation guidance has been adhered during this application.
- 8.41 There have been a number of errors with the applicant's plans which have been addressed by the architect.

9.0 CONCLUSION

- 9.1 The proposal represents a sustainable redevelopment of a brownfield site and is considered to conform with the Local Plan 2000, NPPF and emerging Local Plan. The proposals are not considered to result in any unacceptable parking, traffic and

highway safety impacts, or unacceptable visual and streetscene impacts, subject to conditions. The proposal would not have a harmful impact on the setting of any listed buildings or conservation areas.

- 9.2 The proposal would result in some impact on neighbouring amenity due to the height and proximity to the site boundary, however, this is not uncommon at urban brownfield sites when seeking to make the most efficient use of land. This does however weigh against the proposed development. In addition, the additional traffic generated by the proposal would result in some air quality concerns in an AQMA which also weigh against the development but the EHO considers this could be overcome by an appropriate condition. However, on balance, it is considered that the public benefits of the additional housing, including 30% affordable housing in accordance with the emerging policy DM13, at this sustainable brownfield site, would outweigh the harm identified.
- 9.4 Overall, the public benefits of additional housing and the redevelopment of an edge of town centre redundant brownfield site is considered to outweigh the low adverse impacts that have been identified above. As such the development is considered to be in compliance with the National Planning Policy Framework and the Local Plan 2000 and emerging Local Plan (submission version) May 2016.
- 9.5 It is therefore considered that the development of the site for residential purposes is acceptable and it is recommended that subject to the completion of a section 106 agreement planning permission is granted.

11.0 RECOMMENDATION – GRANT Subject to the following

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

- The provision of 30% affordable residential units (8 flats).
- £6492.64 is sought towards the Brunswick House Primary School enhancement.
- Contribution of £1248.41 towards additional bookstock in the town centre libraries.
- Contribution of £40,950 towards Parks and Open Space (*further details to be included as an urgent update*).
- Contribution of £10,626 towards improvements at Alington Park and Alington Clinic.

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

CONDITIONS

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

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

- (2) Prior to the commencement of any works 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 surfacing of all access roads, parking and turning areas and pathways shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials.

The details and samples of the materials submitted shall include details of bat bricks incorporated into the proposed building;

Reason: To ensure a satisfactory appearance to the development.

- (3) Prior to the commencement of any works above damp proof course level, details of all fencing, walling and other boundary treatments shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter.

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

- (4) Prior to the commencement of any works above damp proof course level full details in the form of large scale drawings (at a scale of 1:20 or 1:50, where relevant) of the following matters shall be submitted to and approved in writing by the Local Planning Authority:-

- a) Details of windows and doors and recesses/reveals;
- b) Precise details of the fenestration;
- c) Details of the finish of the roof of the proposed building;
- d) Details of balconies and balustrades

The development shall be carried out in accordance with the approved details;

Reason: To ensure a satisfactory appearance to the development.

- (5) No structure, plant, equipment or machinery shall be placed, erected, or installed on or above the roof or on external walls without the prior approval in writing of the Local Planning Authority;

Reason: In the interest of a high quality finish of the development hereby permitted

- (6) Prior to the commencement of any works above damp proof course level a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and long term management shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines

The landscaping details and management plan shall include details of the communal amenity area proposed at the rear of the building.

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

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

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

- (8) The development shall not commence until an Arboricultural Method Statement in accordance with BS5837:2012 including tree protection details, 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: For tree protection and to ensure a satisfactory external appearance to the development.

- (9) 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.

- (10) No development shall take place until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: In the interest of residential amenity

- (11) Prior to the occupation of the building(s) hereby permitted, a minimum of one communal electric vehicle charging point shall be installed along with a dedicated parking space for use when cars are charging, 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) 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.

- (13) Prior to the commencement of development a Stage 1 Road Safety Audit of the vehicle access shall be submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels including any recommendations for road safety improvement outlined in the Safety Audit.

Reason: In the interests of highways safety.

- (14) 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 demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of within the site boundary. 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, to ensure ongoing efficacy of the drainage provision, to protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

- (15) 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, to ensure ongoing efficacy of the drainage provision, to protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

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

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure ongoing efficacy of the drainage provision, to protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

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

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

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

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

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

Reason: To protect future occupiers from contamination

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

Reason: To protect the amenity of future occupiers

- (19) The ecological enhancements set out in the Preliminary Ecological Appraisal by LaDellWood; dated February 2016, shall be implemented prior to the occupation of the development.

Reason: To incorporate biodiversity enhancements within the development site.

- (20) The windows in the rear elevation of the building hereby approved shall be obscure glazed and non-openable except at 1.7m above the internal floor levels.

Reason: To safeguard the amenity of neighbouring properties.

- (21) Before the development hereby approved commences details of oriel windows and / or obscure glazing to be installed in the bedrooms of units 14 and 15 (first floor) and units 22 and 23 (second floor) in the southeast elevation shall be submitted for prior approval in writing by the Local Planning. The approved details shall be in place before first occupation of said units and shall be retained as such at all times thereafter.

Reason: To safeguard the amenity of neighbouring properties.

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

DHA 11225 H-01 Rev P1; dated 11.11.2016, DHA 11225 H-02 Rev P2; dated 14.12.2016 and 3663/p10, 3663/p20, 3663/p23, 2371/15/A/1B, 2371/15/A/1A, 15238_01; received 15.06.2016 and AC16215-0001 Rev A; received 3 October 2016 and 3663 P11 rev b, 3663 P12 rev b, 3663 p13 rev b, 3663 p14 rev b, 3663 p15 rev b, 3663 p16 rev b, 3663 p17 rev b, 3663 p18 rev b, 3663 p19 rev b, 3663 p21 rev b, p22 rev b, 3663 p24 rev b, 3663 p25 rev b; received on 12.01.2017

And the following supporting documents:

Tree Survey by LaDellWood; dated February 2016, Air Quality Assessments and Noise Assessment; dated January 2016, Preliminary Ecological Appraisal by LaDellWood; dated February 2016, Transport Statement by DHA; dated February 2016, KB Ecology Reptile Report dated October 2016.

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

INFORMATIVES

- (1) No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

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.

Reference number: 16/505127

Further objection letters have been received from neighbour residents and Helen Grant MP. The points of objection are summarised as follows:

- Overdevelopment of the site.
- Design is not in keeping with neighbouring Victorian properties.
- The materials do not include brickwork which is a predominant feature in the area.
- Two storey houses would be more appropriate on the site.
- Safety of the vehicle access.
- Traffic generation / intensification.
- Location of the refuse storage / access on London Road is dangerous and will cause congestion.
- Insufficient on-site parking for the number of flats proposed.
- Parking congestion within the surrounding road network.
- Instability relating to the foundations and proposed soakaway.
- Insufficient public / neighbour consultation.
- Loss of privacy.

The points of objection have been addressed in the committee report. Clarification on some of the points is also provided below.

A large part of the front elevation includes facing brickwork and the colour and type of brick can be secured by condition.

KCC Drainage provided a consultation response on 4 October 2016 recommending three drainage conditions to ensure drainage is appropriately dealt with at the site. Conditions 14, 15 and 16 of the committee report are relevant.

The stability and the construction of the foundations and basement are a matter for building regulations.

KCC Highways have not raised an objection to the vehicle access on highways safety grounds. Refuse collection would occur from London Road which is consistent with other refuse collections along London Road. KCC Highways do not object to the refuse collection proposed. Plans have been submitted which demonstrate that a medium sized delivery vehicle can turn within the site.

Para 3.2 of the committee report to be amended: The proposed footprint has been reduced by approx. 120m² compared to the refused scheme.

Para 7.9 of the committee report to be amended: 30% affordable housing is proposed in accordance with the councils emerging policy.

Additional condition to be included:

Prior to the commencement of any works above damp proof course level details of a maintenance programme for maintaining the external appearance of the new building shall be submitted to and approved by the Local Planning Authority. The programme shall

thereafter be implemented in accordance with the subsequently approved details.

Reason; To maintain and preserve the character and appearance of the buildings in the interests of the visual amenities and character of the area

Recommendation remains unchanged.

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16/506229 15 Greensands

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REPORT SUMMARY

REFERENCE NO - 16/506229/FULL		
APPLICATION PROPOSAL Single-storey side extension and conversion of existing garage to living accommodation		
ADDRESS 15 Greensands, Boxley, Kent ME5 9DQ		
RECOMMENDATION - GRANT SUBJECT TO CONDITIONS		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal is considered to preserve the character and appearance of the Street scene and residential amenity and to comply with the Development Plan. There are no overriding material considerations to indicate a refusal.		
REASON FOR REFERRAL TO COMMITTEE The recommendation is contrary to the views of Boxley Parish Council, who have requested Committee consideration. Cllr Hinder supports the objections of Boxley Parish Council and their request for the application to be considered at Planning Committee.		
WARD Boxley	PARISH/TOWN COUNCIL Boxley	APPLICANT Mr M Basham AGENT JK Designs
DECISION DUE DATE 17/10/16	PUBLICITY EXPIRY DATE 16/09/16	OFFICER SITE VISIT DATE 06/09/16
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): 13/0405 – First floor front extension – approved 11/1976 – First floor rear extension – approved 05/2190 – Single-storey rear extension – approved		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 This application relates to a detached dwelling, which is located within the urban area. The site is located beyond the end of a turning head, within a cul-de-sac. The Street is characterised by detached dwellings, but has no strong regular pattern. The garage on site is attached to the garage of number 16.

2.0 PROPOSAL

- 2.01 Planning Permission is sought for the erection of a single storey side extension and the conversion of the existing garage to living accommodation. The existing garage would be linked to the proposed side extension. The proposal would create an enlarged kitchen, a games room and a storage area.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Wide Local Plan 2000: H18
Submission Version of the Maidstone Borough Wide Local Plan (2016): DM1, DM8, DM27
Supplementary Planning Guidance 'Residential Extensions'

4.0 REPRESENTATIONS

- 4.01 Written objections have been received from three neighbouring properties, objecting upon the grounds of loss of light, loss of outlook, overshadowing, overdevelopment, visual appearance, terracing effect, layout/density, parking, restricting access to other properties, flood risk/drainage, the construction phase and noise and inconvenience therefrom, covenants, encroachment, Party Wall Act, effect upon future abilities to extend and that the site notice was removed.
- 4.02 Councillor Hinder strongly objects to the application and states
"I wish to strongly object to this application. This house has already been extensively extended and this latest application will have detrimental impact on the neighbouring property to the extent that the neighbour will not be able to drive up and park her car alongside her house and actually open the car door. It would most certainly have detrimental impact on the street scene due to size and bulk.
Please also note that I have also been informed by local residents that there is no planning application notice displayed.
I would like it noted that I am fully supporting on the same grounds the objections made by Boxley Parish Council and I support their request to have this heard by Planning Committee should you be minded to approve".

5.0 CONSULTATIONS

- 5.01 Boxley Parish Council:

"Members wish to see this application refused and reported to the planning committee for the following reasons:

- The proposed single storey side extension by virtue of its design and infilling up to the boundary would compromise the character of the existing property and would have a detrimental impact upon the character of the area and the street scene. The development would therefore be contrary to policy H18 of the Maidstone Borough Wide Local Plan (2000).
- The proposed side extension by reason of its prominent siting and disproportionate design would be detrimental to the character and appearance of the host building it would thereby be contrary to saved policies H18 of the Maidstone Borough Wide Local Plan (2000).
- The proposed extension would create a loss of light to the neighbouring property specifically to their dining room which would be adjacent to the extension.

- This development will have an adverse impact on the quality of life of the resident of No.16 due to their inability to park more than one car on their drive and accessing their bins and garden area.
- The parish council has been made aware that there is a covenant on the neighbouring property which states 'Not to carry out cause or permit to be carried out any activity upon the land which shall be or becoming a nuisance or cause annoyance to the owner or occupiers of any adjoining property'. Not without the prior written consent of the council to erect or maintain or cause or permit to be erected or maintained any fence walls or structures which in the opinion of the council would materially affect the access of light and air or obstruct the view enjoyed by the adjoining or neighbouring properties or otherwise affect the surrounding property or highway. The parish council considers that this original recognition and the importance this places on the current street scene supports the argument that if allowed, will have a detrimental impact on the street scene.
- Concerns were raised about the loss of a garage and car parking spaces which could force cars to be parked in what is a very narrow street and cause parking issues in the future.
- If the Planning Officer is minded to approve the parish council has requested that no windows should be placed on the side of the extension, the avoid loss of privacy”.

6.0 APPRAISAL

Visual Impact

- 6.01 Policy H18 of the local plan requires house extensions to preserve the character and appearance of Street scenes and that they do not overwhelm the existing dwelling. In this case, the proposed extension would clearly be of a subordinate scale to the existing house and it would not be overly prominent, or affect the building line, because it would not project forward of the existing front gable. Although the dwelling has previously been extended, due to the scale and design of this proposal, it would clearly not overwhelm the existing house or destroy its form or character. The extension is of a modest scale and is not considered of a design which is excessively bulky. The design is considered sympathetic to the existing dwelling.
- 6.02 There is no regular pattern to the Street which would be interrupted and it is concluded that the visual impact of the development upon the character and appearance of the Street scene would be acceptable. The development would not appear cramped it is considered, being single storey only, and it is not, given the size of the plot and the urban location, considered that the proposal would result in overdevelopment of the site. There would be no terracing effect, as of the development would be single storey only. It would not be out of character with the area it is considered, as there is variation in design within the Street. Within this built-up area, it is not considered overly dense and, as stated, there is no fixed layout to the Street.
- 6.03 It is concluded that the development would preserve the character and appearance of the host dwelling and the visual amenity of the streetscene, in accordance with policy H18 of the local plan and the S.P.D. “Residential Extensions”.

Residential Amenity

- 6.04 Policy H18 of the local plan and the S.P.D. “Residential Extensions” also require house extensions to preserve residential amenity for neighbouring properties.

The key issue is considered to relate to the impact upon light and outlook for the adjoining property, number 16. Number 16 has a ground floor flank window facing the site and this is understood to be the only window serving the room, which is a habitable room, being a dining room. Whilst the proposal would clearly have an impact in terms of light and outlook, as it would come closer to number 16's window than the existing building on site, it must be considered that this proposal is single-storey only and of the roof would slope away from number 16. Moreover, the dwelling is only approximately 2.5 m further away from number 16 than the proposed extension wall and the dwelling is two-storey, with a steep pitched roof. Indeed, the proposed extension would have a low eaves height of approximately 2.2 m and an overall height of less than 4 m, whereas the dwelling is over 8 m in height. Clearly, therefore, the existing dwelling would already have a significant impact in terms of the light and outlook to the side window and the proposed extension, which would be largely within the shadow of the existing house, is not considered to have a significantly greater impact. Although the outlook would be of a solid brick wall, as stated, it would have a low eaves height of approximately 2.2 m and the roof would slope away from number 16 and, given the drive width in between, it is not considered to be so harmful in terms of outlook to justify a refusal. It is concluded that the impact upon light, overshadowing and outlook would not be so severe as to justify a refusal.

- 6.05 In terms of privacy, the proposed rooflights would be at a high level and no windows are proposed facing number 16. The Parish Council have requested that no windows be placed in the side of the extension and a condition can be attached to ensure that any new windows would require planning permission, in order to protect privacy for the occupiers of number 16.
- 6.06 No other surrounding property is in a position to be significantly affected by the development in terms of residential amenity.

Parking

- 6.07 Although the garage space and part of the existing driveway would be lost, the frontage to the site is fully block paved and space for at least 3 vehicles would therefore be retained upon the frontage. This is not an isolated, rural location, but lies within an urban area and it is therefore considered that this provision is sufficient for this single dwelling. The proposal also provides more parking on site than is required by the emerging parking standards. (The emerging standards only require 2 spaces).
- 6.08 As the site lies within a cul-de-sac, speeds are likely to be low and they are not, considered to be any significant highways issues should on Street parking occur.

Other Matters

- 6.09 Noise, inconvenience and other issues relating to the construction phase are not material planning considerations. Similarly, the restriction of private accesses to other driveways and the impact of the development upon the ability to open car doors over the site would not be material planning considerations. Covenants and the Party Wall Act are also not material planning considerations.
- 6.10 With regards to flood risk/drainage, the site is not located in an area which is identified as having a high flood risk and the issue of drainage would be a building regulations issue. The plans do not clearly indicate that there will be encroachment and the applicant has submitted a certificate A to indicate that the development

would take place wholly within their boundaries. Any future application submitted by an adjoining property would be assessed upon its own merits at the time of submission.

- 6.11 A representation indicates that the site notice was removed very shortly after being posted. A site notice was displayed upon a lamp post outside number 14 upon 26 August 2016, and in addition to this, letters were sent to 5 surrounding properties notifying them of the development and representations have been received from neighbouring properties, making it clear that they were aware of the development proposal. It is therefore considered that the appropriate consultation has been carried out.

7.0 CONCLUSION

- 7.01 The proposal is considered to preserve the character and appearance of the Street scene and residential amenity and to comply with the Development Plan. There are no overriding material considerations to indicate a refusal. Approval is therefore recommended.

8.0 RECOMMENDATION – GRANT Subject to the following conditions:

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

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

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

025.1007.01, 025.1007.05, 025.1007.06 and 025.1007.07 received on 12/08/16;

Reason: To ensure the quality of the development is maintained and to preserve residential amenity.

- (3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building;

Reason: To ensure a satisfactory appearance to the development.

- (4) No new windows, doors, voids or other openings shall be placed, inserted or formed at any time within the west side elevation of the extension hereby permitted;

Reason: In order to protect privacy for the adjoining property.

Case Officer: Louise Welsford

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

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Agenda Item 18



16/506707 - 57 - 59 Church Street

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REPORT SUMMARY

REFERENCE NO - 16/506707/FULL		
APPLICATION PROPOSAL Demolition of office building and construction of 12 dwellings (flats and houses), car parking, cycle storage and amenity space. (Resubmission of 16/503147/FULL)		
ADDRESS 57 - 59 Church Street Tovil Kent ME15 6RB		
RECOMMENDATION – SUBJECT TO THE PRIOR COMPLETION OF LEGAL AGREEMENT, HEAD OF PLANNING AND DEVELOPMENT BE GIVEN DELEGATED POWERS TO APPROVE SUBJECT TO CONDITIONS		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed development is considered to comply with the policies of the Maidstone Borough-Wide Local Plan 2000, the Submission Version of the Maidstone Borough Local Plan, and the National Planning Policy Framework and there are no overriding material considerations to indicate a refusal of planning consent.		
REASON FOR REFERRAL TO COMMITTEE - Councillor Mortimer has called application into Planning Committee - Tovil Parish Council wish to see the application refused		
WARD South	PARISH COUNCIL Tovil	APPLICANT Mr Goldsmith & Davis AGENT Allen Planning Ltd
DECISION DUE DATE 06/02/17	PUBLICITY EXPIRY DATE 16/01/17	OFFICER SITE VISIT DATE 19/10/16
RELEVANT PLANNING HISTORY:		

- 16/503147 - Demolition of building and construction of 14 dwellings – Withdrawn
- MA/74/0777 - Manufacturing opticians workshop - Approved

MAIN REPORT

1.0 Site description

- 1.01 The proposal relates to vacant site on Church Street that was previously used by a construction company, including office space and yard area; and despite it being marketed it is understood that the site has been vacant since 2013. The site covers an area of some 0.2ha and the land level noticeably drops away to the southern (rear) boundary of the site. Currently, the site is largely given over to areas of hardstanding and a 2-storey building of no architectural merit is centrally located within the plot. A protected row of conifers (TPO No. 3 of 1991), runs along the backs of the properties in Church Street, but as a number of these trees have been removed, the row ends at the south-western corner of the site, so there are no protected trees at the southern boundary of the site.
- 1.02 Church Street is predominantly characterised by residential properties of differing size, design and age; there are commercial units and a car park close to the eastern boundary of the site which front onto Tovil Hill; and the site is some 30m to the west of the junction with Tovil Hill. For the purposes of the adopted Development Plan, the site is within the defined urban area.

2.0 Proposal

- 2.01 The proposal is for the erection of 12 residential units split into 2 buildings. Broken down, this would be seen as a terrace of 8 (3-bed) houses at the rear of the site; and the building to the front would have a 2-bed house at its eastern-end, a 2-bed flat at ground floor level and then 2 flats above (1-bed & 2-bed).

- 2.02 Given the land levels of the site, the rearmost building would be split level, so that from the front it would be seen as 2-storey but then to the rear a lower ground level would open out onto the garden areas. The building to the front would be 2-storey and the house at the eastern-end would benefit with outdoor amenity space to the rear. The ground floor flat would also have a small area of outdoor space to the front of the building; and the first floor flats would also benefit from a terrace area.
- 2.03 In terms of materials, the predominant facing brick would be of a grey to brown blend, with a black facing brick to reference the entrances; elements of timber cladding would be used; and zinc cladding would be used in projecting bay windows and for the upper floor of the rearmost building. Both buildings would also benefit from a 'green' roof and the frontage building would have a 'green' wall on its eastern flank.
- 2.04 In terms of parking, the proposal would provide 11 off-road parking spaces that would be located centrally within the site; there would be the provision of a cycle store for 10 bikes; and the proposal would make use of the existing site access.

3.0 Policies and other considerations

- Maidstone Borough-Wide Local Plan 2000: ENV6, T13, CF1
- National Planning Policy Framework
- National Planning Practice Guidance
- Maidstone Local Plan (Submission version): SP1, DM1, DM2, DM4, DM22, DM27, ID1
- Open Space DPD (2006)

4.0 Consultee responses

- 4.01 **Councillor Mortimer:** Report application to Committee for following reasons:

"Although this new application reduces the mass of the site and perhaps improves some loss of amenity space the proposal again is completely out of keeping with the local area and still affects the privacy and enjoyment of neighbouring properties. The design and contemporary nature of the proposal is completely out of keeping with the historic features of the surrounding area and that of Church Street. Recent developments such as The Victory public house site in Church Street and the Rose public house site on the junction of Straw Mill Hill have all incorporated links through design and materials associated with the old historic nature of the Tovil area. The redevelopment of the Archbishop Courtenay School in Church Road is also another example of a sympathetic approach in preserving the historic nature of this area. Although modern contemporary design can and does fit in well with some schemes I feel in this case the proposal would significantly conflict with the majority of neighbouring older style buildings and especially impact upon the unique aspect that Church Street offers as an historical reminder to the urban centre of Tovil parish. Although the site is a stand-alone site the mass of the front block directly positioned onto Church Street would dwarf neighbouring properties, the road, and completely change the street scene. The proposed block does cause concern of overlooking and privacy issues to the properties and gardens in Albert Reeds Gardens. I also feel the application produces a cramped effect within the site and the square block design would not assist with the enjoyment of the properties by future occupants. The application does not provide enough parking spaces on site for future residents or visitors. As a ward councillor the parking issues in Church Street are one of the main issues I deal with on almost a weekly basis. We suffer from extensive pavement parking and complete obstruction on the footways and on the road and these issues occur the whole length of the road. This is mainly due to the many properties in the road who do not benefit from any allocated parking. The car park next to the Post Office is private land and the parish car park only offers two hours enforced stay and there to support the local shops. A very large proportion of the properties associated with Church Street are designed for elderly living, which must be taken into account in terms of highway safety and emergency vehicle access along the road. Broken car wing mirrors and damaged cars and garden walls are a regular occurrence. This road is unique in terms of its narrow width and pedestrian safety is a major daily concern. We recently introduced a two-metre width

restriction scheme with KCC highways to try and elevate the many pressures this road has to deal with. This site proposal must provide parking spaces above the normal design recommendations for all future residents and visitors of the site. So any over spill parking will directly affect the majority of current residents. I have concerns over footway and disabled mobility safety should residents of the site use the supermarkets at Tovil Hill due to the fact that there is limited designated footpath on the Church Street side of Tovil Hill. Car use will increase at the junction of Tovil Hill and this junction is a recognised pinch point on the main road. I am also concerned that the loss of this employment site to a residential development would be detrimental to the area."

- 4.02 **Tovil Parish Council:** Wishes to see the application refused for the following reasons;

*"- Design of proposed buildings is not in accordance with existing streetscene.
- Too few parking spaces with no provision for visitor parking.
- Attention is drawn to the already difficult circumstances of parking in Church Street.
- There will be serious overlooking of properties in Albert Reed Gardens to rear of proposed development - properties which are set at lower level."*

- 4.03 **KCC Highways:** Raise no objection.
4.04 **Environmental Health Officer:** Raises no objection.
4.05 **KCC Sustainable Drainage:** Raises no objection.
4.06 **Landscape Officer:** Raises no objection.
4.07 **Southern Water:** Raises no objection.
4.08 **Upper Medway IDB:** Has no comment to make.
4.09 **KCC Archaeology Officer:** Has no comment to make.
4.10 **Kent Police:** Have not raised a specific objection to the proposal.

HEADS OF TERMS

- 4.11 **KCC Education:** Seeks contributions of £23,019.36 towards primary education and £576.19 towards libraries (see report for justification).
4.12 **Parks and Open Space:** Seeks contributions of £18,900 (see report for justification).
4.13 **NHS West Kent CCG:** Seeks contributions of £10,944 (see report for justification).

5.0 Neighbour responses:

- 5.1 3 representations received from 21-25 Tovil Hill raising concerns over loss of light to first floor office space; loss of property value and residential redevelopment potential; overlooking/loss of privacy; parking provision/highway safety; out of character with area; potential disturbance at construction phase; and potential landscaping.

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 planning policy context comprises the saved policies of the adopted Local Plan and the National Planning Policy Framework (NPPF). There are no specific Local Plan policies relating to residential development in locations such as this, however the NPPF states that housing applications should be considered in the context of the

presumption of sustainable development, which is identified as one of the key objectives of the planning system. The site is located in a sustainable location in close proximity to Maidstone town centre with its facilities/amenities and public transport links; and the site is also considered to represent previously developed land and has no specific economic designations in the Local Plan. The NPPF also seeks sustainable development to contribute, protect and enhance the built environment. As such, the principle of residential use in this location is considered to be acceptable in terms of the general principle of the siting of new residential development and sustainable development in general.

- 6.03 The applicant has agreed to the requested Heads of Terms from KCC Education, NHS and the Council's Parks and Open Spaces Department, in accordance with saved policy CF1 of the adopted Local Plan and the Council's 2006 Open Space DPD. The proposal is for 12 houses and the site area covers some 0.2ha, and so in accordance with the Council's adopted DPD, no affordable housing provision is required.
- 6.04 The submitted version of the Development plan went to the Secretary of State for examination on the 20th May 2016; the interim report from the Planning Inspector has been received (December 2016); and the closing hearing was held at the end of January 2017. Policies within the emerging Plan are considered relevant, with emerging policy SP1 allowing for residential development in this location; emerging policy DM1 seeking good design; emerging policy DM2 seeking sustainable design; emerging policy DM4 allowing for development of brownfield land in urban areas; emerging policy DM22 sets out open space provision; emerging policy DM27 setting out parking standards; and emerging policy ID1 which seeks community contributions when relevant.
- 6.05 In line with a presumption in favour of sustainable development on previously developed land, I accept the principle for this proposed development and will now go on to assess the details of the scheme.

7.0 Visual impact and design

- 7.01 Church Street is predominantly residential in character that has a variety of housetypes of differing scale and age with differing set-backs from the road, including a number of properties that immediately front onto the highway or that have a modest set-back within close proximity to the site. In my view the proposal site is an anomaly within the street in this sense, and the proposal would better reflect the pattern and grain of development in the area whilst providing more presence than the centrally located commercial building surrounded by hardstanding that currently exists. It is also worth noting that historical maps of the area do show buildings along the frontage of this site, which further suggests the frontage building relates to the historical layout of the street better. I am also satisfied that the proposal would not appear cramped within the plot, given the layout of the site providing a good level of space between the buildings, as well as there being the provision of parking and adequately sized gardens.
- 7.02 In terms of appearance, the frontage building would be 2-storey in height and with its flat roof, it would stand taller than the eaves height of the adjacent terrace to the west of the site. However, this difference in height reflects the rising-up of the road towards Tovil Hill; and in general terms properties in the road do stagger upwards in height to compensate for this changing land level. When approaching the site from the east, the proposal would also better define the street as being a residential area than what currently exists; and the use of a green wall here would further soften the scheme. In addition, the rearmost building would stand no higher than the existing

building to be demolished (which would be noticeably set lower than the frontage building); and views into site would not appear significantly harmful or result in the loss of any important view through the site. There would also be views of the proposal from surrounding roads, like Tovil Hill and Albert Reed Gardens, but again it would not appear out of character within this mixed, densely built up area.

- 7.03 The proposal is of a contemporary design making use of modern materials and the NPPF (paragraph 60) is clear in allowing for originality or initiative, and not imposing a particular architectural style. The proposal site is not within a conservation area and in my view there is no planning reason not to allow such a development in this location, particularly given the variety of property styles within close proximity of the site and their differing levels of architectural merit. Furthermore, the strong use of a light stock brick would complement the other properties in the street; and the incorporation of recessed terraces, glazing, projecting bay windows, timber cladding and a contrasting darker facing brick at ground floor level would provide relief and interest to the frontage building.
- 7.04 Given the position of the frontage building, there is limited scope for soft landscaping, but as with other developments along Church Street, the proposal would provide a strip of planting along the front; and the development will also incorporate green roofs and a green wall on the eastern flank of the front building. The hardstanding within the site will also be of block paving, giving the sense of a good quality development; and to ensure a satisfactory appearance to the development conditions will be imposed requesting details of external materials, hardsurfacing, boundary treatments and native landscaping. The protected row of conifers (TPO No. 3 of 1991) running along the backs of the properties in Church Street end at the south-western corner of the site, so there are no protected trees at the southern boundary of the site. With this considered, the Landscape Officer raises no objection on arboricultural grounds and does not consider this to be a harmful constraint to development on this site.
- 7.05 With this considered, I therefore raise no objection to the proposal in terms of its scale, appearance and layout within the plot; and take the view that this proposal is of a good contemporary design that would make use of quality materials and contribute positively to making this area better in terms of its character and appearance.

8.0 Residential amenity

- 8.01 The properties to the rear of the site, in Albert Reed Gardens, have their gardens backing on to the proposal site and the land here is noticeably lower than the plot set for development.
- 8.02 The rearmost building is positioned as such so that it is set closer to the south-western corner of the site than the south-eastern corner, resulting in these 8 houses having different sized gardens.
- 8.03 Given the lowering of the land levels towards the rear of the site, I am of the view that the appropriate use of boundary treatments, including 1.8m high screening along the southern edge of the outdoor terraces to the rearmost building, would ensure acceptable levels of privacy for both the residents in Albert Reed Gardens and future occupants when using their gardens.
- 8.04 At its closest, the proposed rearmost building would be approximately 18.8m from 6 and 8 Albert Reed Gardens; and more than 25m from 2 Albert Reed Gardens; and its upper level would also be pulled forward 1.5m, extending the separation distances of

this element of the building to the houses in Albert Reed Gardens. Given these separation distances; the change in land levels to the rear (which will be lowered at most by 1.5m from the existing level); and appropriate screening, I am satisfied that the proposal would not appear overbearing upon and would not result in a significant loss of privacy, outlook or light to the residents of Albert Reed Gardens.

- 8.05 I am satisfied that the proposal, given its location, scale and design, would not result in unacceptable living conditions for any resident in Church Street; and would add that the frontage building's relationship with the dwellings opposite (across the road) is not unusual in high density residential areas, where houses have limited-t-no set back from the road.
- 8.06 I do not raise objection to the proposal in terms of its impact upon the commercial premises to the east of the site; and I am satisfied that no other residential property would be adversely affected by this proposal.
- 8.07 With regards to future occupants, I am satisfied that the proposal would provide adequate living conditions in terms of light, privacy and outlook; and raise no objection in terms of outdoor amenity space. However, the site is close to a busy road and road junction, as well as a car park and some commercial properties. As such, and in accordance with the Environmental Health Officer's recommendations, I consider it reasonable for the applicant to carry out a noise assessment for the approval of the local planning authority prior to any occupation of the site, to safeguard the amenity of future occupants.

9.0 Highway safety implications

- 9.01 The proposal will make use of the existing vehicle access which the Highways Officer confirms has no recorded incidents of personal injury; and the level of on-site car parking spaces (11 in total) is within the maximum parking standards which is 12 spaces. The Highways Officer is also satisfied that there is adequate turning provision within the site to allow vehicles to enter and exit in a forward gear; the secure cycle parking is welcomed; no objection is raised in terms of the proposal's impact upon the surrounding road network; and a refuse and collection area is suitably located adjacent to the highway for efficient collection. Potential tenancy allocation of parking spaces within the site will be down to the management of the site and I do not consider it necessary to pursue this matter any further in this instance. The Highways Officer considers there to be no justifiable or sustainable reasons to recommend a refusal to this application and I am minded to agree and so no objection is raised on highway safety and parking provision grounds.

10.0 Community infrastructure contributions

- 10.01 A development of this nature is likely to place extra demands on local services and facilities and it is important to ensure that the development can be assimilated within the local community. As such suitable contributions to make the development acceptable in planning terms can be sought in line with policy CF1 of the Local Plan and the Council's Open Space DPD. As previously set out, this proposal is not obligated to provide any affordable housing.
- 10.02 Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Act. This has strict criteria setting 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.

NHS West Kent CCG -

- 10.03 NHS West Kent CCG seeks a healthcare contribution of £10,944, to be invested into the College Road Practice and will be put towards refurbishment of a clinical room and/or potential conversion of a non-clinical space into a clinical space. This surgery is approximately 0.6 miles away from the proposal site and considered to be within a reasonable distance of the development.

Parks and Open Space -

- 10.04 An off-site contribution of £18,900 has been sought from Maidstone Borough Council Parks and Open Space as the proposed development offers no opportunity for provision of publicly accessible onsite open space, which is a stated infrastructure priority for the council in terms of residential development. The financial contribution would therefore be utilised at an off-site open space area which is known as Bridgemill Way Open Spaces. This play area is to the west of the proposal site, within walking distance, and the monies received would be used for the improvement and refurbishment of the existing play facilities and any ancillary items (such as benches/bins etc).

KCC Education -

- 10.05 A contribution of £23,019.36 has been requested towards primary education. The proposal gives rise to additional primary school pupils during occupation of the development; and this need, cumulatively with other new developments in the vicinity, can only be met through the provision of an additional classroom at South Borough Primary School.
- 10.06 In terms of secondary school provision, whilst the Education Authority can demonstrate a forecast lack of provision which will require school expansions, due to the Government pooling restrictions KCC can now not collect secondary contributions from every development, only those creating the largest amount of demand. Therefore, no contributions are sought in this instance.
- 10.07 A contribution of £576.19 has been requested towards the library Bookstock to mitigate the impact from this development. The bookstock in Maidstone Borough at 1119 items per 1000 population is below the County average of 1134 and both the England and total UK figures of 1399 and 1492 respectively. To mitigate the impact of this development, the County Council will need to provide additional library books and the monies will be directed to the mobile Library service attending in Tovil, to meet the additional demand to borrow library books which will be generated by this proposal.

- 10.08 I am satisfied that all of the contributions sought meet the tests of Regulation 122 and 123 of the Act and as such should be provided by the applicant. The applicant has also agreed to the Heads of Terms as set out.

11.0 Other considerations

- 11.01 The Environmental Health Officer has requested no further information in terms of air quality and I accept these findings; and they do note that the possibility of contamination on site has already been identified and so a contaminated land condition will be duly imposed. The applicant has indicated that surface water and foul sewage will be disposed of by mains sewer and Sothorn Water raises no objection to this; and the Sustainable Drainage Officer at KCC is satisfied that details of a sustainable surface water drainage scheme can be submitted by way of

condition, to ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

- 11.02 The site largely comprises of hardstanding and has a modern building in good condition with profile roofing. Given the nature of the site, I am satisfied that no further biodiversity information is required before the determination of this application. Notwithstanding this, one of the principles of the NPPF is that *“opportunities to incorporate biodiversity in and around developments should be encouraged”*. The development incorporates green roofs and wall as part of the application; and a suitable condition will be imposed requesting details of to ensure the provision of swift and/or bat/bird bricks/boxes within the development.
- 11.03 The concerns raised by Councillor Mortimer, Tovil Parish Council and the local residents have been addressed with in the main body of this report.

12.0 Conclusion

- 12.01 For the reasons outlined, I am of the view that this sustainably located proposal is of a good contemporary design that would make use of quality materials and contribute positively to making this area better in terms of its character and appearance. In addition, the proposal would not harm the amenities of existing or future residents; and it would not result in adverse highway safety conditions. It is considered that the proposal is acceptable with regard to the relevant provisions of the Development Plan, the National Planning Policy Framework, and all other material considerations such as are relevant. I therefore recommend conditional approval of the application on this basis subject to a legal agreement as set out below.

RECOMMENDATION – SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT, IN SUCH TERMS AS THE HEAD OF THE LEGAL PARTNERSHIP ADVISES, TO PROVIDE THE FOLLOWING:

- *Contribution of £10,944 towards the refurbishment of a clinical room and/or potential conversion of a non-clinical space into a clinical space at College Road Practice*
- *Contribution of £576.19 towards mobile Library service attending in Tovil*
- *Contribution of £23,019.36 towards the provision of an additional classroom at South Borough Primary School*
- *Contribution of £18,900 towards the improvement and refurbishment of the existing play facilities and any ancillary items at Bridge Mill Play Area*

THE HEAD OF PLANNING AND DEVELOPMENT BE GIVEN DELEGATED POWERS TO APPROVE SUBJECT TO THE FOLLOWING CONDITIONS SET OUT BELOW:

CONDITIONS to include:

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

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

- (2) Prior to commencement of works/development above damp-proof course (DPC) level, written details and samples of the materials to be used in the construction of the external surfaces of the buildings and hard surfacing (to be of block pavements) shall be submitted to and approved in writing by the Local Planning Authority and shall include:

- 2 contrasting facing brick types
- Timber cladding to first floor recessed areas on front building and cycle store
- Graphite grey zinc cladding for projecting windows and top floor of rearmost building

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 good quality appearance to the development.

- (3) Prior to commencement of works/development above damp-proof course (DPC) level, written details of all fencing, walling and other boundary treatments, to include 1.8m high screening along the southern edge of the outdoor terrace areas to the rearmost building, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

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

- (4) Prior to commencement of works/development above DPC level, written details of a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority, using indigenous species, which shall include tree and hedge protection details and long term management plan. The scheme shall be designed using the principles established in the Councils adopted Landscape Character Assessment and Landscape Guidelines and shall include:

- a) Details of planting for green roofs for both buildings and green wall to eastern flank of front-most building, as shown on drawings 15-1147-303A and 305A received 06/12/16;
- b) Details of native planting along front (northern) and rear (southern) boundaries of site.

Reason: To ensure a good quality setting and external appearance to the development and in the interests of biodiversity.

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

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

- (6) Prior to commencement of works/development above DPC level, written details of the provision of swift and/or bat/bird bricks/boxes within the development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to the first occupation of the property and maintained thereafter unless otherwise agreed in writing by the local planning authority;

Reason: In the interests of biodiversity enhancement.

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

Reason: To ensure acceptable living conditions for future occupants.

- (8) Prior to commencement of works/development above DPC level, the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

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

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

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

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

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

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

- (9) Prior to commencement of works/development above DPC level, details of how decentralised and renewable or low-carbon sources of energy (to include solar panels) 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.

- (10) (i) Prior to commencement of works/development above DPC level, a detailed sustainable surface water drainage scheme for the site shall be submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

(ii) No building hereby permitted shall be occupied until details of the implementation, 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.

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

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

- (12) Prior to commencement of works/development above DPC level, the proposed means of foul and surface water sewerage disposal shall be submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of pollution prevention.

- (13) The approved details of the parking/turning areas and bicycle parking facilities 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: To ensure a sustainable development.

- (14) 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 any property shall be carried out without the permission of the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development and safeguard the residential amenity of future occupiers.

- (15) The development hereby permitted shall be carried out in accordance with the following approved plans: 15-1147-300A, 301A, 302A, 303A, 304, 305A and 306A received 06/12/16;

Reason: To ensure a satisfactory appearance to the development and safeguard the residential amenity of future occupiers.

Case Officer: Kathryn Altieri

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

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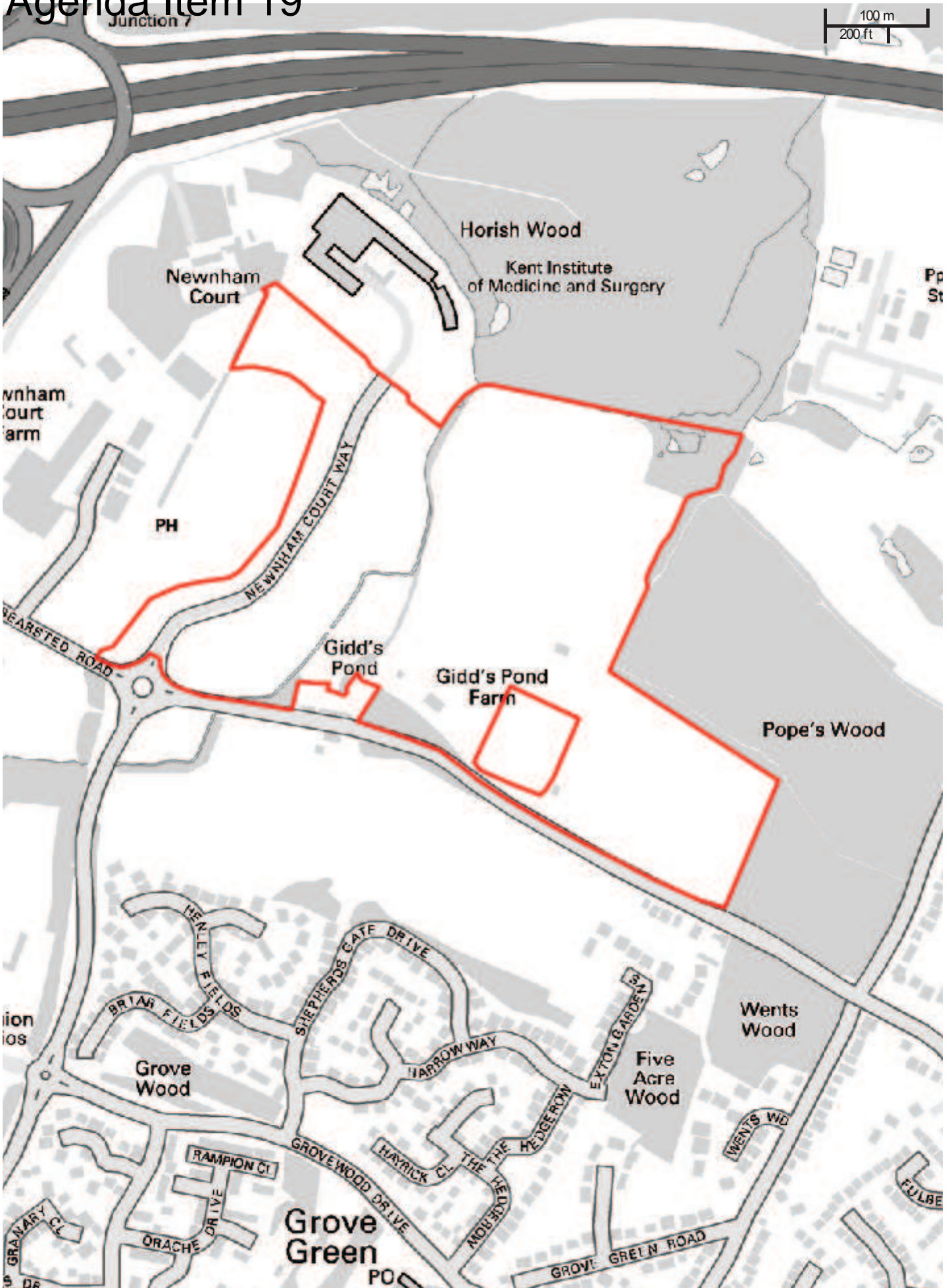
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Agenda Item 19



16/507292 Newham Park

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SUMMARY

REFERENCE NO - 16/507292/OUT			
APPLICATION PROPOSAL			
<p>Outline Application with access matters sought for development of medical campus comprising up to 92,379 m² of additional floorspace (including additional hospital facilities, clinics, consultation rooms and a rehabilitation centre (classes C2/D1); education and training facilities with residential accommodation (class C2/D1); keyworker accommodation for nurses and doctors (class C3); pathology laboratories (class B1); business uses (class B1); ancillary retail services (class A1, A2, A3); and up to 116 bed class C2 neuro-rehabilitation accommodation; internal roads and car parks, including car park for residents of Gidds Pond Cottages; hard and soft landscaping including creation of a nature reserve (to renew existing consent 13/1163).</p>			
ADDRESS Newnham Park, Bearsted Road, Weaving, Kent			
RECOMMENDATION – The Head of Planning & Development be given Delegated Powers to grant planning permission subject to conditions and a Section 106 Agreement subject to the expiry of the newspaper advert and no new material issues being raised			
SUMMARY OF REASONS FOR RECOMMENDATION			
<p>The proposed development would represent a departure from the Development Plan in that it falls outside any settlement boundary within the Maidstone Borough-wide Local Plan 2000.</p> <p>However, the site is allocated for the development/uses proposed in the emerging Maidstone Local Plan (2011-2031) under policy RMX1(1), which is considered to attract significant weight, and there is an extant planning permission for similar development as proposed. As such, the conflict with the Local Plan 2000 is considered to be outweighed by these factors, and for the reasons outlined in the main report the proposals are considered to be acceptable subject to conditions and a Section 106 agreement.</p>			
REASON FOR REFERRAL TO COMMITTEE			
<ul style="list-style-type: none"> • Departure from the Development Plan 			
WARD Boxley	PARISH COUNCIL Boxley	APPLICANT Kent Medical Campus Ltd AGENT DHA Planning	
DECISION DUE DATE 03/02/17	PUBLICITY EXPIRY DATE 03/02/17	OFFICER SITE VISIT DATE 25/11/16 & 17/01/17	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
16/500360	Approval of Reserved Matters following outline planning permission MA/13/1163 for the erection of a 65-bed hospital, with associated parking and landscaping. (Cygnet Hospital)	Approved	29/04/16
15/510037	Removal of condition 20 of MA/13/1163 (air quality mitigation measures)	Approved	02/08/16
15/504202	Construction of spine road and new bridge over existing stream to enable future development on land at Kent Medical Campus, together with creation of two attenuation ponds for surface water drainage purposes	Approved	10/08/15
13/1163	Outline application for the development of a medical	Approved	23/04/13

	campus comprising up to 98,000sqm of additional floor space (including additional hospital facilities, clinics, consultation rooms and a rehabilitation centre (classes C2/D1); education and training facilities with residential accommodation (class C2/D1); key worker accommodation for nurses and doctors (class C3); pathology laboratories (class B1); business uses (class B1); ancillary retail services (class A1, A2, A3); and up to 116 class C2 neuro-rehabilitation accommodation units; internal roads and car parks, including car park for residents of Gidds Pond Cottages; hard and soft landscaping including creation of new woodland area with access for consideration and all other matters reserved for future consideration.		
09/0973	Application for amendments to MA/07/0382 being changes to building names, minor increase in building footprints, changes to building functional requirements, changes to approach and parking, changes to energy plant and oxygen plant, improvements to the environment and development of elevation materials.	Approved	15/10/09
07/0382	Tertiary Medical Centre comprising a complex of eight buildings ranging from two to four storeys, car parking, landscaping, access road and associated highways improvements. (KIMS Development)	Approved	01/08/08

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is located on land to the north of Bearsted Road, within Boxley Parish and is to the east of the existing Newnham Court complex. To the north west is the Kent Institute of Medicine and Surgery (KIMS) medical buildings, which are between two and four storeys in height. The site is bounded to the north (Horish Wood) and east (Pope's Wood) by woodland and to the south by a row of cottages (Gidds Pond Cottages) and Bearsted Road. Both woodland areas are designated as Ancient Woodland (AW) and as Local Wildlife Sites (LWS). There is also a small area of AW to the east of Gidds Pond Cottages and trees on the site are covered by a Tree Preservation Order. There is a small stream and line of trees that run north to south in the centre of the site, with land rising either side to the east and west. The highest part of the site is within the northeast corner. There is a dwelling within the site at its south edge.
- 1.02 Bearsted Road forms the southern boundary of the site and there is an existing roundabout at the end of New Cut Road immediately outside the site. Westwards from the roundabout, Bearsted Road links to the A249. To the south, New Cut Road rises towards Grove Green. To the east of New Cut Road on significantly higher land than Bearsted Road lies an area of public open space now known as Weaving Heath.
- 1.03 The application site amounts to 17.8ha in area. Access to the site would be from the main road that serves the KIMS site (Newnham Court Way). The site is largely undeveloped agricultural land, however, there is a new road running eastwards off Newnham Court Way that has recently been completed to serve the 'Cygnet Healthcare' development, a 3/4 storey, 65 bed hospital that was approved in April last

year and is under construction. This development is in the southeast corner of the site. The majority of the site is located to the east of Newnham Court Way but there is a section to its west immediately south of the KIMS site.

- 1.04 The site lies outside the defined urban boundary within Maidstone Borough-Wide Local Plan 2000 and is therefore currently part of the countryside. It also lies within the Maidstone-Medway Strategic Gap and is also designated as part of the North Downs Special Landscape Area. The Newnham Court Inn (public house) is a Grade II Listed building to the west of the site within the retail complex. Within the emerging Local Plan, that has been through examination in public, the site is allocated for a medical campus of up to 100,000m² and falls within the settlement boundary and therefore not within the 'countryside'. (The policy background will be discussed in more detail below).
- 1.05 The site has also been awarded Enterprise Zone (EZ) status by the Government in November 2015, which will be discussed in more detail later in the report. The site is considered to fall within the setting of the North Downs AONB.
- 1.06 The site benefits from outline planning permission (with access considered) that was granted in April 2013 for essentially the same development now proposed (ref. 13/1193). There are some differences which will be discussed below. This outline permission expires in April this year and so is an extant permission which is a significant material consideration. As outlined above, a new hospital has been approved and is being constructed pursuant to this outline consent.

2.0 PROPOSAL

- 2.01 Outline permission (with access considered) is sought for the development of medical campus comprising up to 92,379 m² of floorspace including:
 - Hospital facilities, clinics, consultation rooms and a rehabilitation centre (classes C2/D1)
 - Education and training facilities with residential accommodation (class C2/D1);
 - Keyworker accommodation for nurses and doctors (class C3 - residential);
 - Pathology laboratories (class B1);
 - Business uses (class B1);
 - Ancillary retail services (class A1, A2, A3); and
 - Up to 116 bed class C2 neuro-rehabilitation accommodation;
 - Internal roads and car parks, including a car park for residents of Gidds Pond Cottages; and hard and soft landscaping including the creation of a nature reserve.

This application is in effect to renew existing consent 13/1163 which expires in April.

- 2.02 The planning application is being made in outline, with all matters reserved for future determination except for means of access into the site being Newnham Court Way and the recently completed eastern road. As a result, should outline planning permission be granted, it will be necessary in future to submit applications for the approval of reserved matters before any buildings can be constructed. However, any approval of this application would approve up to 92,379 m² of floorspace for the uses described above.
- 2.03 The Design & Access Statement refers to the site as the 'Kent Medical Campus' and outlines that *"the Kent Medical Campus proposal could include:*

- *A Specialist Paediatrics Unit – preliminary discussions are underway with a leading London University about creating a satellite unit in Maidstone;*
- *A Specialist Women’s Health Unit, including a new maternity birthing unit for Maidstone;*
- *A Neurological Rehabilitation Centre providing specialist rehabilitation services and accommodation for those with medium and long-term needs, such as those with Multiple Sclerosis, Dementia and traumatic brain injuries;*
- *Clinically dependent accommodation;*
- *A Medical Training Centre together with Graduate and Post Graduate teaching facilities in conjunction with leading Universities;*
- *Research and development and other office facilities. These would include a wide range of medical-related businesses;*
- *Education, accommodation and conference facilities – these would provide a medical training centre and accommodation for doctors and visiting professionals;*
- *Postgraduate medical training facilities would be used to train doctors and other medical staff from across the UK and beyond, bringing spin-off benefits for other industries; and*
- *Pathology Laboratories providing a central facility for use by Kent hospitals.”*

2.04 The table below sets out proposed maximum floor spaces for certain use classes forming part of the proposed development.

Use Class	Maximum Amount of Development
C2 Hospital, Care & Medical Treatment Uses	Unrestricted (within 92,379m ² total site maximum)
B1(a) and B1(b) Offices/Research & Development (inc. pathological laboratories)	24,750m ²
D1 University & Education Uses	26,250m ²
C2 Neuro Facility incorporating care assisted houses and a day centre	116 Units (in addition to 92,379m ² total site maximum)
C2/C3 Nurses & Medical Student Accommodation	650 bedspaces
A1/A2/A3 Ancillary retail/café and other facilities	1,000m ² (with no single unit greater than 500m ²)

2.05 The plan below illustrates the location and maximum size of the development parcels for the proposed development. The development areas are shown in blue with the yellow areas being used for structural landscaping and infrastructure. It is proposed that any of the uses being applied for could be situated within any of the development parcels (use classes A1, A2, A3, B1, C2, C3, and D1). The exact mix, quantum and location of the uses on the site would be subject to market demand and determined at the reserved matters stage.



Land Use Parameters Plan

- 2.06 Whilst scale is not being considered at this stage, the applicant has indicated the maximum building heights which range from 2-4 storeys across the site. The plan below illustrates the range of heights being put forward at this stage.
- 2.07 In terms of open space and landscaping, the development will maintain a 15m built development free buffer around the perimeter of the site adjacent to existing AW and 15m either side of the stream. In addition, structural native species landscaping would be provided around some of the boundaries and through the centre of the site adjoining the stream to include attenuation basins as part of the SUDs strategy. The structural landscaping would extend along the northern and southern boundaries. Avenue planting is proposed along Newnham Court Way and the completed eastern spine road (Gidds Pond Road). The south eastern area of the site is proposed for the creation of a new nature reserve with a series of meadows and woodland glades.
- 2.08 In terms of access, this would utilise the existing access from the New Cut Roundabout, and the completed Gidds Pond Road to the east. No further access roads are being proposed as part of this application and any future spur roads would come forward as part of future reserved matter applications. A circular footpath is proposed for the site from New Cut Road adjacent to Gidds Farm Cottages opposite the existing footpath on the adjacent side of the road. The footpath will follow the existing brook north across the site before turning east and into the proposed nature reserve.
- 2.09 Below is an illustrative plan, which whilst not being assessed as part of the application, shows how the site could be developed. (The application site is the areas outlined in red). This shows buildings set within landscaped plots, structural landscaping areas,

new ponds though the centre of the site along the stream, buffers to the AW areas, and the new nature reserve in the southeast corner.



Illustrative 'Vision' Plan

2.10 The application is accompanied by an Environmental Statement in line with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).

3.0 PLANNING HISTORY & BACKGROUND

3.01 Outline planning permission (with access considered) was granted in April 2013 for essentially the same development now proposed. This outline permission expires in April this year and so is an extant permission which is a significant material consideration. Reserved matters pursuant to that outline were approved in relation to the 'Cygnet' development only.

3.02 The outline permission is subject to various conditions and a detailed section 106 agreement which amongst other matters secure financial contributions towards bus service enhancements, education, libraries, youth services, and parking controls; secures off-site highways works; the provision of a neuro rehabilitation centre; the delivery of medical facilities and key workers accommodation; a travel plan; landscape and ecology management and maintenance; local employment during construction; and a site/development monitoring committee. The outline consent was subject to the standard 3 year time limit to submit reserved matters. As outlined above, the 'Cygnet' development has been approved under these reserved matters but no other development has to date. This new application has been submitted because this permission is soon to expire.

3.03 There are differences from the extant permission which can be summarised as follows:

- Reduction in the proposed floorspace by 5,621m² (this being the floorspace of the 'Cygnet' development).
- The applicant now seeks a 10 year consent to submit reserved matters on the basis that the site is considered to be complex and will be delivered over several years, and that having to reapply for planning permission every three years is considered to be an unnecessary expense.
- Change to the neuro-rehabilitation element. This was previously a 116 bed 'neuro-rehabilitation village' which would have provided care for patients and to accommodate family members. Neuro-rehabilitation uses are still proposed which may be in the same format but may be in more traditional care accommodation.
- Change to the nature reserve element. The previous description referred to a 'woodland area' of development. Whilst this continues to be proposed, discussions are ongoing as to whether a wooded parkland approach might be more appropriate in this area and so the description just refers to a 'nature reserve' to allow flexibility.

4.0 POLICY AND OTHER CONSIDERATIONS

- **The National Planning Policy Framework (NPPF)**
- **National Planning Practice Guidance (NPPG)**
- **Maidstone Borough-Wide Local Plan 2000:** ENV28, ENV31, ENV34, ENV49, H26, T3, T13, T21, T23, CF1, CF16
- **Draft Maidstone Local Plan 2011-2031 (Submission Version):** SS1, SP1, RMX1(1), DM1, DM2, DM3, DM5, DM7, DM24, DM25, DM27
- **The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended)**
- **Kent Minerals and Waste Local Plan (2013-2030)**
- **Kent Downs AONB Management Plan (2014-2019)**
- **MBC Economic Development Strategy (2015-2031)**
- **North Kent Innovation Zone Enterprise Zone**

5.0 LOCAL REPRESENTATIONS

5.01 **Local Residents:** 8 representations received from local residents raising the following (summarised) issues:

- Light pollution and impact upon outlook of houses at Gidds Pond Cottages.
- Footpath along Bearsted Road is not maintained.
- There should be more landscaping.
- Lack of notification.
- Pollution.
- Noise pollution.
- Traffic.

- Question relating to the proposed car park for Gidds Pond Cottages.
- Question as to why significant information has been submitted when the application only relates to access.
- 10 year permission is too long to assess potential effects.
- Newnham Court (dwellings) is incorrectly shown on the plans and a noise assessment has not been taken from that property. Noise assessment is inaccurate.
- Will the development be connected to the main sewers.

5.02 **Woodland Trust: Raises objection** on the grounds of damage to Ancient Woodland and consider that a 50m buffer to woodland should be provided.

6.0 **CONSULTATIONS**

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

6.01 **Boxley Parish Council: No objections**

6.02 **Highways England: No objections** subject to a condition to secure upgrade works to the M20 Junction 7 as per the previous approval and a financial contribution towards the M2 Junction 5. They are satisfied with the previously approved/agreed trigger points for these works.

6.03 **Environment Agency: No objections** subject to conditions relating to contamination and to safeguard groundwater.

6.04 **Natural England: No objections**

6.05 **KCC Highways (Highway Authority): No objections** subject to conditions/s106 requiring the off-site highways mitigation works as per the previous triggers points, bus improvements, car park management, and a travel plan.

6.06 **KCC (Local Lead Flood Authority): No objections** subject to a condition requiring the detailed design of sustainable surface water drainage including details of implementation, maintenance and management; and no infiltration subject to agreement.

6.07 **KCC (Economic Development):** Request a financial contribution towards library bookstock of £16,805.54 as a result of the additional demand from the residential accommodation element of the application.

6.08 **MKIP Environmental Health: No objections** subject to conditions relating to air quality, details of plant or ducting systems, noise attenuation for residential uses, control of dust and smells, lighting, and construction management plan.

6.09 **MBC Conservation Officer: No objections** based on previous grant of consent. Less than substantial harm would be caused to the setting of the Grade II listed Newnham Court Inn.

6.10 **MBC Landscape Officer: No objections** provided previous parameters of outline permission are secured.

- 6.11 **MBC Economic Development Section:** The application is strongly supported by the Department.
- 6.12 **KCC Ecological Advice Service: No objections** subject to conditions.
- 6.13 **Southern Water: No objections** subject to a condition requiring off-site upgrade works in relation to foul drainage, or evidence to demonstrate flows would be no greater than the existing levels.
- 6.14 **South East Water: No objections** subject to a condition to ensure that all risks to groundwater have been fully considered and mitigated.
- 6.15 **Southern Gas Networks:** High pressure pipeline restrictions must be followed.
- 6.16 **Kent Police:** Recommend a condition to ensure crime prevention is addressed appropriately.
- 6.17 **Kent Downs AONB Unit:** No response received.
- 6.18 **UK Power Networks: No objections.**
- 6.19 **Health & Safety Executive:** No objections (The site is near to any hazardous installations or pipelines).
- 6.20 **Kent Wildlife Trust: No objections** subject to conditions.

7.0 APPRAISAL

Planning Policy

- 7.01 The Development Plan currently comprises the saved policies of the Maidstone Borough-Wide Local Plan 2000. As Members are aware, this will be replaced by the new Local Plan (2011-2031), which has been through public examination and is considered to hold significant weight.
- 7.02 Nonetheless, the site is located within the countryside outside of any settlement boundary within the Maidstone Borough-Wide Local Plan 2000 (LP 2000) and so the proposals do conflict with the LP 2000, and this is why the application has been advertised as a Departure from the LP. However, a significant material consideration is the emerging Local Plan which allocates the site for use as a 'medical campus' under policy RMX1(1). This policy also relates to the Newnham Court shopping centre for retail use and covers both areas. The policy agreed by Full Council and submitted to the Local Plan Examination states as follows:

(The text relevant to the medical land, and thus the application, are highlighted in bold)

***“Newnham Park, as shown on the policies map, is allocated for a medical campus of up to 100,000m², a replacement retail centre of up to 15,000m² and a nature reserve. A development brief, to be approved by the council, will detail the way in which medical facilities, retail redevelopment and the nature reserve, together with integral landscaping and supporting infrastructure, are delivered in an integrated and coordinated manner. Planning permission will be granted if the following criteria are met.*”**

Design and layout

1. **Phased provision of a maximum of 100,000m² of specialist medical facilities set within an enhanced landscape structure of which 25,000m² will provide for associated offices and research and development.**
2. *Provision of a replacement garden centre and replacement retail premises of up to 14,300m² gross retail floorspace and additional provision of retail floorspace not exceeding 700m² gross retail floorspace which is not to be used for the sale of clothing, footwear, accessories, jewellery and watches. All replacement and additional retail floorspace shall be confined to the vicinity of the existing footprint of the current retail area as shown on the policies map. New additional non-A1 floorspace will not be appropriate. The retail development should include the provision of a bus interchange and a car park management plan.*
3. **Creation of a parkland nature reserve of approximately 3 hectares on land to the south east of the site, as shown on the policies map, and through a legal agreement transferred to a Trust.**
4. **Construction of buildings of high quality design in a sustainable form that reflect the site's prime location as a gateway to Maidstone.**
5. **Mitigation of the impact of development on the Kent Downs Area of Outstanding Natural Beauty and its setting through:**
 - i. *The provision of new structural and internal landscaping to be phased in advance of development;*
 - ii. *The retention and enhancement of existing planting. Where the loss of selected existing planting is unavoidable, appropriate compensatory planting must be provided;*
 - iii. *The use of the topography in site layout plans to exclude development on the higher, more visually prominent parts of the site;*
 - iv. *The restriction of building heights across the whole site to a maximum of two storeys. Exceptionally a building of up to 4 storeys could be accommodated on the land adjacent to the existing KIMS (phase 1) development to the immediate west of the stream and buildings of up to 3 storeys could be accommodated at the entrance to the site;*
 - v. *The use of low level lighting; and*
 - vi. *The use of green roofs where practical.*
6. **Medical facilities on land to the west of the existing stream will be delivered in advance of medical facilities on land to the east of the stream.**
7. *The additional retail floorspace must be of an out of town format that is complementary to town centre uses and, by means of a sequential sites assessment, demonstrably require an out of town location. Large scale retail warehousing style buildings will not be acceptable in this sensitive landscape location.*
8. *Submission of a retail impact assessment which clearly demonstrates that the retail development has no significant adverse impact on town and local centres.*
9. **Provision of a landscape buffer of between 15m and 30m in width along the northern and eastern boundaries of the site in order to protect Ancient Woodland, with tracts of planting extending into the body of the development.**
10. **Provision of a landscaped buffer of a minimum 15m in width on both sides of the existing stream running north-south through the site (minimum 30m width in total), in order to enhance the amenity and biodiversity of this water body.**
11. **Submission of a full landscape assessment to be approved by the council.**

Access

- 12. Vehicular access to the site from the New Cut roundabout, with bus and emergency access from the A249 Sittingbourne Road.**
- 13. Enhanced pedestrian and cycle links to the residential areas of Grove Green, Vinters Park and Penenden Heath, and to Eclipse Business Park.**
- 14. Submission of a Travel Plan, to include a car park travel plan, to be approved by the Borough Council.**

Archaeology

- 15. Provision of a watching archaeological brief in order to protect any heritage assets found on-site.**

Ecology

- 16. Submission of an ecology survey and detailed mitigation measures.**

Highways and transportation

- 17. Submission of a full Transport Assessment to identify off-site highway improvements to serve the development, to be secured in a phased manner by the provision of infrastructure or through contributions by means of a signed legal agreement prior to the commencement of development.**
- 18. Capacity improvements and signalisation of Bearsted roundabout and capacity improvements at New Cut roundabout. Provision of a new signal pedestrian crossing and the provision of a combined foot/cycle way between these two roundabouts.**
- 19. Traffic signalisation of the M20 J7 roundabout, widening of the coast bound off-slip and creation of a new signal controlled pedestrian route through the junction.**
- 20. Capacity improvements at M2 J5 (located in Swale Borough).**
- 21. Upgrading of Bearsted Road to a dual carriageway between Bearsted roundabout and New Cut roundabout.**
- 22. Increased frequency of 333 / 334 route to provide a bus service with 15 minute intervals between the site and the town centre, potentially to include the provision of bus priority measures on New Cut Road to include traffic signals at the junction with the A20 Ashford Road.**
- 23. Improved bus links to the site from the residential areas of Grove Green and Penenden Heath.**

7.03 Through discussions on the site/policy at the Local Plan Examination, and in response to matters raised by the Inspector, officers of the Council have proposed some modifications to the policy. For the medical element, these modifications do not represent any fundamental changes to the policy and are more about precision and clarification. These modifications have been presented to the Inspector but will need to be subject to public consultation in due course. An additional modification presented to the Inspector is for a review of the site to assess it's for an element of non-medical related B1a/b uses under the Local Plan Review in 2021. This will be to review progress with, and prospects for, the implementation of medical-related office development on the site and an updated assessment of the need for additional B1a/b floorspace.

7.04 The Local Plan Inspector provided his 'Interim Findings' on the Local Plan in December last year, a report produced to address a number of main matters which have been discussed at examination hearings to indicate where main modifications may or may not be required to make the Plan sound. It is intended to assist in

identifying where further work may be needed. These are interim findings and final and fuller conclusions on the matters and issues referred to will be set out in the Final Report of the Inspector at the end of the Examination process.

- 7.05 There is no comment within the Interim Findings by the Inspector on policy RMX1(1) and therefore it is reasonable to deduce that he has no in principle objection to the policy allocation. As such, the principle of a medical-based development at the site is considered to have been accepted by the Inspector, and this is considered to be a material consideration which adds weight to the draft policy.
- 7.06 Other relevant LP 2000 policies include ENV31 (Strategic Gap), ENV34 (Special Landscape Area), ENV49 (Lighting), H26 (Nursing/Residential Care Homes), T3 (Public Transport), T13 (Parking), T21 (Accessibility), T23 (Highway Works), CF1 (Community Infrastructure), CF16 (Sewage).
- 7.07 The Strategic Gap is not proposed to be taken forward in the new Local Plan and the site is allocated for development, so this is not considered to warrant grounds for objection to the proposals. The SLA is not proposed to be taken forward either. The remaining policies are relevant and their considerations are taken forward either in the site allocation policy, or specific policies in the new Local Plan as listed above in the policy section. These also cover more detailed matters such as design, heritage, air quality, lighting.

National Planning Policy Framework (NPPF)

- 7.08 The NPPF is a material planning consideration that sets a presumption in favour of sustainable development with three dimensions to sustainable development being economic, social and environmental roles. The NPPF states that the planning system supports this by contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; creating a high quality built environment; and contributing to protecting and enhancing our natural, built and historic environment.
- 7.09 In relation to development that could affect the setting of listed buildings, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) places a duty on decision takers to pay special regard to the desirability of preserving that setting before granting planning permission.
- 7.10 Section 85 of the Countryside and Rights of Way Act 2000 requires a relevant authority, when exercising any functions in relation to, or affecting land in, an AONB to have regard to the purpose of conserving or enhancing the natural beauty of the AONB.

Other Material Considerations

- 7.11 As outlined above, there is an extant outline permission that expires in April. Whilst nearing its expiry, this is a material consideration and in assessing this new application one must consider what circumstances have changed since 2014, which would mean that the previous proposals are no longer acceptable.
- 7.12 In terms of policy, as outlined above, a specific allocation policy relating to the site has been subject to examination and is considered to hold significant weight (RMX1(1)). This is clearly a change and material consideration and the proposals should be assessed against this policy.

7.13 Since the 2014 approval, the Council has adopted its Economic Development Strategy, within which the Kent Medical Campus (KMC) is recognised as one of the key aspects of the strategy.

7.14 In respect of this application, the MBC Economic Development Department state,

“The importance of the site to Maidstone’s economy should not be underestimated. Identified in the Regulation 19 Local Plan under Policy RMX1 (1) as a Retail and Mixed Use allocation, Kent Medical Campus is expected to create up to 48 new businesses, up to 2,300 new jobs by 2022 and up to 3,300 by 2027, adding £147m annual GVA to the Kent and Medway economy by 2027, with land value uplift (business rates growth) of £97m over 25 years.

Maidstone’s adopted Economic Development Strategy (EDS) sets out how Maidstone Borough Council will support the future sustainable growth and increasing prosperity of the town and borough. Kent Medical Campus is central to achieving this objective. The EDS states that Kent Medical Campus “...will create highly skilled, well-paid jobs that will boost productivity and income in Maidstone. It is therefore important to support the development of KIMS and Kent Medical Campus to ensure that the opportunities it will bring to attract further inward investment are capitalised upon.”

7.15 The site was awarded Enterprise Zone (EZ) status by the Government in November 2015. Together with Rochester Airport Technology Park and Ebbsfleet Garden City, the KMC forms part of the North Kent Innovation Zone EZ. Between them, these sites will deliver around 230,000m² of high quality business premises with potential for 9,900 new jobs by 2027. EZs offer a number of incentives to business occupiers, including business rates discounts to help accelerate investment and growth. The Government’s EZ website states that, *“Enterprise Zones are at the heart of the Government’s long-term economic plan, supporting businesses to grow”*. This is a significant change and material consideration.

7.16 In terms of physical changes since the previous decision, the main site access road, ‘Newnham Court Way’ has been constructed and the eastern spine has been completed and the Cygnet Hospital is under construction. In terms of the surrounding area, KIMS has been completed and opened for use in 2014, an additional KIMS car park has been constructed adjacent to Newnham Court Shopping Village, a ‘Next’ retail store has been constructed within Eclipse Park, and the Sittingbourne Road Park & Ride site was closed in February 2016.

7.17 In summary, other main material considerations are the fact that outline permission was granted 3 years ago and it is extant, policy RMX1(1), and the Enterprise Zone status of the site.

7.18 The report will now go on to assess the proposal against the draft policy and where there is conflict balancing this against the extant permission and EZ status. This can be broken down into landscape impact, design, highways and transport, ecology, and other more specific matters.

7.19 The assessment will also highlight any proposed modifications by officers, although these will be subject to public consultation and so carry less weight at present.

Design, Layout & Landscape Impact

- 7.20 **Criterion 1:** *“Phased provision of a maximum of 100,000m² of specialist medical facilities set within an enhanced landscape structure of which 25,000m² will provide for associated offices and research and development.”*
- 7.21 The application proposes up to 92,379 m² of medical-based floorspace with up to 24,750m² of offices and research and development, which is in accordance with this criterion. Under the previous permission condition 17 restricted the office/research and development element to ‘occupiers directly related to the provision of medical services’ to prevent unrestricted business use. The applicant does fully expect the majority of office/R&D floorspace to be taken up by such occupiers but has questioned the need for this condition on the basis that the site is no longer countryside and that some businesses would benefit from being co-located with medical companies. This may be the case but if there is not a condition then there is the potential for any B1 uses to occupy the site, and so this would not be a medical-related development creating a *‘specialist knowledge cluster that will attract a skilled workforce to support the council’s vision for economic prosperity’* (para 13.2 of draft Local Plan), this being the reason for allocating the site. For these reasons a similar condition is considered appropriate and would ensure compliance with the policy criterion, and achieve the Local Plan/draft policy, and Economic Development Strategy aim of providing *“medical facilities and a cluster of associated knowledge-driven industries that need close proximity to one another”* (para 4.19 of draft Local Plan), and the reason for allocating the site.
- 7.22 **Criterion 3:** *“Creation of a parkland nature reserve of approximately 3 hectares on land to the south east of the site, as shown on the policies map, and through a legal agreement transferred to a Trust.”*
- **(Proposed Officer Modification to Criterion 3):** *“Creation of a ~~parkland~~ woodland nature reserve of approximately 3 hectares on land to the south east of the site, as shown on the policies map, ~~and through a legal agreement transferred to a Trust secured through a legal agreement.~~”*
- 7.23 The application proposes a nature reserve within the southeast corner of the site with an area of 3.4ha. At the EIP reference to woodland was generally agreed as these were the proposals within the extant permission. As outlined above, the applicant is not specifically referring to woodland now to allow flexibility. The applicant has stated that at the present time there is no Trust or body on board to take on the land and in any case reference to such a body is proposed to be removed. Any legal agreement will secure the nature reserve and its long-term management and would not preclude it being taken on by such a body in the future. The proposals are considered to comply with this criteria.
- 7.24 **Criterion 4:** *“Construction of buildings of high quality design in a sustainable form that reflect the site’s prime location as a gateway to Maidstone.”*
- 7.25 This criterion would be relevant for the reserved matters stage where specific details and designs of development would be submitted. However, it is considered that conditions to shape a high quality development are appropriate at the outline stage including the use of vernacular materials such as ragstone within elements of buildings, walls etc. and the use of green roofs and green walls. The applicant has submitted a sustainability statement indicating that the development would achieve at least a BREEAM ‘Very Good’ standard through the use of passive efficiency measures and renewable energy sources, which can be a condition of any consent.

7.26 **Criterion 5:** “Mitigation of the impact of development on the Kent Downs Area of Outstanding Natural Beauty and its setting through:

- i. The provision of new structural and internal landscaping to be phased in advance of development;
- ii. The retention and enhancement of existing planting. Where the loss of selected existing planting is unavoidable, appropriate compensatory planting must be provided;
- iii. The use of the topography in site layout plans to exclude development on the higher, more visually prominent parts of the site;
- iv. The restriction of building heights across the whole site to a maximum of two storeys. Exceptionally a building of up to 4 storeys could be accommodated on the land adjacent to the existing KIMS (phase 1) development to the immediate west of the stream and buildings of up to 3 storeys could be accommodated at the entrance to the site;
- v. The use of low level lighting; and
- vi. The use of green roofs where practical.”

• **(Proposed Officer Modification to Criterion 5):** “Mitigation of the impact of development on the Kent Downs Area of Outstanding Natural Beauty and its setting through:

- i. The provision of new structural and internal landscaping to be phased in advance of development to accord with an approved Landscape and Ecological management plan for the site;
- ii. The retention and enhancement of existing planting. Where the loss of selected existing planting is unavoidable, appropriate compensatory planting must be provided;
- iii. ~~The use of the topography in site layout plans to exclude development on the higher, more visually prominent parts of the site;~~ The absence of built development within the area shown on the policies map;
- iv. The restriction of building heights across the whole site to a maximum of two storeys. Exceptionally a building of up to 4 storeys could be accommodated on the land adjacent to the existing KIMS (phase 1) development to the immediate west of the stream and buildings of up to 3 storeys could be accommodated at the New Cut roundabout entrance to the site;
- v. The use of low level lighting; and
- vi. The use of green roofs where practical and avoidance of the use of light coloured or reflective materials”

7.27 The development would inevitably have an impact upon the visual amenity of the local area in short range views, and there are some longer range views of the site from some points on higher land in the AONB to the north. The site is considered to be within the setting of the AONB. For this reason, this criterion seeks to minimise and mitigate this impact.

7.28 Whilst landscaping is not being considered at this stage, the landscape parameter plan shows structural landscaping around some of the boundaries and along the stream through the centre of the site, where existing trees would be retained and supplemented. It also shows new ‘avenue’ planting along the west side of the main

access road, and alongside the east spur road into the site. It is considered that this is an appropriate level at this outline stage to set the landscape structure to the site, and this can be secured by condition. Additional landscaping would obviously be provided within the development areas at the reserved matters stage when detailed landscaping proposals are being considered and a condition can ensure structural tree planting in development areas to guide this. The criterion requires new structural and internal landscaping to be phased in advance of development. A suitable condition that requires structural landscaping to be established alongside the first phase of any development would be appropriate. This would be in accordance with 5(i) and (ii).

- 7.29 Criterion 5(iii) requires exclusion of development on the higher, more visually prominent part of the site. During the Local Plan Examination the Inspector wanted clarity on where this actually is. It was agreed that this meant the 'grassy knoll' area near the eastern boundary, which is referred to in condition 2 of the extant permission. The applicant considers this area should only be excluded from 'buildings' not necessarily all development (such as a car park). Officers are proposing modifications to exclude any development and this is a condition of the extant permission. In view of this, a condition to prevent any development is considered appropriate with a plan clarifying the area. Under the extant permission this area was to be planted with trees and this is considered appropriate once more.
- 7.30 Criterion 5(iv) relates to heights of buildings. It seeks to restrict heights to 2 storeys across the site apart from potentially 4 storeys to the west of the stream immediately south of KIMS, and 3 storeys at the New Cut roundabout entrance to the site. The extant permission allows for a 4 storey height across the entire site so there is a conflict between this permission and the draft policy and policy, both of which hold weight. The Council has also granted permission for a 3/4 storey hospital in the southeast corner of the site pursuant to the outline consent. With this in mind negotiations on heights have been held the outcome being agreement to lower heights across parts of the site including up to 2/3 storeys on higher land adjacent to KIMS and up to 3 storeys on much of the eastern part of the site. Heights of up to 4 storeys are still sought at the entrance and in some lower parts of the site. This can be seen on the parameters plan below. On balance, it is considered that this is an acceptable position between the extant permission and the draft policy and these height parameters can be secured by condition. The parameters condition can also secure that any building of 3/4 storeys in height is designed so as to limit its impact through reducing the mass and bulk as per the extant permission.



Storey Heights Parameter Plan

- 7.31 For criterion 5(v) and (vi), conditions can secure the use of low level lighting, green roofs and the avoidance of the use of light coloured or reflective materials.
- 7.32 **Criterion 6:** *“Medical facilities on land to the west of the existing stream will be delivered in advance of medical facilities on land to the east of the stream.”*
- **(Proposed Officer Modification to Criterion 6):** This criterion would be deleted.
- 7.33 This criterion is proposed to be deleted because the ‘Cygnet’ hospital has already been provided to the east of the stream and so it has been overtaken by events. The outline consent did not contain such preclusions and this is why the ‘Cygnet’ development was allowed.
- 7.34 **Criterion 9:** *“Provision of a landscape buffer of between 15m and 30m in width along the northern and eastern boundaries of the site in order to protect Ancient Woodland, with tracts of planting extending into the body of the development.”*
- 7.35 The landscape parameter plans illustrate that buffers of at least 15m would be provided adjacent to AW area to the north, east and south of the site and this can be secured by condition. In places the structural landscaping extends the AW buffer to 20m (east side). Planting extending into the site is only shown within the ‘avenue’ planting areas, however this would largely be determine at the detailed stage. Nonetheless a condition to guide the reserve matters to this effect can be attached as per the extant permission.

7.36 The Woodland Trust has objected to the application on the grounds that such buffers are not sufficient, suggesting a 50m buffer to woodland. The draft policy requirements seek between 15m and 30m and it is considered that the proposals comply. In addition, neither the landscape officer or ecology advisor has raised objections.

7.37 **Criterion 10:** *“Provision of a landscaped buffer of a minimum 15m in width on both sides of the existing stream running north-south through the site (minimum 30m width in total), in order to enhance the amenity and biodiversity of this water body.”*

7.38 The landscape parameter plans illustrate that buffers of 15m would be provided either side of the stream and this can be a condition of any permission, as per the extant permission.

7.39 **Criterion 11:** *“Submission of a full landscape assessment to be approved by the council.”*

- **(Proposed Officer Modification to Criterion 11):** *“Submission of a ~~full~~ Landscape and Visual Impact Assessment to be approved by the council which includes assessment of the impact of the development on views to and from the Kent Downs AONB”*

7.40 The applicant has submitted a Landscape & Visual Impact Assessment (LVIA). This concludes that,

“The Site is well screened by mature woodland to the north and east, and mature trees and other vegetation alongside Bearsted Road to the south. The existing buildings of the retail village provide an effective screen to most views from the west....

....There would be a low to medium degree of landscape change as a result of the Proposed Development - while parts of the Site would obviously undergo a significant change, other parts would change to a lesser degree, and the overall development would have a limited impact on the area around it. The new buildings and other features created by the development would not be widely visible, and any views of them would be either short distance from close to the Site boundary and from less sensitive locations such as Bearsted Road and the retail village, or from more sensitive locations but at some distance from the Site.

There would initially be minor to moderate adverse effects on the local landscape in winter; these effects would be at a lower level in the summer, and would decrease slowly over time. Effects on the North Downs AONB would be negligible: the nearest point in the AONB with any views to the Site is around 1.5km away, and only the roofs of some of the new buildings would be visible, in the context of views which would also encompass large parts of Maidstone, Eclipse Park, the A249 and parts of the M20, as well as the roofs of the KIMS buildings within the Site. There would be no significant harm to the setting of the AONB.

There would be minor to moderate adverse visual effects for a few properties close to the Site on the north side of Bearsted Road and minor adverse effects for some properties to the south, but few other visual effects of any significance.”

7.41 The site is being allocated by the Council for significant development and this would inevitably have an impact upon the landscape. I generally agree with the conclusions of the LVIA in that there would clearly be a short-range localised impact from adjacent roads and public viewpoints such as the public open space on higher ground to the south. No amount of landscaping can screen the buildings but landscaping would

soften this impact to a degree. Whilst there are some limited views from longer range views in the AONB, at this distance the impact would be low. Landscaping, height parameters, the use of green roofs and cutting buildings into the land would serve to limit this impact which can be secured by condition.

Access

7.42 **Criterion 12:** *“Vehicular access to the site from the New Cut roundabout, with bus and emergency access from the A249 Sittingbourne Road.”*

- **(Proposed Officer Modification to Criterion 12):** *“Vehicular access to the site from the New Cut roundabout, with bus and emergency access from the A249 Sittingbourne Road if required.”*

7.43 Access to the site would be from the New Cut roundabout which complies with this criterion. The bus and emergency access relates to the retail element of the site.

7.44 **Criterion 13:** *“Enhanced pedestrian and cycle links to the residential areas of Grove Green, Vinters Park and Penenden Heath, and to Eclipse Business Park.”*

7.45 The application includes proposals to widen the footway on the west side of New Cut Road between the New Cut roundabout and the Maidstone Studios roundabout to 1.8m where highway land allows; widen the footway on the north side of Bearsted Road between the site access and the A249 roundabout; and some footway widening on south of the A249 roundabout. This would serve to improve access to Grove Green, Vinters Park and to a lesser extent Penenden Heath and Eclipse Business Park and can be secured under any legal agreement.

7.46 **Criterion 14:** *“Submission of a Travel Plan, to include a car park travel plan, to be approved by the Borough Council.”*

7.47 A Framework Travel Plan incorporating measures and incentives to reduce single occupancy vehicle travel to and from the site, and a car park management/enforcement plan with charging for certain site users have been submitted. KCC have reviewed these documents raising no objections subject to securing them in any grant of permission. As was previously the case, this can be secured under the legal agreement.

7.48 **Criterion 15:** *“Provision of a watching archaeological brief in order to protect any heritage assets found on-site.”*

7.49 Under the extant permission a condition was attached requiring archaeological field evaluation works and safeguarding measures to ensure preservation in situ of important archaeological remains which can be attached once more.

Ecology

7.50 **Criterion 16:** *“Submission of an ecology survey and detailed mitigation measures.”*

7.51 The ecological assessment concludes that the value of biodiversity within the site is somewhat compromised by the species-poor semi-improved grassland and improved grassland (now construction compound) which covers the majority of the site. The ecological interest lies within the small section of Horish Wood which occurs within the NE corner of the site which is AW and part of the wider Local Wildlife site. The majority of bat activity was recorded around the edge of the site associated with the woodland

edges and the stream. Great Crested Newts have the potential to move through the site and mitigation has already been approved by the Council and carried out in connection with the KIMs and 'Cygnet' development.

- 7.52 KCC Ecology are satisfied that the surveys and assessments have appropriately assessed the impact of the development. Although the original survey information is 3-4 years old, KCC have spoken to the applicant's ecologist in detail (who regularly visit the site) and they are satisfied that there is no requirement to carry out additional surveys. KCC have reviewed the conditions attached to the original planning application and conditions 18 and 19 were referring to the bat and GCN mitigation strategies. They advise that conditions for these species are still required but amended to reflect that some mitigation has already been carried out, and these conditions can be attached once more. Mitigation for bats would include appropriate lighting design, avoidance of loss of trees with bat potential to the south east of the stream in the vicinity of Gidds Pond Farm, and the provision of planted buffers along the ancient woodland and the buffer to the stream. GCN mitigation has been approved and includes buffers adjacent to woodland, creation of hibernacula and higher quality terrestrial habitat, and two new ponds.
- 7.53 In terms of enhancements, artificial nesting boxes for birds will be provided throughout the development, positioned within the new woodland and scrub habitat and on the retained trees. There would be the creation of new woodlands and thickets through landscaping and the existing pond within the site will be enhanced would also serve to benefit biodiversity. Clearly, the nature reserve will provide a significant enhancement on this part of the site. A Landscape & Ecological Management Plan (LEMP) was produced and agreed as part of the S106 agreement for the previous permission and the information within the LEMP is still valid. The LEMP would be secured under any legal agreement to ensure long-term management and enhancement of the site.

Highways and Transportation

- 7.54 **Criterion 17:** *"Submission of a full Transport Assessment to identify off-site highway improvements to serve the development, to be secured in a phased manner by the provision of infrastructure or through contributions by means of a signed legal agreement prior to the commencement of development."*
- **(Proposed Officer Modification to Criterion 17):** *"Submission of a full Transport Assessment to identify those off-site highway improvements and sustainable transport measures necessary to serve the development, to be secured in a phased manner by the provision of infrastructure or through contributions by means of a signed legal agreement which is to be completed prior to the commencement of development. Development will contribute, as proven necessary through the Transport Assessment, to the following improvements;"*
 - (i) *"Capacity improvements and signalisation of Bearsted roundabout and capacity improvements at New Cut roundabout. Provision of a new signal pedestrian crossing and the provision of a combined foot/cycle way between these two roundabouts."*
- 7.55 The application proposes signalisation and improvements to the Bearsted Road/A249 roundabout (by 'Next') and enlargement of the New Cut Roundabout at the entrance to the site. Also proposed is the pedestrian crossing which would be immediately west of the New Cut roundabout. The footway on the north side of Bearsted Road between the roundabouts would be widened to 2m. These measures are in accordance with the

criterion, are considered to be acceptable by KCC, and would be secured by condition. (Timing of delivery for this and the other off-site works will be discussed below)

(ii) *Traffic signalisation of the M20 J7 roundabout, widening of the coast bound off-slip and creation of a new signal controlled pedestrian route through the junction.*

7.56 These improvements are proposed and have been accepted by Highways England. Their delivery would be secured by condition.

(ii) *Capacity improvements at M2 J5 (located in Swale Borough).*

7.57 This would constitute a payment of £44,700 towards these works. These works are proposed to be removed from the policy as it is understood that they would potentially be covered by the Roads Investment Strategy. However, Highways England state that this is not 100% certain at this stage, so have maintained that a contribution is still required and the applicant is satisfied with this. If the works are funded then payment would not be required.

(iii) *Upgrading of Bearsted Road to a dual carriageway between Bearsted roundabout and New Cut roundabout.*

7.58 This is not proposed under this application nor was it under the extant permission. The Council's Infrastructure Delivery Plan accepts that this would be secured as part of the any retail development within the Newnham Court retail site allowed for under the policy.

(iv) *Increased frequency of 333 / 334 route to provide a bus service with 15 minute intervals between the site and the town centre, potentially to include the provision of bus priority measures on New Cut Road to include traffic signals at the junction with the A20 Ashford Road.*

7.59 Consultations have been carried out with bus provider 'Arriva' under this application. Through discussion they have advised that they would not wish to divert Routes 333 and/or 334 into the site, as these are long-distance services that principally convey passengers between the urban centres of Maidstone, Sittingbourne, Sheerness and Faversham. However, Routes 333 and 334 can be accessed from the KMC/KIMS site within a short walking distance via Bearsted Road.

7.60 Arriva have proposals to amend the current no. 19 service (which runs from Bearsted, along the A20 and into Grove Green) so that it would continue along New Cut Road to the application site, and then run to the town centre via the 'Vinters Park' housing estates at 30 minute intervals. This change is proposed to be brought in this April 2017 and so there is no requirement for the development to fund/subsidise this. However, it is considered necessary to run this service into the application site and provide one additional early morning service and two evenings to promote public transport use. This would be subsidised for 5 years at a total cost of approximately £166,490. In the unlikely event that the no. 19 service is not changed as per Arriva's plan, then the legal agreement can allow for a fall-back position being a bespoke service for the site as per the extant permission. This would not be 15 minute intervals as per the policy, however the policy also covers the retail element and I consider this could be secured as part of any retail development.

7.61 Overall, it is considered the financial contribution would ensure a frequent bus service between the site and town centre, and a condition can ensure bus stops with real time bus information, and a bus loop within the site.

(vi) Improved bus links to the site from the residential areas of Grove Green and Penenden Heath.

- 7.62 The no 19 service referred to above would run to and from Grove Green and so would achieve improved links here. The service would not run into Penenden Heath so there is some conflict with this part of the criterion.
- 7.63 In terms of delivery of the off-site highways works, the extant permission set a trigger for the 'paperwork' process (Section 278 Agreement under the Highways Act) for highway works and condition 22 secured completion of the J7 improvements prior to 75% occupation of the development. It is apparent that there was no trigger to actually ensure completion of the works (excluding J7) but the applicant intended that this would be 75%.
- 7.64 Since that decision in 2013, traffic has increased quite significantly on local roads due to natural background growth and new development, and closure of the Council Park & Ride site, and so the roundabouts are nearer to reaching their capacity. As such, there is an argument to say that the works should now be brought forward earlier, also bearing in mind a 10 year permission is sought which would mean development potentially coming forward at a slower rate. The applicant considers the previous triggers are still appropriate on the basis that it not fair or reasonable for KMC to be expected to fix existing problems. In addition, Kent Highways and Highways England have agreed that these triggers are acceptable and have raised no objections. In view of there being no objections from both Highways Authorities to the trigger, it is difficult to reasonably insist on an earlier trigger.
- 7.65 However, negotiations have taken place and the applicant is agreeable to earlier delivery at 70% of vehicle movements (676 movements) or 70% floorspace (whichever is the sooner) for the local works (excluding J7). It is considered that this is acceptable on the basis of there being no objections from the Highways Authorities, and there being an extant permission set at 75%.
- 7.66 So in conclusion, the legal agreement can secure completion of the local works at 70% of vehicle movements or 70% occupation (whichever is the sooner) and a condition for the J7 works before 75% occupation. As before, a legal agreement could ensure the Section 278 process starts in order to deliver the works at these triggers. This would also include the pedestrian and cycle improvements referred to above which would be carried out at the same time.

Heritage

- 7.67 There are no saved policies within the LP 2000 that relate to heritage assets and as such the NPPF is the main consideration along with the LBC Act. It must be noted that the Council did not refuse the previous application on heritage grounds.
- 7.68 It is considered that the development would cause less than substantial harm to the setting of Newnham Court Inn (GII Listed) to the west of the site. Whilst I do not disagree it must be noted that no development is proposed adjacent to this listed building and as such there would be 'breathing space' to the west of the building. In this instance Paragraph 134 of the NPPF states 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".

7.69 The development would clearly bring significant economic and social benefits. From construction and operation the development is expected to provide over 3,800 jobs and given the nature of the development, the employment generated would be likely to comprise a high proportion of highly skilled jobs across the health and education sectors and associated enterprises (e.g. research and development). A fundamental component of the campus development proposed is on-site training and medical-related higher education facilities which would clearly provide economic and social benefits. The site is also an Enterprise Zone where the Government seeks to accelerate economic growth. With these factors in mind, it is considered that the public benefits from economic and social benefits would outweigh the harm to the setting of the Grade II listed building.

Residential Amenity

7.70 The Council did not refuse the previous application on grounds of residential amenity and I have no reason to reach a different conclusion. The closest dwellings to the application site are those at Gidds Pond Cottages whose gardens adjoin the application site. However, they adjoin the site where structural landscaping/AW and stream buffers would be provided ensuring any development would be at least 45-50m from the houses. The separation distance from the dwelling at Newnham Court to the north would be at least 65m from the edge of the site. With these separation distances in mind it is considered that the development could be designed so as not to have a harmful impact upon these properties in terms of privacy, light or outlook.

7.71 There would be some noise associated with the operation of the site, I would suggest primarily from plant and extraction equipment on buildings. Environmental Health has raised no objections subject to conditions requiring details and any necessary mitigation. There would be some impact on amenity during the construction phase of the development but any noise from these operations is dealt with by Environmental Health Legislation.

Surface and Foul Drainage

7.72 The site is not within a high risk flood zone and as such the main issue relates to surface water drainage. The surface water drainage strategy for the site has been based upon the principle of controlling the post development runoff rate to that of the existing greenfield site with an uplift allowance for climate change (30%). The drainage has been based on various SUDS techniques including green roofs, porous paving, swales and attenuation basins. Given the size of the site, it is possible that ground conditions might vary and the SUDS techniques proposed may need to be modified if necessary to suit.

7.73 KCC as Lead Local Flood Authority (LLFA) have raised no objections to the outline proposals but advise that the Environment Agency guidance is to allow for a greater climate change allowance of 40% and this should be incorporated into the detailed design that comes forward at the detailed stage. They recommend conditions to secure SUDs drainage.

7.74 The site is located within Zone 3 Groundwater Source Protection Zone and so the use of infiltration would need to be carefully considered to ensure there is no pollution to groundwater. In this respect the Environment Agency are not objecting subject to conditions to consider any proposals to do so. South East Water also raise no objections subject to a condition requiring a hydrogeological risk assessment to ensure no harm to groundwater.

- 7.75 In terms of foul drainage, Southern Water have raised no objections subject to a condition requiring off-site upgrade works in relation to foul drainage, or evidence to demonstrate flows would be no greater than the existing levels.

Other Matters

- 7.76 The development would essentially involve the permanent loss of approximately 17.8ha of best and most versatile land (Grades 2 and 3a). The NPPF at paragraph 112 states that the economic and other benefits of the best and most versatile agricultural land should be taken into account. Whilst a relatively large area of such land would be lost, it is considered that the significant economic benefits of the proposal would outweigh this loss in this case.
- 7.77 The Environmental Health Section has considered the impact the development would have upon air quality and an air quality assessment has been carried out by the applicant. This concludes that construction impacts would be negligible and once operational, impacts would not be significant. A condition can be attached to ensure impact upon air quality during construction is minimised. Once operational, clearly the regular and frequent bus service from the site to the town centre, which would be subsidised, would promote public transport and minimise any impact upon air quality. Electric vehicle charging facilities would also promote lower emissions transport and can be secured by condition. There are no objections in terms of air quality for new residents and the impacts upon nearby residents. The site could have some contamination from agricultural use and therefore a contaminated land condition is recommended both by Environmental Health in terms of the impact upon future users, and the Environment Agency in terms of protecting groundwater.
- 7.78 This site falls within the Minerals Safeguarding Areas as shown within the Kent Minerals and Waste Local Plan (2013-2030) in an area of largely silica sand (construction sand). Policy DM7 of the Plan safeguards an extensive area, including the site, to avoid the sterilisation of silica sand/construction sand resources. The policy allows planning permission to be granted for non-mineral development that is incompatible with minerals safeguarding where at least one of a range of criteria is demonstrated. The applicant has stated that they do not consider the extraction of the mineral would be viable or practicable, especially taking into account the fact that the new link roads across the site have been constructed and the new Cygnet Hospital has also been approved and is under construction, thereby satisfying criterion 2. The site already benefits from an extant planning permission. For these reasons it is considered that it would be unreasonable to object to the proposals on these grounds.
- 7.79 Matters not generally considered above and raised in local representations relate to how the proposed car park for Gidds Pond Cottages would be managed, lack of notification, questions as to why significant information has been submitted when the application only relates to access, that Newnham Court (dwelling) is incorrectly shown on the plans and a noise assessment has not been taken from that property, and the noise assessment is inaccurate. How the proposed private parking area for Gidds Pond Cottages will be allocated and/or managed is a civil matter between the applicant and the owners of the cottages. Whilst the application is being made in outline with all matters reserved for future determination except for means of access, the Council is considering the principle of up to 92,379 m² of floorspace for the uses proposed. This is an established principle of outline planning applications. Whether Newnham Court is correctly shown or not, I am clear on the location of that dwelling which I have based the assessment on. In terms of the noise assessment, the applicant has confirmed that impact upon this property has been properly assessed and it is simply the plan that

has incorrectly marked the location of the property. Notification/advertisement has been carried out in accordance with legal requirements and local procedure.

Section 106 Agreement

7.80 The previous legal agreement secured a number of measures and it is considered that these are still necessary, related and reasonable and meet the legal tests. An additional measure is to secure the Nature Reserve along with its management. They would be as follows:

1. The provision of a minimum level of medical facilities and services (including research and training) on the site for a period of five years and to ensure that insofar as the NHS may require to 'purchase' services, the applicants commit to make such provision available to the NHS to a level of at least 25%. This is to promote medical facilities, this being the reason for the draft allocation.
2. The occupation of the neuro-rehabilitation village to be restricted to those signed up to at least a minimum level care package to ensure delivery of this bespoke facility.
3. A financial contribution of £166,490 to extend the no. 19 bus service into the site at 30 minute frequencies, and provision of 3 additional bus services covering early morning and evenings and appropriate triggers. In the event that this service is not available at the trigger point, an alternative bus service or bespoke facility running between the site and the town centre. This is to promote sustainable transport and comply with the draft policy.
4. Trigger points for the start of the Section 278 process for all off-site highway mitigation at 578 one way trips in AM and PM peak hours combined. (Specific trip measurement details to be agreed by officers)
5. Trigger points for completion of the off-site highway mitigation works (excluding Junction 7 of the M20), which includes all the pedestrian and cycle improvements, at 676 one way trips in AM and PM peak hours combined or 70% occupation of the development (whichever is the sooner). (Specific trip measurement details to be agreed by officers)
6. A financial contribution of £44,700 towards mitigation works at Junction 5 of the M2 motorway.
7. A site-wide Framework Travel Plan, together with a Travel Plan Monitoring Fee of £10,000 for 10 years. This is to promote sustainable transport and comply with the draft policy.
8. A financial contribution of £20,000 for future parking controls to be implemented on the highway, should parking over spill become evident (Grove Green & Vinters Park Estates). This is in the interest of highway safety.
9. The implementation, maintenance, management and monitoring of the proposed landscape and ecology mitigation and enhancement works through the Landscape and Ecology Management Plan. This is in the interest of environmental sustainability and to comply with the draft policy.
10. The establishment of a Monitoring Committee to review all aspects of the Development with payment of an annual fee of £1,000 towards the cost of Monitoring Committee meetings for a period of 10 years or until the development is completed, whichever is sooner. This is to ensure monitoring and community input on this major development.

11. The limitation of any residential (C3) units to those key workers and education staff directly employed in the medical services on the site. This is to ensure the site is not used for standard residential purposes, this being the reason for the draft allocation.
12. Library contributions for the residential (C3) elements of £16,805.54. This is to address the demand on such services.
13. Reasonable endeavours to employ local contractors and sub-contractors and local people during the construction works in consultation with the Council. This in the interest of local benefits to the economy.
14. Creation of the nature reserve and its implementation, maintenance, and management. This is to ensure delivery in accordance with the draft policy.

8.0 Conclusion

- 8.1 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. As discussed above, the site falls within the countryside for the purpose of the Local Plan (2000), however a significant material consideration is the emerging Local Plan which allocates the site for use as a 'medical campus' under policy RMX1(1). The policy has been agreed by Full Council and been subject to public examination. There is no comment within the Interim Findings by the Inspector on the policy and therefore it is reasonable to deduce that he has no in principle objection to the policy allocation. As such, this policy is considered to hold significant weight and this is considered grounds to depart from the Local Plan (2000).
- 8.2 In assessing the proposal against this draft policy, the development largely complies with its criterion. There is some conflict in terms of heights as discussed above, however negotiations have achieved a reduction in heights on some parts of the site from the outline consent (which allows for up to 4 storeys across the site). On balance, it is considered that this is an acceptable position between the extant permission and the draft policy. Otherwise the proposals are in accordance with the draft policy.
- 8.3 The EZ status is also a material consideration being, "*at the heart of the Government's long-term economic plan, supporting businesses to grow*". This is a significant factor that weighs in favour of the development.
- 8.4 The application seeks a 10 year consent and whilst this is likely to mean a longer period for delivery of off-site highways works, balancing the fact that no objections have been received from the Highways Authorities to this or the previous triggers, the extant permission, and negotiations achieving an early trigger than before, this is considered to be an acceptable position. It is also noted that only one development (Cygnet) has come forward in the last 3 years and so a 10 year period is considered reasonable to allow time for full delivery.
- 8.5 The development is considered to achieve significant economic and social benefits in line with the NPPF and the impacts upon the environment are considered to be acceptable subject to mitigation and bearing in mind the weight of the draft policy.
- 8.6 For these reasons, and those outlined in detail above, the proposals are considered to be acceptable and to accord with the draft policy for the site and the NPPF.

Conditions

- 8.7 Along with the 10 year time limit, conditions are considered necessary to cover the following key matters and are detailed in full below:
- 8.8 Parameters relating to Landscaping, Building Heights, AW and Stream Buffers, and Development Exclusion Area; Limiting Floorspace; Building and Hard Surfacing Materials (including use of ragstone, green walls and roofs); Boundary Treatments; Materials; Slab Levels; Lighting; Tree Protection; BREEAM Level; Ecology (Mitigation, Management & Enhancement); Off-site Highways Improvements (J7); Onsite Bus Stops/Turning; Construction Environmental Management Plan; Foul and Surface Water Drainage; Contaminated Land; Groundwater Controls; Electric Vehicle Charging; Noise/Fumes/Odours; Archaeology; Crime Prevention; No Open Storage; Removal of PD Rights for Extensions & Fencing.

9.0 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;

1. The provision of a minimum level of medical facilities and services (including research and training) on the site for a period of five years and to ensure that insofar as the NHS may require to 'purchase' services, the applicants commit to make such provision available to the NHS to a level of at least 25%. This is to promote medical facilities, this being the reason for the draft allocation.
2. The occupation of the neuro-rehabilitation village to be restricted to those signed up to at least a minimum level care package.
3. A financial contribution of £166,490 to extend the no. 19 bus service into the site at 30 minute frequencies, and provision of 3 additional bus services covering early morning and evenings with appropriate triggers. In the event that this service is not available at the trigger point, an alternative bus service or bespoke facility running between the site and the town centre.
4. Trigger points for the start of the Section 278 process for all off-site highway mitigation at 578 one way trips in AM and PM peak hours combined. (Specific trip measurement details to be agreed by officers).
5. Trigger points for completion of the off-site highway mitigation works (excluding Junction 7 of the M20), which includes all the pedestrian and cycle improvements, at 676 one way trips in AM and PM peak hours combined or 70% occupation of the development (whichever is the sooner). (Specific trip measurement details to be agreed by officers).
6. A financial contribution of £44,700 towards mitigation works at Junction 5 of the M2 motorway.
7. A site-wide Framework Travel Plan, together with a Travel Plan Monitoring Fee of £10,000 for 10 years.
8. A financial contribution of £20,000 for future parking controls to be implemented on the highway, should parking over spill become evident (Grove Green & Vinters Park Estates).
9. The implementation, maintenance, management and monitoring of the proposed landscape and ecology mitigation and enhancement works through the Landscape and Ecology Management Plan.

10. The establishment of a Monitoring Committee to review all aspects of the Development with payment of an annual fee of £1,000 towards the cost of Monitoring Committee meetings.
11. The limitation of any residential (C3) units to those key workers directly employed in the medical services on the site.
12. Library contributions for the residential (C3) elements of £16,805.54.
13. Reasonable endeavours to employ local contractors and sub-contractors and local people during the construction works in consultation with the Council.
14. Creation of the nature reserve and its implementation, maintenance, and management.

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the imposition of the conditions set out below and subject to the expiry of the newspaper advert and no new material issues being raised:

CONDITIONS

1. The development shall not commence until approval of the following reserved matters for each phase or sub-phase has been obtained in writing from the Local Planning Authority:-

a. Layout b. Scale c. Appearance d. Landscaping

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

Each phase or sub-phase 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 for that phase or sub-phase;

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

2. The details submitted pursuant to condition 1 shall be limited as follows:

- There shall be no more than 92,379m² of total floorspace.
- There shall be no more than 28,700m² of floorspace for university campus and halls of residence.
- There shall be no more than 14,000m² of floorspace for doctors/nurses accommodation.
- There shall be no more than 24,750m² of floorspace for offices/research and development uses.

Reason: To ensure the development remains a mixed use and medical-based development in accordance with draft policy RMX1(1).

3. The details of scale submitted pursuant to condition 1 shall follow the principles of the 'Storey Heights' Parameter Plan (DHA/11551/06 Rev B) and shall show no building in

excess of the storey heights referred to on that plan. Any building of 3 or 4 storeys must be designed so as to reduce the visual impact of its scale through cutting into the ground and/or through reducing its massing through design.

Reason: To ensure a satisfactory appearance to the development.

4. The details of layout submitted pursuant to condition 1 shall include the following:

- A landscaped buffer free of development of a minimum of 15m in width from the boundary of the ancient woodland areas.
- A development free buffer of a minimum of 15m on each side of the stream running north-south through the site.
- No development within the area coloured green on the 'Storey Heights' Parameter Plan (DHA/11551/06 Rev B).

Reason: To ensure a satisfactory appearance to the development and comply with draft policy RMX1(1).

5. The details of landscaping submitted pursuant to condition 1 shall be designed in accordance with the principles of the Council's landscape character guidance. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall detail measures for protection of species to be retained and include a planting specification, a programme of implementation and maintenance and a 10 year management plan.

The landscape scheme shall include the following:

- Structural planting as shown on the 'Landscape' parameter plan (DHA/11551/07) that must be established under the first phase of any development.
- Planted 'green' roofs to buildings where practical to do so.
- Planted 'green' walling to buildings where practical to do so.
- 'Fingers' of woodland penetrating the site from the eastern edge of the site.
- Areas of structural tree planting extending into the development areas.
- Strategic tree planting within the area coloured green on the 'Storey Heights' Parameter Plan (DHA/11551/06 Rev B).
- The Nature Reserve landscaped and managed as an area of wooded parkland.
- Water bodies including the provision of shallow areas, and deeper, cooler areas, as well as the planting regimes within the stream corridor.
- Creation of hibernacula, ponds and higher quality terrestrial habitat to benefit GCN.
- Nesting boxes for birds and bats throughout the development.
- Landscaping including tree planting screening car parking and service yard areas.
- A Landscape and Visual Impact Assessment shall accompany each reserved matters application.

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

6. The details of appearance submitted pursuant to condition 1 shall include:
- The avoidance of the use of light coloured or reflective materials.
 - The use of vernacular materials including ragstone on buildings and in boundary treatments.
 - High quality surfacing materials.
 - Parking areas kept to a minimum and which shall not consist of entirely tarmac surfacing.
 - Low level lighting.
 - Where buildings are to be constructed on sloping land they shall be designed as a terrace into the slope taking into account the nature of the land and the context within the site and not excavated to a single development platform

Reason: To ensure a satisfactory appearance to the development.

7. The details submitted pursuant to condition 1 shall incorporate measures to minimise the risk of crime according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED).

Reason: In the interest of security, crime prevention and community safety.

8. No development shall take place until details of bus stops (which shall include shelters and the use of real time bus information) and measures to allow buses to loop within the site, and the timescale for their implementation, have been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented and retained.

Reason: In the interest of sustainable transport use to mitigate any impact upon air quality.

9. No development shall take place 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 scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for

longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

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

Reason: For the protection of Controlled Waters and in the interests of pollution prevention.

10. No phase or sub-phase of the development shall take place until the following details have been submitted to and approved in writing by the local planning authority for that phase. The development shall be carried out in accordance with the approved details:
 - (i) A detailed sustainable surface water drainage strategy which shall demonstrate that the surface water generated by the development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and discharged from the site at an agreed controlled discharge rate. 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.
 - (iii) No building 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:
 - a) a timetable for its implementation, and
 - b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

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

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

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

12. No phase or sub-phase of the development shall take place until an Arboricultural Impact Assessment (AIA) in accordance with the current edition of BS 5837 relating to that phase (where relevant) has been submitted to and approved in writing by the local planning authority. It shall detail implementation of any aspect of the development that has the potential to result in the loss of or damage to trees, including their roots, and take account of site access, demolition and construction activities, foundations, service

runs and level changes. It shall also detail any tree works necessary to implement the approved scheme and include a plan showing protection of trees and ground designated for new structural planting.

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

13. No phase or sub-phase of the development shall take place until details of foul drainage for that phase have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and the approved drainage shall be in place prior to the occupation of any buildings or land relating to that phase.

Reason: In the interests of pollution and flood prevention.

14. No phase or sub-phase of the development shall take place until a Construction Management Plan and Code of Construction Practice, including the provision of wheel washing facilities relating to that phase, has been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority.

The code shall include:

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Provision of off road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works

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

15. No phase or sub-phase of the development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:

- (i) archaeological field evaluation works in accordance with a specification and

written timetable which has been submitted to and approved by the Local Planning Authority; and

(ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

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

16. No phase or sub-phase of the development shall take place above Damp Proof Course (DPC) level until, written details and samples of the materials to be used in the construction of the external surfaces of any building(s) on that phase have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

17. No phase or sub-phase of the development shall take place above DPC until, details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design for that phase, have been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

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

18. No phase or sub-phase of the development above DPC level shall take place until details of all fencing, walling and other boundary treatments relating to that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land within that phase and maintained thereafter. Any significant boundaries shall only be made up of ragstone walling.

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

19. No phase or sub-phase of the development above DPC level shall take place until details of any lighting for the site relating to that phase has been submitted to and approved in writing by the local planning authority. The submitted details shall include low level lighting, and inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and in the interests of biodiversity. The development shall thereafter be carried out in accordance with the subsequently approved details. All external lighting shall be installed in accordance with the specifications and locations set out in the details, and these shall be maintained thereafter.

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

20. No phase or sub-phase of the development shall take place above DPC level until details of electric vehicle charging points relating to that phase have been submitted to

and approved in writing by the local planning authority. The approved details shall be fully implemented and retained.

Reason: In the interests of air quality to promote the use of low emissions vehicles.

21. No more than 73,500m² GFA (75%) of the development hereby permitted shall be occupied until the completion of improvements to M20 Junction 7 as shown on drawing nos. T0217/H/01 P3 (offsite infrastructure works key plan), T0217/H/07 P3 (offsite infrastructure works M20 Junction 7 1:1000) and T0217/H/08 P2 (offsite infrastructure works M20 Junction 7 1:500) (or such other scheme of works substantially to the same effect as may be approved in writing by the local planning authority who shall consult with Highways England).

Reason: To ensure that the M20 motorway continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highway Act 1980 and to satisfy the reasonable requirements of road safety.

22. The use or occupation of each phase or sub-phase of the development shall not commence until all planting, seeding and turfing specified in the approved landscape details has been completed relating to that phase. 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 setting and external appearance to the development.

23. The use or occupation of each phase or sub-phase of the development shall not commence until, details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of that phase 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. The scheme shall ensure that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 (*in areas of low background sound levels a target of NR30 shall be achieved*) as defined by BS8233: 2014 Guidance on sound insulation and noise reduction for buildings and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority.

Reason: In the interests of residential amenity.

24. The use or occupation of each phase or sub-phase of the development shall not commence until a scheme to demonstrate that the internal noise levels within the residential units and any relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: In the interests of residential amenity.

25. The use or occupation of each phase or sub-phase of the development shall not commence until full details of all measures to be taken to deal with the emission of dust, odours or vapours arising from that phase have been submitted to, and approved in writing by, the Local Planning Authority. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first use of the premises and shall be operated and retained in compliance with the approved scheme.

Reason: In the interests of residential amenity.

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

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

27. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in Relation to Construction-Recommendations'. No equipment, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority;

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

28. All buildings shall achieve a Very Good BREEAM UK New Construction 2014 rating. A final certificate shall be issued to the Local Planning Authority for written approval to certify that at a Very Good BREEAM UK New Construction 2014 rating has been achieved within 6 months of the first occupation of the building. In the event that this building standard is revoked, an alternative standard or set of measures to ensure a sustainable and energy efficient form of development shall be agreed in writing with the Local Planning Authority and subsequently implemented in full.

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

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

Reason: For the protection of Controlled Waters and in the interests of pollution prevention.

30. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

Reason: For the protection of Controlled Waters and in the interests of pollution prevention.

31. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: For the protection of Controlled Waters and in the interests of pollution prevention.

32. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no extensions to any buildings or erection of any fence, wall or other means of enclosures shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character, appearance and functioning of the site and surrounding area.

33. The mitigation detailed and approved within the Great Crested Newt mitigation strategy under approved conditions application 14/500654 must be implemented prior to the commencement of any development works within areas which have not been released by the applicant's ecologists, unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of biodiversity.

34. Prior to the commencement of any works which may affect bats and / or their habitat, an updated mitigation and monitoring strategy should be submitted to, and approved in writing the Local Planning Authority. All works should then proceed in accordance with the approved strategy with any amendments agreed in writing.

Reason: In the interests of biodiversity.

35. The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142: 2014 Rating for industrial noise affecting mixed residential and Industrial areas) shall be low as can be possible. In general this is expected to be 5dB below the existing measured background noise level $L_{A90, T}$ during the day time period. In exceptional circumstances, such as areas with a very low background or where assessment penalties total above 5, the applicants consultant should contact the Environmental Protection Team to agree a site specific target level.

Reason: In the interests of residential amenity.

36. No open storage of plant, materials, products, good for sale or hire or waste shall take place on the site.

Reason: To safeguard the character and appearance of the surrounding area.

37. The occupation of any B1(a) office buildings and (B1(b) research and development buildings hereby permitted shall be limited only to those occupiers directly associated with the life science, health care and medical service sectors, and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or permitted under the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any statutory instrument revoking and re-enacting those Orders with or without modification;

Reason: To ensure the development remains a mixed use and medical-based development in accordance with draft policy RMX1(1).

Case Officer: Richard Timms

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

16/507292

Local Representation

A representation has been received once again raising questions regarding the proposed car park for residents of Gidds Pond Cottages.

Officer Comment

As stated in the main report, the actual running of this car park would be a matter between the applicant and any residents. This is also an outline application and so specific details of the size and location of the private car park, have not, and do not need to be provided at this stage.

Key to 'Heights Parameter Plan' within Committee Report (Page 94)

To clarify, the colours on the heights plan represent the following:

Yellow:	2 to 3 storey
Orange:	Up to 3 storey
Blue:	Up to 4 storey
Purple:	2 to 4 storey (approved Cygnet Hospital)

RECOMMENDATION

My recommendation remains unchanged.

The Head of Planning & Development be given Delegated Powers to grant planning permission subject to conditions and a Section 106 Agreement subject to the expiry of the newspaper advert and no new material issues being raised

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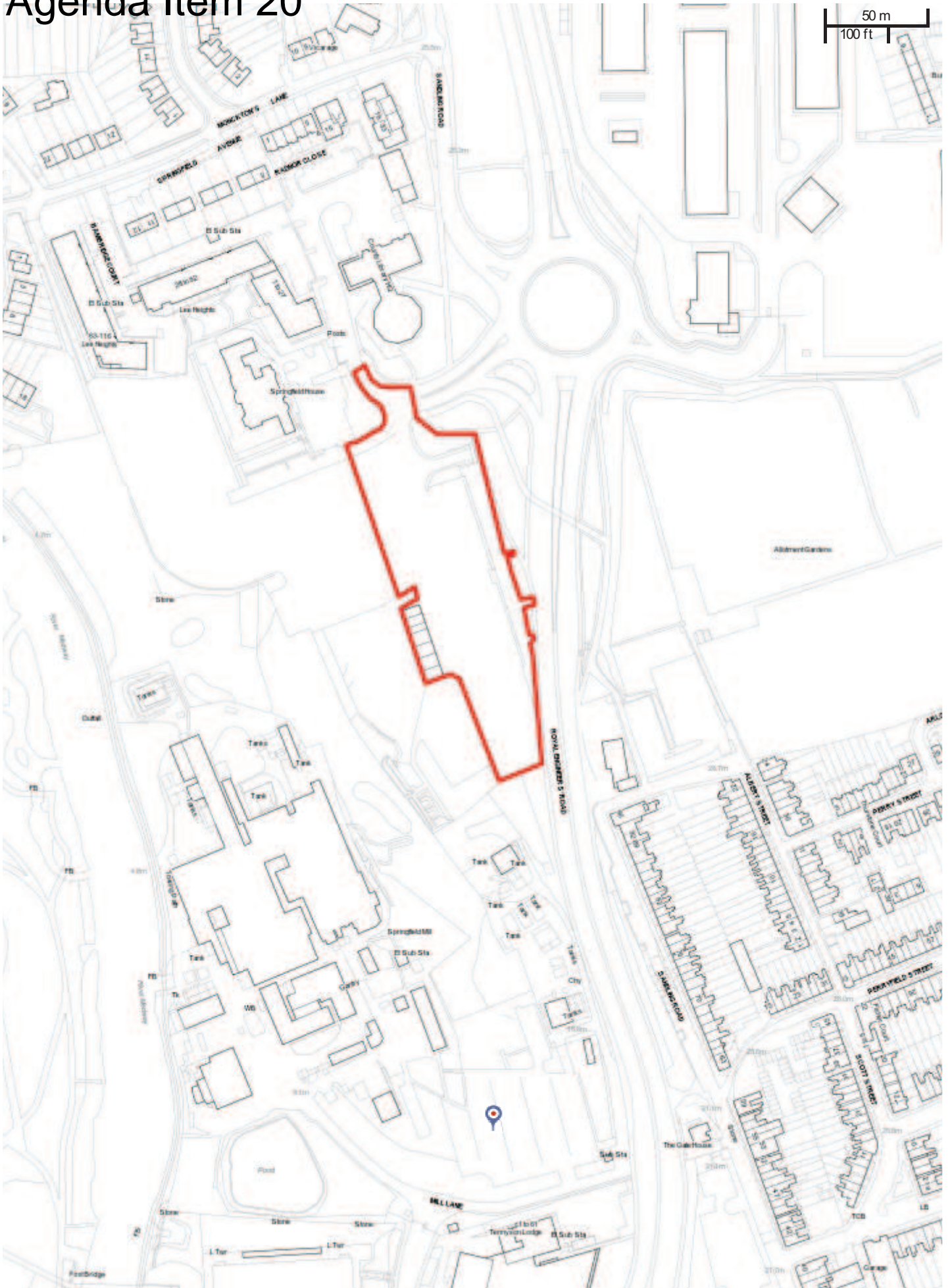
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Agenda Item 20



16/507471 Land Adj Royal Engineers Rd

Scale: 1:2500

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REPORT SUMMARY

REFERENCE NO - 16/507471/FULL		
APPLICATION PROPOSAL Full planning application for the development of 310 residential units, in two buildings ranging between 8 and 18 storeys, including 177 sqm of A1/D1/D2 floorspace, associated car parking, public realm and landscaping works.		
ADDRESS Land adjacent to Royal Engineers Road, Maidstone, Kent ME14 2LP		
RECOMMENDATION Grant planning permission subject to a suitable legal agreement.		
SUMMARY OF REASONS FOR RECOMMENDATION High quality scheme broadly in line with policy requirements.		
REASON FOR REFERRAL TO COMMITTEE Major Application that, given its location and scale, should be considered by Planning Committee		
WARD North	PARISH/TOWN COUNCIL None	APPLICANT Development Securities Ltd AGENT NLP
DECISION DUE DATE 25 th January 2017	PUBLICITY EXPIRY DATE 9 th December 2016	OFFICER SITE VISIT DATE Various
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

The site has an extensive planning history, which includes consents for a number of significant mixed-use developments.

The site was originally used for Local Government offices from the 1920s and later as offices during the 1960s. Most recently it was home to the former KCC offices. Relevant permissions are listed below:

- **MA/01/1356** In August 2001, following the departure of KCC from the site, a detailed planning application was submitted for the redevelopment of the site. The proposal was for: *“The demolition of buildings and a comprehensive redevelopment to provide offices (B1), residential, landscape open space and ancillary parking and servicing, as amended by further details relating to the provision of affordable housing”*.
- **MA/01/1357** The above application was accompanied by an application for listed building consent for the demolition of buildings around Springfield House. Planning permission and listed building consent were granted on 14 December 2001. The permission was implemented by virtue of the residential development located to the north of Springfield House and associated refurbishment works to the house.
- **MA/05/2350** On 1 August 2006, a further application was approved for the site. The revised scheme comprised: *“Erection of Class B1 offices comprising 3 No. buildings, residential accommodation comprising 192 No. flats, retail unit for Class A1 and A3 use and additional for use as a community hall and as a crèche on the ground floor of*

the retail unit only; together with associated car parking, landscaping and amended access arrangements.”

- The pre-commencement conditions attached to MA/05/2350 (which comprise conditions 2, 3, 4, 8, 11, 14, 15, and 16) were approved and discharged by MBC conditions between June and September 2007.
- **MA/10/1327** An application for a Certificate of Lawful Development (Ref.) was approved by MBC on 23 September 2010. This confirmed that application MA/05/2350 had been implemented and, accordingly, that the permission remains in perpetuity unless a completion notice is later served. No such notice has been served.
- **MA/15/506426/MOD1906** An application to alter the S106 agreement of the substantive consent (MA/05/2350) was approved in 2016. This effectively separated the residential element of the consented and implemented scheme from the employment element,

MAIN REPORT

1.0 SITE DESCRIPTION

- 1.1 The site is located off Royal Engineers' Road and was the site of the former Kent County Councils offices (KCC)
- 1.2 The site is located approximately 1km north of Maidstone Town Centre to the west of Royal Engineers' Road, the A229 (a major arterial road to Maidstone Town Centre), accessible from the roundabout to the west of Royal Engineers' Road.
- 1.3 This brownfield site was previously part of the former KCC offices (now demolished). It is approximately 1ha in size and comprises scrub and rough grassland, with areas of hardstanding. It was part of the site granted planning permission MA05/2350, and provided the office element of that scheme. This has become a stand-alone site following the variation to the S106 detailed in MA/15/506426/MOD1906.
- 1.4 To the north-west of the site is Springfield House, a Victorian red-brick Grade II listed building that is currently used as offices. Opposite Springfield House, to the north of the site, is a derelict 1960s built block (the former site of Kent's County Central Library). To the south of the site is an area of dense woodland, beyond which lies the Springfield Mill, a redundant paper mill which is currently undergoing minor repair works, but also forms part of the wider H1 (11) Submitted Local Plan allocation for residential development.
- 1.5 The site is surrounded by a network of green spaces and to the south and east are a number of mature trees, the majority of which are covered under a group Tree Preservation Order (TPO). The wider site is bounded by the River Medway to the west and Royal Engineers' Road to the east.
- 1.6 Topographically the site slopes west towards the River Medway offering long distance views across the river to Whatman Park. The site is situated in a highly accessible location with close links with the town centre by private and public modes of transport. Access to the site is provided from Royal Engineers' Road (A229). The A229 is one of the main routes to Maidstone town centre and also provides links to the wider local highways network as well as Junction 6 of the M20 which is approximately 6.5km to the north. The site is also located approximately 900m walk

from Maidstone East railway Station, a 1.3km walk from Maidstone Barracks Railway Station and a 1.8km walk from Maidstone West Station.

2.0 PROPOSAL

2.1 Scheme Proposals

The scheme includes the erection of two buildings ranging between 8 and 18 storeys in height comprising 310 residential units, 177sq.m of flexible commercial/community floorspace (Use Classes A1/D1/D2) and associated car parking, public realm, landscaping and access works. The parking is provided in an undercroft topped with west facing podium of publically accessible landscaped open space. The overall proposal is designed to provide a gateway to Springfield, reflecting the former KCC Library to the North, and to Maidstone as a whole. The proposal has been subject to extensive pre-application discussion and development.

2.2 Building A

This building comprises an 18 storey tower which comprises 90 private market residential units and the commercial/community floorspace. The tower is orientated towards the Springfield roundabout and designed as a chamfered rectangle in plan with a sharply sloping roof lowering towards the River Medway (west). Through these features, the building has been designed to minimise its potential negative impact on adjoining properties. Building A provides 5 studio flats, 27 no 1 bed flats and 58 no 2 bed flats.

2.3 Building B

Building B is made up of four adjoining blocks ranging between 8 and 11 storeys in height including 220 Built to Rent (BtR) flats, a super lobby, communal roof garden and podium and 187 car parking spaces. The building as proposed is in four sections, each element angled to one other, in a 'W' shape, designed to provide interest and variety and break up its large bulk to Royal Engineers Road, including the use of a living 'green' facade. The building is higher towards the north where it adjoining the tower, stepping down in height to the south. Block B includes roof gardens and roof top allotments. Building B provides 25 studio flats, 117 no 1 bed flats and 78 no 2 bed flats.

2.4 Parking is provided within an undercroft, topped with a publically accessible podium amenity space on the western side of Block B, vehicular and pedestrian access will be Royal Engineers Road.

2.5 The proposed design is of high specification, the key features of which are as follows:

- The variation in heights and built form, the sloping roof detail on Building A, the segmented nature of the Building B and the articulation of the primary facades softens the impression of the massing of both structures and contributes to visual interest;
- Both buildings have been designed in a contemporary and complementary manner incorporating grey brick slips , copper cladding on Building B, gabion ragstone wall (lower levels of Building A), coloured glass and metal balcony detailing and a trellis system to provide vertical façade planting. Details of the proposed indicative materials are provided in Appendix 2

- Two sections of Building B will incorporate a steel trellis that will be extensively planted to soften the appearance of the development and help to integrate it into its surrounds;
- The proposed podium deck will provide links to the existing footpath networks;
- The buildings have green roofs that have been designed to incorporate usable active spaces. The mitred form of Building A accommodates several balconies with attractive south westerly aspects. Building B incorporates a roof garden and a community allotment for the exclusive use of residents.

2.6 The development includes provision of public and private amenity space, including:

- 2,002sq.m of ground level publically accessible open space
- 1,983sq.m of podium level publically accessible open space
- 761sq.m of roof level shared private amenity space

In total, 3,985sq.m of publically accessible open space and 761sq.m of shared private amenity space is proposed (totalling 4,746sq.m), equating to 15sq.m per dwelling (excluding private balconies)

2.7 The scheme includes a number of measures that seek to provide a range of habitats and enhance biodiversity.

2.8 **Type of dwellings**

2.8.1 The NPPF states that local planning authorities should set policies for meeting the identified need for affordable housing on-site, *unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified* and the agreed approach contributes to the objective of creating mixed and balanced communities (para 50).

2.8.2 The Submitted Local Plan identifies a 20% target for affordable housing on the application site (Policy DM13). It targets a tenure split of 70:30 between affordable rented housing, social rented housing and intermediate housing and sets out a cascade approach for the provision of offsite affordable housing. The scheme proposes 90 private flats for sale and 220 flats for private rent (BtR) and does not provide any affordable housing or payment in lieu.

2.8.3 The core demand for the proposed BtR and market housing is anticipated to come from young professionals and first time buyers, attracted by:

- the accessibility of the site to both Maidstone Town Centre and London (through the local rail links);
- the close proximity of local services/ shops; and
- the relative affordability of house prices within Maidstone (especially when compared with London).

2.8.4 Purpose built BtR housing caters to this demand and provides a diversity of tenure; being managed collectively and let on a long term basis, BtR housing is less fragmented than traditional properties let in the private rented sector and provides a security of tenure. As the units will be retained and managed long term by a specialist BtR provider, there is vested interest in the quality and ongoing maintenance of the buildings.

2.8.5 Providers of BtR housing charge a market rent, such that BtR housing does not fall within the definition of affordable housing. However, Planning Practice Guidance (ref: 10-018-20150326) acknowledges the contribution that BtR

housing contributes to providing accommodation for long term rental and to improve the diversity of housing to meet local needs. The Planning Practice Guidance notes that the viability of such schemes differs from houses built for sale and that to help ensure BtR schemes remain viable planning authorities “*should consider the appropriate level of planning obligations, including for affordable housing, and when these payments are required.*”

- 2.8.6 The scheme is limited in its ability to provide affordable housing and other infrastructure requirements due to viability constraints. This has been assessed with an independent report commissioned by MBC. The executive summary and key elements of this report are provided as confidential background to this report.

3.0 POLICY AND OTHER CONSIDERATIONS

- 3.1 The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough-Wide Local Plan 2000:, ENV6, ENV7, ENV21, ENV22, ENV33, ENV34, ENV35, ED1, T1, T2, T3, , T13, T21, , T23, , CF1.
Maidstone Borough Council (Submission Version) Draft Local Plan: SS1, SP1, SP17, H1 (11), DM1, DM2, DM3, DM4, DM5, DM7, DM11, DM12, DM13, DM20, DM22, DM23, DM24, DM27, DM28, DM34, ID1.
- 3.2 The Council has recently finished its Regulation 19 consultation on the submission version of the draft Local Plan and representations from that consultation are currently being assessed at the Examination in Public (EiP).
- 3.3 The amended submitted draft local plan policy H1 (11), as formally tabled by the Council in response to the Inspector’s Matters, Issues and Questions in Session 6A is as follows:

Policy H1 (11)

Springfield, Royal Engineers Road and Mill Lane, Maidstone

Springfield, as shown on the policies map, is allocated for development of approximately 692 dwellings at an average density of 183 dwellings per hectare. In addition to the requirements of policy H1, planning permission will be granted if the following criteria are met.

Design and layout

- 1. A high density scheme will be developed reflecting that the site is in an edge of town centre location. The highest density development should be situated on the north eastern and south eastern parts of the site.*
- 2. The landscaping scheme for the development will reflect the parkland character of the locality.*
- 3. The historic nature of the site should be respected and listed buildings retained dependant on advice given by the Borough Council.*
- 4. Access will be taken from the A229 Springfield and A229 Royal Engineers roundabouts only.*

Ecology

- 5. Subject to further evaluation of their value, retain trees subject to a (woodland) tree preservation order as per advice from the Borough Council.*

Air quality

- 6. Appropriate air quality mitigation measures to be agreed with the council will be implemented as part of the development.*

Land contamination

- 7. Development will be subject to the results and recommendations of a land contamination survey.*

Open space

8. Provision of approximately 4.8ha of open space within the site, together with additional on/off-site provision and/or contributions towards off-site provision/improvements as required in accordance with policy DM22.

9. Provision of publicly accessible open space to include the provision of a pocket park to the rear (west) of the existing Springfield Mansion on the former tennis court/car park area in addition to the existing area of public open space shown on the policies map which shall be retained as part of the development and/or contributions.

Highways and transportation

10. Improvements to and provision of pedestrian and cycle links, to facilitate connections from the site to and through Maidstone town centre.

11. Complementary improvements to the eastern bank of the river towpath for pedestrian and cycle use.

- 3.4 The interim findings of the EiP Inspector were published in December 2016 and do not proposed any change to the amended allocation H 1 (11)of the wider Springfield site (of which the application site is part) for 692 residential units. The emerging plan is a material consideration and carries significant weight.

4.0 LOCAL REPRESENTATIONS

- 4.1 A site notice was displayed at the site on 2nd November 2016 and expired on 23rd November 2016. The proposal was advertised as a major development and affecting the setting of a listed building on 11th November and expires on 9th December 2016.

- 4.2 Forty six objections from local residents have been received which are summarised below:

- Overshadowing
- Overlooking, damage to right to light and loss of privacy (Lee Heights, Albert Street, Sandling Road)
- Poor visual appearance including layout, design and materials
- Inadequate parking provision. New resident should not have access to parking permits.
- Unacceptable increase in road traffic.
- Increased demand for local services.
- Noise, smells and disturbances resulting from use.
- Loss of Trees that are TPO protected.
- Loss of other important landscape features
- Effects on listed buildings and character on the conservation area, 30 metres away.
- The excessive scale of this proposed development and high density of the proposed buildings. Visually overbearing.
- Flooding caused by runoff and surface water.
- Loss of employment land.
- Negative effects on wildlife – The site currently supports reptiles and bats
- Increase in energy use and pollution.
- Night-time light pollution
- Creation of a negative precedent for other nearby development
- Inadequate internal size of proposed flats.
- Damage property values.
- Should be houses rather than flats
- Lack of adequate public consultation

- 4.3 Cllr Harwood has made a number of comments highlighting the above topics and requested a meeting with the developers.
- 4.4 One local resident has commented that improvements should be made to riverside facilities such as tow paths, waste bins and lighting..
- 4.5 GL Hearn, acting on behalf of Redrow Homes Limited who have a land interest at Springfield Mill which also forms part of the Submitted Policy H1(11) Site Allocation, make the following points:
- The provision of open space under policy DM22 should be considered for the current application;
 - Seek assurances that a high density development with limited open space provision on Springfield Park will not have implications on the requirements of the Springfield Mill site.

5.0 CONSULTATIONS

5.01 **KCC Archaeology** – development is acceptable subject to condition.

5.02 **KCC Highway Services** – proposal considered acceptable, with the following issues highlighted:

5.02.1 The site is currently accessed via the Springfield arm of the Springfield Roundabout on Royal Engineers Road (A229). The applicant should be required to address parking on the mini-roundabout accessing the Springfield arm of the Springfield roundabout which suffers from high levels of on-street parking this issue.

5.02.02 The site is well located for walking, cycling and public transport.

5.02.03 Trip Generation, highways safety and Highway Capacity

Although KCC Highways are aware that conditions on the network have changed over the 10 year period since MA/05/2350 was approved, the need to take account of the extant planning permission means that there are no justifiable grounds on which to warrant detailed junction capacity testing and any further mitigation of the network.

5.02.04 Parking

The provision of 187 car parking spaces and 310 cycle parking spaces are considered acceptable.

5.02.05 It is requested that the applicant is invited to consider the following issues:

- Means of managing or preventing parking along the access route to/from the Springfield roundabout;
- Inclusion of a turning area at the barriers;
- Upgrading of the crossing facilities and bus stops on Royal Engineers Road;
- Achieving more direct access for cyclists wishing to use Route 17;
- Investigating the scope for improved connectivity to The Mallows; and
- Increasing on-site parking provision to reduce the potential for overspill.

5.03 **Kent Downs AONB** – there is no significant adverse impact on AONB, so no objection.

5.04 **NHS West Kent Clinical Commissioning Group (CCG)** -The proposed development noted above is expected to result in a need to invest in the Brewer Street Surgery which is 1.2 mile(s) distance of the development NHS West Kent CCG therefore seeks a healthcare contribution of £185,616

5.05 **Kent Wild Life Trust** – no objection, subject to the following clarifications:

- Supportive of the use of a biodiverse roof and also of the native planting indicated on the Landscape Plan for trees and shrubs. native planting specified
- How does the “Ecological Zone” relates to the overall Landscape Plan and Public Open Space. If it is the intention that this area is provided as ecological mitigation then it should not overlap the area designated as Public Open Space. This needs to be clarified because recreational pressure will impact upon the purpose and functionality of land provided for the purpose of ecological mitigation.
- Maidstone Borough Council (MBC) need to be satisfied that the “Temporary Ecology Zone” indicated on the plans has sufficient carrying capacity for the translocated animals prior to the phasing of the “Permanent Ecological Zone”. This includes establishing pre-existing population levels in Area 1. We would recommend that MBC requests that clarification and assurance is provided on this point.
- We would recommend that MBC conditions as lighting strategy in order to avoid adverse impact upon bats, birds and invertebrates as a result of inappropriate lighting.

5.06 **KCC Ecology** - comments will be reported verbally

5.07 **Southern Water** – no objection, subject to provision of a drainage strategy

5.08 **Kent County Council**

5.08.01 The following planning obligation were requested:

Service requirement per applicable two bed dwelling (x136) *	Total	Project
Primary Education £590	£80,272	Towards the enhancement of North Borough Primary School
Secondary Education £1272	£173,114	Towards phase 1 of the new Free School of Science and Technology, Valley Park, Maidstone opening September 2018
Per Dwelling (x310)	Total	Project
Community Learning £30	£9,515	Towards the enhancement of St Faiths Adult Education Centre, St Faith's St, Maidstone

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Youth Service	£8	£2,630	Towards Youth equipment for the new attendees at Infozone Youth Centre, Maidstone
Libraries	£48	£14,884	Towards Kent History & Library Centre additional bookstock
Social Services	£55	£17,322	Towards Changing Place Facility in Sessions House, Maidstone

* This applies to the two bed flats. The proposal gives rise to 10 additional primary school pupils during occupation of the development and 7 additional secondary school pupils.

5.08.02 Three Wheelchair Adaptable Homes are requested as part of the affordable homes delivery on this site

5.08.03 Superfast fibre optic broadband to be provided to all buildings.

5.09 **Lead Local Flood Authority** - no objection to the development from a surface water perspective subject to the consideration of the following recommendations within any detailed design work:

- Peak discharge rates
- Volume Control
- Off-site works
- Ground conditions

5.10 **Highways England** – no objection - satisfied that the proposal will not detrimentally affect junctions 6 and 7 of the M20.

5.11 **Natural England**– no objection

5.12 **Defence Infrastructure Organisation** – no objection.

5.13 **Police** - no objection – conditions suggested

5.14 **Environment Agency** – no objection but clarity regarding location of historic tanks requested.

INTERNAL MBC COMMENTS

5.15 **MBC Landscape:**

5.15.1 Although no reference has been made to the Medway Valley Strategic Landscape Enhancement Plan, Final Report, March 2015, the applicant's landscape and townscape assessment is acceptable in principle. The relevant landscape considerations are listed below:

5.15.2 Issues

- Encroachment of existing (and future) urban development in views of and from the Medway Valley. This is a particular problem where the urban edge is very abrupt, and/or where houses/ caravans are light in colour.

- Many recent developments (large and small) lack design quality, and do not respect local building styles, scale or materials.
- Poorly-sited development, particularly with regard to the setting of historic sites and villages.
- Ridge top development (including vertical structures such as telecommunications masts) visually prominent from within the valley.
- Much recent development in Maidstone town centre faces away from the river rather than towards it, creating a poor visual relationship between the river and its built surroundings.
- Light pollution associated with new developments, particularly floodlights and street lighting along roads.

5.15.3 Opportunities for Enhancement

- Encourage high quality design for new developments (large and small): respect traditional scale, character and materials for buildings, referring to published design guidance.
- Integrate sustainable drainage systems with biodiversity and landscape aspirations where appropriate.
- Consider the settings of historic buildings and landscapes: ensure that new development is not detrimental to the settings of historic buildings/ structures
- Respect the setting of the Kent Downs AONB.
- Carefully site new development and minimise its visual impact: avoid visually prominent locations, particularly in rural/ undeveloped contexts, and respect traditional settlement patterns. Avoid linear sprawl along roads.
- Masterplans should include appropriate screen planting and open space (perhaps utilising fruit trees in community orchards) to help the development integrate into its surroundings and reduce its visual impact.
- Use the river as a positive focus for development within the urban context of Maidstone: new riverside developments on brownfield sites should have a positive visual and functional relationship with the river.
- Use sensitive materials which respect the character of the river, and avoid visual clutter.
- Conserve the undeveloped skyline and night skies: restrict development which will appear on the skyline in views across or from the valley. Minimise impacts of light pollution from existing and new development.

5.15.4 The trees shown to be protected by TPO do not appear to be accurate.

I have concerns over the potential impact on the following trees:

- The removal of three trees, T24, a B category Beech T35, a B category Lime and, T29, a C category Beech. T25, another B category Beech may also need to be removed and the crown of T34, a B category Horse Chestnut is likely to be detrimentally affected.
- The tree group to the southwest tip of the site, trees T49 to T53, are also likely to be compromised by the construction of a swale within their root protection areas.

5.15.5 I welcome the use of native species within the proposed landscape scheme, I do have some concerns about the space available to establish a scheme using the numbers and extent of the robust large spreading species proposed.

5.16 **MBC Conservation:**

5.16.1 The site lies within the former KCC complex at Springfield, immediately to the south of the main vehicular access to the site. The Grade II listed Springfield Mansion lies a short distance to the north west.

5.16.2 The setting of the listed building has long been compromised by additional buildings dating from the occupation of the site by KCC, many of which have now been replaced by modern residential flat blocks erected in close proximity to the listed mansion. Consent has also been granted for 12 storey blocks on the library site. Although the current proposals would be taller I consider that given this precedent on an adjoining site it would be difficult to argue that the present proposals would cause any greater harm to the setting of the listed building and on balance I raise no objections on these grounds.

5.17 **MBC Housing**

5.17.1 In accordance with the emerging Local Plan (Policy DM13 – Affordable Housing) this site is expected to yield a target rate of 20% affordable, which with 300 dwellings would equate to 60 dwellings.

5.17.2 If it is justified that no affordable housing can be provided, I welcome the mention of a covenant in the s106 agreement that if any PRS units convert to open market sale within a specified period, then a payment mechanism kicks in whereby payment is made to the council for compensation for the loss of affordable housing units. It would also be worth exploring further prioritisation given to people who already live and work in the Borough for the PRS units.

5.17.3 Wheelchair accessible units are not required.

5.18 **MBC Environmental Health** had the following comments:

- Some contamination has been found on site in the form of lead, TPH, PAH and asbestos fibres. A remediation strategy has been proposed, which should be followed, and a remediation validation statement must be supplied.
- The development site is in an air quality management area, however, the air quality assessment supplied with the application suggests that there will not be a significant air quality impact either on existing receptors or new occupants of the development.
- The applicant has included the damage cost mitigation assessment but has not indicated any scheme for mitigating the air quality impacts of the site.
- No objections subject to conditions regarding land contamination, air quality and noise.

6.0 **BACKGROUND PAPERS AND PLANS**

6.01 The development proposals are shown on drawing numbers
15.046_100.01 P02; 15.046_100.02 P00; 15.046_100.03 P01; 15.046_200.01 P01;
15.046_200.02 P01; 15.046_200.03 P01; 15.046_200.04 P01; 15.046_200.05 P01;
15.046_200.06 P00; 15.046_200.07 P00; 15.046_200.08 P00; 15.046_200.09 P00;
15.046_200.10 P01; 15.046_200.11 P01; 15.046_200.12 P01; 15.046_200.13 P01;
15.046_200.14 P01; 15.046_200.15 P01; 15.046_200.16 P01; 15.046_200.17 P01;
15.046_200.18 P01; 15.046_200.19 P01; 15.046_200.20 P02; 15.046_200.30 P01;
15.046_200.31 P01; 15.046_200.32 P01; 15.046_200.33 P01; 15.046_200.34 P01.

6.02 The application is supported by the following documents:

- Planning application forms and certificates
- Application drawings
- Air Quality Assessment
- Arboricultural Impact Assessment

- Archaeology Report
- Bat Survey
- Contaminated Land Assessment
- Daylight and Sunlight Report
- Design and Access Statement
- Economic Benefits Assessment
- Energy Strategy
- Flood Risk Assessment and Drainage Strategy
- Heritage Impact Assessment
- Noise Assessment
- Planning Statement
- Reptile Mitigation Strategy
- Reptile Survey
- Phase 1 Habitat Survey
- Statement of Community Engagement
- Structural Summary
- Sustainability Statement
- Townscape and Visual Impact Assessment
- Transport Assessment and Travel Plan (including servicing plans/details)
- Viability and Housing Statement
- Waste Management Strategy

6.03 MBC have commissioned an Independent Viability Assessment to assess the submitted viability statement.

7.0 APPRAISAL

7.1 Weighting of considerations and Principle of Development

7.1.1 I consider that the Submitted Local Plan, currently at Examination in Public, has significant weight. The site is allocated under that plan, as part of the wider Springfield site, for 692 dwellings.

7.1.2 Notwithstanding the emerging site allocation, the residential development of the site has been accepted the approval of two residential-led mixed use developments in 2001 and 2006 (Refs:MA/01/1357 and MA/05/2350). Both schemes included residential accommodation, which established the acceptability of such development on the site. The requirement for joint delivery of offices and housing has been removed through an agreed amendment of a previous s106 agreement.

7.2 Heritage

7.2.1 The site lies close to the listed Springfield House, a Grade II listed building. The northern façade of the proposed development will be visible to Springfield House; elsewhere, there will be limited visibility of Springfield House to the proposed development.

7.2.2 The immediate setting to Springfield House has been heavily compromised in recent years through the development of residential blocks in close proximity to the north and west of the listed building. Adjacent to the Springfield House is the former KCC Headquarters, which included a 13 storey tower and a 2 storey building previously used as the former Kent County Library.

- 7.2.3 The site was previously occupied by the County Council in a concrete block building that had no relationship with the Grade II listed building. The subsequent revised development (Ref: MA/05/2350) proposed residential blocks of 6 and 7 storeys in height. This permission is extant and the 192 flats which form part of that development are expected to be built in the near future. Although higher than the previous scheme the buildings which form the current application are located further away from the listed building.
- 7.2.4 Given the previous consents the conservation officer does not object to the proposal as he considers that the proposal's impact on the listed Springfield House would result in less than substantial harm. The listed Rag Room, chimney and other buildings on the former Springfield Mill site will not be affected as they are not part of the application site.
- 7.2.5 The proposed development will maintain the setting of the listed buildings through its attractive elevational detailing and high quality public realm/landscaping. I agree with the conservation officer's assessment and conclude that the development is acceptable in terms of its impact on the historic environment. Consequently I have assessed the impact under paragraph 134 of the NPPF and on balance and considering the public interest I consider that the proposal is acceptable in relation to the less than substantial harm to the setting of the listed buildings.

Visual Impacts

- 7.2.6 The site lends itself to a prominent development given the previous consent (for three substantial office buildings), and consents and buildings on the adjoining former KCC library site, until recently the site of a 13 storey tower block. This in turn is reflected in policy H1 (11) as amended which identifies the north eastern corner of the wider site for particularly high density.
- 7.2.7 The above position reflects the nature of the site which, given its setting on a major gateway to Maidstone: the A229 dual carriage way, and the sharply sloping nature of the site to the west, suggests a gateway building. This is supported by the need to protect the sylvan nature of H1 (11) and the constraints of noise and air quality caused by close proximity to Royal Engineers Road.
- 7.2.8 The assessment of visual effects resulting from the proposed development found effects ranging from negligible to minor beneficial having regard to the principle of development established by the extant scheme. The proposal does not affect any protected views or vistas.
- 7.2.9 The proposed scheme will be more visible than the extant scheme. However, this additional visibility would have a negligible effect on long views into Maidstone from the AONB, be seen in the context of the residential element of the extant scheme in views from Whatman Park and has been assessed as having an overall beneficial effect in local views due to the enhancement in legibility.
- 7.2.10 The new development would be seen along the Medway Valley in the context of existing large scale buildings in the urban area. Whilst it would be a notable change to the existing view, the principle of development on the site and land to the south has already been established. The proposed development is compatible with this character and would introduce a visually interesting element that will improve legibility in providing clearer way-finding and orientation.
- 7.2.11 The proposal would be visible to from the north but would not have a prominent impact on the Kent Downs ANOB given the setting of the site, with Maidstone town

centre to the south. The more local views of the site are considered acceptable given the following:

- Indicative use of high quality materials (to be secured by condition) and a design which succeeds in softening and greening the proposal;
- Minimal effect on overshadowing, overlooking, daylighting and sunlighting of adjoining properties;
- Less than substantial harm upon the listed Springfield House, when compared to the previous office consent.
- The impact of the proposal upon the Medway Valley will be minor. The buildings will be visible from the west but its setting substantially enhanced by thick vegetation and mature woodland, and further mitigated by its high quality design and materials.

7.2.12 The 18 storey tower has been designed as a chamfered cuboid, which, together with use of different colours on its elevations in a diagonal or diamond pattern, means the bulk of the building will be disguised. The resulting form is considered to be a graceful and thoughtful addition. The slope of the building's roof, lower at the west and higher where it addresses the roundabout on Royal Engineers Road, provides both a focus at the entrance and lessens the impact of the more sensitive western elevation, as well as creating attractive roof terraces.

7.2.13 Block B 'has been kinked: an architectural device which lessens the buildings bulk. This means from many vantage points only two of the four main elevations will be read. Similarly the use of different high quality materials of the separate elements of the building together with extensive greening and planting will help blend the building into its surroundings.

7.2.14 The materials proposed including the use of brick slips, copper cladding, ragstone walling, translucent glass balconies, are of high quality and will add to the positive impact of the proposal. The indicative materials are detailed in Appendix 2 and proposed to be controlled via condition. Taking into account what has previously been granted permission on and adjoining the site, I consider that the proposal is acceptable in terms of external appearance and in terms of visual appearance, represents a high quality development suitable for this important site.

7.3 **Housing**

7.3.1 The proposal consists of 90 private units for sale and 220 units as Build to Rent (BtR). I consider that the provision of BtR housing will widen the choice of available housing within Maidstone and provide a high quality flexible form of housing, distinct from traditional (non-purpose built) private sector rental accommodation and owner-occupied housing.

7.3.2 As set out in the Viability Assessment, the reduced viability of the BtR housing and the need to meet the other planning and design requirements of the scheme (including constructing a new car park to provide a publicly accessible podium garden) and the provision of S106 funding for mainly social infrastructure requirements, means that the proposed scheme is unable to support on site affordable housing. This assessment has been confirmed by the independent viability assessment commissioned by the Council, the executive summary of which is included as exempt papers.

7.3.3 No affordable housing is being proposed as part of the scheme. This is justified on viability grounds and in terms of the Build to Rent product which provides permanently rented accommodation with the benefits of communal services. A restriction requiring an appropriate sum of money to be paid should that

accommodation become owner occupied units is suggested to ensure suitable control.

Mix of Dwellings

- 7.3.4 The NPPF emphasises the need to significantly boost the supply of housing and establishes that applications for housing should be considered in the context of the presumption in favour of sustainable development (para 48). It states that local planning authorities should seek to deliver a wide choice of high quality homes, to widen opportunities for ownership and to create sustainable, inclusive mixed communities (para 50).
- 7.3.5 Submitted Local Plan Policy DM 11 (housing mix) promotes the delivery of sustainable mixed communities across housing developments and seeks a range of housing sizes, types and tenures that reflect the needs of those living in Maidstone Borough now and in years to come. There is a higher need for smaller 1 and 2 bedroom units and a lower need for 4+ bedrooms within Maidstone Town when compared to the Borough average. The SHMA also identifies that Maidstone Town has a younger population profile than other parts of the Borough, with a higher proportion of people in their 20s and early 30s, and a lower proportion of people aged over 45. Maidstone is identified as having a higher proportion of households who rent, with around 16.5% of households living in either social or private rented accommodation .
- 7.3.6 Given the above, I consider that the proposed dwelling mix of studio, one and two bed flats, is acceptable.
- 7.4 **Transport and Parking**
- 7.4.1 Chapter 4 of the NPPF (Promoting Sustainable Transport) states that encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
- 7.4.2 The NPPG (ID: 42) states that *“the Transport Assessment or Transport Statement may propose mitigation measures where these are necessary to avoid unacceptable or “severe” impacts”*.
- 7.4.3 Submitted Local Plan Policy DM 24 requires that development proposals must:
“i. Demonstrate that the impacts of trips generated to and from the development are remedied or mitigated, including where feasible an exploration of delivering mitigation measures ahead of the development being occupied;
ii. Provide a satisfactory Transport Assessment for proposals that reach the required threshold and a satisfactory Travel Plan in accordance with the threshold levels set by Kent County Council’s Guidance on Transport Assessments and Travel Plans; and
iii. Demonstrate that development complies with the requirements of policy DM5 for air quality.”
- 7.4.4 Parking standards are set out in Submitted Local Plan policy DM27. The policy states that parking provision should take account of the type, size and mix of dwellings and the need to provide visitor parking and that the layout of development should be both efficient and attractive whilst also ensuring appropriate provision of car parking. The allocation for the site also requires that development improves pedestrian and cycle links to facilitate the connection of the site to Maidstone town centre. Two car club

spaces are proposed for the development, allowing short term car rental and providing a convenient and cost-effect alternative to car ownership.

- 7.4.5 The proposals include a 187 car parking spaces in total which will be used for resident parking, with a total of 5 disabled parking spaces for 310 units. Each of the 90 sale units are proposed to have a car parking space. The remaining 97 spaces are for the 220 BtR units, visitors and the commercial premises.
- 7.4.6 With respect to cycle parking, 310 secure cycle spaces are proposed within the Ground Floor and the Basement Floor to encourage cycle trips. Additionally, two direct pedestrian connections to the footway on Royal Engineers' Road form part of the development proposal.
- 7.4.7 The development does not provide 1 space per dwelling suggested by Submitted local plan Policy DM27 but given the location and type of accommodation a reduced provision is considered acceptable in the light of the following:
- access to town centre,
 - access to cycle route on Royal Engineers Road;
 - restrictions to off-site car parking for residents of the BtR units.
 - The provision of cycle parking, car club parking and visitor parking.
 - The need to encourage modal shift
 - A restriction that no occupiers will be eligible for a Maidstone residents parking permit.
- 7.4.8 The transport evidence, including the observations of the highways authority concludes that, when compared with the previously permitted schemes, the proposals should not have a significantly detrimental impact in on local transport congestion, amenity, road safety or the environment.
- 7.4.9 A number of highways and parking concerns raised are being addressed as though the application or other measures under the control of the applicant. These include:
- Addressing existing commuter parking issues in the local environment;
 - Providing the facility for vehicles to turn prior to the site access barrier;
 - Providing access to cycle routes;
 - Pedestrian access through the site.
- 7.4.10 This parking provision is considered acceptable.
- 7.4.11 In conclusion the impact of the proposal upon the highway is considered acceptable and is not severe. In my opinion the improvements suggested by KCC highways are not required in order to make the development acceptable in planning terms.

Open Space

- 7.5 In relation to provision of open space, the emerging site allocation (H1(11)) requires that publicly accessible open space is provided and that approximately 4.8ha of open space is provided in total across the whole of the allocated area.
- 7.5.1 Detailed open space standards are provided in Submitted Local Plan Policy DM22. The requirements for open space for the proposal are as follows:
- Amenity green 0.3349
 - Children's Play 0.1845

- Outdoor sports 1.1805
- Natural/Semi Natural Open space 4.7957
- Allotments: 0.0 (substantial allotments exist nearby to the east of the A229)
- Total: 6.5 hectares

7.5.2 The development includes provision of public and private amenity space, including:

- 2,002sq.m of ground level publically accessible open space
- 1,983sq.m of podium level publically accessible open space
- 761sq.m of roof level shared private amenity space

7.5.3 In total, 3,985sq.m of publically accessible open space and 761sq.m of shared private amenity space is proposed (totalling approximately 0.5 hectares), equating to 15sq.m per dwelling (excluding private balconies). Residents of the BtR units will additionally have use of the communal super lobby space within Building B, which will provide flexible indoor amenity space.

7.5.4 The s106 Agreement attached to planning permission MA/05/2350 required that an area of 3,912sq.m remained accessible to the public. This quantum of publicly accessible open space is still proposed as part of the extant development and occupation of the the current proposal can be conditioned to ensure the delivery of this open space prior to occupation.

7.5.5 The reference made on behalf of Redrow ltd to the apparent mismatch of open space requirements to the different plots on H1 (11) is noted but such an arrangement is considered acceptable given the overall site constraints.

7.5.6 The proposal does not meet the requirements of DM22, in particular the provision of sports facilities and natural/semi natural open space. This is due to the following reasons:

- The development is high density and the site does not have scope to provide additional open space to that proposed.
- The financial viability evidence shows that it is not viable for the proposal to provide an in lieu payment instead of open space.

7.5.7 I consider that this deficiency and the failure of the proposal to fully meet the requirement of DM22 is acceptable for the following reasons:

- The need for a high density building on site;
- The provision of off-site open space under the previous consent (05/2350) adjoining Springfield House, which would be conditioned;
- The proposal provides high quality public and private open spaces, including landscaped podium, private balconies, roof top gardens and internal communal space;
- The close proximity of Whatman Park and other open space, included as Appendix 3, as well as towpaths and cycle ways provide opportunities for occupiers to exercise and enjoy the natural environment.

- Overall, the H1(11) allocation, of which the development forms part, is required to provide a substantial amount of open space and this requirement remains.
- The previous consent includes a similar built form with a similar amount of open space.
- The lack of available funding for off-site provision.

7.5.8 As a consequence I consider the lack of adherence to DM22 is a material issue. However I consider that the balancing measures set out above justify a lower than policy compliant scheme in this case and the amount and type of open space proposed is acceptable.

Residential Amenity

Daylighting , Sunlighting and Overlooking

7.6 The scale of the proposed development has been informed by a daylight and sunlight assessment considering both:

- the impact of the proposed development on surrounding uses and
- the impact of the proposed buildings on the proposed residential units.

7.6.1 In terms of Springfield Park (the implemented scheme for 192 units) and Lee Heights, the impact on average daylight factor (ADF) and daylight distribution (DD) meet the appropriate standard (BRE Report) in the vast majority of cases. Sunlight amenity analysis undertaken using the Annual Probable Sunlight Hours' test (APSH), shows that of the 80 windows analysed on Lee Heights, 79 will comply with the APSH guidelines. The one transgression (window W17 at first floor level, serving room R10) sees the winter sunlight values for the window reduced from 5% to 3%. This window is set back from the main elevation and beneath a pergola which restricts the amount of sunlight that can be received to this window. In addition, external observation indicates that the room served by this window is dual-lit and as such, sunlight amenity within the room will not be affected.

7.6.2 In terms of the development itself, taking into account the few windows that did not meet these standards, I consider the impact be acceptable taking into account the development site constraints including the need to provide high density housing in this location. The daylight and sunlight levels impact within the development are in-line with those typically found within urban areas such as the application site and are commensurate with the values considered acceptable for residents of flatted developments of this scale.

7.6.3 Overall, the assessment concludes that the proposed development will have a limited effect on the daylight and sunlight received by neighbouring and proposed properties. I concur with that assessment.

7.6.4 The closest residential properties to the site are located at Lee Heights, Bambridge Court, some 100m to the north of the site. Given the distance, the proposed development will have minimal impact on the residential amenities of neighbouring residents.

7.6.5 The design and orientation of the proposed scheme has been design to take account of its surroundings including a mixture of residential and commercial uses, as well as

the River Medway (to the west) and Engineers' Road (to the east). I do not consider the proposal will have a substantial negative impact upon the outlook of existing residents.

Noise, smells

- 7.6.6 I consider that the proposal will not have a significantly detrimental effect on the amenity of adjoining residents in term of noise and smells. Noise impacts on occupants of the development from neighbouring uses will be acceptable subject to mitigation. For the residential uses, this includes ensuring appropriate acoustic performance for glazing and ventilation systems, which have been designed into the proposals and/or will be developed further at the detailed design stage.

Air Quality

- 7.7 The emerging Maidstone Local Plan establishes that proposals in or affecting Air Quality Management Areas (AQMA) or of a sufficient scale to impact local communities should, where necessary, *"incorporate mitigation measures which are locationally specific and proportionate to the likely impact"* (DM5).
- 7.7.1 In line with Policy DM5, and acknowledging the scale of the wider Springfield site, the emerging allocation (Policy H1(11)) identifies that appropriate air quality mitigation measures should be agreed with the council and implemented as part of the development proposals.
- 7.7.2 The submitted Air Quality Assessment assesses the effect of the proposed development on local air quality and the effect of existing air quality on future residents.
- 7.7.3 In terms of operational effects, the assessment identifies that the proposed development will generate additional vehicle movements on the surrounding road network. The impacts are assessed as not being significant and the predicted concentrations of air pollutants at the façade are judged to be below the relevant Air Quality Objective. Of note, the assessment identifies that the air quality effects of the development are considered to be lower than those generated by the extant planning permission for the site.
- 7.7.4 Overall, I concur with the Air Quality Assessment which concludes that the operation and construction impacts will not be significant if the mitigation measures are followed. Environmental Health have assessed the proposal in relation to air quality and have no objection, subject to condition. Mitigation can be secured by planning condition.

Ecology

- 7.8 The ecological value of site is protected by emerging Maidstone Local Plan Policy DM1. This requires that an ecological evaluation is undertaken as part of development proposals and that open space and the layout of the site should take advantage *"of the potential for multiple benefits including enhanced play, wildlife, sustainable urban drainage, tree planting and landscaping provision"*.
- 7.181 The application is accompanied by a:
- Preliminary Ecological Assessment;
 - Reptile Survey;
 - Reptile Mitigation Strategy; and
 - Bat Survey.

The Ecological Assessment comprised a desk study review exercise and a field survey. The field survey was completed in July 2016 within the optimal seasonal window for this type of survey.

- 7.8.2 Due to the build-up of vegetation over the many years that the site has remained undeveloped, the Ecological Assessment has identified the presence of some protected species. The scheme therefore seeks to retain a suitable habitat for the species on site so far as is compatible with the design.
- 7.8.3 The supporting Bat Survey and Reptile Mitigation Strategy identifies anticipated mitigation measures which include incorporation of bat and bird boxes and the creation of replacement habitats through green roofs above the residential buildings. These have been incorporated into the scheme through the landscaping proposals.
- 7.8.4 In terms of reptiles, a programme of translocation will be required in advance of works to remove animals from parts of the site to a suitable receptor habitat as agreed with the local planning authority. Rather than temporary translocation on-site it is preferable to relocate the relevant species to a permanent location and further work is suggested, provided via condition, in order to secure an acceptable outcome.
- 7.8.5 Subject to these further ecological studies, the Ecological Appraisal concludes that the proposals have the potential to enhance the ecological value of the site in the long-term. Kent Wildlife Trust have not objected to this approach subject to these further studies. I concur this approach and consider the proposal is acceptable in ecological terms.

Flood Risk Assessment

- 7.9 At a local level, appropriate surface water and flood mitigation measures, including sustainable drainage systems, are required on sites falling within Flood Zone 1 that are greater than 1ha (emerging Maidstone Local Plan Policy H1).
- 7.9.1 The site is approximately 1ha in size and is located entirely within Flood Zone 1, the area of the least risk of flooding and thus preferred for residential development when appraised in line with the NPPF Technical Guidance. The proposed development is not likely to result in an increase in flood risk or surface run-off from the development and the proposed development will provide an increase in the areas of permeable surfaces overall. Any residual issues with flooding would be addressed via condition. I consider that the development is acceptable in terms of its likely effect on flooding.

Trees/Landscaping

- 7.10 The site contains a number of mature trees which contribute to the character of the area and create a wildlife corridor running up from the river.
- 7.10.1 Whilst acknowledging that further evaluation of arboricultural value is needed, the submitted Local Plan allocation for the site (H1(11)) seeks to retain trees that are subject to a tree preservation order.
- 7.10.2 The applicants have put forward the removal of 12 existing trees which are predominantly grade 'C' (low quality) and 'U' (unsuitable for retention) trees. Only two are grade 'B' trees.

- 7.10.3 In mitigation of the 12 trees that will be needed to be removed, approximately 120 new trees will be planted. This will provide a substantial overall net uplift in the quantity and quality of trees.
- 7.10.4 The specific concerns raised by the Council's Landscape Officer reflect similar comments made regarding loss of TPO trees, and the isolation of one small group of trees on the previous extant scheme, a development which can be implemented. In particular the retention of mature tree T34 is uncertain: the proposal seeks to retain it but its crown is likely to require thinning. There is a good chance it would survive nearby building works, given its maturity. I suggest a condition is used to secure the retention of T34.
- 7.10.5 The proposals incorporate extensive new landscaping, including the podium throughout the site and, in my opinion, will more than mitigate for the loss of these trees through the planting of new and additional trees throughout the application site.
- 7.10.6 The current proposal protects a greater number of TPO trees than the extant consent and the built form has been designed to minimise the impact on significant trees. While concerns upon the impact on such trees are material, I do not feel they are overriding in this case, and further mitigation can be secured via planning conditions, such as the provision of details safeguarding of root protection areas.
- 7.10.7 In my opinion, borne out by the extant consent and bearing in mind the density and scale of the proposal, its impact on significant trees is minimal and acceptable.

Planning Obligations

- 7.11 The NPPF (203-206) and the Community Infrastructure Levy Regulations (2010) both set out the policy and statutory tests for planning obligations, such that planning obligations may only constitute a reason for granting planning permission if they are:
- necessary to make the proposed development acceptable in planning terms;
 - directly related to the proposed development; and
 - fairly and reasonably related in scale and kind to the proposed development;

The Independent Viability Assessment

- 7.11.1 A viability assessment has been submitted to the Council, which has been independently assessed. The development's viability issues have an impact upon the deliverability of these Section 106 matters.

RICS guidance confirms that an objective financial viability tests the ability of a development project to meet its costs including the cost of planning obligations, whilst ensuring an appropriate site value for the landowner and a market risk adjusted return to the developer in delivering that project. The fundamental issue, in considering viability assessments in a town planning context, is whether an otherwise viable development is made unviable by the extent of planning obligations or other requirements. The RICS guidance note confirms that 'In certain instances financial viability may be relevant in the context of seeking to depart from planning policy'

Assessment of site as build to rent scheme

- 7.11.2 The application presented has been assessed using the independent consultants assumptions and produces a negative residual land value meaning that it would not be viable for the scheme to provide any affordable housing or s106 contributions.

Assessment of scheme as 'for sale'

- 7.11.3 As part of the viability testing process to provide an understanding of the distinct economics of the PRS proposal we assessed the scheme on the basis of a 'for sale' viability appraisal to compare to the appraisal for the build to rent scheme.

Our consultants assessment of this scheme is that it would produce a negative residual value therefore confirming that affordable housing contributions would not be supported by this scheme being provided as private sale.

7.11.4 In spite of the viability assessment, the developers offered the following in respect of Planning Obligations. These obligations meet the requirements of the relevant consultees and I consider that the social and community needs of the development, in respect of the services below, are fully met.

Contributions Summary

Facility	Proposed Contribution	Contribution Per relevant dwelling*
Community Learning	£9,515	£30
Primary education	£80,272.64	£590
Secondary education	£173,114.40	£1272
Youth services	£2,630.44	£8
Libraries	£14,884.90	£48
Social services	£17,322.80	£127
Healthcare	£185,616	£598
Total	£483,357	

*136 units for education, otherwise 310

7.11.5 As previously mentioned, no provision of affordable housing is proposed, nor a contribution in lieu of open space, given viability issues. The developers have agreed to fund social infrastructure requirement in full, as shown in the above table.

7.11.6 Submitted Local Plan policy ID1 addresses the priority to be given to competing demands for infrastructure in respect of residential development. Affordable housing, transport and open space are respectively given the highest priority. ID1 goes on to say that 'each site and development proposal will bring with it its own issues which could mean an alternative prioritisation is used'.

7.11.7 North Ward is one of the most deprived wards in Maidstone and suffers from a lack of accessible services, including community facilities such as community centres and doctors. In this case I do not consider affordable housing to be a priority in this case given the Build to Rent housing proposed which will provide a beneficial product which widens housing choice in Maidstone. In terms of transport I do not consider there are any substantive improvements which need to be addressed via S106. In terms of open space, I consider that, given the context and provision already referred to in this report in paragraph 7.5.7, there is sufficient open space adjoining the site and an in lieu payment for open space should not take priority over social and community needs.

7.11.8 I consider that the obligations proposed above meet appropriate tests, as stated in 7.11.

Economic Benefits

7.12 As proposed the developers have provided evidence to substantiate that the scheme provides overall benefits in the region of £60 million comprised of:

7.12.1 Employment:

- Support 240 temporary construction jobs.
- Indirectly support 90 FTE jobs per year of construction.
- Permanent on-site jobs: between 17 and 23.
- Additional off-site jobs – 45

7.12.2 Financial:

- 'Moving In' expenditure: £1.2 million;
- Gross occupant spending (existing relocating residents) £9.6 m per year.
- Net additional expenditure (from new residents) £4.5m
- New Homes Bonus: £2.8m
- Council Tax £511,700 per year (£3.1m over the first six years of occupation).

7.12.3 I consider that the above assessment is realistic and that the proposal represents a substantial economic benefit.

8. Conclusions

- 8.1 In accordance with policy guidance 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. There would be minor impact upon the landscape but this would be limited and localised, and otherwise there would be no significant harm to the environment. Economic and social roles have also been considered, as have locational issues. As such, I consider the development would perform acceptably in terms of economic, social and environmental roles required under the NPPF and that judged in the round it would constitute sustainable development. Any adverse impacts would not significantly and demonstrably outweigh the benefits.
- 8.2 The scheme represents a high quality development, with high production values, including materials and design befitting the prominent site. The impact of the proposal's massing and height have been carefully designed and are shown to provide an appropriate response to the site and its surroundings. The townscape qualities of the site, when assessed from key local locations, are considered acceptable. In visual terms, the proposal is likely to make a positive contribution to the area and an attractive gateway to Maidstone Town Centre.
- 8.3 The scheme is limited in its ability to fully provide open space requirement as indicated by the independently completed viability assessment. The proposed infrastructure package is considered to be acceptable in such circumstances, bearing in mind the deprived nature of the local community, access to existing open spaces, the provision of new public and private open spaces and on-site requirements for the remainder of H1 (11).
- 8.4 No affordable housing is being proposed as part of the scheme. This is justified on viability grounds and in terms of the Build to Rent product which provides permanently rented accommodation with the benefits of communal services. A restriction requiring an appropriate sum of money to be paid should that accommodation become owner occupied units.
- 8.5 The proposal has been assessed is considered to be acceptable from a transport, noise, daylight and sunlight, air quality, archaeology, ecological, heritage, sustainability and flood risk perspective. There are concerns about the potential impact on a few protected trees. The development would be acceptable in terms of

its impact on the landscape, biodiversity, highways and parking subject to appropriate planning conditions and obligations. The proposal represents a high quality scheme which would enhance a major gateway to Maidstone.

- 8.6 Overall, the proposals will deliver a number of benefits for Maidstone and the wider Borough. These include:
- **Improved mix of housing within Maidstone.** BtR is new to Maidstone and will widen housing choice by filling a gap for high quality rental properties/accommodation;
 - Assisted **retention of local people** who want to stay in Maidstone but who cannot afford to buy a home;
 - **Younger demographic attracted** by the close proximity to Maidstone town centre, strong transport connections and high quality rental accommodation and public realm;
 - **Support the local business community** by generating increased levels of resident expenditure in the local economy;
 - **Efficient use of previously developed land** reducing pressures to develop in rural areas; and
 - An injection of around **£60m in private sector investment** into Maidstone.
 - It will widen housing choice in Maidstone and **regenerate an important gateway site** that has been vacant for over a decade.

Overall, the proposed redevelopment will secure the development of a vacant Site, and provide much needed housing for Maidstone as identified within the Submitted Maidstone Local Plan.

- 8.7 The proposals will deliver a high quality scheme and a number of important benefits. The proposals are considered to be largely in accordance with national and local planning policy and guidance.

- 8.8 For all of these reasons, and despite the lack of affordable housing and full open space requirements I consider that material considerations indicate, on balance that planning permission should be granted.

9. RECOMMENDATION

DELEGATED POWERS be given to the Head of Planning and Development TO GRANT PERMISSION subject to the imposition of the conditions as set out below:

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

- Contributions to the following: Healthcare, education, community facilities, transport as per the following table:

Facility	Proposed Contribution	Contribution Per relevant dwelling*
Community Learning	£9,515	£30
Primary education	£80,272	£590
Secondary education	£173,114	£1272
Youth services	£2,630	£8
Libraries	£14,884	£48
Social services	£17,322	£127

Healthcare	£185,616	£598
Total	£483,357	

Delegated authority to the Head of Planning to agree detailed wording of the following:

- A restriction requiring an appropriate sum of money to be paid in lieu of affordable housing should that accommodation become owner occupied units ('Clawback provision') for a period of not less than 10 years. It is suggested that this is based on the London Mayor's Housing SPG March 2016.
- That no occupants of the Build to Rent (BtR) dwellings shall be eligible for a residents parking permit in Maidstone.
- The open space as required under planning permission MA/05/2350 shall be provided prior to occupation.

Conditions

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

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

2. Prior to construction of the external surfaces of the building hereby permitted, details and samples shall be submitted to and approved in writing by the Local Planning Authority. Such materials shall accord with the submitted list of materials dated 4th January 2017. These works shall be carried out in accordance with the approved details before the first occupation of the building.

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

3. No development above DPC level shall occur or external lighting shall be installed until a detailed scheme of lighting has been submitted to, and approved in writing by the Local Planning Authority. This scheme shall take note of and refer to the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The scheme of lighting shall be installed, maintained and operated in accordance with the approved scheme unless the Local Planning Authority gives its prior written consent to any proposed variation.

Reason: To minimise the impact of light pollution in the interests of the character and amenity of the surrounding area.

4. Development above DPC level shall not commence until a drainage strategy and surface water detailing the proposed means of foul disposal and a implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.
5. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- a) 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.
- b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c) The results of the site investigation and the detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons: To prevent pollution of controlled waters and comply with the National Planning Policy Framework

6. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
7. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved. Reasons: To prevent pollution of controlled waters and comply with the NPPF.
Reasons: To prevent pollution of controlled waters and comply with the NPPF.
8. (i) 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 of the drainage design note by Ramboll UK ref.1620002047 (dated 4th October 2016) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated within the site boundary and disposed of at a rate and run-off volume that is as close as reasonably practicable to a greenfield situation for the site.

(ii) 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:

- a. a timetable for its implementation, and
- b. 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.

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

Reasons: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure ongoing efficacy of the drainage provisions, to protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

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

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

10. The capacity to accommodate Superfast fibre optic broadband or equivalent shall be provided to all buildings (residential, commercial, community etc.) of adequate capacity (internal min speed of 100mb to each building) for current and future use of the buildings.

Reason: In the interest of good communications.

11. The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason: In the interest of Security, Crime Prevention and Community Safety and in accordance with Policies of the Borough/District Council's Core Strategy Plan (dated, page, section) and the guidance within The Kent Design Initiative (KDI) and protocol dated April 2013 or in accordance with good design NPPF

12. Development should only be carried out in accordance with drawing numbers:
15.046_100.01 P02; 15.046_100.02 P00; 15.046_100.03 P01; 15.046_200.01 P01;
15.046_200.02 P01; 15.046_200.03 P01; 15.046_200.04 P01; 15.046_200.05 P01;
15.046_200.06 P00; 15.046_200.07 P00; 15.046_200.08 P00; 15.046_200.09 P00;
15.046_200.10 P01; 15.046_200.11 P01; 15.046_200.12 P01; 15.046_200.13 P01;
15.046_200.14 P01; 15.046_200.15 P01; 15.046_200.16 P01; 15.046_200.17 P01;
15.046_200.18 P01; 15.046_200.19 P01; 15.046_200.20 P02; 15.046_200.30 P01;
15.046_200.31 P01; 15.046_200.32 P01; 15.046_200.33 P01; 15.046_200.34 P01.

Reason: in order to ensure the development is constructed in accordance with approved plans.

13. Prior to commencement of development (including ground works, demolition and site clearance) a Construction Method Statement 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.

The approved Statement shall be adhered to throughout the construction period and shall provide for:

- a) the parking of vehicles of site operatives and visitors;
 - b) the loading and unloading of plant and materials;
 - c) traffic management, including delivery times, lorry routing, traffic control and construction access, as necessary;
 - d) the storage of plant and materials used in constructing the development;
 - e) the erection and maintenance of hoarding or fencing necessary for public safety, amenity and site security;
 - f) wheel washing facilities;
 - g) measures to control the emission of dust and dirt during construction;
 - h) measures to control noise and vibration during construction;
 - i) a scheme for the recycling or disposal of waste resulting from construction works.
 - j) Code of Construction Practice (see Informatives)
14. Prior to commencement of development (including ground works, demolition and site clearance) a Construction Environmental Management Plan (CEMP:Biodiversity) which shall be informed by the ecological design strategy (EDS) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities;
 - b) Identification of “biodiversity protection zones” clearly depicted on a map
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
 - d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - e) The times during construction when specialist ecologists need to be present on site to oversee works if required;
 - f) Responsible persons and lines of communication;
 - g) The roles and responsibilities on site of an ecological clerk of works (EcoW) or similarly competent person if required;
 - h) Use of protective fences, exclusion barriers and warning signs.
 - i) Detailed protective species mitigation strategies if required.

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

Reason: In the interests of ecological preservation.

15. Details of the following submitted to and approved in writing by the Local Planning Authority prior to installation. These works shall be carried out in accordance with the approved details before the first occupation of the building.
- a) cycle storage and powered two wheeler (motorbikes) facilities

- b) car parking arrangements, including visitor parking and parking space allocation.
- c) The provision of car club car parking spaces

Reason: in the interests of sustainable transport.

16. Prior to the erection of any fencing, walling and other boundary treatments, details shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out in accordance with the approved details before the first occupation of the building.

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

17. The development shall not commence until details of the proposed slab levels of the building 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 To ensure a satisfactory external appearance to the development taking into account the topography of the site.

18. 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.

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.

19. The commercial unit shall achieve a Very Good BREEAM Retail 2014 rating. A final certificate shall be issued to the Local Planning Authority for written approval to certify that a Very Good BREEAM Retail 2014 rating has been achieved within 6 months of the first occupation of the development.

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

20. Details relating to on-site renewable energy generation shall be submitted and approved by the Local Planning Authority, prior to first occupation. The approved details shall be implemented prior to first occupation and maintained thereafter.

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

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

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

22. Prior to the first occupation of the buildings, details of any external plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission 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.

Reason: In order to that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 (*in areas of low background sound levels a target of NR30 shall be achieved*) as defined by BS8233: 2014 Guidance on sound insulation and noise reduction for buildings and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it is operating. After installation of the approved external plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority.

23. Prior to commencement, the applicant should submit a report from a suitably qualified acoustic consultant which should include a specification for a suitable glazing scheme, a ventilation scheme, and a scheme to minimise noise impact in the outdoor areas. This report should be submitted to and approved by the local authority prior to commencement of the development and thereafter the development should be completed in accordance with the provisions of the scheme.

Reasons: In the interests of residential amenity of future occupiers.

24. Prior to occupation of that unit, the proposed use of the commercial unit shall be submitted to and approved by the local planning authority.

Reason: in the interests of good planning and amenity.

25. Any facilities used for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume of the tanks.

Reason: to ensure the development does not harm the environment.

26. Details of the layout of superlobby shall be submitted to and approved in writing by the Local Planning Authority prior to occupation and works shall only be carried out in accordance to those approved details. The superlobby shall include a disabled accessible toilet.

Reason: In order to ensure the provision of accessible services.

27. Prior to commencement of development an ecological mitigation study shall be submitted and approved by the Local Planning Authority including details of species mitigation and methods and locations of translocation. Such works shall be carried out as agreed prior to works to affected locations.

Reason: in the interests of ecological mitigation.

28. AIR QUALITY RE OFFSETTING EMISSIONS (Calculation of Mitigation/Compensation)
Due to the scale of this proposal, a calculation of pollutant emissions costs from the vehicular traffic generated by the development should be carried out, utilising the most recent DEFRA Emissions Factor Toolkit and the latest DEFRA IGCB Air Quality Damage Costs for the pollutants considered, to calculate the resultant damage cost. The calculation should include:
Identifying the additional vehicular trip rates generated by the proposal (from the Transport Assessment);

- The emissions calculated for the pollutants of concern (NO_x and PM₁₀) [from the Emissions Factor Toolkit];
- The air quality damage costs calculation for the specific pollutant emissions (from DEFRA IGCB);
- The result should be totalled for a five year period to enable mitigation implementation.
- The calculation is summarised below:

Road Transport Emission Increase = Summation [Estimated trip rate for 5 years X Emission rate per 10 km per vehicle type X Damage Costs]

The pollution damage costs will determine the level of mitigation/compensation required to negate the impacts of the development on local air quality.

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

Reason: in the interests of air quality.

29. The development hereby approved shall not be occupied until the details of the car club are provided and approved by the Local Planning Authority, and those approved works are carried out.

Reason: In the interests of sustainable transport.

30. Tree T34 shall be safeguarded and retained, unless removal is approved in writing by the Local Planning Authority.

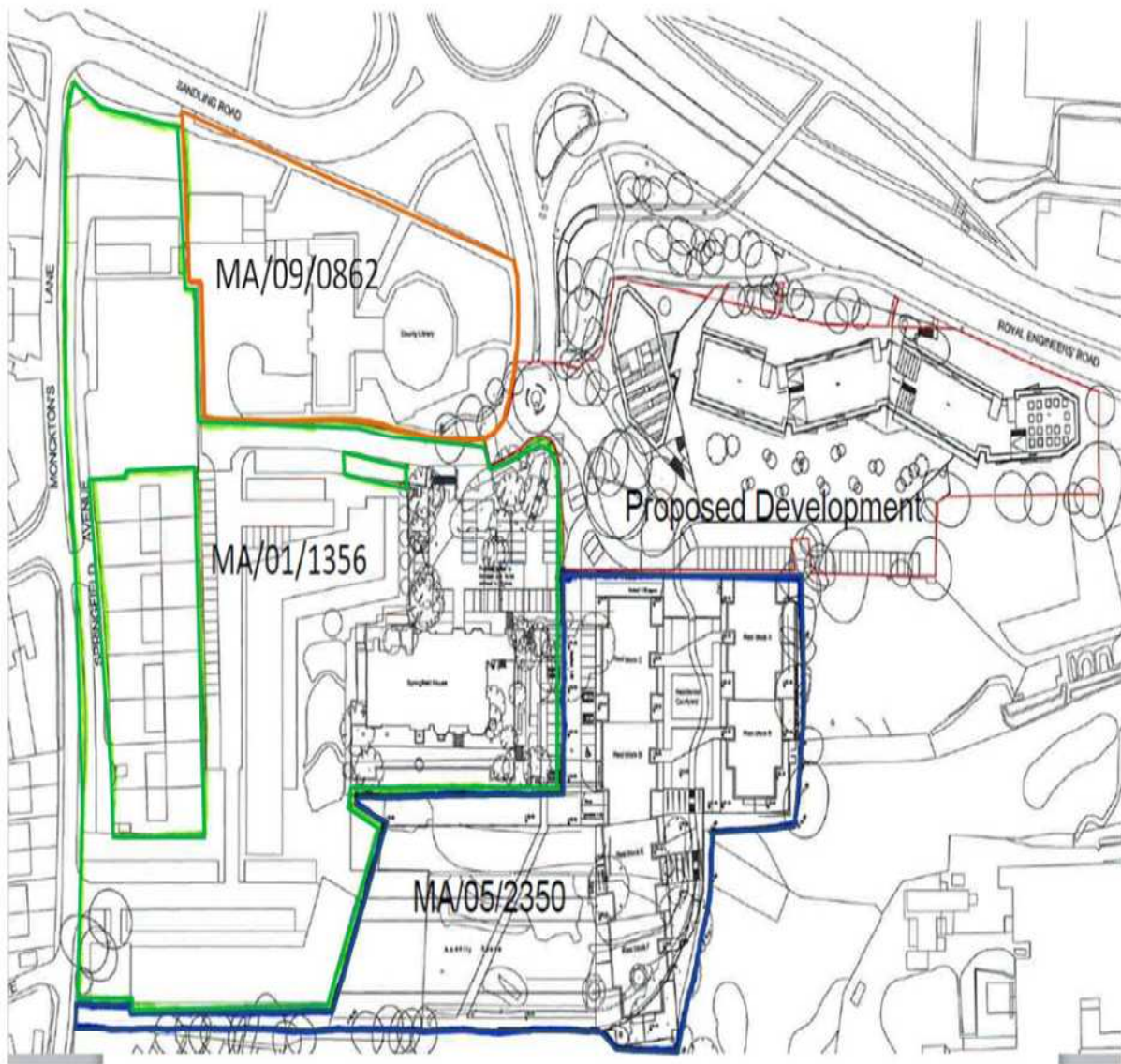
Reason: In the interests of safeguarding of a significant landscape feature.

INFORMATIVES

31. The open space required under planning permission MA/05/2350 should be provided prior to occupation.
32. As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.
33. As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.
34. Waste to be taken off site. Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes: Duty of Care Regulations 1991 Hazardous Waste (England and Wales) Regulations 2005 Environmental Permitting (England and Wales) Regulations 2010 The Waste (England and Wales) Regulations 2011

35. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at <https://www.gov.uk/government/organisations/environment-agency> for more information.
- Drainage The following points should be noted wherever infiltration drainage (such as soakaways) is proposed at a site:
- Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads, hardstandings and car parks. Clean uncontaminated roof water should drain directly to the system entering after any pollution prevention methods.
 - No infiltration system should be sited in or allowed to discharge into made ground, land impacted by contamination or land previously identified as being contaminated.
 - There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of the system and the water table.
36. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk in order to progress the required infrastructure.
37. A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
38. Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.
39. 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.
40. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.
41. Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land>. 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.

Appendix 1



Appendix Two

Indicative Proposed Materials

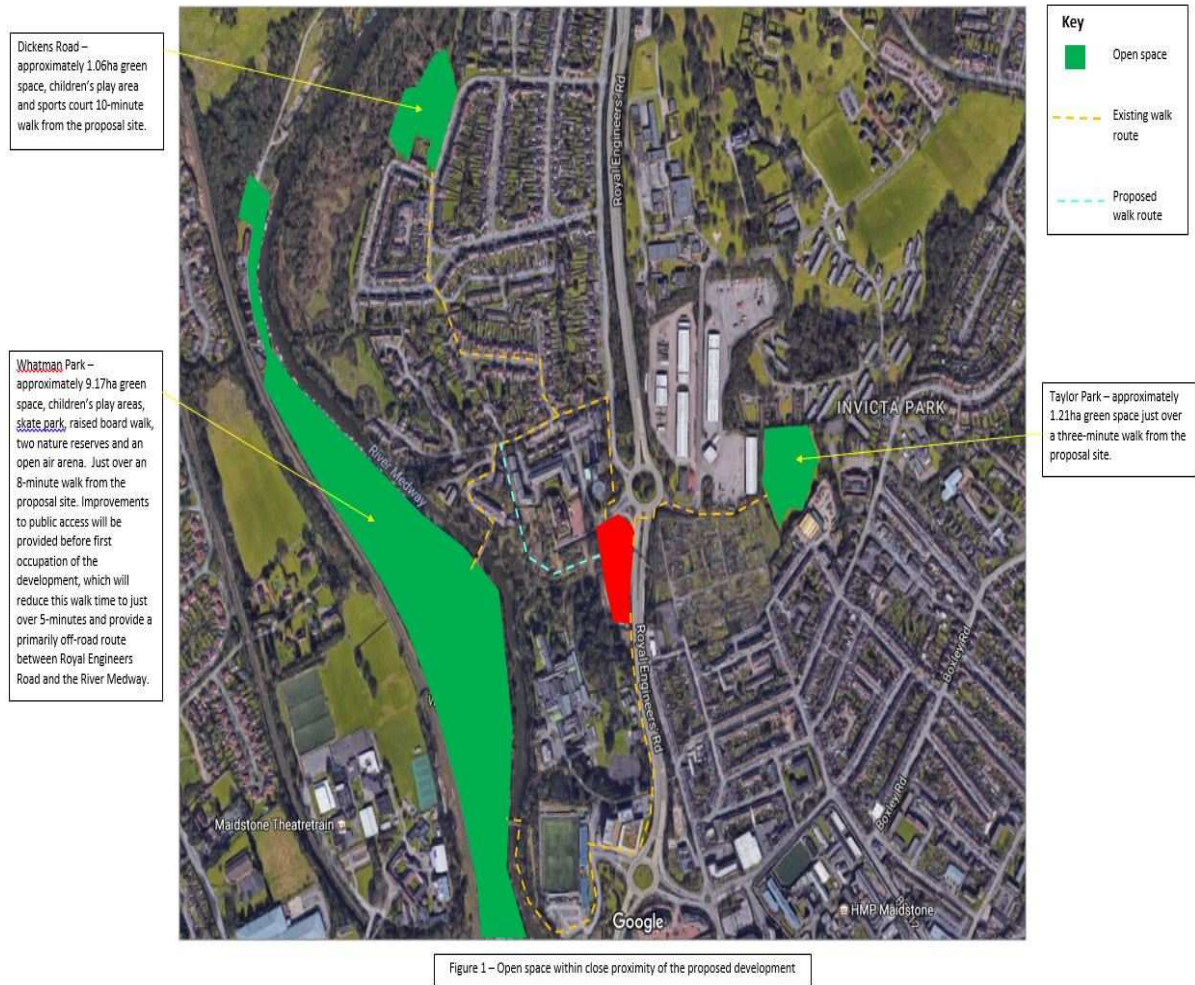
BLOCK A – PRIVATE FOR SALE

<u>MATERIAL</u>	<u>COLOUR</u>
Galvanised steel profile balustrades	Yellow, Orange, Red, Grey
Toughened laminated glass balustrades	Yellow, Orange, Red
Corium brick slip cladding system	Light grey, Grey and Dark Grey
Double glazed window with anodised aluminium frame	Dark grey (frame)
Double glazed door and fixed window with anodised aluminium frame	Dark grey (frame)
Tilt & turn double glazed window with anodised aluminium frame	Dark grey (frame)
Kentish Ragstone wall cladding	Grey (Ragstone)

BLOCK B – BUILD TO RENT

<u>MATERIAL</u>	<u>COLOUR</u>
Galvanised steel profile balustrades	Yellow, Orange, Red, Grey
Toughened laminated glass balustrades	Yellow, Orange, Red
Corium brick slip cladding system	Light grey, Grey and Dark grey
Double glazed window with anodised aluminium frame	Dark grey (frame)
Double glazed door and fixed window with anodised aluminium frame	Dark grey (frame)
Double glazed fixed window with anodised aluminium frame	Dark grey (frame)
Tilt & turn double glazed window with anodised aluminium frame	Dark grey (frame)
Mesh cladding panel for car parking	Stainless steel
Pre oxidised copper cladding system	Light brown
Metal cladding for lift overrun	Light grey

Appendix Three: Existing Open Spaces and routes adjoining the site



Urgent update Report – 16/507471/FULL

Full planning application for the development of 310 residential units, in two buildings ranging between 8 and 18 storeys, including 177 sqm of A1/D1/D2 floorspace, associated car parking, public realm and landscaping works Springfield Park, Royal Engineers Road, Maidstone

Heads of Terms

1. In the recommendation, replace heads of terms with the following

1.1 Social infrastructure

Service requirement per applicable two bed dwelling (x136) *	Total	Project
Primary Education £590	£80,272	Towards the enhancement of North Borough Primary School
Secondary Education £1272	£173,114	Towards phase 1 of the new Free School of Science and Technology, Valley Park, Maidstone opening September 2018
Per Dwelling (x310)	Total	Project
Community Learning £30	£9,515	Towards the enhancement of St Faiths Adult Education Centre, St Faith's St, Maidstone
Youth Service £8	£2,630	Towards Youth equipment for the new attendees at Infozone Youth Centre, Maidstone
Libraries £48	£14,884	Towards Kent History & Library Centre additional bookstock
Social Services £55	£17,322	Towards Changing Place Facility in Sessions House, Maidstone

* This applies to the two bed flats. The proposal gives rise to 10 additional primary school pupils during occupation of the development and 7 additional secondary school pupils.

1.2 Parking

Add to Heads of Terms that the applicants will maintain controlling parking on the roads under their ownership (shown in red and blue on the drawing Appendix 1 of this urgent update report).

1.3 Additional Consultation response:

1.3.1 **KCC Ecology have** reviewed the ecological information which has been submitted with the planning application and are satisfied that the submitted information provides a good understanding of the ecological interest of the proposed development site. They advise that while they have concerns with the proposed reptile mitigation they are satisfied that these concerns can be addressed within an updated reptile mitigation strategy submitted as a condition of planning permission.

1.3.2 Additional Conditions

1.3.3 As a consequence of KCC Ecology's comments the following conditions are suggested:

Replace condition 27 with the following:

27. Prior to any works starting on site (including vegetation clearance) a detailed reptile mitigation report shall be submitted to and approved in writing by the Local Planning Authority. The mitigation strategy must provide the following information:

- a) Translocation methodology
 - b) Location of receptor site
 - c) Reptile surveys of receptor site
 - d) Details of ecological enhancements to increase carrying capacity
 - e) Timetable of the proposed works
 - f) Details of 5 year monitoring plan
 - g) Long term management plan
 - h) Measures to address conflict occurring due to the recreational use of the site.
- All works must be carried out in accordance with the approved mitigation strategy. The proposed reptile mitigation area shown in Drawing C122102-04-01 – Site Areas Drawing C122104-04-02 – Reptile Mitigation Strategy is provided prior to commencement of development.

New Condition

31. Prior to occupation a lighting design strategy for biodiversity shall be submitted to and approved in writing by the LPA. The strategy shall:

- a) Identify those areas / features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, e.g., for foraging.
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior to consent from the Local Planning Authority.

New Condition

32. Prior to occupation of the development an ecological management plan (EMP) shall be submitted to, and be approved in writing by, the local planning authority prior

to the occupation of the development. The content of the EMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.
- i) The retention of cord wood at woodland edge;
- j) The incorporation of bird/bat nesting boxes,

The EMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the EMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure appropriate ecological mitigation is provided.

1.4 Amended condition

Alter condition 10 to read:

The capacity to accommodate Superfast fibre optic broadband or equivalent shall be provided to all buildings (residential, commercial, community etc.) of adequate capacity for current and future use of the buildings.

From:

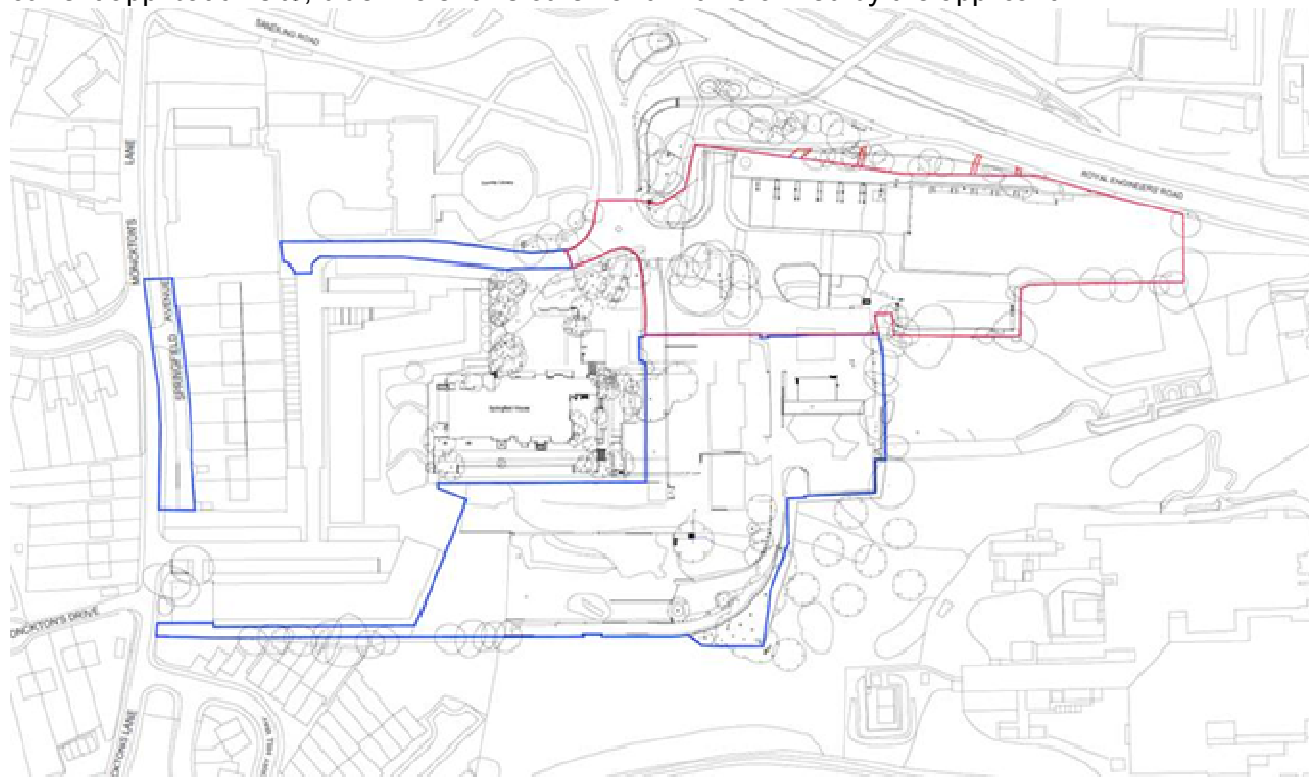
The capacity to accommodate Superfast fibre optic broadband or equivalent shall be provided to all buildings (residential, commercial, community etc.) of adequate capacity (***internal min speed of 100mb to each building***) for current and future use of the buildings

Reason for change: The developers do not have control of internet speeds to the site and the issue is not significant in the planning balance.

1.5 Remove condition 28: AIR QUALITY RE OFFSETTING EMISSIONS (Calculation of Mitigation/Compensation)

Reason for removal: The proposed condition does not meet the necessary tests as the Air Quality Assessment demonstrates 'no significant impact' and in fact any effects judged as 'lower' than the consented scheme on site.

Appendix 1 showing land within the ownership of the applicant. Red line shows the current application site, blue line shows other land with is owned by the applicant.



Reference number: 16/507471

Additional Urgent Update Report

Air Quality

As a consequence of additional liaison with Environmental Health and further negotiation with the developers, and further to the suggested removal of condition 28 in the previous Urgent Update, a new condition 28 is suggested as follows:

28. Prior to occupation two active Electric Vehicle Charging Points shall be provided. Two additional passive Electric Vehicle Charging points will be made available for connection/operation if demand requires.

Reason: in the interests of air quality and sustainable transport.

Parking

The Parking Manager has provided the following comments:

The question is how the CPZ will be managed and enforced. If the land is privately owned, the landowner would make their own arrangements, however if adopted highway (designated highway) KCC would normally place restrictions and draft a traffic regulation order to control access, maintain junction sightlines and manage the free flow of traffic etc. I understand that some yellow lines have been placed in this area by KCC from the roundabout but these are not backed up by a traffic regulation order and so remain unenforceable by our enforcement team.

With regard to resident parking permits, I can confirm this area is outside the current resident zones (these are mainly in the town centre) and so residents will not be eligible for a permit under the current scheme.

5.02 Replace “proposal considered acceptable” with ‘No objection”.

Replace paragraph 5.02.04 with the following

The applicant has proposed that 187 parking spaces will be provided to support the new development. It is understood that 90 of the spaces will be allocated to the 90 private apartments and the remaining 97 spaces will be unallocated for use by residents and visitors of the build to rent apartments.

In accordance with Interim Guidance Note 3 (IGN3), resident parking should ordinarily be provided at a maximum rate of one space per unit. IGN3 also states that provision at edge of centre locations can be reduced for rented properties, subject to effective tenancy controls. Visitor parking, which is usually required at a rate of 0.2 spaces per unit, can be reduced in instances where there are flats and/or the main provision is unallocated.

On this basis, the maximum parking provision of 372 spaces permissible through reference to IGN3 is unlikely to be warranted. The issue is therefore whether the proposed 187 spaces are sufficient to support the development without there being problems of parking overspill, either within the development site or across the surrounding area.

KCC Highways regard the principles of the applied approach to provide a suitable basis for gauging the level of provision that may be appropriate. The proposals do not however, include any contingency allowance to reflect the fluctuating nature of parking demand and provide sufficient confidence that adequate parking will be available in the event that the forecast demand level is exceeded.

As highlighted in the Transport Assessment, the surrounding roads in the immediate vicinity of the site are subject to parking restrictions. Any displacement of parking demand could therefore affect a wider area or result in indiscriminate parking behaviour.

It is recommended that the applicant is requested to re-evaluate the proposed parking with a view to providing a greater degree of certainty that any demand over and above the forecast level can be accommodated within the site.

It is noted that 310 cycle parking spaces are proposed in accordance with minimum standards

Reason: to more accurately reflect KCC highways comments.

Arbiculture

The Heritage Landscape and Design Team Leader has provided the following additional comments:

Whilst further arboricultural information has now been supplied, the specific details are proposed to be provided through the provision of an Arboricultural Method Statement. At this stage there is insufficient evidence to demonstrate that the principles for retention and protection of existing trees can actually be achieved. I therefore continue to have concerns and cannot support the application on arboricultural grounds.

If, however, you are minded to grant permission I would want to see detailed conditions attached as follows:

Replace Condition 30 with the following:

30. Arboricultural Method Statement

Prior to commencement of development an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 shall be submitted to and approved in writing by the local planning authority. The AMS should detail implementation of any aspect of the development that has the potential to result in the loss of or damage to trees, including their roots, and take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme and include a tree protection plan. Specific details should include the piled foundations for the access road and irrigation methods, proposed soil amelioration and mulching and the elevational treatment of the building to minimise heat and solar glare on the existing trees.

New Condition 33: Soft landscape scheme

Prior to commencement of development a landscape scheme designed in accordance with the principles of the Council's landscape character guidance shall be submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall detail measures for protection of species to be retained, provide details of on site replacement planting to mitigate any loss of amenity and biodiversity value together with the location of any habitat piles and include a planting specification, a programme of implementation and a long term management plan.

Reason: In the interest of tree protection.

Correction:

7.10.7 replace the words 'minimal and' with the word 'likely to be substantial but'

Recommendation remains unchanged.

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igned by

EL KR



Agenda Item 21

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 2nd February 2017**

APPEAL DECISIONS:

- 1. 16/504625** Advertisement Consent to display 2 No. non-illuminated timber-mounted boards

APPEAL: Dismissed

Staplehurst Nurseries
Clapper Lane
Staplehurst
Kent
TN12 0JT

(Delegated)

- 2. 16/503828** Relocation of the existing garage unit and construction of a detached 5 bedroom dwelling alongside associated parking, access and landscaping works

APPEAL: Allowed

Application for Costs: Refused

Olivia's Barn
Heath Road
Coxheath
ME17 4EF

(Delegated)

- 3. 16/501201** Erection of two storey outbuilding to include games room.

APPEAL: Allowed with conditions

2 Kennel Cottages
Bow Hill
Wateringbury
Kent
ME18 5EF

(Delegated)

4. 16/503151

Erection of 3 houses and associated car parking on former gardens adjacent to Bridgeside Mews. Creation of front parking with dropped kerb to 1-3 Tovil Green.

APPEAL: Dismissed

Land Rear To
1-3 Tovil Green
Tovil
Kent
ME15 6RJ

(Non-Determination - Refusal)

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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