

AGENDA

PLANNING COMMITTEE MEETING



Date: Thursday 15 June 2017
Time: 6.00 p.m.
Venue: Town Hall, High Street,
Maidstone

Membership:

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

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 Items withdrawn from the Agenda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 - 22 June 2017

Continued Over/:

Issued on 7 June 2017

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEBBIE SNOOK on 01622 602030**. To find out more about the work of the Committee, please visit www.maidstone.gov.uk

Alison Broom

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

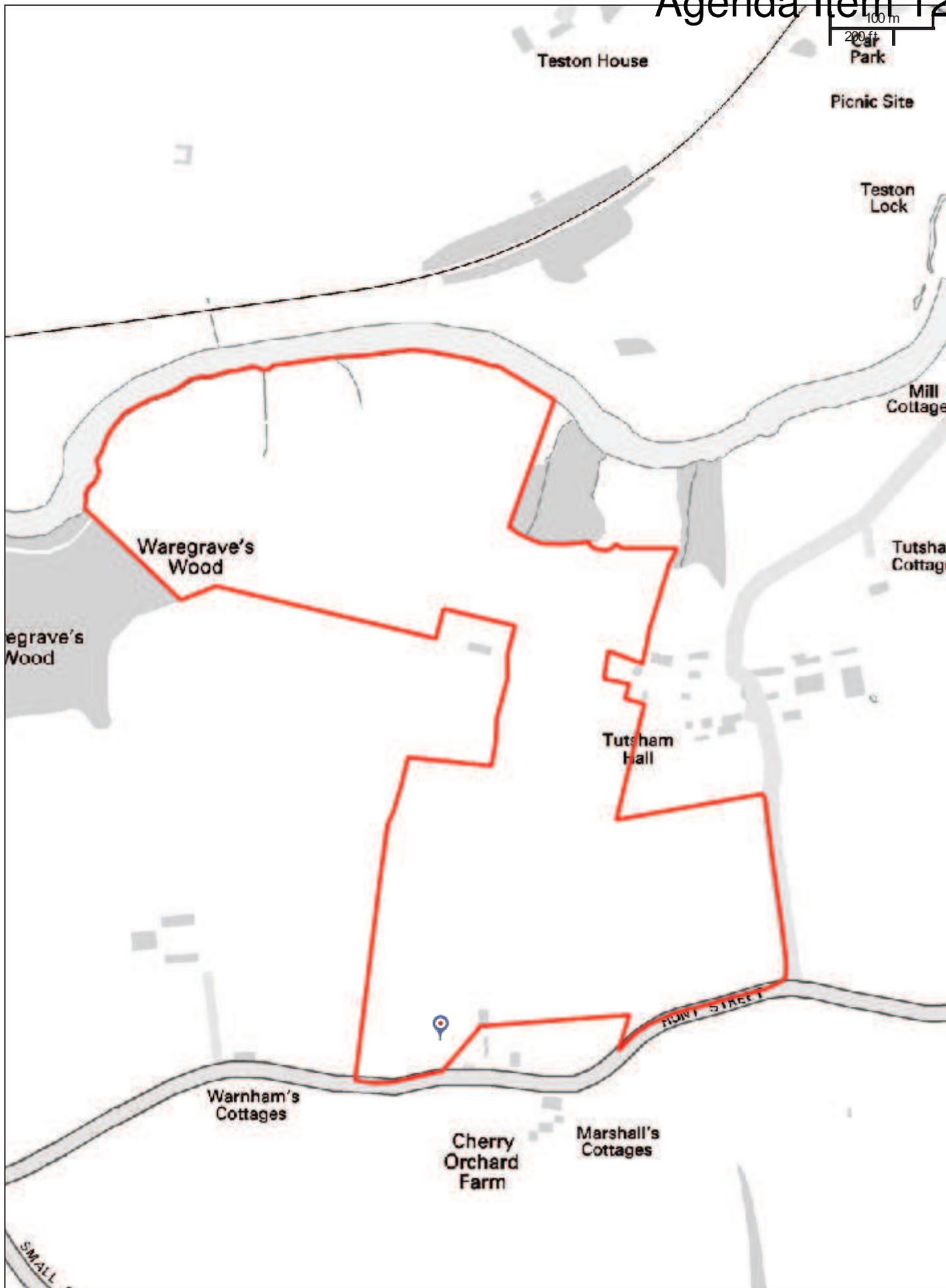
6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
10. Minutes of the meeting held on 25 May adjourned to 1 June 2017 - to follow
11. Presentation of Petitions (if any)
12. 13/0226 - Tutsham Farm, Hunt Street, West Farleigh, Kent 1 - 13
13. 16/504892 - Headcorn Hall, Biddenden Road, Headcorn, Kent 14 - 52
14. 16/506320 and 16/506322 - Jubilee Free School, Gatland House, Gatland Lane, Maidstone 53 - 87
15. 16/506490 - 37 - 39 West Street, Harrietsham, Kent 88 - 100
16. 16/507491 - 3 Tonbridge Road, Maidstone, Kent 101 - 141
17. 16/508382 - Warmlake Business Estate, Maidstone Road, Sutton Valence, Kent 142 - 150
18. Report of the Head of Planning and Development - Planning Committee Member and Substitute Member Training 151 - 155
19. Appeal Decisions 156 - 157
20. Chairman's Announcements

PLEASE NOTE

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

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

For full details of all papers relevant to the applications on the agenda, please refer to the public access pages on the Maidstone Borough Council website. Background documents are available for inspection by appointment during normal office hours at the Maidstone Borough Council Reception, King Street, Maidstone, Kent ME15 6JQ.



79687|8J#REPORT SUMMARY

REFERENCE NO. - 13/0226			
APPLICATION PROPOSAL Retrospective application for change of use of land to equestrian use for commercial purposes			
ADDRESS Tutsham Farm, Hunt Street, West Farleigh, Kent, ME15 0NE			
RECOMMENDATION GRANT PERMISSION subject to the planning conditions in Section 10.0			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL			
<ul style="list-style-type: none"> - The principle of the change of use is supported by current policy and guidance relating to equestrian use and the expansion of rural business and agricultural diversification - The proposal would not cause significant harm to the visual appearance of the area or the landscape designations - The highways impacts, impact on residential amenity, ecology and adjacent Ancient woodland are not considered significant and could be mitigated by condition 			
REASON FOR REFERRAL TO COMMITTEE			
The recommendation is contrary to the views of East Farleigh Parish Council and they have requested the application be referred to the Planning Committee.			
WARD Coxheath And Hunton	PARISH/TOWN West Farleigh	COUNCIL	APPLICANT Team Tutsham AGENT Lambert & Foster
DECISION DUE DATE 23/09/13	PUBLICITY EXPIRY DATE 09/09/14	OFFICER SITE VISIT DATE 14/12/16	
RELEVANT PLANNING HISTORY (including appeals and history on adjoining sites):			
App No	Proposal	Decision	Date
14/502773/PNBCM	Prior notification for the change of use of agricultural building to 3 no. dwellinghouses (Use Class C3) and associated building operations.	Permitted	30/10/14
13/0235	Retrospective application for conversion of stable to a single live/work unit	Permitted	10/10/13
12/0836	An application for discharge of conditions relating to MA/11/1228 (change of use of land to provide sand school with associated works including parking area, erection of fencing and entrance gate and widening of existing vehicle access) being details of condition 4 - vehicle passing bay, condition 5 - landscaping and condition 9 - vehicle parking space.	Permitted	26/7/12
11/1228	Change of use of land to provide sand school with associated works including parking area, erection of fencing and entrance gate and widening of existing vehicle access	Permitted	8/2/12

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site as originally submitted was an area of agricultural land covering a total of 28 hectares situated between the River Medway to the north and Hunt Street to the south. The site occupied two separate tracts of land.
- 1.02 The larger irregular shaped area tract of land of 24 hectares lies to the west of the smaller site, extending to the west from the access drive leading to Tutsham Hall, abutting Hunt Street to the south and the River Medway to the north.
- 1.03 The second smaller piece of land covering 4 hectares is located approximately 150 metres from the junction of Hunt Street and Yalding Hill, to the west of the access track leading to Smiths Hill House. The smaller field has now been removed from the application site.
- 1.04 The topography of the application site is varied, with a general slope northwards from Hunt Street to the river Medway at the north of the site. There are sporadic buildings on the site, with a cluster of buildings around Tutsham Hall (a number of which have been converted to residential uses) and sporadic development along Hunt Street itself.

2.0 PROPOSAL

- 2.01 The application seeks retrospective planning permission for the change of use of agricultural land to use for equestrian purposes. The land was previously a mix of arable land and orchards. The equestrian use is required by Team Tutsham, a charity that helps disadvantaged children learn horse care and riding skills.
- 2.02 The site excludes an area of land which benefits from planning consent for the change of use to equestrian to provide a sand school, parking, fencing and access. This area of land is linked to this wider application site and provides the parking and training facilities for the wider site. No new access arrangements are proposed.
- 2.03 Two areas of land have been identified for biodiversity mitigation. These areas of land are located to the north of the site adjacent to the River Medway and to the south of the site fronting Hunt Street (adjacent to the access track leading to Tutsham Hall. The southern area retains tree planting.
- 2.04 A plan has been provided which sub-divides the land into 4 areas which are described to be used for the following purposes :

Field 1: Used for grazing where the horses are kept outside all year. Cross country jumps are located within this field.

Field 2: Used for grazing. The southerly part of this field is where the sand school and parking area is located.

Field 3: Used for grazing, where the horses are kept outside all year. The hay barn and manure heap are located in this area.

Field 4: This land has now been excluded from the application site, this field was used for schooling prior to the completion of the sand school but is no longer required for equestrian purposes in association with Team Tutsham.

3.0 PLANNING CONSTRAINTS

- Area of Local Landscape Importance (adopted Local Plan);
- Landscape of Local Value (emerging Local Plan) (part of the site to the north, adjacent to the River Medway);
- Ancient woodland (adjacent to Waregrave's Wood to the north-west and Warren Shaw to the north-east);
- Listed Building (Tutsham Hall and Former Stables north-west of Tutsham Hall, Grade II Listed);
- Public Rights of Way (PROW) (a number of PROWs dissect the application site);
- Flood Zones 2 and 3 (area of land adjacent to the River Medway)

4.0 POLICY AND OTHER CONSIDERATIONS

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

Maidstone Borough Wide Local Plan 2000
Policy ENV6 (Landscaping, surfacing and boundary treatment)
Policy ENV28 (Development in the Countryside)
Policy ENV35 (Areas of Local Landscape Importance)
Policy ENV46 (Equestrian Development)

Maidstone Borough Local Plan Publication May 2016 (submitted version)
Policy SP17 (Countryside)
Policy DM3 (Historic and natural environment)
Policy DM45 (Equestrian development)

5.0 LOCAL REPRESENTATIONS

East Farleigh Parish Council

5.01 Recommend refusal for the following reasons:

1. If commercial status is granted, it will generate far more traffic movements. Events, shows and schooling will involve horse boxes, both trailers and lorries, adding to the traffic movements that are already causing problems in the area.
2. Tutsham Farm, as a working farm, historically has access rights for commercial vehicles over Teston Bridge and Mill Lane which are visiting the farm. The commercialisation of the farm will open the floodgates putting further unacceptable pressure on these access points.
3. If approved, it will give rise to the opportunity to provide livery which will again increase traffic.
4. Before the Planning Officer can make a recommendation of whether to approve or refuse this application, a full traffic survey needs to be completed, by KCC, to investigate the highways issues around Hunt Street and Mill Lane. This MUST be an actual site visit rather than a desk based study. The Parish Council would also request that a copy of this report is forwarded to us at your earliest convenience.
5. Any access to equestrian facilities MUST only be via Hunt Street, as agreed in the approved Traffic Management Plan.
6. All parking must be on site, preferably not on view from the road.

Neighbour consultation

5.02 Adjoining neighbours were notified of the application. A site notice was also put up at the site.

- 5.03 Two letters of objection were received following the original consultation, raising in summary the following objections:
- Urbanisation of the farmland (cumulative with the conversion of a number of former farm buildings);
 - Time taken to submit an application;
 - Increase in traffic;
 - Conditions on previous consents not complied with relating to traffic management;
 - Noise, smells and disturbance;
 - If approved conditions should be attached to restrict access solely via Hunt Lane, signage should be provided stating that Mill Lane is a private road, use restricted for as long as Team Tutsham operates and personal permission.
- 5.04 Four letters of objection were received following reconsultation, raising in summary the following objections:
- Application is retrospective, together with a number of other applications sought retrospectively. Applicant is using the land in breach of permission.
 - Traffic implications;
 - Want access from Mill Lane to be restricted.
 - S106 agreement to ensure Mill Lane is not used.

6.0 CONSULTATIONS

- 6.01 Southern Water (29/07/13) - There are no public sewers in the area to serve this development. Alternative means of draining from this development are required.
- 6.02 Environment Agency (22/7/13) - No objection.
- 6.03 KCC Public Right of Way Officer (18/7/13)- As the proposed development site does not appear to affect the Rights of Way here then I have no objection to the application.
- 6.04 Kent Highways (26/9/13) - The application proposes the change of use of land from agricultural to equestrian. The equestrian use is required by Team Tutsham, a charity that helps disadvantaged children learn horse care and riding skills.
- Children are to be dropped off by taxi or private car in the morning and collected in the afternoon. The site generates 5 visitors on weekdays and up to 25 on Saturdays.
 - Additionally private events are held at Easter, Boxing Day and Halloween which generates up to 20 visitors.
 - I have checked the information provided and it seems that the proposed change of use would generate no additional traffic movements over and above that generated by the consented application number MA/11/1228 which has not yet been implemented.
 - Whilst I do have concerns relating to the parking and turning provision and the narrow nature of Hunt Street which may lead to problems when 2 vehicles attempt to pass, I do not feel that there are grounds for objection bearing in mind the previous decision.

Kent Highways (re-consultation 28/8/14) Confirm that have nothing to add to previous consultation response dated 26 September 2013.

- 6.05 KCC Biodiversity Officer (5/8/13) No ecological information has been submitted with this application. As result of reviewing the data we have available to us (including aerial photos and biological records) and the information submitted with the planning application, we advise that the development results in the loss of Biodiversity Action

Plan habitat (traditionally managed/non-intensive orchard). The aerial photographs also indicate that there has been a reduction in tree/scrub cover, which would have provided opportunities for wildlife on the site.

- 6.06 The application in its current form appears to present a reduction in biodiversity value, contrary to the principles of the National Planning Policy Framework.
- 6.07 As this is a retrospective application and the changes to the habitats have already taken place, we advise that to make this application acceptable in terms of ecological impacts, a habitat management plan should be required. This should ensure that an area of the site of at least that lost should be managed for biodiversity. We do not consider that the habitat needs to be the same as that lost but suggest that an area of the river corridor could be suitable.
- 6.08 We advise that the area of land that will be subject to biodiversity enhancement should be identified prior to determination, under consultation with an ecologist to ensure that the maximum benefit for biodiversity can be sought. The detailed biodiversity enhancement and management plan could then be a condition of planning, if granted.
- 6.09 Landscape Officer (Verbal comments 3/1/17) - Would like to see a 15m buffer adjacent to boundaries with the Ancient Woodland, a landscaping scheme and a landscape management plan.
- 6.10 Rural adviser (10/1/17) - This appears to be a long outstanding proposal, I understand the application relates to land that is used by a registered charity (Team Tutsham) that offers a wide range of equestrian activities for disadvantaged children from across Kent and the South East. I estimate that the area of land concerned (within the red line shown on Drawing No. 2300/P/01) is about 70 acres in total.
- 6.11 Use of this land for recreational equestrian activity would not prevent its return to use by agricultural livestock, or for agricultural cropping, if so required at any time in the future. Therefore the change of use proposed does not involve, in my view, a significant loss of agricultural land.
- 6.12 The merits or otherwise of the proposal appear to depend more on what effects the equestrian activity is considered to have on the local area, including highways impact. Those matters fall outside Rural Planning Limited's advisory remit.

7.0 BACKGROUND PAPERS AND PLANS

Application form

Design and Access Statement dated January 2013

Supporting letter dated 11th April 2013

Supporting letter dated 19th June 2013

Drawing No. 2300/P/01B (Site details)

Supporting e-mail dated 14 January 2014

Dwg No. 2300/OP/6A (Site Layout Plan)

Dwg No. 2300/05 (Biodiversity Plan)

8.0 APPRAISAL

Policy background

- 8.01 The site is within the countryside as defined in the adopted and emerging local plans.

Policy ENV28 of the adopted plan allows for development which would not harm the character and appearance of the area or the amenities of surrounding occupiers provided that it falls within the categories set out. Change of use to equestrian purposes does not fall within any of those forms of development described, however the policy does allow for other exceptions indicated by policies elsewhere in the plan. In this respect Policy ENV46 relates.

8.02 Policy ENV46 relates to applications for domestic or commercial stables, or associated equestrian development provided they satisfy the criteria set out. In summary the criteria is as follows :

- 1) The conversion of existing buildings should be used in preference to new built development ; and
- 2) New stables and associated buildings should be grouped with existing buildings on the site wherever possible ; and
- 3) All new development is of a design which is sympathetic to its surroundings in terms of scale, materials, colour and details ; and
- 4) The proposal is accompanied by an integral landscaping scheme including boundary treatments which reflect the landscape character of the area ; and
- 5) The proposal contains an appropriately sited and designed area for the reception of soiled bedding materials and provision for foul and surface water drainage ; and
- 6) Adequate provision is made for the safety and comfort of horses in terms of size of accommodation and land for grazing and exercising ; and
- 7) Sites should have easy access to bridleways and/or the countryside ; and
- 8) The proposal will not have an adverse impact on the local highway network ; and
- 9) The proposal will not have an adverse impact on the enjoyment of neighbouring properties ; and
- 10) The proposal will not have an adverse impact on nature conservation interests.

8.03 Policy DM45 of the emerging local plan replicates many of the above criteria also introducing new criteria relating to cumulative impact, lighting and proposals for 10 or more stables, whereas points 8-10 fall away from the policy (although these considerations are covered elsewhere in the policies).

Proposal

8.04 The proposal does not seek to provide any new buildings, but seeks to change the use of approximately 24 hectares of agricultural land to commercial equestrian use. This use is in association with the operations of Team Tutsham. Team Tutsham is a registered charity providing help to disadvantaged children to learn new skills in horse care and riding. Team Tutsham also works in association with Kent County Council's 'Virtual School' which seeks to bring about improvements in the education and health of children in care and young care leavers.

8.05 Planning permission has been granted and implemented under application reference 11/1228 for the provision of a sand school, parking and access. The proposal now seeks to regularise the use of a wider area of land for the grazing of the horses and cross country training in association with the sand school use and the operations of Team Tutsham. This use has now been in operation for in excess of 4 years

8.06 Team Tutsham currently have 35 horses. The majority are kept outside and when stabling is required they utilise existing stabling within the wider farm complex.

Loss of agricultural land

- 8.07 The Rural Planning Advisor is satisfied that the use of this land for recreational equestrian activity would not prevent its return to use by agricultural livestock, or for agricultural cropping, if so required at any time in the future. The change of use proposed would therefore not involve a significant loss of agricultural land. It should also be noted that the application has been amended since the original submission to reduce the extent of the land to be used for equestrian purposes.
- 8.08 The land has been historically used for grazing of horses; the need for this application is due to the use of the land now in association with the operations of the approved sand school. The proposal is described as commercial as the operations are in association with a business, rather than for private use.
- 8.09 No permanent structures are proposed and any jumps or other paraphernalia are easily removed from the site. The use of the land for the grazing of horses itself would fall within the definition of agriculture and the use of the land for trekking, riding, jumping or training in association with the existing operations of the sand school and Team Tutsham would not result in any significant harm to the agricultural land which could not be reversible or would not result in the loss of a significant extent of agricultural land.

Use of land for equestrian purposes

- 8.10 Paragraph 28 of the NPPF supports a prosperous rural economy and sets out to promote a strong rural economy, local and neighbourhood plans should:
- ‘...promote the development and diversification of agricultural and other land-based rural businesses.’*
- 8.11 Policies within both the adopted and emerging local plans support equestrian uses, subject to satisfying the criteria set out, which include visual, residential, highways and ecological impacts (discussed in detail in the following sections).
- 8.12 The proposal seeks to regularise the use of the land in association with an approved sand school and facilitate the continued use by Team Tutsham. It is considered in principle subject to the consideration of all other matters discussed below that the use of the land for equestrian purposes is acceptable.

Visual Impact (including landscape implications)

- 8.13 The site is sited within the Special Landscape area (SLA) as defined in the adopted local plan, Policy ENV34 seeks to prioritise the protection and conservation of the scenic quality and distinctive character of the area.
- 8.14 Part of the site is in an area of Landscape of Local Value. Policy ENV35 of the emerging plan states that particular attention is given to the maintenance of the open space and character of the landscape, encouraging improvements in public access. Policy SP17 of the emerging local plan defines landscapes of local value, this includes the Medway Valley and seeks that the defined area will be conserved, maintained and enhanced where appropriate.
- 8.15 The application does not include any built development and any structures such as cross country jumps would be temporary. The submitted information shows that four jumps are provided in the field adjacent to the River Medway to the north-west of the

site. Jumps were also previously provided in the separate field, however this field is now removed from the application.

- 8.16 The impact of the proposed change of use and the use of the land for riding, schooling and tuition would not cause significant harm to the visual landscape. Landscaping could be conditioned, together with a management plan to secure mitigation.

Residential Amenity

- 8.17 Paragraph 17 of the NPPF sets out the core planning principles which includes:

'Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.'

- 8.18 Policy DM1 of the emerging local plan sets out at para iv that proposals shall:

'Respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.'

- 8.19 There are sporadic residential properties along Hunt Street to the south of the site, a number of converted buildings within the wider Tutsham Farm complex to the east of the site and residential dwellings to the wider north-east of the site.

- 8.20 The proposal would not result in any significant harm to neighbouring residential amenity and the use of the land for equestrian purposes. Neighbouring representation raises concerns regarding the impact from vehicle movements and activity, this matter is discussed in greater detail in the following section.

Highways

- 8.21 The application is accompanied by details of the operation of Team Tutsham, this states that the use by Team Tutsham occurs between 9.30am to 4pm on weekdays and Saturdays, outside these times the use of the land is for personal use by the applicant.

- 8.22 The use attracts around 5 visitors during the week and up to 25 on Saturdays, typically generating 10 movements on weekdays, increasing to 50 on a Saturday. A ferrier generally visits twice a week, with feed deliveries once every fortnight and a vet visit monthly unless required for an emergency. A few 'events' take place at Easter, Halloween and Christmas which can result in visitor numbers of around 20 people.

- 8.22 Visitors generally arrive by private taxi or vehicle and are dropped off and then collected at the end of the day. The drop off point is at the sand school which contains parking facilities. The officer in conclusion regarding the highways impact of the sand school concluding the following :

'it is my view that the proposal would only result in a highways inconvenience for a short period of time in the morning and in the afternoon. I do not consider the likely traffic movements to and from the proposal site, when considered with what other uses/buildings are serviced by Hunt Street, would be intensified enough to warrant refusal on highway safety grounds. I therefore consider this proposal to be

acceptable, as it would not result in significant conflict or obstruction along Hunt Street that would be to the detriment of highway safety.'

- 8.23 The change of use of this wider tract of land for equestrian purposes would be ancillary/in association with the previously approved sand school. The use of the land in itself is unlikely to warrant significant additional traffic movements or highways implications. The use has operated for some time now (4 years) and although there are concerns from the Parish Council and neighbouring residential occupiers, these comments were received over 4 years ago and although the passage of time does not make the use acceptable in itself, it has allowed the theoretical potential impacts to be practically tested.
- 8.24 The agent has stated that there are currently 35 horses associated with the use by Team Tutsham. This number of horses does make the use to some extent self-regulatory as this restricts the number of visitors to the site. As such it is considered that a condition restricting the number of horses to this number would be reasonable and would be enforceable.
- 8.25 A representation raises concerns regarding the use of the access from Teston Bridge towards Tutsham Hall, a private access which serves a number of residential properties. The use of this access cannot be restricted through planning conditions as part of the change of use and the impact on the use of this access would not justify the refusal of planning permission.
- 8.26 With the relatively small number and timing of vehicle movements associated with the use the highways impact from the change of use is acceptable. KCC Highways have raised no objection to the proposal following consultation on two occasions and with the benefit of seeing the use operate in practice.

Ecology

- 8.27 Two areas have been identified by the applicant for ecological enhancement. These areas lie to the north-east of the site (part being Ancient Woodland) and an area to the south-east of the site, which forms traditional orchard.
- 8.28 The area to the north-east would not be grazed by horses and has now been removed from the red outline of the application site, but falls within the applicant's ownership. This area would be left for wildlife. The area to the south-east would be continued to be periodically grazed, with the maintenance of the traditional orchard to conserve this characteristic feature and enhance biodiversity.
- 8.29 KCC biodiversity officer is satisfied with the proposed enhancement/mitigation and raises no objection subject to conditions to secure the ecological benefits and a habitat management plan. It is considered that ecological matters have been satisfactorily addressed by the applicant and could be secured and managed by conditions.

Trees

- 8.30 The application site is bordered by ancient woodland to the north-east and north-west and the application site immediately abuts this woodland.
- 8.31 Paragraph 118 of the NPPF set out in its aim to conserve and enhance biodiversity that:

'Planning permission should be refused for development resulting the loss or deterioration of irreplaceable habitats, including ancient woodland.....unless the need for, and the benefits of, the development in that location clearly outweigh the loss.'

8.32 Policy DM3 of the emerging local plan sets out that development should:

'Protect positive historic and landscape character.....areas of Ancient Woodland, trees with significant amenity value.....and the existing public rights of way networks from inappropriate development and ensure that these assets do not suffer any adverse impacts as a result of development.'

'Protect and enhance the character, distinctiveness, diversity and quality of Maidstone's landscape and townscape by the careful, sensitive management and design of development.'

8.33 Natural England and the Forestry Commission standing advice in reference to the impacts of development nearby Ancient Woodlands, sets out the following issues:

- *Breaking up or destroying connections between woodlands and other habitats;*
- *Reducing the amount of semi-natural habitats next to ancient woodland;*
- *Increasing damaging activities like flytipping and the impact of domestic pets;*
- *Changing the landscape character of the area*

Mitigation measures set out include *leaving an appropriate buffer zone of semi-natural habitat between the development and the ancient woodland or tree (depending on the size of the development, a minimum buffer should be at least 15 metres)*

8.34 In accordance with the above advice it is recommended that a 15 metre buffer zone is provided between equestrian activity and the ancient woodland. A condition is recommended to seek the submission and approval of details of how demarcation is achieved. As such it is considered that due to the nature of the development and the ability to provide a buffer that no significant harm would result to the adjoining ancient woodland.

Other Matters

8.35 Cherry Orchard Farm and Tutsham Hall are both Grade II listed properties. With the nature of the change of use, its intensity and the absence of any additional built development or permanent development the change of use would not harm the setting of these heritage assets.

8.36 Part of the site to the north (adjacent to the River Medway) is within the flood zone. With the nature of the change of use and the absence of any additional built development or permanent development the proposal would not impact upon or be adversely affected by flooding.

8.37 A number of Public Rights of Way (PROW) cross the application site. The use of these routes would not be prejudiced by the change of use and the applicant is bound by other legislation to ensure that these are kept available at all times. The KCC PROW Officer raises no objection to the change of use.

9.0 CONCLUSION

- 9.01 The change of use from agricultural land to equestrian use would allow the continued operation of Team Tutsham who provide disadvantaged children will the ability to learn new skills in horse care and riding.
- 9.02 The use of the land does not result in any significant harm to the visual amenity of the landscape, harm to neighbouring amenity or any significant highways impact. The change of use is acceptable in relation to ecological and tree matters with the change of use in accordance with current policy and guidance.

10.0 RECOMMENDATION – GRANT PLANNING PERMISSION Subject to the following conditions:

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

Dwg No. 2300/OP/6A (Site Layout Plan)

Dwg No. 2300/05 (Biodiversity Plan)

Reason: To clarify which plans have been approved.

- (2) Within three months of the date of this permission, a habitat management plan shall be submitted to, and in approved in writing by the Local Planning Authority. This must include details of how active badger setts will be protected and details of the implementation and management of those areas identified on drawing number 2300/05 as areas of ecological enhancement. The approved details shall thereafter be complied with.

Reason: For reasons of ecological protection.

- (3) Within three months of the date of this permission 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, provide details of on site replacement planting to mitigate any loss of amenity and biodiversity value and include a planting specification, a programme of implementation and a 5 year management plan. The landscape scheme shall include and identify a semi-natural 15 metre landscaped buffer to the Ancient Woodland to the north-east and north-west of the application site with no grazing of horses to take place within this buffer

Reason: To ensure that the proposed development provides for adequate protection of protected the Ancient Woodland.

- (4) All planting, seeding and turfing specified in the approved landscape details shall be carried out in the planting season following the date of this decision. 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 five 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: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- (5) Any external lighting erected on site shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include measure to shield and direct light to prevent light pollution, and to minimise impact on neighbouring amenity and ecology. The development shall be carried out in accordance with the approved details and maintained as such thereafter.

Reason: To protect the appearance of the area, the environment and wildlife and local residents from light pollution.

- (6) The number of horses associated with the equestrian use hereby approved shall not exceed 35.

Reason: To control the intensity of the commercial use to ensure that unacceptable harm from the commercial equestrian use does not result.

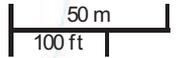
- (7) The use of the land identified on Dwg No. 2300/0P/6A shall only be used for equestrian use in association with the sand school and parking approved under application reference MA/11/1228 and for no other purpose, should the approved use cease the land shall be returned to agricultural use within 6 months of the date of the use ceasing and in accordance with details that have previously been submitted to and approved in writing by the local planning authority.

Reason : To ensure that there are no unwarranted amenity or highways impacts of the use of the land independently for commercial equestrian use without satisfactory ancillary works.

Case Officer: Rachael Elliott

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

Agenda Item 13



16/504892 - Headcorn Hall

Scale: 1:2500

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REPORT SUMMARY

REFERENCE NO - 16/504892/FULL		
APPLICATION PROPOSAL Demolition of Headcorn Hall and associated outbuildings and erection of 14 houses (10 four bedroom and 4 five bedroom). Creation of new vehicular access from Shenley Road. Provision of access road. Landscaping and associated infrastructure, existing access from Biddenden Road to be closed.		
ADDRESS Headcorn Hall, Biddenden Road, Headcorn, Kent, TN27 9JD		
RECOMMENDATION Subject to the prior completion of a Section 106 legal agreement, in such terms as the Head of Legal Services may advise, to secure an affordable housing viability review mechanism based on a commuted sum of £2,075,273 the Head of Planning and Development be given DELEGATED POWERS TO GRANT permission subject to the conditions and informatives set out at the end of this report		
SUMMARY OF REASONS FOR RECOMMENDATION		
<ul style="list-style-type: none"> • The brownfield part of the application site has a long history of residential use and the residential development of this land and adjoining greenfield land is acceptable. • Whilst the housing land supply in the borough is currently in excess of five years the need for a five year supply is a rolling requirement and the application site with previous residential uses and the two committee resolutions for similar developments is considered suitable to provide for future need. • Whilst the site is not located within any of the areas listed in the sustainable settlement hierarchy the site is located a short distance from the rural service centre of Headcorn which is second in this hierarchy. • The design and appearance of the development is in keeping with the character of the surrounding area. The development is acceptable in relation to the impact on local residential amenity including loss of daylight, sunlight, outlook and privacy. • The proposal will provide a good standard of the residential accommodation (including in relation to air quality, noise and ground contamination). • The proposal is acceptable in relation to flooding and drainage, impact of the proposal on the local highway network and impact on trees and ecology. 		
REASON FOR REFERRAL TO COMMITTEE Departure from the development plan (no affordable housing and contrary to policy ENV28)		
WARD Headcorn	PARISH/TOWN Headcorn	COUNCIL APPLICANT Clarendon Homes AGENT N/A
DECISION DUE DATE 18/11/16	PUBLICITY EXPIRY DATE 16/09/16	OFFICER SITE VISIT DATE 25/08/2016

MAIN REPORT

1.0 BACKGROUND AND APPRAISAL

- 1.01 This planning application was considered at the planning committee meeting on the 27 April 2017. It was resolved by the committee to grant planning permission.
- 1.02 In accordance with the conclusions of the independent viability assessment, the use of an affordable housing viability review mechanism was recommended and accepted by members as part of a s106 agreement. The review mechanism would apply in the circumstances where the development has not reached slab level on three of the approved plots within two years of consent being granted.
- 1.03 Adopted and emerging policy seeks 40% of accommodation to be provided as affordable housing. The development is for 14 houses (10 four bedroom and 4 five bedroom) and 40% of this would amount to 6 units. Emerging policy seeks an affordable housing split of 70% affordable rented and 30% intermediate affordable housing (shared ownership and/or intermediate rent) which in this case would be 4 affordable rented units and 2 shared ownership units (this corrects information provided in the original report).
- 1.04 As a bench mark, the review mechanism uses the affordable housing commuted sum that would have been payable had it been possible to do so as part of a viable development proposal. The purpose of this report is to seek the approval of members for this commuted sum value for input into the review mechanism. Using predicted sales values the commuted sum that would have been payable is £2,075,273. This figure would be used as part of the review mechanism that applies if the development has not reached slab level on three of the approved plots within two years of consent being granted.

2.0 RECOMMENDATION GRANT PLANNING PERMISSION

Subject to the prior completion of a Section 106 legal agreement, in such terms as the Head of Legal Services may advise, to secure an affordable housing viability review mechanism based on a commuted sum of £2,075,273 the Head of Planning and Development be given DELEGATED POWERS TO GRANT permission subject to the conditions and informatives set out at the end of this report

- (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: 1001 – SK201 (plot 4); 1001 – SK202 (plot 8); 1001 – SK203 (plot 10); 1001 – SK204 (plots 5 and 14); 1001 – SK205 (plots 1 and 11); 1001 – SK206 (plot 3); 1001 – SK207 (plot 13); 1001 – SK209 (plot 6); 1001 – SK210 (detached garages to plots 4 and 6); 1001 – SK211 (plot 2); 1001 – SK209 (plot 12); 1001 – SK213 (plot 7); 1001 – EX01 (Site location plan); 1001 – PL101 (Site plan); 1001 – PL103 (Indicative site section/elevations); 1001 – PL104 (Materials plan); 1001 – PL105 (Refuse collection plan); 1001 – PL106 (Storey height plan); 1001 – PL107 (Street hierarchy plan); 1001 – PL108B (Site plan – sheet 1); 1001 – PL109A (Site plan – sheet 2); 1001 – PL115 (Street elevations); 4501-104 (Landscape plan); 4501-105 (Tree works and protection); 4501-107 (Surface materials and fencing plan); 4501-202 (Planting plan); 4501-205 (Planting schedule); 4501-500 (Surface details – part 1); 4501-501 (Surface details – part 2); 4501-503 (Fence details); 4501-

104A (Landscape Plan); 4501-105A (Tree Works Plan); 4501-107A (Hardworks Plan); 4501-108A (Hardworks Plan); 4501-201A (Softworks Plan); 4501-202A (Softworks Plan); 4501-203A (Softworks Plan); 4501-204A (Softworks Plan)

Reason For the avoidance of doubt and in the interests of proper planning.

- (3) Prior to the commencement of development details of the proposed slab levels of the buildings and the existing site levels shall 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. These details shall include details any proposed re-grading, cross-sections and retaining walls.

Reason: In order to secure a satisfactory form of development having regard to the topography of the site. Details are required prior to commencement of development to ensure that no unnecessary altering of levels takes place to accommodate the scheme.

- (4) Prior to the commencement of development the following shall have been submitted to and approved in writing by the Local Planning Authority a) details of archaeological field evaluation works in accordance with a specification and written timetable, b) following 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.

Reason: To ensure that features of archaeological interest are properly examined and recorded. Details are required prior to commencement of development to ensure that works do not damage items of archaeological value that may be present.

- (5) Prior to the commencement of development details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

Reason: To ensure an energy efficient form of development. Details are required prior to development to ensure the methods are integral to the design and to ensure that all options (including ground source heat pumps) are available.

- (6) Prior to the commencement of development a construction management plan shall be submitted to approved in writing by the Local Planning Authority. The plan shall include a) details of washing facilities to prevent construction vehicles carrying mud on to the public highway, b) details of arrangements for loading/unloading and turning, c) details of parking facilities for site personnel and site visitors d) Measures to minimise the production of dust on the site; e) Measures to minimise the noise (including vibration) generation; f) Measures to manage the production of waste and to maximise the re-use of materials g) Measures to minimise the potential for pollution of groundwater and surface water and prevent surface water discharge on to the public highway; h) The location and design of the site office and storage compounds and i) arrangements for public consultation and liaison during the construction works The approved facilities and arrangements shall be provided prior to construction work commencing and maintained for the duration of the construction works.

Reason: To maintain highway safety and to protect the amenities of local residents. Details are required prior to commencement as potential impact will arise from the point of commencement.

- (7) Prior to the commencement of development details of a sustainable surface water drainage scheme shall have been submitted to and approved in writing by the Local

Planning Authority. The scheme shall be implemented in accordance with the approved details prior to first occupation of any dwelling and maintained as such thereafter. The detailed drainage scheme shall be based upon the proposals of the Flood Risk Assessment & Drainage Strategy by BdR Ref. 16249 (dated 17 August 2016) 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 at a rate not exceeding Qbar. 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. The submitted 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 prevent flooding by the ensuring the satisfactory storage and disposal of surface water from the site. Details are required prior to commencement to maximise the options that are available to achieve a sustainable drainage system. Infiltration of surface water into contaminated ground has the potential to impact on surface water quality and pose unacceptable risks to controlled waters.

- (8) Prior to the commencement of development details of the proposed means of surface water disposal shall have been submitted to, and approved in writing by, the Local Planning Authority with the approved measures in place prior to occupation and retained permanently thereafter.

Reason: To avoid pollution of the surrounding area. Details are required prior to commencement as groundworks will reduce the options available.

- (9) Prior to the commencement of development a scheme for the enhancement of biodiversity shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include the location and design of swift bricks and bat boxes, tubes or tiles and take account of any protected species that have been identified on the site, shall include the enhancement of biodiversity through integrated methods into the design and appearance of the dwellings and in addition shall have regard to the enhancement of biodiversity generally. It shall be implemented in accordance with the approved proposals prior to first occupation of dwellings and shall be maintained in perpetuity.

Reason: To protect and enhance biodiversity. This information is required prior to commencement of development as works have the potential to harm any protected species present.

- (10) Prior to the development reaching damp proof course level, written details and samples of all facing materials and external surfacing materials (including undercroft parking) of the development hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved materials unless otherwise agreed in writing by the Local Planning Authority.

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

- (11) Prior to first occupation of any residential unit, and notwithstanding the submitted details, fencing, walling, railings and other boundary treatments (including provision of gaps under boundary fencing to facilitate ecological networks) shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority and the approved boundary treatments shall be maintained as such thereafter.

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

- (12) Prior to first occupation of any residential unit, facilities for the storage of domestic refuse shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority and the approved boundary treatments shall be maintained as such thereafter.

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

- (13) If during construction/demolition works evidence of potential contamination is encountered, all 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 in accordance with the agreed plan.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- (14) Prior to first occupation of any residential unit, a closure report shall be submitted to and approved in writing by the Local Planning Authority. The closure report shall include a) details of any post remediation sampling and analysis, b) 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. 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.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development in any phase or sub-phase can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- (15) Prior to first occupation of the relevant residential dwellings electric vehicle “rapid charge” points (of 22kW or faster) and charge points for low-emission plug-in vehicles shall be installed and ready for use in accordance with details that have previously been submitted to and approved by the Local Planning Authority with these facilities retained in accordance with these details thereafter.

Reason: In the interests of sustainability, to support reductions in air pollution, to provide for low emission vehicles and to reduce the carbon footprint.

- (16) Prior to first occupation of any residential dwellings hereby approved a detailed Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority with the agreed measures implemented within three months of first occupation and retained. Thereafter. The Travel Plan should include the following: a) objectives and targets, b) Measures to promote and facilitate public transport use, walking and cycling. c) Promotion of practises/facilities that reduce the need for travel. d) Monitoring and review mechanisms. e) Travel Plan co-ordinators and associated support. f) Details of a welcome pack for all new residents including local travel information, g) Marketing. h) Timetable for the implementation of each element.

Reason: In order to promote sustainable travel choices and to help reduce air pollution.

- (17) Prior to first occupation of any residential dwellings hereby approved management arrangements for the communal areas of the site and access roads shall be in place that are in accordance with a plan that has previously been submitted to and approved in writing by the Local Planning Authority. With these arrangements retained thereafter. The plan should include a) The areas within the scope of the management plan and the maintenance requirements of these; b) Method and works schedule for maintaining communal areas and estate roads; c) The setting up of an appropriate management body; d) 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; and g) Ongoing monitoring of implementation of the plan.

Reason: To protect the amenity of future residents and the character and appearance of the development.

- (18) Prior to first occupation of any residential dwellings hereby approved the cycle parking, car parking and internal access arrangements shown on the approved plans shall be provided, surfaced and drained in accordance with the approved details and shall be retained permanently for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 2015 (or subsequent revision), shall be carried out on the land so shown or in such a position as to preclude vehicular access to parking areas.

Reason: Development without provision of adequate access and parking is likely to lead to inconvenience to other road users and be detrimental to amenity.

- (19) Prior to first occupation of any of the residential dwellings visibility splays shall be in place to the new entrance in Shenley Road of 120 metres by 120 metres by 2.4 metres with no obstructions over 0.6 metres above carriageway level within the splays with the splays retained as such thereafter.

Reason: In the interests of highway safety.

- (20) Prior to first occupation of the dwellings hereby permitted a 40mph speed limit shall be in place on Shenley Road from the A274 crossroad for a distance of at least 600 metres.

Reason: In the interests of highway and pedestrian safety.

- (21) Prior to first occupation of any of the residential dwellings hereby approved landscaping shall be in place that is in accordance with a landscaping scheme that has previously been submitted to and approved in writing by the Local Planning Authority. The scheme shall include on a plan, full details of the size, species, spacing, quantities and location of proposed plants, together with any hard surfacing, means of enclosure, and indications of all existing trees, hedges and any other features to be retained, and measures for their protection during the course of development. Any part of the approved landscaping scheme that is dead, dying or diseased within 5 years of planting shall be replaced with similar species of a size to be agreed in writing beforehand with the Local Planning Authority.

Reason: In the interests of visual amenity an appropriate standard of accommodation.

- (22) (21a) Other than the tree works specifically detailed on the appropriate plan number (4501-105A) no pruning or felling of retained trees shall take place without the written

consent of the Local Planning Authority for a period of 5 years from the date of this decision.

Reason: To ensure the work complies with good arboricultural practice to safeguard the longevity, amenity and nature conservation value of the trees and their contribution to the character and appearance of the local area.

- (23) Prior to first occupation of any of the residential dwellings hereby approved details of any external lighting to be placed or erected within the site shall have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include details of measures to shield and direct light from the light sources so as to prevent light pollution and in order to minimise any impact upon ecology. The development shall be carried out in accordance with the approved details and maintained as such permanently thereafter.

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

INFORMATIVES

- (1) The applicant is advised that 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.
- (2) The applicant is reminded of the requirement for a formal application to connect to the public sewerage system.
- (3) The applicant is advised to contact Southern Water for further advice including in relation to protecting infrastructure during construction works , Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk”.
- (4) The applicant is advised of their responsibility to ensure, that before the development hereby approved is commenced, that all necessary highway approvals and consents are obtained and that the limits of the highway boundary are clearly established in order to avoid any enforcement action by the Highway Authority.
- (5) The applicant is advised that a formal application to Southern Water is required for connection to the public sewerage system in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, The applicant is advised that due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water.
- (6) The applicant is advised of the Mid Kent Environmental Code of Development Practice and it is recommended that no demolition/construction activities take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.
- (7) The applicant is advised that 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.
- (8) The applicant is advised that any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.
- (9) The applicant is advised that the lighting scheme provided in accordance with the planning condition should adhere to the following advice from the Bat Conservation Trust and Institution of Lighting Engineers. Bats and Lighting in the UK.

- (10) The applicant is advised to obtain all necessary highway approvals and consents and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. 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>
- (11) The applicant is advised that in relation to the 40mph speed limit required by condition the implementation of the county council's 3rd party Traffic Regulation Order procedure typically takes 6 months to complete.
- (12) The applicant is advised to contact the Police to incorporate secure by design measures into the development. The contact details of the Kent Police CPDAs are; John Grant and Adrian Fromm, Kent Police Headquarters, Sutton Road, Maidstone ME15 9BZ email: pandcr@kent.pnn.police.uk Tel No- 01622 653209/3234.

Case Officer: Tony Ryan

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

Appendix - report to the planning committee on the 27 April 2017

Planning Committee Report
27 April 2017

REPORT SUMMARY

REFERENCE NO - 16/504892/FULL
<p>APPLICATION PROPOSAL</p> <p>Demolition of Headcorn Hall and associated outbuildings and erection of 14 houses (10 four bedroom and 4 five bedroom). Creation of new vehicular access from Shenley Road. Provision of access road. Landscaping and associated infrastructure, existing access from Biddenden Road to be closed.</p>
ADDRESS Headcorn Hall, Biddenden Road, Headcorn, Kent, TN27 9JD
RECOMMENDATION GRANT PERMISSION SUBJECT TO CONDITIONS
<p>SUMMARY OF REASONS FOR RECOMMENDATION</p> <ul style="list-style-type: none"> • The brownfield part of the application site has a long history of residential use and the residential development of this land and adjoining greenfield land is acceptable. • Whilst the housing land supply in the borough is currently in excess of five years the need for a five year supply is a rolling requirement and the application site with previous residential uses and the two committee resolutions for similar developments is considered suitable to provide for future need. • Whilst the site is not located within any of the areas listed in the sustainable settlement hierarchy the site is located a short distance from the rural service centre of Headcorn which is second in this hierarchy. • The design and appearance of the development is in keeping with the character of the surrounding area. The development is acceptable in relation to the impact on local residential amenity including loss of daylight, sunlight, outlook and privacy. • The proposal will provide a good standard of the residential accommodation (including in relation to air quality, noise and ground contamination). • The proposal is acceptable in relation to flooding and drainage, impact of the proposal on the local highway network and impact on trees and ecology.

•			
REASON FOR REFERRAL TO COMMITTEE			
Departure from the development plan (no affordable housing and contrary to policy ENV28)			
WARD Headcorn	PARISH/TOWN Headcorn	COUNCIL	APPLICANT Clarendon Homes AGENT N/A
DECISION DUE DATE 18/11/16	PUBLICITY EXPIRY DATE 16/09/16	OFFICER SITE VISIT DATE 25/08/2016	
RELEVANT PLANNING HISTORY:			
Application site:			
App No.	Proposal	Decision	Date
16/506919/ DEMREQ	Prior Notification for the demolition of former Headcorn Hall building and outbuildings (former garage)	Issued	30.09.2016
12/1554	Demolition of existing property Headcorn Hall and associated outbuildings and erection of 10 detached houses; creation of new vehicular access via Shenley Road and provision of access road and associated landscaping	Withdrawn by the council	Resolution to approve by Com. (13.12.12).
11/1240	Demolition of existing property known as Headcorn Hall and erection of 10 five bedroom detached houses together with garaging, parking and amenity. New access to be formed onto Shenley Road and existing access on to Biddenden Road to be closed.	Withdrawn by the council	08.12.2011
10/0712	Application to extend the time limit for implementing permission MA/05/0347 being (Extension to and conversion of existing nursing home to form 7 no one bedroom and 7 no two bedroom flats) as described in application MA/10/0712	Approved	22.03.2011
10/0555	Demolition of existing property known as Headcorn Hall and erection of 10 five bedroom detached houses together with garaging, parking and amenity. New access to be formed onto Shenley Road and existing access on to Biddenden Road to be closed.	Withdrawn by the council	Resolution to approve by Com. (07.04.11).
09/1593	Erection of a two storey 60 bed care home with parking, access and landscaping	Refused	04.12.2009
09/1617	Outline planning permission for erection of 5no. detached dwellings with amenity space and associated works including parking and access with access to be considered as this stage and all other matters reserved for future consideration	Refused	04.11.2009
05/0347	Extension to and conversion of existing nursing home to form 7 no one bedroom and 7 no two bedroom flats	Approved	05.05.2005
03/1599	Conversion of existing building into 7 no. flats and construction of rear wing for 8 no. flats together with	Refused	16.02.2004

	the construction of a new access onto Shenley Road.		
03/0443	Conversion of existing building into 7 flats and erection of rear wing for 10 No. flats.	Withdrawn	28.06.2003
88/2337	Outline application for the erection of 14 retirement bungalows and community area.	Refused	28.04.1989
82/0904	40 person nursing home (Headcorn Hall retained)	Approved	11.01.1984
Site adjacent existing site entrance - Hall Lodge and Hall Lodge Cottage Biddenden Rd.			
App No	Proposal	Decision	Date
11/1850	Lawful development certificate for existing use of the former garage building as a self-contained independent dwellinghouse.	Approved	21.12.2011

MAIN REPORT

3.0 DESCRIPTION OF SITE

- 1.05 The application site covering an area of 1.9 hectares is located on the east side of Biddenden Road (A274). The site is 0.7 miles to the south-east of the Headcorn settlement boundary.
- 1.06 The existing site access is the only frontage on to Biddenden Road with remainder of the site set behind the detached dwellings Hall Lodge and Hall Lodge Cottage. Hall Lodge Cottage was originally a detached garage linked to Hall Lodge; the building was converted to a dwelling without planning permission but now has a certificate of lawful development for this use (see planning history).
- 1.07 The Biddenden Road, Shenley Road, Bletchenden Road crossroads is located 127 metres to the north of the existing site access in Biddenden Road. The land separating the application site from the crossroads is owned by the applicant but does not form part of the current planning application. The trees on this adjacent land are covered by a Woodland Tree Protection Order. The application site has a 125 metre long tree lined boundary to Shenley Road to the north.
- 1.08 The application site is located in open countryside, with the character of the area consisting of open fields with sporadic residential development and roads lined with trees and bushes. In contrast to this local open character, the Shenley Park mobile home site is located immediately to the north west of the nearby crossroads. This site accessed from Bletchenden Road has a dense layout of around 40 mobile homes.
- 1.09 To the north and east of the application site on the opposite side of Shenley Road is Headcorn Aerodrome. To the south and east of the application site are open fields with Hall Farm (including an equestrian use) located further to the south and Shenley House, a grade II listed house located 260 metres to the east. The applicant owns a further strip of land that runs alongside the western site boundary but this land does not form part of the current application site.
- 1.10 The ground level on the application site is generally flat with little change in levels. Approximately half of the site is open fields, with the other half originally occupied by Headcorn Hall. Headcorn Hall was on land that was approximately 0.8 metres higher than the lowest parts of the site.
- 1.11 Headcorn Hall was a two/three-storey building with steep pitched roofs incorporating various extensions and a one/two-storey outbuilding. The building had 15 bedrooms,

a lounge, and dining and kitchen facilities on ground and first floors, with staff rooms on the second floor. The building set in substantial grounds, including two access drives and a parking for 8 cars. The building was originally a domestic dwelling but more recently was used as a residential care home.

- 1.12 It was reported that the building was unviable as a care home due to its small size and layout of the rooms. The building fell into disrepair after the care home use ceased in 2003. The demolition of Headcorn Hall was accepted in committee resolutions to approve (subject to legal agreements) two earlier planning applications (10/0555 and 12/1554). These legal agreements were never signed by previous site owners and the applications subsequently withdrawn with further background information on this provided below. With no permission in place for demolition and reported health and safety issues, the current site owner/applicant (who subsequently purchased the site) received prior approval for the demolition of Headcorn Hall in September 2016.
- 1.13 The site is located in the Low Weald Special Landscape Area in the adopted Maidstone Borough Wide Local Plan (2000) and as a 'Landscape of Local Value' under the emerging Local Plan (submission version 2016). A small area in the southern part of the site is identified as land at risk from flooding (zones 2 and 3). The site is not located within a conservation area, or area designated for its biodiversity value.

4.0 PROPOSAL

- 4.1 A planning application was submitted for ten dwellings on the application site under 10/0555. This application was reported to Planning Committee on 7 April 2011. Members resolved to grant consent subject to the completion of a Section 106 for contributions and a ten year landscape management plan. The Section 106 agreement had been agreed and was in its final stages of completion.
- 4.2 Following marketing advice from local agents the applicant considered that the proposed scheme would not be viable. As a result a revised planning application was submitted, 11/1240, for ten houses with a more traditional design style. However, during the course of the application the applicant opted to sell the application site on to Redrow Homes.
- 4.3 As a result of the change in ownership planning application 11/1240 was not pursued and Redrow Homes put in a revised planning application (12/1554). The revised planning application was essentially a substitution of plot types for the original scheme (10/0555). The strategic landscaping and ecological enhancements remained as previously proposed with the design of the houses altered. The application site was subsequently sold again with planning application under reference 12/1554 again not pursued and the current application submitted by the new owner.
- 4.4 The submitted proposal is for the construction of 14 detached properties on this site consisting of 10 four bedroom houses and 4 five bedroom houses. The proposal includes the relocation of the site access from Biddenden Road to Shenley Road with a new north/south estate road running through the site. The development will provide 28 off street car parking spaces with two external spaces on the front drive of each proposed houses with a further 28 spaces provided in double garages. Cycle parking space is provided within the proposed garages.
- 4.5 The proposed dwellings are either 1, 1.5 or 2 storeys in height, with proposed roof ridge heights of between 8.3 metres and 8.6 metres (ridge heights approved under

12/1554 were 8.9 to 9.4 metres). The buildings are designed in a traditional architectural style to reflect the character of the local area, including facing brickwork, areas of render and tile hanging to the upper storeys. Brickwork feature banding string courses and plinths also provide interest on the main building elevations.

Table 1: Key facts and figures

	Proposed
Site area	1.9 hectares
Approximate ridge height	8.3 to 8.6 metres
Approximate eaves height	5 to 5.2 metres,
No. of storeys	1, 1.5 or 2 storeys
Net floor area	205 to 304 square metres
No. of residential units	14
No. of affordable units	0
No of car parking spaces	28 spaces (counting double garages total of 56 spaces)

5.0 POLICY AND OTHER CONSIDERATIONS

3.01 Maidstone Borough-Wide Local Plan 2000:

Until the Maidstone Borough Local Plan is adopted, full weight should continue to be given to the policies in the adopted Maidstone Borough Local Plan (2000) where these policies are consistent with the National Planning Policy Framework.

Policy ENV6: Landscaping, Surfacing and Boundary Treatment;

Policy ENV28 Development in the countryside;

Policy ENV34 Special landscape areas;

Policy ENV49 External lighting;

Policy T1: Integrated transport strategy;

Policy T13: Parking standards;

Policy CF1: Seeking New Community Facilities

3.02 Supplementary Planning Documents:

- Affordable Housing Development Plan Document (2006);
- Open Space Development Plan Document (2006);
- Kent Design Guide Review: Interim Guidance Note 3: Residential Parking;

Headcorn Neighbourhood Plan

3.03 The relevant policies in the draft neighbourhood plan are

HNP1 Design policies for Headcorn

HNP2 Protection of Headcorn's historic and natural environment

HNP3 Water Management and dealing with the risk of flooding

HNP9 Affordable homes

HNP12 Potential strategic housing development sites in Headcorn Village

HNP13 Density and site coverage

3.04 The Final Examiner's Report on the Headcorn neighbourhood Plan was published on 19 March 2017. In his report the examiner set out a number of failings that were found with the submitted neighbourhood plan.

3.05 These failings included a misalignment in the attitude to growth between Headcorn Parish Council and Maidstone Borough Council. The parish council argument that the settlement is relatively inaccessible was contrary to the Rural Service Centre

designation of Headcorn in the emerging Local Plan, and the consideration of Headcorn in the adopted Local Plan as a sustainable settlement suitable for growth.

- 3.06 The methodology used by Headcorn to assess future housing needs was challenged by the examiner as it differed from the method in the borough-wide Strategic Housing Market Assessment. The neighbourhood plan proposed a cap on the number of dwellings to be built, which the examiner felt seemed arbitrary, and would be contrary to paragraph 47 of the NPPF.
- 3.07 The proposed annual restriction on the number of dwellings was also deemed to be unduly restrictive by the examiner and not in keeping with national policy and the Government's desire to boost housing supply. The plan policy proposed a limit of 20% affordable housing on development of more than 9 dwellings. Such a policy position would be in direct conflict with the borough-wide adopted position of 40% and with emerging policy in the new Local Plan. There would also be an issue in regard to the threshold of 9 dwellings given the Written Ministerial Statement of 28 November 2014 (upheld by the Court of Appeal 13 May 2016) and Planning Practice Guidance updates of 16 November 2016 requiring provision on sites of 'more than ten' dwellings.
- 3.08 As a result of his conclusions the examiner recommended, in accordance with legislation that the NDP should not proceed to a local referendum. A report was due to be considered at the Strategic Planning, Sustainability and Transportation Committee on the 11 April 2017; however a decision was deferred to allow further consideration and to seek legal advice on a late representation. Whilst a final committee decision has not been made on the examiner's report, it is considered that due to the conclusions set out above very limited weight should be attached to the draft Headcorn Neighbourhood Plan.
- 3.09 The National Planning Policy Framework (NPPF)
The National Planning Policy Framework is a key material consideration, particularly with regard to housing land supply. Other relevant guidance includes that relating to sustainable development, landscape and traffic
- 3.10 National Planning Practice Guidance (NPPG)
Advice on the following is relevant air quality; climate change; renewable and low carbon energy; travel plans, transport assessments and statements; use of planning conditions, viability, community infrastructure levy; design and noise;
- 3.11 Maidstone Borough Council draft Local Plan (Submission Version):
Paragraph 216 of the NPPF states that from the day of publication, decision-takers may give weight to relevant policies in emerging plans. The weight to be attached is relative to the following factors:
- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 3.12 A schedule of proposed main modifications to the submission version of the Local Plan were discussed at Local Plan Examination Hearings on 1 December 2016 and

24 January 2017. On both occasions the Inspector went through the schedule of proposed main modifications in detail, indicating where he required adjustments to specific wording and content.

- 3.13 The proposed main modifications constitute the full list of changes which the Inspector thinks at this stage will be needed for him to be able to find the Plan sound. The proposed main modifications are published for public consultation between 31 March and the 19 May without prejudice to the Inspectors final conclusions on the Plan.
- 3.14 In relation to paragraph 216 of the NPPF the Regulation 19 version of the Local Plan already carries significant weight in the determination of planning applications. Whilst the volume and nature of the objections there may be and what the Inspector may recommend in response is not known at this stage, the publication of the proposed main modifications represents a further advancement in the Plan preparation process.
- 3.15 As consistency with national guidance is one of the tests of soundness, it is reasonable to assume that the Inspector considers, at this stage, the proposed main modifications to be consistent with the NPPF. The policies which are subject to proposed main modifications have therefore reached an advanced stage but they could be subject to some change as a result of the current consultation. In these circumstances it is considered reasonable to apply significant weight to the proposed main modifications at this point.
- 3.16 The policies which do not have proposed main modifications are not subject to further public consultation. The implication is that the Inspector does not consider that changes are required to these policies for soundness. Whilst the position will not be certain until the Inspector issues his final report, a reasonable expectation is that these policies will progress unaltered into an adopted Local Plan. In these circumstances, it is considered that approaching full weight can be afforded to these policies in the determination of planning applications.
- 3.17 The relevant policies are as follows (submission draft references given are subject to change as part of the published main modifications):
Policy SP5: Rural service centres;
Policy SP17: Countryside;
Policy DM1: Principles of good design;
Policy DM2: Sustainable design;
Policy DM3: Historic and natural environment;
Policy DM7: External lighting;
Policy DM11: Housing mix;
Policy DM12: Density of housing development;
Policy DM13: Affordable housing;
Policy DM22: Open space and recreation;
Policy DM23: Community facilities;
Policy DM24: Sustainable transport;
Policy DM25: Public transport;
Policy DM27: Parking standards;
Policy DM34: Design principles in the countryside;
Policy ID1: Infrastructure delivery.
- 3.18 In relation to the weighting set out in paragraphs 3.15 and 3.16 above, there are no major modifications proposed to policies SP5; DM1; DM2; DM22; DM23; DM25; DM27. Major modifications are proposed to policies SP17, DM3, DM7, DM11, DM12,

DM13, DM24, DM34; and ID1. The final inspector's report is due at the end of July with adoption of the plan anticipated in mid September 2017.

6.0 LOCAL REPRESENTATIONS

4.01 The submitted planning application was publicised by means of a site notice, a press notice (defined 'major' development) and individual consultation letters sent to neighbouring addresses.

4.02 As a result of this consultation one response has been received. The neighbour makes the following comments on the application *"I have no objections to the application other than my privacy is respected and I am not overlooked both during the building process and on completion. I have read most of the supporting documentation and there is a mention of my property Hall Lodge and garage. The garage is in fact a registered dwelling - Hall Lodge Cottage. Also Hall Lodge is described as a single storey property where it does have a second storey likewise Hall Lodge Cottage"*.

5.0 CONSULTATION

Headcorn Parish Council

5.01 No objection. The committee reviewed this application at some length discussing the merits and drawbacks for this site that sits outside the village boundary. It was noted that MBC had designated this site as a brownfield one yet it was felt given the environment and surrounding that much of this site is in fact greenfield.

5.02 The issue of road safety at the junction of A274 and Shenley was discussed and although the entrance to the site had been moved from directly off the A274 to Shenley Road, this development will still add burden to what is already a very dangerous junction.

5.03 Cllr Davies suggested that construction of a roundabout at this junction would alleviate many of the problems and keep traffic flowing. It was noted that the Headcorn Neighbourhood plan does not support development of this kind given its distance from the existing Headcorn village boundary. It was however noted that this site is a redundant part brownfield site; it is contained; and it is not on the flood plain.

5.04 The committee were concerned that the development may pose problems for the adjacent airfield and they felt that this should be pointed out as part of the HPC response as they are in support of the aerodrome. The application was approved by 6 votes and the Chair abstained. The council therefore wish to see this application approved subject to completion of traffic calming measures. If the planning officer is minded to approve the application without the traffic calming measures then referral to the planning committee is required.

Headcorn Aerodrome

5.05 There is a concern that the development of the application site will lead to objections from future residents of the development in relation to noise and disturbance and this will put pressure on the long term future of the airfield including potential future use by the Kent Air Ambulance.

Kent County Council Community Services

5.06 No objection subject to planning obligations to mitigate the additional pressure on local library services at a rate of £48.02 per household. Although there are Primary and Secondary educational needs, due to the current Government CIL restrictions, KCC are unable to request obligations in these areas. An informative is recommended in relation to broadband provision.

Kent Police

- 5.07 The applicant is advised to contact the Police to incorporate secure by design measures into the development.

Kent County Council Drainage

- 5.08 The planning application is supported by a Flood Risk Assessment and Drainage Strategy prepared by BdR (August 2016). It is proposed to manage surface water generated on site by attenuation with discharge to the adjacent ditch system on the northern boundary of the site. Attenuation is proposed to be provided within the pavement of the access road and geocellular storage. An outline drainage schematic is presented in Drawing C1205 within Appendix 6 of the FRA.

- 5.09 Post-development, the site will discharge to a ditch within the area of the Upper Medway IDB. Topographically it is suggestive that only a portion of the site contributes to this location. It is recommended that the IDB is consulted with respect to discharge destination. No information has been provided with the respect to the condition of the ditch or its ultimate destination and whether it is part of an extended ditch system. Reference is made to ground investigations undertaken by SoilTech Laboratories, which demonstrates that the site is underlain by clay but also includes reference to standing water at shallow depths in window samples. BGS data suggests that shallow ground water may be present for areas of the site. It would be important to assess the extent of this constraint across the site as it has implications for utilisation of below ground storage.

- 5.10 Emphasise that design must comply with the “Drainage and Planning Policy Statement” adopted by Kent County Council. This encapsulates the requirements of the Non-Statutory Technical Standards published by Defra in 2015. One key point is that the design of system may allow for surcharge in the 1 in 30 year event but must not have any surface flooding for this event. The calculations included within the FRA show flooding for the 1 in 30 year event. Flooding may occur in the 1 in 100 year event but the exceedance routes and areas which will hold water during this event must be indicated. Given the general flatness of the locality this is an issue which needs some clarification.

- 5.11 There is sufficient space within the site area to provide for attenuation, which will be required due to the underlying clay; however the lack of provision of the ground investigation, the occurrence of shallow ground water, the questions which arise as to the details of the receiving watercourse and the concern with the sizing of the storage features collectively mean that it is difficult to assess whether sufficient consideration has been given to appropriate surface water management. As this is a full planning application it is recommended that this information is provided and further clarification is sought before determination.

Kent County Council Archaeology

- 5.12 No objection subject to a planning condition attached to any approval securing 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.*

Kent County Council Local Highway Authority

- 5.13 No objection subject to conditions obligations and informatives in relation to:
- Visibility splays of 120 metres by 120 metres by 2.4 metres with no obstructions over 0.6 metres above carriageway level within the splays, prior to use of the site commencing.

- In the interests of highway safety and prior to first occupation implement a 40mph speed limit along Shenley Road from the A274 crossroad for a distance of at least 600 metres (TRO procedure typically takes 6 months).
- Construction management plan to include construction vehicle loading or unloading and turning facilities; parking facilities for site personnel and visitors; measures to prevent the discharge of surface water onto the highway; wheel washing facilities;
- Provision and permanent retention of the vehicle parking spaces and/or garages;
- Provision and permanent retention of vehicle loading/unloading and turning facilities;
- An informative providing advice on separate highways approvals and highway land.

Natural England

- 5.14 Natural England has assessed this application using the Impact Risk Zones data (IRZs) and is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which River Beult SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. For other matters the council is directed to the standing advice.

Environment Agency

- 5.15 This planning application falls outside our remit as a statutory planning consultee and we do not wish to be consulted on it.

Maidstone Borough Council Housing Services

- 5.16 The application is for a total of 13 dwellings but is not providing any affordable housing. Having read the submitted documents, there appears to be no mention of any affordable housing provision.
- 5.17 Regardless of whether the adopted affordable housing policy is used (15+ units or 0.5 hectares) or the emerging affordable housing policy (11+ units) the proposed development should be subject to providing 40% affordable housing as the area of the site being developed is 1.87 hectares.
- 5.18 A scheme of 13 units would therefore provide 5 affordable housing units. It is acknowledged that the proposed development is for 4 and 5 bedroom houses. As the size of the units and the proposed development may potentially not be suitable for on-site affordable housing, in accordance with policy, an off site provision should be sought in the following order of preference: 1) An identified off site scheme; 2) The purchase of dwellings off site; or 3) A financial contribution towards off site affordable housing.

NHS (West Kent Clinical Commissioning Group)

- 5.19 No objection subject to a planning obligation of a financial contribution of £19,512 to mitigate the additional pressure on local services.

Scotia Gas Networks

- 5.20 No objection. The applicant is advised to contact Scotia Gas Networks before carrying out any works in the vicinity of the Scotia Gas Network. No mechanical excavations should take place within 0.5 metres of a low/medium system and 3 metres of an intermediate system. Safe digging practices in accordance with HSE publication HSG47 'Avoiding danger from underground services' must be used to

verify and establish the actual position of pipes and services before mechanical plant is used. It is the developers responsibility to ensure that plant location information is provided to all persons (whether direct labour or sub-contractors) working for the developer on or near gas apparatus. Information included on this plan should not be referred to beyond a period of 28 days from the date of issue.

Southern Water

- 5.21 No objection subject to planning conditions and informatives attached to any planning approval requiring details of a sustainable urban drainage system to be submitted (including long term management), and for the applicant to contact Southern Water to discuss the location of new trees and soakaways and protection of existing infrastructure.

UK Power networks

- 5.22 No objection

6.0 BACKGROUND PAPERS AND PLANS

- 6.01 The development proposals are shown on the following drawings:

1001 – SK201 (plot 4);
1001 – SK202 (plot 8);
1001 – SK203 (plot 10);
1001 – SK204 (plots 5 and 14);
1001 – SK205 (plots 1 and 11);
1001 – SK206 (plot 3);
1001 – SK207 (plot 13);
1001 – SK209 (plot 6);
1001 – SK210 (detached garages to plots 4 and 6);
1001 – SK211 (plot 2);
1001 – SK209 (plot 12);
1001 – SK213 (plot 7);
1001 – EX01 (Site location plan);
1001 – PL101 (Site plan);
1001 – PL103 (Indicative site section/elevations);
1001 – PL104 (Materials plan);
1001 – PL105 (Refuse collection plan);
1001 – PL106 (Storey height plan);
1001 – PL107 (Street hierarchy plan);
1001 – PL108 (Site plan – sheet 1);
1001 – PL109 (Site plan – sheet 2);
1001 – PL115 (Street elevations);
4501-104 (Landscape plan);
4501-105 (Tree works and protection);
4501-107 (Surface materials and fencing plan);
4501-202 (Planting plan);
4501-205 (Planting schedule);
4501-500 (Surface details – part 1);
4501-501 (Surface details – part 2);
4501-503 (Fence details);

- 6.02 The application is supported by a Design and Access Statement; Materials Plan; Energy Statement; Affordable Housing Statement, Affordable Housing Viability Appraisal; Ecological Assessment, Biodiversity and Enhancement Measures; 10 Year Landscape Management Plan; Affordable Housing Statement; Arboricultural Report; Ecological Assessment; Energy Statement; Planting and Materials Palette; Soft

Landscape Specification; Transport Statement; Refuse Collection Plan and Planning Statement.

7.0 APPRAISAL

7.1 The main planning considerations include assessing the loss of the existing land (greenfield and brownfield), the need for the proposed new housing, whether the site is in a sustainable location; the design and appearance of the proposed buildings; the potential impact on the amenities of neighbouring occupiers including loss of daylight, sunlight, outlook and privacy, assessing the standard of the proposed residential accommodation (including in relation to noise and ground contamination), flooding and drainage, assessing the potential impact of the proposal on the local highway network and on potential impact on archaeology and ecology.

7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the development plan unless other material considerations indicate otherwise.

The Development Plan

7.3 In this case the development plan comprises the adopted Maidstone Borough Wide Local Plan 2000. Local Plan policies ENV28 and ENV34 are the starting point for consideration of the current proposal.

7.4 Policy ENV28 relates to development within the open countryside stating that *“In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to:*

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

7.5 The current proposal has been assessed against the exceptions listed in policy ENV28 and none were found present. It is for these reasons that the development is considered contrary to policy ENV28 of the adopted Local Plan. Policy ENV34 is considered later in this report.

7.6 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and after acknowledging the departure from the plan it needs to be considered whether material considerations are present that suggest that such a departure would be justified.

7.7 The key material planning consideration outside the development plan is national planning policy set out in the National Planning Policy Framework 2012. Other material considerations include the policies within the emerging local plan (submission draft 2016) and the planning history for this site.

National Planning Policy Framework

7.8 The National Planning Policy Framework (NPPF) at paragraph 47 states that councils should: *“identify and update annually a supply of specific deliverable sites sufficient to provide buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of*

achieving the planned supply and to ensure choice and competition in the market for land”.

- 7.9 The council has undertaken a Strategic Housing Market Assessment (SHMA) which was commissioned jointly with its housing market area partners: Ashford and Tonbridge and Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Maidstone Borough Local Plan (2011 to 2031).
- 7.10 The SHMA has been the subject of a number of iterations following the publication of updated population projections by the Office for National Statistics and household projections by the Department for Communities and Local Government. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed an objectively assessed housing need figure of 18,560 dwellings for the period 2011 to 2031. This figure was adopted as the Local Plan housing target by council when it met on the 25 January 2016.
- 7.11 The Maidstone Borough Local Plan was submitted to the Secretary of State for examination on 20 May 2016, and the Plan allocates housing sites considered to be in the most appropriate locations for the borough to meet its objectively assessed needs. The Housing Topic Paper, which was submitted with the Local Plan, demonstrates that the council has a five-year supply of deliverable housing sites in accordance with paragraph 47 of the NPPF. The independent examination into the Local Plan commenced on 4 October 2016, and the closing session for the hearings was held on 24 January 2017. The examination itself will close following further public consultation on modifications to the Local Plan and receipt of the Inspector's final report. Adoption of the Plan is expected in summer 2017.
- 7.12 Housing land supply monitoring is undertaken at a base date of 1 April each year. The council's five-year supply position includes dwellings completed since 1 April 2011, extant planning permissions, Local Plan allocations, and a windfall allowance from small sites (1-4 units). The methodology used is Planning Policy Guidance - compliant in that the past under-supply of dwellings against objectively assessed housing need is delivered in future years; it applies a discount rate for the non-implementation of extant sites; and a 5% buffer is applied. The position is set out in full in the Housing Topic Paper, which demonstrates the council has 5.12 years' worth of deliverable housing sites at 1 April 2016 against its objectively assessed need of 18,560 dwellings for the Plan period.
- 7.13 The Inspector issued a report on his 'Interim Findings from the Examination of the Maidstone Borough Local Plan' on 22 December 2016 (examination document reference ED110). In addition to confirming that it is reasonable to apply a 5% buffer to the borough's five-year housing land supply in accordance with paragraph 47 of the NPPF, the Inspector is recommending two key changes to the council's housing land supply position.
- 7.14 First, the Inspector did not consider that the 5% market signals uplift set out in the SHMA would have the desired effect of boosting housing supply, nor that it was justified, particularly given the overall increase in past building rates that is expected as a result of the Local Plan allocations. Consequently, the borough's objectively assessed housing need is proposed to be reduced by 900 units to 17,660 dwellings for the period 2011 to 2031.
- 7.15 Second, the Inspector recommends the use of a 'Maidstone hybrid' method for the calculation of the borough's five-year housing land supply, which would deliver past

under-supply over the next 10 years (as opposed to the next 5 years as set out in the Housing Topic Paper). This would result in a smoother and more realistic rate of delivery of dwellings over the Local Plan period.

- 7.16 The Inspector's interim report proposes additional modifications relating to the deletion or amendment of allocated sites, or to the phasing of allocated sites and broad locations. The report does not identify a need for further housing site allocations. In advance of public consultation on the formal modifications to the Local Plan, the interim findings have been applied to the borough's 20-year and five-year housing land supply tables which were set out in the Housing Topic Paper.
- 7.17 The updated tables (examination document reference ED116) reveal a strengthened five-year supply position as at 1 April 2016, from 5.12 years to 6.11 years. The figures are not definitive because of the need for consultation on modifications in respect of the reduced housing need and proposed amendments to specific allocated sites, but they reaffirm a robust five-year housing land supply position and justify the assumptions being made. A full five-year housing land supply update will be undertaken through the annual housing information audit to produce the 1 April 2017 position.
- 7.18 Paragraph 49 of the NPPF is clear that relevant policies for the supply of housing "*should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*". With the above evidence demonstrating a five year supply of deliverable housing sites in the borough when assessed against paragraph 49 of the NPPF housing supply policies including ENV28 and ENV34 are considered up to date and can be given full weight in decision making.
- 7.19 The NPPF at paragraph 12 confirms that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Paragraph 14 states that where a development plan is absent, silent, or relevant policies are out of date, planning permission should be granted for development unless the "...adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted".
- 7.20 In addition to policy ENV28, this report will consider whether the proposed development is in accordance with other policies in the development plan and whether there are other material considerations present that need to be considered in accordance with paragraph 12 of the NPPF. Whilst it is considered that the development plan is not absent, silent or out of date for completeness the paragraph 14 test will also be considered and whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

Suitability of land for residential development

- 7.21 The application site consists of a mix of greenfield and brownfield land, with the brownfield part of the site previously occupied by Headcorn Hall. The greenfield part of the current application site was granted planning permission in 1984 for a 40 person nursing home (82/0904). The applicant has stated that this planning permission that included the retention of the residential care home within Headcorn Hall is extant.
- 7.22 Policy DM 4 of the emerging plan considers the development of brownfield land. The policy as set out in the proposed main modifications (changed to DM5) removes the

requirement for brownfield land to be in "...close proximity to Maidstone urban area, a rural service centre or larger village". The policy requires the redevelopment of brownfield land to result in significant environmental improvement, and if reasonably achieved for sites to be reasonably accessible by sustainable modes to Maidstone urban area, a rural service centre or larger village.

- 7.23 The supporting text to the policy DM4 states that when considering proposals for residential development on brownfield sites in rural area the key considerations will include: the level of harm to the character and appearance of an area; the impact of proposals on the landscape and environment; any positive impacts on residential amenity; what traffic the present or past use has generated; the number of car movements that would be generated by the new use and if there are no more sustainable alternatives.
- 7.24 The National Planning Policy Framework (NPPF) at paragraph 112 states that where it has been demonstrated that the significant development of agricultural land is necessary, "...local planning authorities 'should seek to use' areas of poorer quality land in preference to that of a higher quality".
- 7.25 The Agricultural Land Classification puts land in one of the five grades (grade 1, 2, 3a, 3b or 4). The NPPF defines the best and most versatile agricultural land as land classified in grades 1, 2 and 3a. The framework expresses a preference for development to be directed to land outside of these classification grades (towards grades 3b, 4 and 5). The application site is part greenfield, part brownfield with the greenfield part of the site within grade 3b. In this context and the social benefits from the provision of 14 new houses the loss of the existing agricultural land is considered acceptable.
- 7.26 The application site is in the proximity of the Headcorn settlement boundary. Headcorn as a rural service centre is second in the sustainable settlement hierarchy as set out in the emerging plan. A reasonable bus service links the application site to facilities available in Headcorn including the railway station.
- 7.27 Whilst the proposal involves new development in the countryside, the proposed house design is sensitive to the character and appearance of an area. The proposal also involves new planting in Shenley Road that will reduce the visual impact of the development. The proposals involve the relocation of the site access currently next to Hall Lodge and Hall Lodge Cottage in Biddenden Road to Shenley Road. This will have a positive impact on residential amenity for the occupiers of these dwellings that have commented on the current application. In relation to traffic movements, the council have previously resolved to approve similar proposals on this site on two separate occasions with earlier permission given for a 40 person care home.

Design, layout, appearance and density

- 7.28 Policy DM 1 of the emerging plan states that proposals which would create high quality design will be permitted. Proposals should respond positively to, and where possible enhance the character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation, and site coverage - incorporating a high quality modern design approach.
- 7.29 The application site is located in open countryside, with the general character of the area made up of open fields with sporadic residential development and roads lined with trees and shrubbery. The previous building on the site Headcorn Hall was a two/three-storey building with steep pitched roofs incorporating various extensions and a one/two-storey outbuilding. The building had 15 bedrooms, a lounge, and

dining and kitchen facilities on ground and first floors, with staff rooms on the second floor. The building set in substantial grounds, including two access drives and a parking area for 8 cars.

- 7.30 The proposed dwellings are 1 storey 1.5 storey or 2 storeys in height, with proposed roof ridge heights of between 8.3 metres and 8.6 metres. The roof ridge heights are generally lower than those that were previously approved by committee as part of earlier decisions with ridge heights of 8.9 to 9.4 metres approved under MC/12/1554.
- 7.31 The buildings are designed in a traditional architectural style to reflect the character of the local area, including facing brickwork, areas of render and tile hanging to the upper storeys. Brickwork feature banding string courses and plinths also provide interest to the main building elevations.
- 7.32 Policy DM 12 of the emerging plan advises that all new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area. With the proposed development providing 14 residential dwellings the residential density would be 7.3 dwellings per hectare. Policy DM12 recommends a density of 30 dwellings per hectare on sites within or adjacent to the rural service centres. Whilst below this density figure, the proposed density is considered acceptable in this location that is 0.7 miles outside the Headcorn rural service centre boundary with the proposal maintaining the distinctive open character of the area.
- 7.33 In conclusion the scale, height, materials, detailing, mass, bulk, articulation, and site coverage is considered acceptable with the proposals responding positively to the character of the area. With regard to the existing local character and the location the density of the proposal is considered acceptable.

Visual impact

- 7.34 Paragraph 17 of the NPPF sets out core planning principles, these include the need to: *'take account of the different roles and character of different areas...recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it contribute to conserving and enhancing the natural environment.'* Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 7.35 The NPPF at paragraph 113 makes a distinction between the hierarchy of international, national and locally designated sites stating that protection should be commensurate with their status. The NPPF permits the protection of locally valued landscapes through the application of criteria and the local analysis of landscape character and sensitivities.
- 7.36 The application site is not located in an area with nationally designated landscape protection (SSSI, AONB, National Park etc.).The site is however recognised as having local landscape value designated as the Low Weald Special Landscape Area in the adopted Maidstone Borough Wide Local Plan (2000) and as a 'Landscape of Local Value' under the emerging Local Plan (submission version 2016).
- 7.37 Policy ENV34 states that "In the...low wield...special landscape area, as defined on the proposals map, particular attention will be given to the protection and conservation of the scenic quality and distinctive character of the area and priority will be given to the landscape over other planning considerations". Emerging policy SP17 (as amended by the main modifications) states that "The distinctive landscape

character of the Low Weald as defined on the policies map, will be conserved—and enhanced as landscapes of local value”.

- 7.38 The current application is supported by a landscape strategy that sets out the following:
- The landscape character is designed around a parkland setting, retaining mature trees and hedgerows within the site (where possible);
 - The frontages of all dwellings are characterised by hedgerow planting timber pale fencing, mown grass and new tree planting;
 - Dwellings are positioned to retain larger trees on the site that are in good condition;
 - Additional tree planting and hedging is provided to the east, south and west of the Site for privacy of future residents, and to also supplement existing and create additional wildlife habitats;
 - Provide appropriate ecological mitigation and the creation of wildlife zones to enhance biodiversity.
- 7.39 The planning committee have considered and resolved to approve planning permission for the demolition of Headcorn Hall and the residential development of the current application site on two separate earlier occasions (April 2011 and December 2012). It appears that the earlier proposals were not brought forward due to viability issues. The current proposal also involves the residential development of the site with the relocation of the access from Biddenden Road to Shenley Road but with 4 additional units and no affordable housing.
- 7.40 The current proposal involves the removal of Headcorn Hall (removed under separate approval during the course of the current application). With this building falling into disrepair the demolition of the building is considered to represent an improvement to the area. It is accepted that the proposal also involves the development of greenfield land, however with the closure of the existing access and separation distance the new houses are unlikely to be visible from Biddenden Road. The closure of this access would also improve the amenity for the occupiers of Hall Cottage and Hall Lodge Cottage in terms of the noise and activity.
- 7.41 The new access to the site will be from Shenley Road After remedial tree works the current proposal includes new planting along Shenley Road. Whilst the proposal will result in the loss of the existing greenfield land, the new planting proposed along Shenley Road represents an environmental improvement to the area. The submitted proposal also includes the introduction of an ecology buffer area between the new houses and Hall Lodge and Hall Lodge Cottage.
- 7.42 In conclusion whilst the proposal does include the development of both greenfield and brownfield land it is considered that the development is acceptable in relation to visual harm. The proposal will bring the land back into beneficial use with a history of residential use on the brownfield land and earlier approvals for similar residential development to that now proposed and a 40 person care home on the greenfield land. It is considered that the visual impact from the development will be minimised by new planting that will provide some screening from Shenley Road.
- Impact of the proposed building on the amenities of neighbouring occupiers**
- 7.43 Policy DM1 advises that development should respect the amenities of occupiers of neighbouring properties and uses by ensuring that development does not result in excessive noise, activity or vehicular movements, overlooking or visual intrusion. The policy states that built form should not result in an unacceptable loss of privacy

or light enjoyed by the occupiers of nearby properties. The core principles set out in the NPPF (paragraph 17) state that planning should *'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.'*

- 7.44 The nearest residential property to the application site is Hall Lodge and Hall Lodge Cottage. Hall Lodge and Hall Lodge Cottage separate the western boundary of the application site from Biddenden Road, with the existing site access located to the north of this property. With separation distances of 25 metres and oblique angles between the closest proposed property and the rear elevation of Hall Lodge and Hall Lodge Cottage the proposed development is acceptable in relation to outlook, sunlight, daylight and privacy. With the site separated by land on the corner of Shenley Road and Biddenden Road any impact on the Shenley Mobile Home Park would be negligible.
- 7.45 Whilst the density of development on the site will be increased it is not considered that the noise and general activity generated by the proposed 14 houses would harm residential amenity. It is also noted that the proposal involves the relocation of the site access away from the nearest residential property Hall Place removing disturbance from vehicle movements.
- 7.46 In summary it is considered that the proposed development will respect the amenities of occupiers of existing neighbouring buildings. The development will not result in excessive activity or vehicular movements, overlooking or visual intrusion, and will not result in an unacceptable loss of privacy or light enjoyed by current occupiers of nearby buildings and land.

Standard of new accommodation

- 7.47 The scale, design and internal layout of the proposed development are acceptable with the development providing dwellings in sizable plots with large gardens. The proposed plans demonstrate that the site can adequately accommodate the housing numbers proposed and that they will be of an acceptable standard including in terms of sunlight, daylight, outlook, outdoor space and privacy.
- 7.48 Paragraph 123 of the NPPF sets out *'Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through conditions; recognise that development will often create some noise...'*
- 7.49 As part of the consultation on the planning application comments have been received from Headcorn Aerodrome with regards to potential noise disturbance to future residents. Headcorn Aerodrome is located on the opposite side of Shenley Road with the nearest aerodrome building located 390 metres to the west of the application site boundary. The grassed runway runs west to east from Biddenden Road and parallel to Shenley Road and at the closest point is 120 metres from the application site.
- 7.50 The draft neighbourhood plan states that Headcorn Aerodrome is an important part of the local economy and local tourism both through flying and parachuting activities, as well as the annual Air Show. The draft neighbourhood plan acknowledges that the aerodrome creates local tensions "...with around a third of residents worrying about aircraft noise". The plan states that on balance, it is considered that the right policy mix is to support the Aerodrome as a tourist attraction allowing the upgrading of facilities to support tourism, providing these will not significantly increase noise levels.

- 7.51 The presence of an existing noise source in relation to the standard of accommodation is a valid planning consideration. In this case, due to the separation distance and the sporadic nature of the noise it is not considered that there are grounds to refuse permission on amenity grounds. Any demolition or construction activities can have an impact on local residents and an informatives are recommended to try and minimise this disturbance.

Heritage and archaeology

- 7.52 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that decision makers pay special regard to the desirability of preserving listed structures potentially affected by the scheme or their settings or any features of special architectural or historic interest. Such special regard has been paid in the assessment of this planning application.
- 7.53 The National Planning Policy Framework (NPPF) advises that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. At paragraph 134 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, including securing its optimum viable use.
- 7.54 There are no listed buildings on the application site and it is not considered that the development will impact on the setting of any listed building. The site is not in or close to a conservation area.
- 7.55 The application site has some archaeological potential associated with possible river terrace gravels and with post medieval activity. According to records, the site lies on River Terrace Gravels which have potential to contain rare and important early prehistoric remains. In addition, early Ordnance Survey maps suggest a post medieval small holding was located just to the east of this application site before the establishment of Headcorn Hall by the late 19th century. In these circumstances and following advice from Kent County Council Archaeology a planning condition is recommended to secure a programme of archaeological work in accordance with a written specification and timetable.

Ecology

- 7.56 As part of the environmental role to achieving sustainable development the National Planning Policy Framework (NPPF) at paragraph 7 states that the planning system needs to contribute to protecting and enhancing the natural environment and to help improve biodiversity. The National Planning Policy Framework at paragraph 109 states that '*the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible.*' NPPF paragraph 118 states that, local planning authorities should aim to conserve and enhance biodiversity when determining planning applications and take opportunities to incorporate biodiversity in and around developments.
- 7.57 The application site is not covered by any statutory landscape or ecology designation; however the River Beult Site of Special Scientific Interest (SSSI) is located approximately 0.2 miles to the north. In support of the application details of

ecological appraisals have been submitted. These appraisals sought to assess the habitat within the site and the surrounding area for the presence or potential presence of protected species. A number of different surveys have also been carried out in the past to support earlier planning applications for this site.

Amphibians

- 7.58 The appraisals found Great Crested Newts to be present in three offsite ponds with the newts likely to use the grassland and scrub habitats on the application site. It is proposed to use the same approach to mitigation that was accepted as part of earlier applications. The current proposal includes new ponds on the site that will provide suitable habitat for Great Crested Newts and other amphibians.
- 7.59 The submitted ecological report states that “A European Protected Species Mitigation Licence was granted by Natural England in February 2016 (Licence Ref No: 2015-12658-EPS-MIT) and great crested newt trapping took place on site between March and May 2016. The trapping found only 8 females, 2 males and 1 juvenile great crested newt during 40 trapping sessions (as per licence requirements). The animals were relocated to a receptor site at Watersfield, Bletchenden Road, Headcorn, Kent, TN27 9JB - TQ 8422 4262, 235m, which is to the south west of the development site”.

Bats

- 7.60 A survey did not find any roosting bats and there is a low potential for them to be present. The submitted ecological report recommends precautionary measures such as using a safe working methodology to tree felling. A number of ponds are proposed and a natural habitat buffer zone to the western boundary. It is recommended that this area is designed to include plant species which are beneficial to foraging bats.
- 7.61 Lighting can be detrimental to roosting, foraging and commuting bats and it is recommended that any lighting is designed to minimise impact on the hedgerows, ponds and buffer zones. It is recommended that the Bat Conservation Trust’s *Bats and Lighting in the UK* guidance is adhered to in the lighting design.

Reptiles

- 7.62 A low population of grass snakes and good populations of slow worms and common lizards were recorded on site. A translocation exercise is required in order to move these reptiles from the site to a suitable receptor site prior to any development works commencing. A trapping exercise has already been carried out as part of this exercise

Breeding Birds

- 7.63 Birds were recorded within the site boundary and it is likely that birds will nest within the hedgerow. All nesting birds and their young are protected under the Wildlife and Countryside Act 1981 as such any works to the hedgerow must be carried out, outside the breeding bird season (March to August inclusive). If that is not possible an ecologist must examine the site prior to works starting and if any breeding birds are recorded all works must cease in that area until all the young have fledged.
- 7.64 To compensate for the temporary loss of nesting habitat whilst the trees that are due to be planted are growing the applicant’s ecological report recommends provision of 12 ready-made bird boxes (3 sparrow terrace timber boxes and 9 mix of open-fronted and hole-nesting boxes and constructed from woodcrete) on retained trees and new houses/garages. As a barn owl is known to intermittently roost on the site the report recommends that a permanent alternative is provided with a Barn Owl roosting/nesting box installed on a suitable tree.

Badgers, Dormice and Hedgehogs

- 7.65 The survey work did not find any evidence of badgers, or dormice on the application site and the ecological report considers that the site is unlikely to support badgers and dormice. It is considered that the site has moderate potential to support hedgehogs and this should be factor in the design of boundary treatments. Planning conditions are recommended to secure these measures.

Transport and access.

- 7.66 Paragraph 29 of the National Planning Policy Framework (NPPF) states that: *'Transport policies have an important role to play in facilitating sustainable development.....The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.....opportunities to maximise sustainable transport solutions will vary from urban to rural areas.'*
- 7.67 One of the core planning principles set out at paragraph 17 of the NPPF that should underpin decision making is that planning should *"actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are, or can be made sustainable"*. At paragraph 32 the NPPF states that decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure.
- 7.68 The NPPF establishes that sustainable development should be seen as a golden thread running through both plan-making and decision taking (paragraph 14). The advice states that patterns of growth should be actively to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable (paragraph 17).
- 7.69 The emerging plan sets out that development must be delivered at the most sustainable locations where employment, key services and facilities are available together with a range of transport choices (paragraph 4.11). In terms of guiding this development the plan sets out a sustainable settlement hierarchy with Maidstone urban area at the top, followed by rural service centres and then the larger villages.
- 7.70 Whilst the application site is not located in any of the areas listed in the sustainable settlement hierarchy, the site is located close to (0.7 miles) to the south-east of the Headcorn village boundary. Headcorn as a rural service centre in the emerging plan is second only to the Maidstone Urban Area on the sustainable settlement hierarchy.
- 7.71 The nearest bus stops are within 150 metres of the site at the Biddenden Road and Shenley Road junction. The number 12 bus service from this stop provides regular access to Headcorn Railway Station running between Tenterden and Maidstone Town Centre. In Headcorn bus service 66 provides access to Sutton Valence and Cornwallis Academy and service 24 access to Sandhurst and Maidstone.
- 7.72 NPPF paragraph 32 states that development should only be prevented, or refused on transport grounds where the residual cumulative impacts of development are 'severe'. In support of the submitted application the applicant has submitted a Transport Statement. It is considered that the vehicle movements associated with the current proposal for 14 flats will not have any substantial impact on the local highway network and any impact could not be described as severe.
- 7.73 The council's off street car parking standards are set out in the Kent Design Guide Review: Guidance Note 3 (November 2008) on residential parking. The current site is

considered to fall in the 'suburban edge, village, rural' category in these parking standards. In 'suburban edge, village, rural' areas four bedroom houses and larger houses require 2 independently accessible spaces and 0.2 % space for on street visitors parking. The proposed dwellings have two off street car parking spaces and sufficient room within the curtilage for visitors parking. Double garages provide further off street parking with a total of 56 spaces provided if the garages are included and 28 spaces if you do not in accordance with the above advice.

- 7.74 Paragraph 32 of the NPPF states that planning decisions should ensure that there is safe and suitable site access. Policy T1 of the Local Plan states that all new development will require safe and secure access. The proposal includes the relocation of the existing vehicular access from Biddenden Road to Shenley Road. The applicant has conducted a speed survey and after considering the results, KCC Highways require visibility splays of 120 metres by 120 metres by 2.4 metres with no obstructions over 0.6metres above carriageway level within the splays. KCC highways have also stated that a new 40 mph speed limit is required along Shenley Road and a condition is recommended to achieve this. With these measures in place it is considered that safe access can be provided onto Shenley Road.
- 7.75 The proposed servicing arrangements for the development including the size and location of the refuse storage area are considered acceptable. The refuse storage and collection arrangements have been considered by the local highways authority and no objection has been raised.
- 7.76 With the nature of this location the applicant is advised to give careful thought to construction phase arrangements including vehicle unloading/loading, measures to prevent surface water discharge, operative parking and wheel washing. A planning condition is recommended requesting the submission and approval of these details prior to work commencing.

Flooding and drainage

- 7.77 A small area in the southern part of the site is identified as land that is at risk from flooding (zones 2 and 3). The Site is not located within a conservation area, or area designated for its biodiversity value.
- 7.78 A small section of the site is within an area at risk from flooding (flood zones 2 and 3). In the event that planning permission is approved planning conditions would be recommended to seek further details of a sustainable urban drainage system and its future management.
- 7.79 The Environment Agency and Southern Water have all been consulted on the current planning application. These consultees have confirmed that they have no objection to the development subject to conditions attached to any approval of permission. It is considered subject to the use of necessary conditions that the proposed development is acceptable in relation to flooding and drainage issues.
- 7.80 Informatives are recommended highlighting the requirement for a formal application to connect to the public sewerage system; and that detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system. The applicant is advised to contact Southern Water to discuss the location of new trees and soakaways and the protection of existing infrastructure.

Environmental Impact Assessment

- 7.81 With the proposed development including less than 150 houses and the overall area of the development less than 5 hectares, the proposed development falls outside the scope of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 as an urban development project.

Planning obligations and the Community Infrastructure Levy Regulations

- 7.82 Policy ID1 of the emerging Local Plan relates to infrastructure delivery. In the event of competing demands for developer contributions towards infrastructure the council's hierarchy of prioritisation set out in policy ID1 is: affordable housing, transport, open space, public realm, health, education, social services, utilities, libraries and emergency services.
- 7.83 Policy CF1 of the adopted Local Plan states: *'Residential development which would generate a need for new community facilities or for which spare capacity in such facilities does not exist, will not be permitted unless the provision of new, extended or improved facilities (or a contribution towards such provision) is secured by planning conditions or by planning obligations.*
- 7.84 The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests: The requests must be 1. Necessary, 2. Related to the development, and 3. Reasonably related in scale and kind.
- 7.85 In addition, since 6 April 2015, section 123 of the CIL Regulations places a restriction on the number of different obligations (calculated back to April 2010) that relate to the funding or provision of an infrastructure project or type of infrastructure, ("the pooling restriction"). As such, the scope of contributions that can be requested in respect of new development is restricted. Affordable housing is excluded from this restriction.

Affordable housing and development viability

- 7.86 The National Planning Policy Framework (Chapter 6) supports the delivery of a wide choice of high quality homes, this includes at paragraphs 47 and 50 the provision of affordable housing.
- 7.87 The council's adopted Affordable Housing Development Plan Document (DPD) sets out at policy AH1 the requirement for affordable housing. This requirement relates to housing sites or mixed-use development sites of either 15 units or more, or 0.5 hectare or greater. The current adopted policy is for 40% of the units to be for affordable housing with a 60/40% split between affordable rent / shared ownership tenure. In the context of the current proposal this would equate to 8 affordable units with 5 for affordable rent and 3 for shared ownership.
- 7.88 Paragraph 2.14 of the DPD sets out that the council is aware that there may be circumstances where 40% affordable housing provision will not be viable. In such cases, the onus will lie with the developer to prove to the Borough council's satisfaction why a site cannot economically sustain the provision of 40% affordable housing'. Policy AH1 states 'The council will seek to negotiate that a minimum of 40% of the total number of dwellings to be provided shall be affordable housing to meet the identified housing need, unless the council is satisfied of the exceptional circumstances that demonstrate that only a lesser proportion can be provided'.
- 7.89 The current planning application is accompanied by viability report that concludes that the submitted development cannot support any affordable housing provision or

other planning obligations whilst remaining financially viable. This viability report has been independently reviewed by a third party on behalf of the council.

- 7.90 The third party review has agreed with the applicant's assessment and has concluded that it would not be possible for the viable development of the application site whilst providing affordable housing or other planning obligations. In order to allow the site to come forward as part of a financially viable development it is not recommended that any planning obligations or affordable housing are requested.

8.0 CONCLUSION

- 8.01 The brownfield part of the application site has a long history of residential use and the residential development of this land and adjoining greenfield land has previously been accepted with, and without the retention of Headcorn Hall. Whilst the housing land supply in the borough is currently in excess of five years the need for a five year supply is a rolling requirement. The application site with previous residential uses and the two committee resolutions for similar developments is considered suitable to provide for future need.
- 8.02 Whilst the site is not located within any of the areas listed in the sustainable settlement hierarchy, the site is located a short distance from a rural service centre which is second in this settlement hierarchy.
- 8.03 The design and appearance of the development is in keeping with the character of the surrounding area. The development is acceptable in relation to the impact on local residential amenity including daylight, sunlight, outlook and privacy.
- 8.04 The proposal will provide a good standard of the residential accommodation (including in relation to noise and ground contamination). The proposal is acceptable in relation to flooding and drainage, impact of the proposal on the local highway network and impact on ecology. The proposal will provide benefits in the removal of Headcorn Hall, the relocation of the vehicle access away from adjacent residential dwellings and increased landscaping and ecology area.
- 8.05 With a 5 year housing land supply in place, normal weight can be given to adopted planning policies in accordance with the NPPF. The proposal is in line with adopted policy ENV34 and emerging policies DM1, DM4 and DM12. Whilst the proposal is contrary to policy ENV28 there are material considerations present that justify the recommendation for approval namely the environmental improvements gained by the removal of the derelict building, increased landscaping, improvements to the amenity of adjacent residents and the provision of new housing.
- 8.06 Whilst the development plan is not absent, silent or out of date for completeness the NPPF paragraph 14 test has been considered. If it was found that a five year supply was not in place the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits.

- 9.0 RECOMMENDATION:** GRANT PLANNING PERMISSION subject to the following conditions:

CONDITIONS

- (24) 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.

- (25) The development hereby permitted shall be carried out in accordance with the following approved plans: 1001 – SK201 (plot 4); 1001 – SK202 (plot 8); 1001 – SK203 (plot 10); 1001 – SK204 (plots 5 and 14); 1001 – SK205 (plots 1 and 11); 1001 – SK206 (plot 3); 1001 – SK207 (plot 13); 1001 – SK209 (plot 6); 1001 – SK210 (detached garages to plots 4 and 6); 1001 – SK211 (plot 2); 1001 – SK209 (plot 12); 1001 – SK213 (plot 7); 1001 – EX01 (Site location plan); 1001 – PL101 (Site plan); 1001 – PL103 (Indicative site section/elevations); 1001 – PL104 (Materials plan); 1001 – PL105 (Refuse collection plan); 1001 – PL106 (Storey height plan); 1001 – PL107 (Street hierarchy plan); 1001 – PL108B (Site plan – sheet 1); 1001 – PL109A (Site plan – sheet 2); 1001 – PL115 (Street elevations); 4501-104 (Landscape plan); 4501-105 (Tree works and protection); 4501-107 (Surface materials and fencing plan); 4501-202 (Planting plan); 4501-205 (Planting schedule); 4501-500 (Surface details – part 1); 4501-501 (Surface details – part 2); 4501-503 (Fence details); Design and Access Statement; Materials Plan; Energy Statement; Affordable Housing Statement, Affordable Housing Viability Appraisal; Ecological Assessment, Biodiversity and Enhancement Measures; 10 Year Landscape Management Plan; Affordable Housing Statement; Arboricultural Report; Ecological Assessment; Energy Statement; Planting and Materials Palette; Soft Landscape Specification; Transport Statement; Refuse Collection Plan and Planning Statement. Reason For the avoidance of doubt and in the interests of proper planning.
- (26) Prior to the commencement of development details of the proposed slab levels of the buildings and the existing site levels shall 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. These details shall include details any proposed re-grading, cross-sections and retaining walls. Reason: In order to secure a satisfactory form of development having regard to the topography of the site. Details are required prior to commencement of development to ensure that no unnecessary altering of levels takes place to accommodate the scheme.
- (27) Prior to the commencement of development the following shall have been submitted to and approved in writing by the Local Planning Authority a) details of archaeological field evaluation works in accordance with a specification and written timetable, b) following 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. Reason: To ensure that features of archaeological interest are properly examined and recorded. Details are required prior to commencement of development to ensure that works do not damage items of archaeological value that may be present.
- (28) Prior to the commencement of development details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter. Reason: To ensure an energy efficient form of development. Details are required prior to development to ensure the methods are integral to the design and to ensure that all options (including ground source heat pumps) are available.
- (29) Prior to the commencement of development a construction management plan shall be submitted to approved in writing by the Local Planning Authority. The plan shall include a) details of washing facilities to prevent construction vehicles carrying mud on to the public highway, b) details of arrangements for loading/unloading and turning, c) details of parking facilities for site personnel and site visitors d) Measures to minimise the production of dust on the site; e) Measures to minimise the noise

(including vibration) generation; f) Measures to manage the production of waste and to maximise the re-use of materials g) Measures to minimise the potential for pollution of groundwater and surface water and prevent surface water discharge on to the public highway; h) The location and design of the site office and storage compounds and i) arrangements for public consultation and liaison during the construction works The approved facilities and arrangements shall be provided prior to construction work commencing and maintained for the duration of the construction works. Reason: To maintain highway safety and to protect the amenities of local residents. Details are required prior to commencement as potential impact will arise from the point of commencement.

- (30) Prior to the commencement of development details of a sustainable surface water drainage scheme shall have been submitted to and approved in writing by the Local Planning Authority. The surface water scheme should be compliant with the Non-Statutory Technical Standards for Sustainable Drainage (March 2015) and shall include measures to prevent discharge of surface water onto the highway. The scheme should specify responsibilities for the implementation of the SUDS scheme; specify a timetable for implementation; provide a management and maintenance plan for the lifetime of the development; including arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. There shall be no provision for infiltration of surface water into the ground unless it has been demonstrated that there will be no risk to controlled waters. The scheme shall be implemented in accordance with the approved details prior to first occupation of any dwelling and maintained as such thereafter. Reason: To prevent flooding by the ensuring the satisfactory storage and disposal of surface water from the site. Details are required prior to commencement to maximise the options that are available to achieve a sustainable drainage system. Infiltration of surface water into contaminated ground has the potential to impact on surface water quality and pose unacceptable risks to controlled waters.
- (31) Prior to the commencement of development details of the proposed means of surface water disposal shall have been submitted to, and approved in writing by, the Local Planning Authority with the approved measures in place prior to occupation and retained permanently thereafter. Reason: To avoid pollution of the surrounding area. Details are required prior to commencement as groundworks will reduce the options available.
- (32) Prior to the commencement of development a scheme for the enhancement of biodiversity shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include the location and design of swift bricks and bat boxes, tubes or tiles and take account of any protected species that have been identified on the site, shall include the enhancement of biodiversity through integrated methods into the design and appearance of the dwellings and in addition shall have regard to the enhancement of biodiversity generally. It shall be implemented in accordance with the approved proposals prior to first occupation of dwellings and shall be maintained in perpetuity. Reason: To protect and enhance biodiversity. This information is required prior to commencement of development as works have the potential to harm any protected species present.
- (33) Prior to the development reaching damp proof course level, written details and samples of all facing materials and external surfacing materials (including undercroft parking) of the development hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved materials unless otherwise agreed in writing by

the Local Planning Authority. Reason: To ensure a satisfactory appearance to the development and a high quality of design.

- (34) Prior to first occupation of any residential unit, and notwithstanding the submitted details, fencing, walling, railings and other boundary treatments (including provision of gaps under boundary fencing to facilitate ecological networks) shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority and the approved boundary treatments shall be maintained as such thereafter. Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers and to facilitate local ecological networks.
- (35) Prior to first occupation of any residential unit, facilities for the storage of domestic refuse shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority and the approved boundary treatments shall be maintained as such thereafter. Reason: To ensure a satisfactory appearance to the development and to safeguard the amenities of future occupiers.
- (36) If during construction/demolition works evidence of potential contamination is encountered, all 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 in accordance with the agreed plan. Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- (37) Prior to first occupation of any residential unit, a closure report shall be submitted to and approved in writing by the Local Planning Authority. The closure report shall include a) details of any post remediation sampling and analysis, b) 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. 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. Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development in any phase or sub-phase can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- (38) Prior to first occupation of the relevant residential dwellings electric vehicle “rapid charge” points (of 22kW or faster) and charge points for low-emission plug-in vehicles shall be installed and ready for use in accordance with details that have previously been submitted to and approved by the Local Planning Authority with these facilities retained in accordance with these details thereafter. Reason: In the interests of sustainability, to support reductions in air pollution, to provide for low emission vehicles and to reduce the carbon footprint.
- (39) Prior to first occupation of any residential dwellings hereby approved a detailed Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority with the agreed measures implemented within three months of first occupation and retained. Thereafter. The Travel Plan should include the

following: a) objectives and targets, b) Measures to promote and facilitate public transport use, walking and cycling. c) Promotion of practises/facilities that reduce the need for travel. d) Monitoring and review mechanisms. e) Travel Plan co-ordinators and associated support. f) Details of a welcome pack for all new residents including local travel information, g) Marketing. h) Timetable for the implementation of each element. Reason: In order to promote sustainable travel choices and to help reduce air pollution.

- (40) Prior to first occupation of any residential dwellings hereby approved management arrangements for the communal areas of the site and access roads shall be in place that are in accordance with a plan that has previously been submitted to and approved in writing by the Local Planning Authority. With these arrangements retained thereafter. The plan should include a) The areas within the scope of the management plan and the maintenance requirements of these; b) Method and works schedule for maintaining communal areas and estate roads; c) The setting up of an appropriate management body; d) 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; and g) Ongoing monitoring of implementation of the plan. Reason: To protect the amenity of future residents and the character and appearance of the development.
- (41) Prior to first occupation of any residential dwellings hereby approved the cycle parking, car parking and internal access arrangements shown on the approved plans shall be provided, surfaced and drained in accordance with the approved details and shall be retained permanently for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 2015 (or subsequent revision), shall be carried out on the land so shown or in such a position as to preclude vehicular access to parking areas. Reason: Development without provision of adequate access and parking is likely to lead to inconvenience to other road users and be detrimental to amenity.
- (42) Prior to first occupation of any of the residential dwellings visibility splays shall be in place to the new entrance in Shenley Road of 120 metres by 120 metres by 2.4 metres with no obstructions over 0.6 metres above carriageway level within the splays with the splays retained as such thereafter. Reason: In the interests of highway safety.
- (43) Prior to first occupation of the dwellings hereby permitted a 40mph speed limit shall be in place on Shenley Road from the A274 crossroad for a distance of at least 600 metres. Reason: In the interests of highway and pedestrian safety.
- (44) Prior to first occupation of any of the residential dwellings hereby approved landscaping shall be in place that is in accordance with a landscaping scheme that has previously been submitted to and approved in writing by the Local Planning Authority. The scheme shall include on a plan, full details of the size, species, spacing, quantities and location of proposed plants, together with any hard surfacing, means of enclosure, and indications of all existing trees, hedges and any other features to be retained, and measures for their protection during the course of development. Any part of the approved landscaping scheme that is dead, dying or diseased within 5 years of planting shall be replaced with similar species of a size to be agreed in writing beforehand with the Local Planning Authority. Reason: In the interests of visual amenity.an appropriate standard of accommodation.

- (45) Prior to first occupation of any of the residential dwellings hereby approved details of any external lighting to be placed or erected within the site shall have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include details of measures to shield and direct light from the light sources so as to prevent light pollution and in order to minimise any impact upon ecology. The development shall be carried out in accordance with the approved details and maintained as such permanently thereafter. Reason: To prevent light pollution in the interests of the character, amenity and biodiversity of the area.

INFORMATIVES

- (13) The applicant is advised that 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.
- (14) The applicant is reminded of the requirement for a formal application to connect to the public sewerage system.
- (15) The applicant is advised to contact Southern Water for further advice including in relation to protecting infrastructure during construction works, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
- (16) The applicant is advised of their responsibility to ensure, that before the development hereby approved is commenced, that all necessary highway approvals and consents are obtained and that the limits of the highway boundary are clearly established in order to avoid any enforcement action by the Highway Authority.
- (17) The applicant is advised that a formal application to Southern Water is required for connection to the public sewerage system in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, The applicant is advised that due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water.
- (18) The applicant is advised of the Mid Kent Environmental Code of Development Practice and it is recommended that no demolition/construction activities take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.
- (19) The applicant is advised that 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.
- (20) The applicant is advised that any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.
- (21) The applicant is advised that the lighting scheme provided in accordance with the planning condition should adhere to the following advice from the Bat Conservation Trust and Institution of Lighting Engineers. Bats and Lighting in the UK.
- (22) The applicant is advised to obtain all necessary highway approvals and consents and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. 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>
- (23) The applicant is advised that in relation to the 40mph speed limit required by condition the implementation of the county council's 3rd party Traffic Regulation Order procedure typically takes 6 months to complete.

(24) The applicant is advised to contact the Police to incorporate secure by design measures into the development. The contact details of the Kent Police CPDAs are; John Grant and Adrian Fromm, Kent Police Headquarters, Sutton Road, Maidstone ME15 9BZ email: pandcr@kent.pnn.police.uk Tel No- 01622 653209/3234.

Case Officer: Tony Ryan

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

Item 13. Pages 3-31 Headcorn Hall Biddenden Road Headcorn
Reference number: 16/504892/FULL

Page 3

Recommendation – add requirement for s106 agreement due to need to provide for an affordable housing viability review mechanism.

Revised recommendation

“Subject to the prior completion of a Section 106 legal agreement, in such terms as the Head of Legal Services may advise, to secure an affordable housing viability review mechanism the Head of Planning and Development be given DELEGATED POWERS TO GRANT permission subject to the conditions and informatives set out at the end of this report”

Page 25

Add following as Para 7.91

7.91 In accordance with the conclusions of the independent viability assessment, the use of an affordable housing viability review mechanism is recommended as part of a s106 agreement. The review mechanism would only apply if the development has not progressed within a certain timescale. It is suggested that this is where the development has not reached slab level on three of the approved plots within two years of consent being granted.

Page 26

Recommendation – add requirement for s106 agreement due to need to provide for an affordable housing viability review mechanism.

“Subject to the prior completion of a Section 106 legal agreement in such terms as the Head of Legal Services may advise to secure an affordable housing viability review mechanism the Head of Planning and Development be given DELEGATED POWERS TO GRANT permission subject to the conditions and informatives set out below”

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Amend condition 2 as follows:

(1) The development hereby permitted shall be carried out in accordance with the following approved plans: 1001 – SK201 (plot 4); 1001 – SK202 (plot 8); 1001 – SK203 (plot 10); 1001 – SK204 (plots 5 and 14); 1001 – SK205 (plots 1 and 11); 1001 – SK206 (plot 3); 1001 – SK207 (plot 13); 1001 – SK209 (plot 6); 1001 – SK210 (detached garages to plots 4 and 6); 1001 – SK211 (plot 2); 1001 – SK209 (plot 12); 1001 – SK213 (plot 7); 1001 – EX01 (Site location plan); 1001 – PL101 (Site plan); 1001 – PL103 (Indicative site section/elevations); 1001 – PL104 (Materials plan); 1001 – PL105 (Refuse collection plan); 1001 – PL106 (Storey height plan); 1001 – PL107 (Street hierarchy plan); 1001 – PL108B (Site plan – sheet 1); 1001 – PL109A (Site plan – sheet 2); 1001 – PL115 (Street elevations); 4501-104 (Landscape plan); 4501-105 (Tree works and protection); 4501-107 (Surface materials and fencing plan); 4501-202 (Planting plan); 4501-205 (Planting schedule); 4501-500 (Surface details – part 1); 4501-501 (Surface details – part 2); 4501-503 (Fence details); 4501-104A (Landscape Plan); 4501-105A (Tree Works Plan); 4501-107A (Hardworks Plan); 4501-108A (Hardworks Plan);

4501-201A (Softworks Plan); 4501-202A (Softworks Plan); 4501-203A (Softworks Plan); 4501-204A (Softworks Plan) Reason For the avoidance of doubt and in the interests of proper planning.

Page 27.

Amend condition 7 as follows:

(7) Prior to the commencement of development details of a sustainable surface water drainage scheme shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to first occupation of any dwelling and maintained as such thereafter. The detailed drainage scheme shall be based upon the proposals of the Flood Risk Assessment & Drainage Strategy by BdR Ref. 16249 (dated 17 August 2016) 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 at a rate not exceeding Q_{bar} . The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters. The submitted 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 prevent flooding by the ensuring the satisfactory storage and disposal of surface water from the site. Details are required prior to commencement to maximise the options that are available to achieve a sustainable drainage system. Infiltration of surface water into contaminated ground has the potential to impact on surface water quality and pose unacceptable risks to controlled waters.

Page 30

Add additional condition 21a as follows:

(21a) Other than the tree works specifically detailed on the appropriate plan number (4501-105A) no pruning or felling of retained trees shall take place without the written consent of the Local Planning Authority for a period of 5 years from the date of this decision. Reason: To ensure the work complies with good arboricultural practice to safeguard the longevity, amenity and nature conservation value of the trees and their contribution to the character and appearance of the local area.

RECOMMENDATION REMAINS UNCHANGED

REPORT SUMMARY

REFERENCE NOS. - 16/506320/FULL and 16/506322		
APPLICATION PROPOSAL 16/506320: Erection of an extension to the existing school building for educational use. 16/506322: Removal of condition 2 of 14/503957 (Application for permanent change of use to a free school (Class D1)) - The condition restricts the number of pupils to 240 until July 2022 and then 210 from September 2022 onwards. The condition is therefore required to be removed, to accommodate an increase in capacity. In the event the extension of floorspace application is approved at the subject site.		
ADDRESS Jubilee Free School Gatland House Gatland Lane Maidstone Kent ME16 8PF		
RECOMMENDATION: N/A – Update Report		
SUMMARY OF REASONS FOR RECOMMENDATION: The application was deferred by planning committee on Thursday 25 th May 2017. Councillors requested that the application be reported back to the next Committee on Thursday 15 th June. It is requested due to the tight timescale and type of information required that more time be provided to the applicants for the submission of the necessary information and that the applications instead return to the next committee. Therefore this report simply updates the committee on the present status of the application.		
REASON FOR REFERRAL TO COMMITTEE Application has been called by local councillors in order the proposals can be debated at committee for reasons of public interest		
WARD Fant	PARISH/TOWN COUNCIL	APPLICANT Education Funding Agency AGENT JLL
DECISION DUE DATE 31/10/16	PUBLICITY EXPIRY DATE 02/12/16	OFFICER SITE VISIT DATE VARIOUS

MAIN REPORT

1.0 REASONS FOR DEFERRAL

1.1 The original planning committee reports for both applications are attached as **Appendices 1 and 2** to this report. The applications were deferred on the following grounds:

- To investigate the issue of open space and off-site provision and what mechanism would be in place to secure this
- Landscaping of site including the frontage to Gatland Lane
- Detail of ecology enhancement details
- Renewable energy details
- Lighting of school

1.2 The purpose of this report is to update the committee due to the fact the applications were originally deferred for only one committee cycle in order to provide the necessary information. However, due to the short timescales and extent of

additional information requested, it has not been possible to provide this prior to the committee deadlines.

- 1.3 It should be noted, however, within this short time scale a meeting has been held between councillors, officers and the applicants in order to discuss the deferral decision and what further information should be sought and produced to inform the committee, which should then provide clarity on the above issues. This meeting was held on the 5th June 2017 and the applicants are now in the process of collecting and producing further information in response to the above issues. However, due to the short time period it has not been possible to provide this for this committee due to the tight deadlines.
- 1.3 In order to work with the council, the applicants have agreed to an extension of time until 7th July 2017 to enable the applications to return to the next committee on the 6th July 2017, when the additional information will be produced for consideration by the committee.

2.0 RECOMMENDATION – No recommendation. This is an Update Report.

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

REPORT SUMMARY

REFERENCE NO - 16/506320/FULL			
APPLICATION PROPOSAL Erection of an extension to the existing school building for educational use.			
ADDRESS Jubilee Free School Gatland House Gatland Lane Maidstone Kent ME16 8PF			
RECOMMENDATION Approve subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION The application is considered to comply with the relevant policies of the development plan and the approach of the National Planning Policy Framework (NPPF) and other relevant publications which represent material considerations in support of the application. The proposed extension and related impact of the additional floorspace and pupils is considered to be acceptable having regard to the relevant matters including design and layout of the school, relevant standards, access to playspace and open space, impact on amenity of neighbouring properties and highway matters.			
REASON FOR REFERRAL TO COMMITTEE Application has been called by local councillors in order the proposals can be debated at committee for reasons of public interest			
WARD Fant	PARISH/TOWN COUNCIL	APPLICANT Education Funding Agency AGENT JLL	
DECISION DUE DATE 31/10/16	PUBLICITY EXPIRY DATE 02/12/16	OFFICER SITE VISIT DATE	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
13/1709	Demolition of existing buildings and erection of 14 dwellings	Approved	14.4.2014
14/503957	Application for permanent change of use to a free school (Class D1)	Approved	12.11.2015
16/501502	Discharge of condition of 14/503957 relating to cycle, drop off/pick up and pedestrian access	Approved	17.6.2016
16/501507	Discharge of condition of 14/503957 Parent/Pupil drop off and School Travel Plan	Approved	16.6.2016
16/501509	Discharge of condition of 14/503957 relating to boundary	Approved	28.6.16
16/501512	Discharge of condition of 14/503957 landscaping scheme	Pending	
16/506322	Removal of Condition 2 relating to limits to pupil numbers as restricted by Condition 2 of 14/503957	Pending	

MAIN REPORT**1.0 DESCRIPTION OF SITE**

- 1.1 The site is Jubilee Free School which was opened in September 2014 and currently has around 150 pupils. The school was granted planning permission under 14/503957 which granted permission for up to 240 pupils up to the year 2022 and 210 thereafter. The school forms part of the KCC Education commissioning plan 2016-20.
- 1.2 The building fronts onto Gatland Lane and is a two storey building with a rear two storey projection. To the rear are hard surfaced and a grassed areas with a parking area to the eastern part of the site. There are two vehicle access points into the site from Gatland Lane (either side of the buildings frontage) and there is a grass verge and low level wall for boundary treatment to the front of the site. Boundary treatment to the north (rear) and west largely consists of well established conifer trees; and to the east it is of close boarded fencing and some level of planting. To the east and south there are residential properties, with the rear gardens of properties in Sherbourne Drive backing onto the site: to the north a substation and then a playing field beyond; and to the west an access road and then a sports field.
- 1.01 The site covers an area of some 0.48 hectares and is within the defined urban area as identified by the Maidstone Borough-Wide Local Plan 2000 (MBWLP)

2.0 PROPOSAL

- 2.1 The proposal relates to the construction of a two storey extension to the existing school building which will facilitate the increase in pupil numbers to allow the school to accommodate up to 420 pupils within the site. The extension will also lead to an increase in staff to 35 members when the site is at full capacity from the existing 18 FTE (equivalent). There will be also be alterations to the internal parts of the existing building to create a logical layout to the school as well as changes to the external parts of the site including new plays areas and creation of a multi use court to the north of the site. 35 parking spaces (plus two disabled spaced) and cycle storage will be provided and the existing access arrangements will be retained and the site will continue to operate in accordance with the conditions placed upon the original consent 14/503957 (with the exception of condition 2 as set out below).
- 2.2 This application sits alongside application 16/506322/FUL which seeks to remove condition 2 from the original planning permission, 14/503957, which restricts pupil numbers at the school to 240 pupils before 2022 and then 210 pupils thereafter. Essentially, these applications, although separate, are mutually dependent upon one another as the extension is necessary to accommodate the additional pupils that would be permitted by the removal of condition 2 of 14/503957 and likewise, if the condition is not removed then there is no necessity for the extension. However, this application seeks to deal with the uncertainty that existed at the time of 14/503957 which was submitted for higher pupils but it was unclear how the site at that time could accommodate this level of pupils. This extension application sets out the additional floorspace that can accommodate the additional pupils as a two form entry (2FE) primary school.
- 2.2. The extension will be located to the north west boundary of the site, running from the rear of the existing school buildings with play areas, including a Multi use Games Area (MUGA) being located to the north and seating areas, and three further play

areas, to be located between the new extension and the car parking area on the eastern part of the site. The car parking area will accommodate 350 parking spaces located along with the eastern boundary which will lead to the existing access to the south-west corner of the site which is similar to the extant consent which had 32 spaces on the eastern boundary. Whilst the extension will result in the reduction in open space within the site, the new scheme will include four distinct play areas within the site and will have potential access to sports pitches to the west for physical education through booking with Maidstone Borough Council Parks department and there will be continued shared access to Bower Grove School facilities to the north which is confirmed by formal agreement (which is attached as **Appendix 1**). The main hall of 226 square metres will also provide further facilities for all weather play.

- 2.3 The extension will extend to 967 square meters and will contain a main hall and studio, along with classrooms, kitchen at ground floor and classrooms and other facilities at first floor along with internal changes to the existing building to create a logical layout to the new enlarged school.

3.0 PLANNING CONSTRAINTS

Potential Archaeological Importance

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: Maidstone Local Plan 2000- CF1
Emerging Local Plan; DM1, DM3, DM23, DM27
Supplementary Planning Documents:

5.0 LOCAL REPRESENTATIONS

- 5.1 The site notice was placed at the site on the 4th October 2016.
- 5.2 There have been 19 objections from members of the public, including Save Fant Farm Community Group to the application who raise the following issues:
- Limited land
 - Congestion and parking problems
 - Extension is not required
 - Parking and changing character of the area
 - Site incapable of accommodating such an extension or providing a holistic education
 - Lack of play space which is below standards
 - Highway Safety
 - Noise levels
- 5.3 There have been 8 letters of support which highlight the following issues
- The plans appear well thought out
 - Parents car share and on the most part park responsibly
 - Maidstone needs new schools and restrictions caused issues for new intakes
 - Is an asset to the local community
 - Stopped Gatland Road being used as a rat run and cars do not obstruct traffic
 - Need as many reception places as need

6.0 CONSULTATIONS

- 6.1 **Environmental Health** have no issue with air quality or noise from classrooms (which it considers can be dealt with by condition), they wished to have greater information on the matter of disturbance on adjoining occupiers both from pick up and drop off but also at play time and lunchtimes. Further discussions were held with the Environment Health department and further information was presented and the view was a planning condition relating to staggered break times, which will restrict numbers of children outside at any one time, could address the matter to the point they no longer object to the application. This matter is discussed further below in more detail.
- 6.2 **KCC Highways** No objections to the application but highlights high parking occupancy in beat study area particularly in afternoon but highlights these will have only a minor impact on peak traffic. Subject to parking restrictions and conditions relating to travel plan and construction management plan and KCC state the effects are not severe in terms of the NPPF.
- 6.3 **MBC Landscape** No objections to layout and tree removal but concerns regarding the mulching and installation of seats under a category B tree. As such there should be a condition regarding arboricultural method statement and tree protection plan as well as the standard landscaping conditions
- 6.4 **KCC Archaeology** No comments to make

7.0 BACKGROUND PAPERS AND PLANS

Application forms
 Existing and Proposed Block Plans
 Existing and Proposed Elevations
 Existing and Proposed Floorplans
 Proposed Sections
 Proposed Landscaping Plans
 Transport Statement and further information in respect of parking beats, etc
 Planning Statement
 Design and Access Statement
 Tree Survey
 Air Quality Assessment
 Noise Report

8.0 APPRAISAL

Background

- 8.1 The school was originally approved as a one form entry (1FE) primary school under application 14/503957 which permitted the use of the site as a Free School subject to a condition restricting pupil numbers to 240 up until 2022 and then 210 pupils thereafter. The application in 2014 was originally submitted on the basis of a capacity of up to 420 pupils but during the application process the applicant agreed to the restrictive condition to reduce numbers as officers felt there was a lack of information regarding the ability of the site to accommodate such numbers. For example, there was no application for an extension to provide for a larger pupil number of 420 (or a 2 Form Entry equivalent) and it was unclear whether there would be sufficient outdoor play space if an extension was built on the site. As no plans were provided for the

design and layout of any extension that would enable the school to cater for 420 pupils (or 2FE equivalent), it was impossible to determine whether such an extension would also be acceptable in terms of impact on the surrounding area.

- 8.2 The application was approved subject to a number of conditions including those relating to Parent/Pupil Safety Plan (Condition 3), improvements to the highway (Condition 5), School Travel Plan (Condition 6), Dropping off policy (Condition 8) and pedestrian access (condition 9) and these will remain in place and will need to be adhered to by the school. These measures were imposed to reduce impacts of the school use and also to improve the safety of pedestrians at busy times. These conditions allow for a 3 pick up/drop off bays for buses, taxis but no facilities for general drop off children and the travel plan and Parent/Pupil Safety plan has been submitted and approved by the council. Most of these details or requirements of the conditions are based upon 420 pupils, but where these are not, such as the Travel Plan, a further condition will be required and this is outlined in more detail below.
- 8.3 As such, the application establishes the principle of an educational facility on the site and this application merely relates to the impact of the extension on the site and the potential associated impacts of this increased floorspace. This application contained further information and assessment of the potential impacts of the development in terms of transport/highway impact, school standards including playspace, noise and other relevant matters.
- 8.4 A pre-application was held in March 2016 with the applicant regarding the increase in the capacity of the school and advice was provided in respect of the pertinent matters such as playspace, impacts on adjoining properties and highways.

Principle of Development

- 8.5 The application relates to an existing Free School which is located within the built up area of Maidstone whereby development is considered acceptable subject to other policies. In the case of the Maidstone Local Plan 2000, the relevant policy is CF1 which relates to new community facilities, including educational facilities. Whilst this is not directly relevant to existing facilities, it does imply new facilities should be provided to meet future need which is generated by new development, a point which will be touched upon further below. This policy is taken forward in policy DM23 of the emerging plan which again recognises the need to provide community facilities to meet the needs of new residential development. As set out below, there is currently a deficit of school places within the Maidstone West Area which does not take account of the future growth within the emerging plan and thus there is a context where further education provision is necessary.
- 8.6 Of relevance to this point is that school is included in the KCC Commissioning Plan 2017-2021 to provide primary school places within the Maidstone West area which together with other central Maidstone areas has been subject to high level of inward migration from London Boroughs. The Commissioning report states that the restriction of places at Jubilee School to 1FE is an aggravating factor which has placed considerable pressure on central Maidstone for reception and Year 1 and 2 places. Whilst the report recognises this current planning application, it does state there will be a need a further 1FE for Maidstone West area should this not be approved.
- 8.7 At a national level, the policy relating to the provision of school development remains a positive one which paragraph 72 of the NPPF stating ; *“the government attaches*

great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools; and work with schools promoters to identify and resolve key planning issues before applications are submitted'

8.8 Whilst, the application is an extension to an existing school rather than a new school facility, it is considered the significant support offered by national and local policy also remains relevant. For example, the Communities and Local Government Policy Statement on Planning for Schools Development (Aug 2011) sets out the Government's Commitment to support the development of state-funded schools and their delivery through the planning system. The policy statement advises that *"it is the Government's view that the creation and development of state-funded schools is strongly in the national interest and that planning decision makers can and should support that objective, in a manner consistent with their statutory obligations"*. It encourages collaborative working, which *"would help to ensure that the answer to proposals for the development of state-funded schools should be, wherever possible, "yes" "*. It states that *"the Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools, and the following policies should apply with immediate effect:*

- ***There should be a presumption in favour of the development of state funded schools, as expressed in the National Planning Policy Framework.***
- ***Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions.*** *The Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining applications and appeals that come before him for decision.*
- ***Local authorities should make full use of their planning powers to support state-funded schools applications. ...***
- ***A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority.*** *Given the strong policy support for improving state education, the Secretary of State will be minded to consider such a refusal or imposition of conditions to be unreasonable conduct, unless it is supported by clear and cogent evidence."*

8.9 The Plain English Guide to Planning for Free Schools, produced by the Department for Communities and Local Government in January 2015, reinforces and strengthens earlier advice. It sets out in paragraph 2 that *"the Government is committed to ensuring there is sufficient provision to meet growing demand for state-funded school places, increasing choice and opportunity in state funded education, and raising educational standards. Free schools have an important part to play in delivering this challenge."*

8.10 Therefore it is clear the position of the NPPF, wider government policy and the council's existing and emerging policy, presents strong support for school related development where this can deliver quality school places to meet the needs of the local community. However, it is recognised that the impacts of the increase in pupil

numbers needs to be properly assessed in order to ensure there is no harm that would outweigh this strong presumption that weighs heavily in favour of the scheme.

Need

- 8.11 The previous application set out the position that the Maidstone West Primary area will have a growing need for reception year places over the next three years, with a shortfall of 32 spaces in 2017/18 and 22 spaces in 2018/19. Since this decision in 2015, the position of need for primary school places requires further reflection to take account of population changes since that time and also the future growth that is occurring in the area. The application has been reviewed by the KCC Education who consider the additional pupils places will help meet the forecast pressure over the medium term and the school currently forms parts of its commissioning plan up until 2020. The response from KCC highlights deficits in the Maidstone West area of 35 places in 2016 with further deficits of 4 and 10 places from 2017-8 to 2019-20. Furthermore, the adjoining area of Maidstone North also presents a deficit of 92 places over the period to 2020. Whilst, KCC have commissioned 30 reception places at East Borough Primary School to try and address this demand, KCC have stated this is not a permanent solution.
- 8.12 KCC confirm that this overview of need does not take into account the need that would arise from the planned increase of new homes within the emerging plan and that this will quite logically drive up demand with the planning groups and potentially exacerbate the existing deficits. The extension to the school will contribute to meeting this need and avoid pupils having to attend schools further afield from their homes.
- 8.13 It is also pertinent that policy DM23 of the emerging Local Plan recognises the need for education as part of future growth but at the same time the current school provision within the commissioning plan does not take account of the future growth as set out in the emerging plan. Thus the fact planning policy places significant weight on the need to deliver further school places and that there is a significant need within the area, these factors weigh heavily in favour of the development.
- 8.14 However, the NPPF recognises that development should be sustainable and thus the impacts of this extension (and obviously the increase in pupil numbers it will facilitate) in culmination with the existing school will now be considered in more detail below;

Design and Layout

- 8.15 The new extension will extend from the rear (northern) part of the building and will be of two storey with a flat roof which will step down from the main building which is around 9.4 metres in height to the extension will be 8.4 metres in height. The extension will be connected to the building through a glazed link. The extension will be rendered and painted white with brick slips at lower ground level. The extension will incorporate turquoise aluminium windows and a yellow curtain wall panel to the link element of the extension. It is considered the extension will create a modern, well designed addition, which will be appropriate to the existing building.
- 8.16 The extension will extend to 967 square meters and internally will contain a main hall and studio, along with classrooms, kitchen at ground floor and classrooms and other facilities including a library at first floor along with internal changes to the existing building to create a logical layout to the school with its extended facilities. The upper floor will also contain two roof terraces. As a result of the extension, the school will

have two classrooms for each year group, 1-6, and 2 reception classrooms along with staff facilities, library and ICT rooms. The school would also exceed the standards set out in BB103 which relate to floorspace standards for new schools although this does stress the need for flexibility depending upon the circumstances of each case. For a new build 2FE School, the minimum standards are 2048sqm and the floorspace of the completed school building would be 2254sqm which exceeds the standards by 182sqm.

- 8.17 Externally, the layout of the school will remain similar to the existing site albeit with the new extension running along the western boundary. The car parking area will remain in a similar position to that approved albeit it will include 2 additional spaces and cycle parking. As a result of the extension, the play areas will be formalised with the Multi Use Games Area being located to the northern boundary and three further different play spaces each with a different theme, being located within the central part of the site between the MUGA and the rear part of the building further south. The site will be subject to additional landscaping throughout the site including new tree planting to the boundaries and soft and hard landscaping which would be secured by a suitable planning condition. In terms of external space, the site exceeds the BB103 standards in respect of Hard Informal and social space and although falls below the standards as set out in BB103 on the other types of open space, the school are seeking to address through other measures, which are discussed in more detail below.
- 8.18 Subject to suitable conditions relating to materials, landscaping, it is considered from a design and layout perspective, the development would constitute good design and would accord with policy DM1 and Section 7 of the NPPF.

Play space Standards

- 8.19 When the previous application 14/503957 was considered, one of the main concerns regarding the higher pupils numbers was the extent of outside/playing space associated with the school. There are several relevant documents that provide guidance on this issue. The most recent document entitled Advice on Standards for School Premises, produced by the Department of Education in March 2015, sets out that outdoor space is needed for PE, which includes the provision of games and also for pupils to play outside. Building Bulletin 103 sets out the standards of such space and this will be discussed further below. There are two types of outdoor space used for PE, sports pitches (such as grass and/or all weather) used for team games such as football, hockey and cricket and hard surfaced games courts (such as MUGA's) used for netball, tennis etc. Outdoor space is also needed for informal play and socialising, which is usually both hard and soft surfaced.
- 8.20 Page 14 deals with the issue of outdoor space in terms of on-site and off-site provision. It advises that *"Schools often need to maximise the use of their sites in order to provide the variety of spaces needed. Advice on the sizes of spaces can be found in the 'Area Guidelines for Mainstream Schools' in Building Bulletin 103".* It also states that *"some schools will be on restricted sites and will not have enough outdoor space to meet requirements. In these situations, pupils will need to be provided with access to suitable off-site provision".*
- 8.21 Department of Education published its 'Area Guidelines for Mainstream Schools, Building Bulletin 103' in June 2014. It states on page 36 that *"some schools will be on restricted sites and will not have enough outdoor space to meet requirements on site. In these situations pupils will need to be provided with access to suitable*

off-site provision. On restricted sites, where space will be at a premium, a flexible approach to the site area and the management of the use of that area will be needed, and consideration should be given to providing the following, in priority order:

- *Firstly, space for hard informal and social area including outdoor play area immediately accessible from nursery and reception classrooms;*
- *Then hard outdoor PE space, to allow some PE or team games to be played without going off site, ideally in the form of a multi-use games area that can also be used as hard informal and social area;*
- *Then soft informal and social area for wider range of outdoor educational opportunities and social space;*
- *Finally some soft outdoor PE can be provided. If this is in the form of an all weather pitch, it can count twice towards the recommended minimum.”*

- 8.22 The applicant has compared the extent of playspace that is being provided on site to the BB103 standards in the priority order outlined above. This is in recognition that BB103 accepts off-site provision is sometimes necessary but if space can be provided on site, it should be provided in the order as set out above.

The outdoor space is proposed to be set out as below;

(1) Hard informal and social area- on site provision of 856sqm against the BB103 requirement of 620sqm

(2)Hard Outdoor PE- on site provision of 197sqm against a requirement of BB103 of 1030sqm

(3)Soft informal and Social Area- on site provision of 423sqm against a requirement of 1440sqm

- 8.23 It can be seen above, that the playspace which is prioritised by BB103 (type 1) above) is provided above standard on site but the applicant recognises there is a shortfall in open space for the other categories. The layout seeks to provide a variety of play areas to provide variety and stimulation for pupils in the space available as well as the MUGA to the north of the site. In order to address the shortfall in the other types of playspace, the school would share facilities with Bower Grove School, which has both soft and hard play facilities. This is secured by a formal agreement between the schools, a copy of which is attached as **Appendix 1**, with the arrangement allowing Bower Grove to also utilise the facilities at Jubilee including the proposed new hall in the extension.
- 8.24 Further provision of soft outdoor PE will also be provided through the rental of the adjacent sports pitches (to the west) through the Maidstone Parks and Leisure department who confirm that there is availability during school hours (fields are only booked at weekends) and subject to costs and maintenance implications, the applicant would likely be able to block book field/s for use for sports and recreation like with any other user. This together with the Bower Grove facilities would provide access to facilities in accordance and potentially in excess with the BB103 standards. The new school extension will include the provision of an indoor hall and studio which will also provide additional play space within the site.
- 8.25 Bearing in mind BB103 relates to new school facilities, it does suggest some flexibility in relation to these standards by stating; *Some schools will be on restricted sites and will not have enough outdoor space to meet requirements on site. In these situations pupils will need to be provided with access to suitable off-site provision. On restricted sites, where space will be at a premium, a flexible*

approach to the site area and the management of the use of that area will be needed, and consideration should be given to providing the following, in priority order: The school has met the type of space prioritised by BB103 and it is considered the proximity and likely availability of this off-site land and facilities within school hours makes this a feasible option to provide additional play space so pupils have proper access to such facilities as part of their schooling. The fact the BB103 guidance recognises that a flexible approach is sometimes needed, it is considered this approach would be acceptable in this case. This on the basis of the standards required for a 2 form entry primary school and a maximum of 420 pupils.

- 8.26. It is recognised that this outdoor space is largely dependent on off-site provision but perhaps most importantly the school delivers in excess of the requirement on site in relation to the type of space prioritised by BB103; Hard informal and social areas, which is the type most readily required by students and when formal PE space is required, this space can be provided on land that abuts the school site. This type of arrangement is common in many schools across the UK whereby the provision of PE playing space is reliant on off-site provision/utilising shared facilities across schools, but the fact the facilities are almost directly accessible from the site is considered to make this on site shortfall against the standards acceptable in officer's view.
- 8.27 Whilst, it is recognised the previous committee report raised concerns regarding the ability of the site to meet the standards for a 2FE Primary school for 420 pupils, further information is now available with regards to the hiring of the adjacent sports pitches and this together with the agreement with Bower Place and the facilities provided within the new scheme, it is now considered to meet the play space requirements for a 420 pupil 2FE.

Visual Impact

- 8.28 The application site is contained within the urban area of Maidstone with playing fields to the west and residential development to the east, in the form of Sherbourne Road and Burghclare Drive. The extension has been designed to connect to the rear of the building and run northwards at a similar height and employing an architectural style which is compatible with the existing property. Whilst the extension will be visible from the adjacent sports pitches, it is considered with a good landscaping scheme, the visual impact will be acceptable particularly as the extension will be read in conjunction with the existing built form and the built up area beyond. The impact of the new building from the East will be reduced due to the separation distances from the rear garden of the properties on Sherbourne Gardens which back onto the site. From Gatland Lane, the visual impact of the extension is limited by reason of its location to the rear of the building. From the access it will be likely that the car parking area will be visible although this area is currently laid out as the existing car park so little impact over and above the existing site will be caused.
- 8.29 The application proposes additional planting of Wild Cherry trees along the eastern boundary, which will supplement and replace the existing boundary screening and this, will help soften views of the building once these have matured. Further planting will take place to the frontage of the site as well as further tree planting and hedgerows around the car park. This planting will create an additional benefit over that of the existing school appearance, particularly from Gatland Lane and will help soften the appearance of the building in short and medium term views.
- 8.30 It is considered the development will not cause significant impact on the local townscape and will be acceptable within its built context and will accord with Policy

DM1 which required development to be of high quality design and respond positively to the local character of the area.

Residential Amenity

- 8.31 The previous application, 14/503997, explored the issues of noise impact on adjoining properties with the submitted noise assessment at that time being based upon the potential for 420 pupils at the site. This report has been resubmitted with the current application. Whilst members ultimately decided to restrict the numbers of pupils to 240 falling to 220, these studies are useful in establishing the impact and the response of the council's specialist departments if this extension was constructed and condition 2 was removed as proposed by 16/506322. The main impacts are and were in the previous application, that of the drop and pick up of children and the impact of children in the playground at break times.
- 8.32 In relation to noise impacts from pick up and drop off, the previous noise assessment concludes that the predicted use of the external playground areas and student drop off/collection will not result in any unacceptable noise impact to residents at Gatland Lane and Sherbourne Drive. The environmental officer has stated that the development is unlikely to cause significant harm to local residential amenity by way of drop off and collections and this was a position accepted in the previous application.
- 8.33 In this application, the Environment Health raised the potential disturbance on adjoining occupiers by reason of noise from children in the playground although it is noted this was not raised as an objection in the original 2014 application. The noise report assesses this issue and considers the impact would not have a significant impact on residents bearing in mind the background levels and existing use. Following further discussions with the applicant and the planning officer, the Environmental Health officer has confirmed that subject to management measures, specifically the use of staggered break times for students, that he has now no objections to the scheme. The use of staggered break times can be secured by condition with is set out in condition 11 below which would require a management plan to be submitted to the council.

Safety and Highways

- 8.34 The matters of road safety and safety to road users and pedestrians was a concern in the previous application, 14/503957 and has been again raised by residents and local groups. The application is supported by a Transport Statement and KCC Highways, Maidstone Borough Council and the applicants have been involved in further discussions regarding access, car parking and the general impacts on road safety. As part of these discussion further information has been provided with regards to parking beats, progress on works that were agreed under the parent permission and walking routes to the site. Before assessing the impact of the additional growth of the school it is necessary to consider the fact the conditions placed upon the original consent, 14/503957, will remain in place and the detail approved for these conditions, including those relating to Parent/Pupil Safety Plan (Condition 3), improvements to the highway (Condition 5), Dropping off policy (Condition 8) and pedestrian access (condition 9) were all based on 420 pupils. However, it is recognised there some approved details relating to conditions which were based on the lower pupil numbers such as the travel plan and thus it is recommended new conditions are applied to this application to deal with the issues

based on the higher pupil numbers. This includes a new travel plan condition to be applied to 16/506320 if approved. These conditions, both existing and proposed, will still need to be adhered to by the school in the event pupil numbers increase. These measures will obviously have some impact in reducing impacts and improving the safety of pedestrians at busy times.

Access and Parking

- 8.35 The development will utilise the existing access and will provide 37 parking spaces (including disabled provision) along with cycle parking to the south of the parking area. This is considered to be adequate to deal with the maximum number of full time 35 staff members (at full capacity) and bearing in mind the no drop off policy for general pupils, this parking provision is considered to be adequate. The access has also previously been considered to be safe and present no significant highway issues. On this basis and the limited increase of on-site activity, it is considered the access and parking arrangements are acceptable in relation to the increase in pupil numbers. Following receipt of further information KCC Highways have reviewed the scheme do not have any objections with regards to on-site parking or access to the site.

Impact of Traffic on Congestion/Road Network Capacity

- 8.36 There have been a number of concerns raised regarding the capacity of the local road network to cope with the increased traffic that could occur as a result of the intended growth of the school. Whilst recognising that the activity associated with the site would be largely restricted to AM and PM periods associated with school opening hours, it is necessary to fully consider the impact of the increased traffic. The Transport Statement states that the school as proposed by this application will generate an additional 69 vehicle trips or 138 two way vehicle movements in the morning and afternoon in comparison to the consented capacity. The report highlights the impact on junctions between Gatland Lane and Fant Lane and Gatland Lane, Farleigh Lane and Glebe Lane as being potentially affected by the new development. However, it concludes that the level of trips associated with the extension would not have a detrimental impact on the operation of the junction when compared to the consented level of growth.
- 8.37 The matter of the local highway network and its capacity for further growth was investigated in some detail in the Fant Farm appeal (ref: APP/U2235/W/16/31482) which relates to the development of up to 225 dwellings which lies within the locality of the school. The transport impacts of the development were considered in combination with the intended growth of the school and therefore the views of the Inspector on the impact on the wider highway network are very relevant to this application.
- 8.38 Firstly, the Inspector looked at the cumulative impacts of the residential development and its consented level and the category of road that Gatland Lane would best represent. He had the following comments;

'The appellant's Transport Assessment (TA) compared recorded traffic flows in Gatland Lane against urban road capacities set out in TA 79/99 of Design Manual for Roads and Bridges comparing it initially against UAP3, variable standard road carrying mixed traffic with frontage access, side roads, bus stops and at-grade pedestrian crossings, which has an indicative one-way hourly flow of 900. Gatland

Lane broadly matches the characteristics of UAP3 and this is not in my view an inappropriate comparator.'

'Taken together with the traffic projections for the appeal scheme, the Transport Statement results indicate that with the school operating at permitted capacity the total morning peak flows in 2018 on Gatland Lane west of the site access would be some 683 and east of the site access 642. This would still be significantly below the 900 theoretical capacity of a UAP3 road, and indeed below the 750 busiest directional flow capacity of a UAP4 road described as a busy high street carrying predominantly local traffic with frontage activity including loading and unloading.'

The resulting effect on the Gatland Lane/Farleigh Lane/Glebe Lane junction, which has been shown to operate currently with spare capacity, and on the Gatland Lane/Fant Lane junction would be modest with the junctions continuing to operate satisfactorily.

- 8.39 The Inspector then went onto consider the impacts should the school increase to 420 pupils (as this application was live at the time of the appeal);

"If expansion of the school to a 430 pupil intake was granted, there is shown to be a potential for traffic flows in Gatland Lane, including trips arising from the proposed development, of 756/815 in 2018 and 797/856 in 2025. Whilst this would exceed the UAP4 theoretical capacity of Gatland Lane, it would remain below the UAP3 capacity. Further, there is no certainty that permission will be granted and the assumptions in respect of school catchment would not necessarily hold true over this time period. It is reasonable for example to assume that some children from the proposed development would attend the enlarged school. If that was the case, they could reasonably be expected to walk to school resulting in fewer than anticipated vehicle movements.'

- 8.40 Therefore, in summary the Inspector has concluded that there is sufficient road capacity for both the residential development and that of Jubilee School even at its intended capacity of 420 pupils. As the Fant Farm scheme was dismissed on other grounds and thus this will not be coming forward, the Inspector conclusions robustly infer that the impact of the growth of Jubilee School will be acceptable in terms of the local road network and capacity. KCC Highways, in reviewing the scheme, also note the growth of the school would remain in capacity of the local highway network. This point is a significant material consideration which weighs in favour of the removal of condition 2.

Impact on highway as a result of parking associated with the school

- 8.41 The applicant also submitted parking beat data as part of the development which sought to establish the unrestricted parking capacity of the nearby roads and the current demand from the school at peak times, namely at school start and finish times. This included roads at Gatland Lane, Ridgeway, Cowdrey Close, Chamberlain Avenue, Burghclere Close, Sherbourne Drive and Portsdown Close, roads that are within walking distance or have sustainable links through to the school site. The scope of this survey was agreed with KCC Highways and essentially then calculates the capacity of the road network to accommodate parking from the proposed additional growth of the school. This information was provided to allow better understanding of the parking stresses that occurs at the peak times associated with the school use.

- 8.42 This parking beat data has been reviewed by KCC Highways and the officers recognise parking stress at peak times including in the afternoon where 100% parking occupancy is expected to occur at Ridgeway, Cowdrey Close, Chamberlain Avenue (part) and Burghclere Drive with 97% occupancies predicted at Gatland Lane and Sherbourne Drive within the study area. However, KCC does not consider effects to be severe in NPPF terms and considers these effects to present only minor conflict with peak time traffic and importantly that Gatland Lane remains within capacity. It is also pertinent to consider the extent of these effects particularly as full parking occupancy will only occur when the school is at maximum capacity and the effects will only last for a limited period around picking up time in the afternoon with the rest of the day being unaffected. KCC also consider mitigation can be provided in the form of a break in traffic on Gatland Lane for larger vehicles achieved by parking restrictions and the inclusion of a link to the recreation ground which was secured via condition of the parent planning permission.
- 8.43 Thus in summary, there is no significant adverse effects caused by the development on highway grounds on account of site specific highway matters or effects on the wider highway network. KCC highways raise no objection to the scheme subject to a conditions requiring a construction management plan and travel plan

Landscaping/Trees

- 8.44 The application is supported by landscaping plans which set out the proposed soft and hard landscaping which will apply to the external areas of the site. As set out above, the extension will create a play area zone which will run from the rear of the existing building and wrap around the parking area which will extend along the eastern boundary. The play area will include various surfaces, including two play areas consisting of artificial lawn, permeable bound gravel and a tarmaced sport court (MUGA). This will be contained within a natural setting including an area contained an area consisting of bark chippings with seating and retention of existing trees along with new planting along the boundaries and within the site where appropriate.
- 8.45 The council's landscape department have reviewed this application and has no objections subject to a condition requiring a arboriculture method statement and tree protection in order those trees to be retained are protected during the construction and lifetime of the development. This can be secured by a suitable planning condition along with conditions relating to hard and soft landscaping where further detail and specification can be sought.

Other Matters

- 8.46 The development is not considered to present significant ecology value having regard to the fact the site is currently mown and well kept grass and there is little potential for protected species although a condition is suggested to provide ecological enhancements to the site as part of the extension application in order that this would accord with paragraph 118 of the NPPF and policy DM3 of the Maidstone Emerging Plan.
- 8.47 The application is also supported by an air quality assessment which concludes that the impact on air quality during construction is not significant and over the lifetime of the development the impacts on the wider area are negligible. This assessment has been reviewed the environmental health officer who states the site is sufficient far

away from any air quality hotspot and no significant impact will be caused by this development.

9.0 CONCLUSION

- 9.1 The principle of a school is established on site and is a school which currently contributes to the needs of the Maidstone West area and which is included in the KCC Commission Plan up to 2020. The relevant planning and government guidance set out strong support for new school facilities and there is an identified current and future need in the area for new school places.
- 9.2 This application sits alongside a separate application, 16/506322, which seeks to remove condition 2 of 14/503957 to allow greater pupil numbers to attend the school. These applications are mutually dependent on one another. For example if the condition 2 is not removed, there is no need for the extension and vice versa, if condition 2 is lifted then the extension is needed to deliver the additional accommodation for the extra pupils.
- 9.3 It is considered the new school will meet the relevant standards for new schools in terms of internal floorspace and will also prioritise on-site playspace in accordance with the standards. Any shortfall of on-site playspace will be mitigated by access to open space, through agreement with the neighbouring school and through hiring of adjacent sports pitches, an option which is feasible and available to the school. Thus in short, it is considered the school will create an education facility of a good standard which will go some way to meeting the needs of the area.
- 9.4 In terms of the associated effects of the larger school, these have been assessed by relevant specialist departments, Inspectors and the case officer and it is considered the extension to the school will not have any significant impact on the area or surrounding properties.
- 9.5 The development is considered to accord with development plan and therefore it is recommended planning permission is granted subject to the planning conditions below.

10.0 RECOMMENDATION – GRANT Subject to the following conditions

CONDITIONS to include

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

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

2. The development hereby approved shall not commence above slab level until, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted

to and approved in writing by the local planning authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development

3. The development hereby approved shall not commence above slab level until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;
Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

4. No development of hard surfaces shall take place until an Arboricultural Method Statement detailing hard surfaces within the root protection areas of trees in accordance with the principles set out in the current edition of BS 5837 and other current best practice guidance has been submitted to and approved in writing by the local planning authority.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

5. No development including site clearance and demolition shall take place until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS 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, for example, 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.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

6. The development hereby approved shall not commence until details of tree protection in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, 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. 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. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

7. The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed and include a planting specification, a programme of implementation and a [5] year management plan.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

8. The use or occupation of each phase of the development hereby permitted shall not commence until all planting, seeding and turfing specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within five 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: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

9. The development hereby approved shall not commence until a method statement for the construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement. Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel-cleaning facilities during the demolition, excavation, site preparation and construction stages of the development. The method statement shall also include details of the means of recycling materials, the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.

Reason: To ensure the construction of development does not result in highway safety.

10. The development hereby approved shall not commence until the parking spaces have been laid out in accordance with the Proposed Site Plan date stamped 25th August 2016 and shall be retained thereafter

Reason: To ensure adequate on school parking and to prevent harm to the highway

11. Within 3 months from the date of this decision a School Travel Plan, including a Safer Travel Document to deal with up to 420 pupils, shall be submitted for approval to the Local Planning Authority. The Document shall set out information for parents and pupils of all parking and highway restrictions in the area, details of all existing and proposed pedestrian and vehicle access points into the School, details of the School Crossing Patrol, Walking Buses and any other measures to encourage sustainable transport choices and also the need to be considerate to all local residents when either driving and parking or walking to School. It will also clearly set out the restriction on pupil numbers that the School must adhere to and that the drop-off and pick up point at the front of the School must only be used by School buses, taxis and emergency vehicles and not by parents. The School will supply the parents of all pupils with a copy of the Travel Plan within 3 months of it being approved and shall permanently make a copy publicly available on-line on the school website for viewing by local residents and any other interested parties. It shall also be registered and uploaded to KCC's online portal and reviewed on a yearly basis.

Reason: In the interests of highway safety, safety and amenity of the pupils, the amenity of the local residents and surrounding area.

12. The development hereby approved shall not commence above slab level until details for a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the extension by means such as swift bricks, bat tube or bricks. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

Reason: To protect and enhance the ecology and biodiversity on the site in the future.

13. The use of the new extension shall not commence until details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission 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. The scheme shall include an acoustic assessment which demonstrates that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 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

14. The development hereby approved shall not commence until, a scheme to demonstrate that the internal noise levels within the school building do not adversely affect external noise levels in back gardens and other relevant amenity areas. This will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, have been 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 aural amenity

15. Prior to the first occupation of the extension hereby approved, a management plan relating to the timing of external play times and breaks for pupils should be submitted to the council and approved in writing by the Local Planning Authority. Such a plan should include the timetable and management of the use of external areas, including consideration of staggered break times for the different classes and details of school management and monitoring of measures. Once approved, the use of the site should be undertaken in accordance with these approved details.

Reason: In order to protect amenities of nearby properties

INFORMATIVES

With the exception of condition 2 (should the committee decide to approve 16/506322), the conditions of 14/503957 continue to apply in full force and those details subsequently discharged as part of related applications.

Case Officer: Diane Chaplin

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

REPORT SUMMARY

REFERENCE NO - 16/506322			
APPLICATION PROPOSAL			
Removal of condition 2 of 14/503957 (Application for permanent change of use to a free school (Class D1)) - The condition restricts the number of pupils to 240 until July 2022 and then 210 from September 2022 onwards. The condition is therefore required to be removed, to accommodate an increase in capacity. In the event the extension of floorspace application is approved at the subject site.			
ADDRESS Jubilee Free School Gatland House Gatland Lane Maidstone Kent ME16 8PF			
RECOMMENDATION Approve - Remove condition 2 and impose new condition limiting pupil numbers to 420 pupils			
SUMMARY OF REASONS FOR RECOMMENDATION			
The removal of condition 2 is considered to comply with the relevant policies of the development plan and the approach of the National Planning Policy Framework (NPPF) and other relevant publications which represent material considerations in support of the application. The proposed removal of the condition relating to pupil numbers is intrinsically linked with application 16/506320 which will deliver the additional floorspace required for the additional pupils that would be permitted by removal of condition 2. It is considered the related increase in pupils and the impact of the additional floorspace is considered to be acceptable having regard to the relevant matters including relevant standards, access to playspace and open space, impact on amenity of neighbouring properties and highway matters.			
REASON FOR REFERRAL TO COMMITTEE			
Application has been called by local councillors in order the proposals can be debated at committee for reasons of public interest			
WARD Fant	PARISH/TOWN COUNCIL	APPLICANT Education Funding Agency AGENT JLL	
DECISION DUE DATE 31/10/16	PUBLICITY EXPIRY DATE 02/12/16	OFFICER SITE VISIT DATE	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
13/1709	Demolition of existing buildings and erection of 14 dwellings	Approved	14.4.2014
14/503957	Application for permanent change of use to a free school (Class D1)	Approved	12.11.2015
16/501502	Discharge of condition of 14/503957 relating to cycle, drop off/pick up and pedestrian access	Approved	17.6.2016
16/501507	Discharge of condition of 14/503957 Parent/Pupil drop off and School Travel Plan	Approved	16.6.2016

16/501509	Discharge of condition of 14/503957 relating to boundary treatment	Approved	28.6.2016
16/501512	Discharge of condition of 14/503957 landscaping scheme	pending	
16/506320	Erection of an extension to the existing school building for educational use	Pending	

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The site is Jubilee Free School which was opened in September 2014 and currently has around 150 pupils. The school was granted planning permission under 14/503957 which granted permission for up to 240 pupils up to the year 2022 and 210 thereafter. The school forms part of the KCC Education commissioning plan 2016-20.
- 1.2 The building fronts onto Gatland Lane and is a two storey building with a rear two storey projection. To the rear are hard surfaced and a grassed areas with a parking area to the eastern part of the site. There are two vehicle access points into the site from Gatland Lane (either side of the buildings frontage) and there is a grass verge and low level wall for boundary treatment to the front of the site. Boundary treatment to the north (rear) and west largely consists of well established conifer trees; and to the east it is of close boarded fencing and some level of planting. To the east and south there are residential properties, with the rear gardens of properties in Sherbourne Drive backing onto the site: to the north a substation and then a playing field beyond; and to the west an access road and then a sports field.
- 1.3 The site covers an area of some 0.48 hectares and is within the defined urban area as identified by the Maidstone Borough-Wide Local Plan 2000 (MBWLP)

2.0 PROPOSAL

- 2.1 This report relates to the removal of condition 2 of 14/503957 (Application for permanent change of use to a free school (Class D1)) - The condition restricts the number of pupils to 240 until July 2022 and then 210 pupils from September 2022 onwards. The condition is proposed for removal to allow up to 420 pupils and create a two form entry school (2FE)
- 2.2 This application sits alongside application 16/506320, which relates to the extension to the existing building which will provide the additional floorspace to accommodate this increase in pupils. Essentially, these applications, although separate, are mutually dependent upon one another as the extension is necessary to accommodate the additional pupils that would be permitted by the removal of condition 2 of 14/503957 and likewise, if the condition is not removed then there is no necessity for the extension.
- 2.3 The matter of the pupils numbers was subject of the earlier application 14/503957, but pupil numbers were restricted to those set out in condition 2 as it was considered there was insufficient certainty that the school could achieve the standards for a 2FE

and it was also unclear how these additional pupils could be accommodated on site as at that time it was only the existing building that was subject of the application.

3.0 PLANNING CONSTRAINTS

Potential Archaeological Importance

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: Maidstone Local Plan 2000.
Emerging Local Plan; DM1, DM3, DM23, DM27,
Supplementary Planning Documents:

5.0 LOCAL REPRESENTATIONS

5.1 The site notice was placed at the site on the 4th October 2016.

5.2 There have been 19 objections from members of the public, including Save Fant Farm Community Group to the application who raise the following issues:

- Limited land
- Congestion and parking problems
- Extension is not required
- Parking and changing character of the area
- Site incapable of accommodating such an extension or providing a holistic education
- Lack of play space which is below standards
- Highway Safety
- Noise levels
-

5.3 There have been 8 letters of support which highlight the following issues

- The plans appear well thought out
- Parents car share and on the most part park responsibly
- Maidstone needs new schools and restrictions caused issues for new intakes
- Is an asset to the local community
- Stopped Gatland Road being used as a rat run and cars do not obstruct traffic
- Need as many reception places as need

6.0 CONSULTATIONS

6.1 **Environmental Health** have no issue with air quality or noise from classrooms (which it considers can be dealt with by condition), they wished to have greater information on the matter of disturbance on adjoining occupiers both from pick up and drop off but also at play time and lunchtimes. Further discussions were held with the Environment Health department and further information was presented and the view was a planning condition relating to staggered break times, which will restrict

numbers of children outside at any one time, could address the matter to the point they no longer object to the application. This matter is discussed further below in more detail.

- 6.2 **KCC Highways** No objections to the application but highlights high parking occupancy in beat study area but highlights these will have only a minor impact on peak times. Subject to parking restrictions and conditions relating to travel plan and construction management plan and KCC state the effects are not severe in terms of the NPPF.
- 6.3 **MBC Landscape** No objections to layout and tree removal but concerns regarding the mulching and installation of seats under a category B tree. As such there should be a condition regarding arboricultural method statement and tree protection plan as well as the standard landscaping conditions
- 6.4 **KCC Archaeology** No comments to make

7.0 BACKGROUND PAPERS AND PLANS

Application forms
Covering letter
Site location plan

Relevant background papers of 16/506320

Existing and proposed block plans
Existing and Proposed Elevations
Existing and Proposed Floorplans
Proposed Sections
Proposed Landscaping Plans
Transport Statement and further information in respect of parking beats, etc
Planning Statement
Design and Access Statement
Tree Survey
Air Quality Assessment
Noise Report

8.0 APPRAISAL

Background

- 8.1 The school was originally approved as a one form entry (1FE) primary school under application 14/503957 which permitted the use of the site as a Free School subject to a condition restricting pupil numbers to 240 up until 2022 and then 210 pupils thereafter. The application in 2014 was originally submitted on the basis of a capacity of up to 420 pupils but during the application process the applicant agreed to the restrictive condition to reduce numbers as officers felt there was a lack of information regarding the ability of the site to accommodate such numbers. For example, there was no application for an extension to provide for a larger pupil number of 420 (or a 2 Form Entry equivalent) and it was unclear whether there would be sufficient outdoor playspace if an extension was built on the site. As no plans were provided for the design and layout of any extension that would enable the school to cater for 420 pupils (or 2FE equivalent), it was impossible to determine whether such an extension would also be acceptable in terms of impact on the surrounding area.

Planning Committee Report

- 8.2 The application was approved subject to a number of conditions including those relating to Parent/Pupil Safety Plan (Condition 3), improvements to the highway (Condition 5), School Travel Plan (Condition 6), Dropping off policy (Condition 8) and pedestrian access (condition 9) and these will remain in place and will need to be adhered to by the school.. These measures were imposed to reduce impacts of the school use and also to improve the safety of pedestrians at busy times. These conditions allow for a 3 pick up/drop off bays for buses, taxis but no facilities for general drop off children and the travel plan and Parent/Pupil Safety plan has been submitted and approved by the council. Most of these details or requirements of the conditions were based upon 420 pupils, but where those which are not, such as the Travel Plan, a further condition will be required and this is outlined in more detail below.
- 8.3 As such, the application establishes the principle of an educational facility on the site and members now have an application to extend the building to a standard which accords with the floorspace standards for an 2FE under 16/506320, also before the committee, and the current application to remove the condition relating to pupil numbers to allow a 2FE to be formed.
- 8.4 A pre-application was held in March 2016 with the applicant regarding the increase in the capacity of the school and advice was provided in respect of the pertinent matters such as playspace, impacts on adjoining properties and highways.

Principle of Development

- 8.5 The application relates to an existing Free School which is located within the built up area of Maidstone whereby development is considered acceptable subject to other policies. In the case of the Maidstone Local Plan 2000, the relevant policy is CF1 which relates to new community facilities, including educational facilities. Whilst this is not directly relevant to existing facilities, it does imply new facilities should be provided to meet this future need which is generated by new development, a point which will be touched upon further below. This policy is taken forward in policy DM23 of the emerging plan which again recognises the need to provide community facilities to meet the needs of new residential development. As set out below, there is currently a deficit of school places within the Maidstone West Area which does not take account of the future growth within the emerging plan and thus there is a context where further education provision is necessary.
- 8.5 Of relevance to this point is that school is included in the KCC Commissioning Plan 2017-2021 to provide primary school places within the Maidstone West area which together with other central Maidstone areas has been subject to high level of inward migration from London Boroughs. The Commissioning report states that the restriction of places at Jubilee School to 1FE is an aggravating factor which has placed considerable pressure in central Maidstone for reception and Year 1 and 2 places. Whilst the report recognises this current planning application, it does state there will be a need a further 1FE for Maidstone West area.
- 8.6 At a national level, the policy relating to the provision of school development remains a positive one which paragraph 72 of the NPPF stating ; *“the government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools; and work with schools*

promoters to identify and resolve key planning issues before applications are submitted'

8.7 Whilst, the application seeks to increase pupil numbers in an existing school (in combination with 16/506320) rather than a new school facility, it is considered the significant support offered by national and local policy also remains relevant. For example, the Communities and Local Government Policy Statement on Planning for Schools Development (Aug 2011) sets out the Government's Commitment to support the development of state-funded schools and their delivery through the planning system. The policy statement advises that *"it is the Government's view that the creation and development of state-funded schools is strongly in the national interest and that planning decision makers can and should support that objective, in a manner consistent with their statutory obligations"*. It encourages collaborative working, which *"would help to ensure that the answer to proposals for the development of state-funded schools should be, wherever possible, "yes" "*. It states that *"the Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools, and the following policies should apply with immediate effect:*

- ***There should be a presumption in favour of the development of state funded schools, as expressed in the National Planning Policy Framework.***
- ***Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions.*** *The Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining applications and appeals that come before him for decision.*
- ***Local authorities should make full use of their planning powers to support state-funded schools applications. ...***
- ***A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority.*** *Given the strong policy support for improving state education, the Secretary of State will be minded to consider such a refusal or imposition of conditions to be unreasonable conduct, unless it is supported by clear and cogent evidence."*

8.7 The Plain English Guide to Planning for Free Schools, produced by the Department for Communities and Local Government in January 2015, reinforces and strengthens earlier advice. It sets out in paragraph 2 that *"the Government is committed to ensuring there is sufficient provision to meet growing demand for state-funded school places, increasing choice and opportunity in state funded education, and raising educational standards. Free schools have an important part to play in delivering this challenge."*

8.8 It is clear from the above that there is a clear policy support in favour of further education provision including that of the increase in school places that the removal of the condition would permit. That being said, the principle of the development has already been justified on the site under application 14/503957 and thus this application is largely parasitic on the application 16/506320. For example, if members decide to approve that application, then that decision would justify the approval of this application. This is on the basis the retention of condition 2, in those circumstances, would fail the tests of the NPPF in that it would be longer necessary or reasonable to restrict lower pupil numbers as it would be clear the higher numbers of pupils could be accommodated within the site. However, on the same basis, if the

other application, 16/506320, was refused, the condition would remain compliant with the tests on the basis the ability of the site to accommodate additional pupils remains uncertain and thus the condition in those circumstances would be remain acceptable in relation to the NPPF tests.

- 8.9 However, as with the application 16/506320 which is also before the committee, the need for the removal of the condition and the impacts of the increase in pupil numbers needs to be properly assessed in order to ensure there is no harm that would outweigh this strong presumption that weighs heavily in favour of additional pupil numbers.

Need

- 8.10 The previous application set out the position that the Maidstone West Primary area will have a growing need for reception year places over the next three years, with a shortfall of 32 spaces in 2017/18 and 22 spaces in 2018/19. Since this decision in 2015, the position of need for primary school places requires further reflection to take account of population changes since that time and also the future growth that is occurring in the area. The application has been reviewed by the KCC Education who considers the additional pupils places to help meet the forecast pressure over the medium term and the school currently forms parts of its commissioning plan up until 2020. The response from KCC highlights deficits in the Maidstone West area of 35 places in 2016 with further deficits of 4 and 10 places from 2017-8 to 2019-20. Furthermore, the adjoining area of Maidstone North also presents a deficit of 92 places over the period to 2020. Whilst, KCC have commissioned 30 reception places at East Borough Primary School to try and address this demand, KCC have stated this is not a permanent solution.
- 8.11 KCC confirm that this overview of need does not take into account the need that would arise from the planned increase of new homes within the emerging plan and that this will quite logically drive up demand with the planning groups and potentially exacerbate the existing deficits. The extension to the school will contribute to meeting this need and avoid pupils having to attend schools further afield from their homes.
- 8.12 It is also pertinent that policy DM23 of the emerging Local Plan recognises the need for education as part of future growth but at the same time the current school provision within the commissioning plan does not take account of the future growth as set out in the emerging plan. Thus the fact planning policy places significant weight on the need to deliver further school places and that there is a significant need within the area, these factors weigh heavily in favour of the development.
- 8.13 However, the NPPF recognises that development should be sustainable and thus the impacts of the increase in pupil numbers it will facilitate in combination with the existing school will now be considered in more detail below;

School Standards including floorspace and playspace

- 8.14 It is recognised that councillors need to be content that the removal of condition 2 to allow an increase in pupil numbers can be accommodated on the site. Firstly, as set out in more detail in the accompanying report for 16/506320, the school would deliver a range of facilities through its extended form proposed by 16/506320 and the completed school would exceed the standards set out in BB103 which relate to standards for new schools although this does stress the need for flexibility depending

upon the circumstances of each case. For a 2FE School, the minimum standards are 2048sqm and the floorspace of the completed school building would be 2254sqm which exceeds the standards by 182sqm.

- 8.15 When the previous application 14/503957 was considered, one of the main concerns regarding the higher pupils numbers was the extent of outside/playing space associated with the school. There are several relevant documents that provide guidance on this issue. The most recent document entitled Advice on Standards for School Premises, produced by the Department of Education in March 2015, sets out that outdoor space is needed for PE, which includes the provision of games and also for pupils to play outside. Building Bulletin 103 sets out the standards of such space and this will be discussed further below. There are two types of outdoor space used for PE, sports pitches (such as grass and/or all weather) used for team games such as football, hockey and cricket and hard surfaced games courts (such as MUGA's) used for netball, tennis etc. Outdoor space is also needed for informal play and socialising, which is usually both hard and soft surfaced.
- 8.16 Page 14 deals with the issue of outdoor space in terms of on-site and off-site provision. It advises that *"Schools often need to maximise the use of their sites in order to provide the variety of spaces needed. Advice on the sizes of spaces can be found in the 'Area Guidelines for Mainstream Schools' in Building Bulletin 103". It also states that "some schools will be on restricted sites and will not have enough outdoor space to meet requirements. In these situations, pupils will need to be provided with access to suitable off-site provision"*.
- 8.17 Department of Education published its 'Area Guidelines for Mainstream Schools, Building Bulletin 103' in June 2014. It states on page 36 that *"some schools will be on restricted sites and will not have enough outdoor space to meet requirements on site. In these situations pupils will need to be provided with access to suitable off-site provision. On restricted sites, where space will be at a premium, a flexible approach to the site area and the management of the use of that area will be needed, and consideration should be given to providing the following, in priority order:*
- *Firstly, space for hard informal and social area including outdoor play area immediately accessible from nursery and reception classrooms;*
 - *Then hard outdoor PE space, to allow some PE or team games to be played without going off site, ideally in the form of a multi-use games area that can also be used as hard informal and social area;*
 - *Then soft informal and social area for wider range of outdoor educational opportunities and social space;*
 - *Finally some soft outdoor PE can be provided. If this is in the form of an all weather pitch, it can count twice towards the recommended minimum."*
- 8.18 The applicant has compared the extent of playspace that is being provided on site to the BB103 standards in the priority order outlined above. This is in recognition that BB103 accepts off-site provision is sometimes necessary but if space can be provided on site, it should be provided in the order as set out above.

The outdoor space is proposed to be set out as below;

(1) Hard informal and social area- on site provision of 856sqm against the BB103 requirement of 620sqm

(2)Hard Outdoor PE- on site provision of 197sqm against a requirement of BB103 of 1030sqm

(3)**Soft informal and Social Area**- on site provision of 423sqm against a requirement of 1440sqm

- 8.19 It can be seen above, that the playspace which is prioritised by BB103 (type 1 above) is provided above standard on site but the applicant recognises there is a shortfall in open space for the other categories. The layout seeks to provide a variety of play areas to provide variety and stimulation for pupils in the space available as well as the MUGA to the north of the site. In order to address the shortfall in the other types of playspace, the school would share facilities with Bower Grove School, which has both soft and hard play facilities. This is secured by a formal agreement between the schools, a copy of which is attached as **Appendix 1**, with the arrangement allowing Bower Grove to also utilise the facilities at Jubilee including the proposed new hall in the extension.
- 8.20 Further provision of soft outdoor PE will also be provided through the rental of the adjacent sports pitches (to the west) through the Maidstone Parks and Leisure department who confirm that there is availability during school hours (fields are only booked at weekends) and subject to costs and maintenance implications, the applicant would likely be able to block book field/s for use for sports and recreation like with any other user. This together with the Bower Grove facilities would provide access to facilities in accordance and potentially in excess with the BB103 standards. The new school extension will include the provision of an indoor hall and studio which will also provide additional play space within the site.
- 8.21 Bearing in mind BB103 relates to new school facilities, it does suggest some flexibility in relation to these standards by stating; *Some schools will be on restricted sites and will not have enough outdoor space to meet requirements on site. In these situations pupils will need to be provided with access to suitable off-site provision. On restricted sites, where space will be at a premium, a flexible approach to the site area and the management of the use of that area will be needed, and consideration should be given to providing the following, in priority order:* The school has met the type of space prioritised by BB103 and it is considered the proximity and likely availability of this off-site land and facilities within school hours makes this a feasible option to provide additional play space so pupils have proper access to such facilities as part of their schooling. The fact the BB103 guidance recognises that a flexible approach is sometimes needed, it is considered this approach would be acceptable in this case. This on the basis of the standards required for a 2 form entry primary school and a maximum of 420 pupils.
- 8.22. It is recognised that this outdoor space is largely dependent on off-site provision but perhaps most importantly the school delivers in excess of the requirement on site in relation to the type of space prioritised by BB103; Hard informal and social areas, which is the type most readily required by students and when formal PE space is required, this space can be provided on land that abuts the school site. This type of arrangement is common in many schools across the UK whereby the provision of PE playing space is reliant on off-site provision/utilising shared facilities across schools, but the fact the facilities are almost directly accessible from the site is considered to make this on site shortfall against the standards acceptable in officer's view.
- 8.23 Whilst, it is recognised the previous committee report raised concerns regarding the ability of the site to meet the standards for a 2FE Primary school for 420 pupils, further information is now available with regards to the hiring of the adjacent sports pitches and this together with the agreement with Bower Place and the facilities provided within the new scheme, it is now considered to meet the play space

requirements for a 420 pupil 2FE and thus should not weigh against the removal of condition 2.

Residential Amenity

- 8.24 The previous application, 14/503997, explored the issues of noise impact on adjoining properties with the submitted noise assessment at that time being based upon the potential for 420 pupils at the site. This report has been resubmitted with the current application. Whilst members ultimately decided to restrict the numbers of pupils to 240 falling to 220, these studies are useful in establishing the impact and the response of the council's specialist departments if this extension was constructed and condition 2 was removed as proposed by 16/506322. The main impacts are and were in the previous application, that of the drop and pick up of children and the impact of children in the playground at break times.
- 8.25 In relation to noise impacts from pick up and drop off, the previous noise assessment concludes that the predicted use of the external playground areas and student drop off/collection will not result in any unacceptable noise impact to residents at Gatland Lane and Sherbourne Drive. The environmental officer has stated that the development is unlikely to cause significant harm to local residential amenity by way of drop off and collections and this was a position accepted in the previous application.
- 8.26 In this application, the Environment Health raised the potential disturbance on adjoining occupiers by reason of noise from children in the playground although it is noted this was not raised as an objection in the original 2014 application. The noise report assesses this issue and considers the impact would not have a significant impact on residents bearing in mind the background levels and existing use. Following further discussions with the applicant and the planning officer, the Environmental Health officer has confirmed that subject to management measures, specifically the use of staggered break times for students, that he has now no objections to the scheme. The use of staggered break times can be secured by condition with is set out in condition 11 below which would require a management plan to be submitted to the council as part any approval under 16/506320.

Safety and Highways

- 8.27 The matters of road safety and safety to road users and pedestrians were a concern in the previous application, 14/503957 and have been again raised by residents and local groups. The application is supported by a Transport Statement and KCC Highways, Maidstone Borough Council and the applicants have been involved in further discussions regarding access, car parking and the general impacts on road safety. As part of these discussion further information has been provided with regards to parking beats, progress on works that were agreed under the parent permission and walking routes to the site. Before assessing the impact of the additional growth of the school it is necessary to consider the fact the conditions placed upon the original consent, 14/503957, will remain in place and the detail approved for these conditions, including those relating to Parent/Pupil Safety Plan (Condition 3), improvements to the highway (Condition 5), Dropping off policy (Condition 8) and pedestrian access (condition 9) were all based on 420 pupils. However, it is recognised there some approved details relating to conditions which were based on the lower pupil numbers such as the travel plan and thus it is recommended new conditions are applied to this application to deal with the issues

based on the higher pupil numbers. This includes a new travel plan condition to be applied to 16/506320 if approved. These conditions, both existing and proposed, will still need to be adhered to by the school in the event pupil numbers increase. These measures will obviously have some impact in reducing impacts and improving the safety of pedestrians at busy times.

Access and Parking

- 8.35 The development will utilise the existing access and will provide 37 parking spaces (including disabled provision) along with cycle parking to the south of the parking area. This is considered to be adequate to deal with the maximum number of full time 35 staff members (at full capacity) and bearing in mind the no drop off policy for general pupils, this parking provision is considered to be adequate. The access has also previously been considered to be safe and present no significant highway issues. On this basis and the limited increase of on-site activity, it is considered the access and parking arrangements are acceptable in relation to the increase in pupil numbers. Following receipt of further information KCC Highways have reviewed the scheme do not have any objections with regards to on-site parking or access to the site.

Impact of Traffic on Congestion/Road Network Capacity

- 8.36 There have been a number of concerns raised regarding the capacity of the local road network to cope with the increased traffic that could occur as a result of the intended growth of the school. Whilst recognising that the activity associated with the site would be largely restricted to AM and PM periods associated with school opening hours, it is necessary to fully consider the impact of the increased traffic. The Transport Statement states that the school as proposed by this application will generate an additional 69 vehicle trips or 138 two way vehicle movements in the morning and afternoon in comparison to the consented capacity. The report highlights the impact on junctions between Gatland Lane and Fant Lane and Gatland Lane, Farleigh Lane and Glebe Lane as being potentially affected by the new development. However, it concludes that the level of trips associated with the extension would not have a detrimental impact on the operation of the junction when compared to the consented level of growth.
- 8.37 The matter of the local highway network and its capacity for further growth was investigated in some detail in the Fant Farm appeal (ref: APP/U2235/W/16/31482) which relates to the development of up to 225 dwellings which lies within the locality of the school. The transport impacts of the development were considered in combination with the intended growth of the school and therefore the views of the Inspector on the impact on the wider highway network are very relevant to this application.
- 8.38 Firstly, the Inspector looked at the cumulative impacts of the residential development and its consented level and the category of road that Gatland Lane would best represent. He had the following comments;

'The appellant's Transport Assessment (TA) compared recorded traffic flows in Gatland Lane against urban road capacities set out in TA 79/99 of Design Manual for Roads and Bridges comparing it initially against UAP3, variable standard road carrying mixed traffic with frontage access, side roads, bus stops and at-grade pedestrian crossings, which has an indicative one-way hourly flow of 900. Gatland

Lane broadly matches the characteristics of UAP3 and this is not in my view an inappropriate comparator.'

'Taken together with the traffic projections for the appeal scheme, the Transport Statement results indicate that with the school operating at permitted capacity the total morning peak flows in 2018 on Gatland Lane west of the site access would be some 683 and east of the site access 642. This would still be significantly below the 900 theoretical capacity of a UAP3 road, and indeed below the 750 busiest directional flow capacity of a UAP4 road described as a busy high street carrying predominantly local traffic with frontage activity including loading and unloading.'

The resulting effect on the Gatland Lane/Farleigh Lane/Glebe Lane junction, which has been shown to operate currently with spare capacity, and on the Gatland Lane/Fant Lane junction would be modest with the junctions continuing to operate satisfactorily.

- 8.39 The Inspector then went onto consider the impacts should the school increase to 420 pupils (as this application was live at the time of the appeal);

"If expansion of the school to a 430 pupil intake was granted, there is shown to be a potential for traffic flows in Gatland Lane, including trips arising from the proposed development, of 756/815 in 2018 and 797/856 in 2025. Whilst this would exceed the UAP4 theoretical capacity of Gatland Lane, it would remain below the UAP3 capacity. Further, there is no certainty that permission will be granted and the assumptions in respect of school catchment would not necessarily hold true over this time period. It is reasonable for example to assume that some children from the proposed development would attend the enlarged school. If that was the case, they could reasonably be expected to walk to school resulting in fewer than anticipated vehicle movements.'

- 8.40 Therefore, in summary the Inspector has concluded that there is sufficient road capacity for both the residential development and that of Jubilee School even at its intended capacity of 420 pupils. As the Fant Farm scheme was dismissed on other grounds and thus this will not be coming forward, the Inspector conclusions robustly infer that the impact of the growth of Jubilee School will be acceptable in terms of the local road network and capacity. KCC Highways, in reviewing the scheme, also note the growth of the school would remain in capacity of the local highway network. This point is a significant material consideration which weighs in favour of the removal of condition 2.

Impact on highway as a result of parking associated with the school

- 8.41 The applicant also submitted parking beat data as part of the development which sought to establish the unrestricted parking capacity of the nearby roads and the current demand from the school at peak times, namely at school start and finish times. This included roads at Gatland Lane, Ridgeway, Cowdrey Close, Chamberlain Avenue, Burghclere Close, Sherbourne Drive and Portsdown Close, roads that are within walking distance or have sustainable links through to the school site. The scope of this survey was agreed with KCC Highways and essentially then calculates the capacity of the road network to accommodate parking from the proposed additional growth of the school. This information was provided to allow better understanding of the parking stresses that occurs at the peak times associated with the school use.

- 8.42 This parking beat data has been reviewed by KCC Highways and the officers recognise parking stress at peak times including in the afternoon where 100% parking occupancy is expected to occur at Ridgeway, Cowdrey Close, Chamberlain Avenue (part) and Burghclere Drive with 97% occupancies predicted at Gatland Lane and Sherbourne Drive within the study area. However, KCC does not consider effects to be severe in NPPF terms and considers these effects to present only minor conflict with peak time traffic and importantly that Gatland Lane remains within capacity. It is also pertinent to consider the extent of these effects particularly as full parking occupancy will only occur when the school is at maximum capacity and the effects will only last for a limited period around picking up time in the afternoon with the rest of the day being unaffected. KCC also consider mitigation can be provided in the form of a break in traffic on Gatland Lane for larger vehicles achieved by parking restrictions and the inclusion of a link to the recreation ground which was secured via condition of the parent planning permission.
- 8.43 Thus in summary, there is no significant adverse effects caused by the development on highway grounds on account of site specific highway matters or effects on the wider highway network. KCC highways raise no objection to the scheme subject to conditions requiring a construction management plan and travel plan.

Other Matters

- 8.36 The application is also supported by an air quality assessment which concludes that the impact on air quality during construction is not significant and over the lifetime of the development the impacts on the wider area are negligible. This assessment has been reviewed the environmental health officer who states the site is sufficient far away from any air quality hotspot and no significant impact will be caused by this development.

9.0 CONCLUSION

- 9.1 The approval of this application to remove condition 2 is dependent on the committee's decision on 16/506320 as if this is not approved then the condition remains necessary as there is a lack of accommodation within the site to accommodate the additional pupil increase that is currently restricted by condition 2. However, that being said, the officer assessment of this application and that of 16/506320 consider that there are no adverse effects that would arise from the proposed growth and extension of the school into the 2FE and thus if 16/506320 is granted planning permission, condition 2 should also be removed.
- 9.2 On the basis that there are no identified significant adverse effects as a result of the proposed additional pupil numbers and on the basis the other application is permitted, it is recommended condition 2 is removed to allow the school to become a 2FE primary school. However, in order to provide greater control over the use and to limit pupil numbers to those to which have been assessed under these applications it is recommended a replacement condition is imposed to limit pupil numbers to 420 pupils.

- 11.0 RECOMMENDATION** – GRANT and removal condition 2 of 14/503957 and impose the following condition as follows;

:

1. The maximum number of students enrolled in the school shall not exceed 420 pupils.

Planning Committee Report

Reason: To enable the LPA to regulate and control the site/building in the interests of the amenity of the area

INFORMATIVES

The remaining conditions on 14/503957 will continue to apply in full force.

Case Officer: Diane Chaplin

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

Agenda Item 15



16-506490

Scale: 1:1250

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REPORT SUMMARY

REFERENCE NO - 16/506490/FULL		
APPLICATION PROPOSAL Erection of 4 no. one bedroom single storey dwellings on residential garden land.		
ADDRESS 37 - 39 West Street Harrietsham Kent ME17 1HX		
RECOMMENDATION GRANT PLANNING PERMISSION - Subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development complies 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 permission		
REASON FOR REFERRAL TO COMMITTEE Harrietsham Parish Council requested that the application be determined by the planning committee if the case officer was minded to recommend approval.		
WARD Harrietsham And Lenham	PARISH/TOWN Harrietsham	COUNCIL Fairclough Residential AGENT Lloyd Hunt Associates
DECISION DUE DATE 11/10/16	PUBLICITY EXPIRY DATE 16/09/16	OFFICER SITE VISIT DATE 20/05/2017
RELEVANT PLANNING HISTORY (including appeals and history on adjoining sites): MA/08/1091 Demolition of existing bakery and erection of 3 (no) two bed houses and 5 (no) three bed houses in two terrace blocks with ancillary car parking and private gardens with vehicular access from West Street and Forge Meadows.		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is a rectangular shaped plot taken from the rear gardens of no's 37-39 West Street, with a site frontage on to Forge Meadow. Whilst it appears to be unused with no crossover provided on to Forge Meadow a single storey garage building is located at the end of the garden of 37 West Street. A gate provides access from Forge Meadow to Bakers Yard which is a private street. For the purposes of the adopted Local Plan, the application site is within the defined village boundary of Harrietsham.
- 1.02 The site measures 24 metres in length from what will be the relocated rear boundaries of the properties at 37-39 West Street to the corner of the junction of Forge Meadow and Bakers Yard. The site has a depth of 12 metres (width of the two gardens). The red line application site boundary covers a total area of 0.05 hectares, including the area proposed for car parking.
- 1.03 The western boundary of the main part of the site currently has a two metre high hedge which screens it from view from Forge Meadow. There is a close boarded fence running along the eastern boundary, which separates the site from the rear

garden of no.41 West Street, with Bakers Yard to the south. The retained gardens of the properties at 37 and 39 West Street are approximately 10.5 metres in length measured from the existing rear elevation wall to the newly formed boundary with the application site. There are four fir trees currently on the site.

- 1.04 The character of Forge Meadow varies in terms of the design, appearance and size of residential properties. The general pattern of development within the vicinity of the site comprises semi-detached and terraced properties with amenity space to the front and rear. A pair of semi-detached single storey dwellings is located immediately to the west of the application site. The ground level on the application site is generally flat.
- 1.05 To the west of the frontage of the application site across Forge Meadow is a private off street car park with 6 parking spaces. The car park is used in connection with two pairs of semi-detached bungalows dwellings located opposite the site frontage in Forge Meadow. The stretch of road kerb along the frontage of the site in Forge Meadow is currently used as car parking by residents with vehicles straddling the pavement kerb. Listed buildings (all grade II) are located at 27 West Street (55 metres to the north west) 30 and 32 West Street (61 metres to the north east) and The Roebuck, West Street (76 metres to the east).

2.0 PROPOSAL

- 2.01 The application seeks planning permission for the erection of four, one bedroom single storey dwellings, set within a short terrace fronting Forge Meadow. The terrace block running north to south would have a height of 4.9 metres from the natural ground level to the highest part of the roof, with the roof eaves at a height of 2.3 metres. The development has a residential site density of 75 dwellings per hectare.
- 2.02 The new building would provide a gap of between 0.1 and 0.6 metres along the relocated boundary with the rear gardens of the properties at 37 and 39 West Street. The western boundary of the site to Forge Meadow is formed by new hedging as a reference to the existing hedging on this boundary that will be removed. The existing four fir trees would also be removed from the site.
- 2.03 The proposed 4 dwellings would provide internal floor space of between 44 to 45 square metres. The proposed dwellings have external amenity space in the form of patio gardens to the rear.
- 2.04 The application includes the provision of six car parking spaces. These include two spaces sited immediately to the south of the site in the location of the existing garage. A further two spaces are within the parking court at Bakers Yard which is in the applicant's ownership and included within the red line application site boundary.
- 2.05 The applicant also proposes highways works to provide a new layby adjacent to the Forge Meadow site frontage to accommodate a further 2 car parking spaces. This layby replaces the traffic management bollards that were originally proposed as part of this application along the kerb in Forge Meadow.

3.0 PLANNING CONSTRAINTS

- 3.01 It is noted that the application site is not located in an area of planning constraints or restrictions.

4.0 POLICY AND OTHER CONSIDERATIONS

- The National Planning Policy Framework (NPPF)
 - National Planning Practice Guidance (NPPG)
 - Maidstone Borough-Wide Local Plan ENV6 and H27
 - Maidstone Borough Local Plan (submission draft 2016) (see below)
 - Supplementary Planning Documents:
- 4.01 Paragraph 216 of the NPPF states that from the day of publication, decision-takers may give weight to relevant policies in emerging plans. The weight to be attached is relative to the following factors:
- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 4.02 A schedule of proposed main modifications to the submission version of the Local Plan were discussed at Local Plan Examination Hearings on 1 December 2016 and 24 January 2017. On both occasions the Inspector went through the schedule of proposed main modifications in detail, indicating where he required adjustments to specific wording and content.
- 4.03 The proposed main modifications constitute the full list of changes which the Inspector thinks at this stage will be needed for him to be able to find the Plan sound. The proposed main modifications are published for public consultation between 31 March and the 19 May without prejudice to the Inspectors final conclusions on the Plan.
- 4.04 In relation to paragraph 216 of the NPPF the Regulation 19 version of the Local Plan already carries significant weight in the determination of planning applications. Whilst the volume and nature of the objections there may be and what the Inspector may recommend in response is not known at this stage, the publication of the proposed main modifications represents a further advancement in the Plan preparation process.
- 4.05 As consistency with national guidance is one of the tests of soundness, it is reasonable to assume that the Inspector considers, at this stage, the proposed main modifications to be consistent with the NPPF. The policies which are subject to proposed main modifications have therefore reached an advanced stage but they could be subject to some change as a result of the current consultation. In these circumstances it is considered reasonable to apply significant weight to the proposed main modifications at this point.
- 4.06 The policies which do not have proposed main modifications are not subject to further public consultation. The implication is that the Inspector does not consider that changes are required to these policies for soundness. Whilst the position will not be certain until the Inspector issues his final report, a reasonable expectation is that these policies will progress unaltered into an adopted Local Plan. In these

circumstances, it is considered that approaching full weight can be afforded to these policies in the determination of planning applications.

- 4.07 The relevant policies are as follows (submission draft references given are subject to change as part of the published main modifications):

Policy SP5: Rural service centres;
Policy DM1: Principles of good design;
Policy DM2: Sustainable design;
Policy DM3: Historic and natural environment;
Policy DM7: External lighting;
Policy DM11: Housing mix;
Policy DM12: Density of housing development;
Policy DM13: Affordable housing;
Policy DM22: Open space and recreation;
Policy DM23: Community facilities;
Policy DM24: Sustainable transport;
Policy DM25: Public transport;
Policy DM27: Parking standards;
Policy ID1: Infrastructure delivery.

- 4.08 In relation to the weighting set out in paragraphs 3.15 and 3.16 above, there are no major modifications proposed to policies SP5; DM1; DM2; DM22; DM23; DM25; DM27. Major modifications are proposed to policies DM3, DM7, DM11, DM12, DM13, DM24 and ID1. The final inspector's report is due at the end of July with adoption of the plan anticipated in mid September 2017.

5.0 LOCAL REPRESENTATIONS

- 5.01 The owners/occupiers of dwellings at Forge Meadow, West Street and Bakers Yard were notified of this application by letter and a site notice displayed on West Street.
- 5.02 Representations were received from 21 neighbouring occupiers commenting on the application. 3 of the representations are in support of this proposal on grounds that the village has a shortage of one bedroom flats and the proposed provision would improve the availability of one bedroom flats for the elderly.
- 5.03 Objections have been raised to the proposal on grounds that residents of the area have difficulty finding parking and the proposed development would exacerbate the already unacceptable problem with parking.

6.0 CONSULTATIONS

- 6.01 **The Environmental Health Officer.** No objection to this proposal
- 6.02 **KCC Highways and Transport:** Raises a number of concerns regarding parking provision at the site:
1. *I note the offer by the applicant to install low level bollards along the footway of Forge Meadow between the junction of Forge Meadow and West Street to Bakers Yard however the highway authority does not support bollards as a method of traffic management due to ongoing maintenance issues.*

2. *A total of four parking spaces are indicated on Drawing No. P.1.2345 on land adjacent to the development at two locations on Baker Yard. However it is not clear if these are allocated spaces or visitor parking.*
3. *The Design and Access Statement considers that the proposed dwellings will appeal to the "Elderly and Empty Nesters" and infers that vehicle ownership may be low. However, this may not be the case and provision should be made for car parking in accordance with IGN3 guidelines. For dwellings of this size and in this environmental context, I would expect an allocation of 4 parking spaces to be commensurate with a development of 3 no. dwellings.*
4. *The proposed location of two of the parking spaces is remote, especially for the elderly who may have impaired mobility. I also have reservations around the ability to retain these spaces in perpetuity. In summary, the proposal for 4 no. dwellings appears to be over ambitious to the detriment of parking. Should the applicant consider reducing the number of dwellings, in order to create a more convenient and improved car parking area, this highway authority would have no objection to the proposal.*

KCC Highways comments on the proposed vehicle layby in Forge Meadow

- *The layby is presumably intended to provide additional unallocated visitor parking. It therefore assists in terms of ensuring overall compliance with IGN3 and the kerb realignment works could be secured via a S278.*
- *The drawing indicates that the layby will vary in width along its length so we would need to be satisfied that its dimensions are satisfactory in their entirety, and that it will be accommodated without narrowing the widths of the main carriageway and footways on Forge Meadow.*

- 6.03 **Harrietsham Parish Council:** Wish to see the application refused and reported to Planning Committee for the following reasons;

Although the application is listed as 37-39 West Street, the frontage of the proposed dwellings will in fact be in Forge Meadow. The Parish Council feels that a planning notice should have been posted up in Forge Meadow to ensure that affected residents are aware of the application. The proposed development will have adverse impacts on the amenities of the properties immediately adjacent to the site. The erection, in advance of the building line of neighbouring properties, is out of character and thereby detrimental to residential amenities.

Harrietsham Parish Council has concerns that the site access proposals are not acceptable and would lead to potential safety hazards. The proposed bollards could lead to vehicles overhanging the adopted highway to the detriment of other road users. Insufficient parking spaces will adversely affect the amenity of surrounding properties through roadside parking on this narrow road, which has a busy junction. This development will reduce in number the legitimate car parking in an already challenging area for existing residents. The Parish Council would request that the application be reported to the Planning Committee, if the Officer is of a mind to approve.

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 The application is accompanied by the following plans and documents
Drawing P.1.2345 Existing and proposed site location plans (received 16.08.2016 showing red line site boundary).

Drawing P.1.2345 Rev A Existing and proposed site location plans (received 24.10.2016 showing new layby).

Drawing P.2.2345 Rev A Ground Floor Plan (received 24.10.2016)

Drawing P.3.2345 Roof Plan and Elevations (received 16.08.2016)

Design and Access Statement

8.0 APPRAISAL

Principle of Development

- 8.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 8.02 The application site is located within the village of Harrietsham, which is classed as a Rural Service Centre in the emerging development plan. Policy SP5 and SP6 of the emerging Maidstone Borough Local Plan and H27 of the Maidstone Borough-Wide Local Plan (2000) allow minor residential development within the defined Rural Service Centres in the Local Plan. The proposed 4 one bedroom dwellings, constitutes minor residential development within a Rural Service Centre, as designated in Policy SP5 of the emerging Maidstone Borough Local Plan and complies with requirements set out in the NPPF.
- 8.03 The application site is within the Harrietsham settlement boundary. Harrietsham as a rural service centre is second in the sustainable settlement hierarchy as set out in the emerging local plan. Harrietsham has a number of facilities including a school, train station, shop, post office, public house and doctor's surgery. Harrietsham is a highly sustainable location and as such it is considered more appropriate for higher density development in accordance with national policies in NPPF and relevant policies in the Local Plan.
- 8.04 Policy DM 12 of the emerging plan states that all new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. Policy DM12 states that development within the Maidstone Urban Area should be 45 to 170 dwellings per hectare; in the rural service centres a density of 30 dwellings per hectare is recommended.
- 8.05 The application site area is just over 0.05 hectares in area and the erection of 4 single storey one bedroom dwellings, equates to a density of 75 dwellings per hectare. The surrounding pattern of development is tight knit grain.
- 8.06 Whilst the proposed density is above the indicative minimum of 30 dwellings per hectare set out in emerging Plan, the density is considered acceptable with the location of the application site in a sustainable location and the character of the local area. Other aspects of the development such as the standard of accommodation are considered below.

Visual Impact

- 8.07 The application site is made up by the rear gardens to no.37 and 39 West Street and as a result the proposed development would not be readily visible from any public view in West Street. Whilst fleeting glimpses of the proposed development may be possible between 35 and 37 West Street, the terrace block that would result from the development would not appear out of character or incongruous within the street.

- 8.08 The submitted drawings indicate that dwellings would have a height of approximately 4.9 metres, with an eaves height of 2.25 metres. This height is similar to the height of existing bungalows located opposite the site. The rear bedroom projection closest to nos.37 and 39 West Street would have a much lower ridge height of 3.8 metres. In the context of the existing dwellings within the street the proposed development would not be a dominant feature in the area and would assimilate well within the street.
- 8.09 Whilst the general pattern of development in the vicinity of the site is of buildings fronting West Street and Forge Meadow, there is built development present in the rear gardens of the properties fronting West Street, notably the residential development permitted under MA/08/1091. There are also buildings fronting Forge Meadow adjacent to the application site.
- 8.10 The proposed development would be sufficiently distant from the listed buildings on West Street (closest building is 55 metres away) to not impact on their setting. It is considered that should permission be granted, the new development would not appear out of context within the existing pattern of development. The development would not result in any significant visual impact that would cause harm to the character and appearance of the local area.
- 8.11 Harrietsham Parish Council has objected to the proposals on grounds that the development will be out of character as it will be in advance of the building line of neighbouring. Contrary to this, the proposed buildings are slightly behind the notional building line of nos. 1-8 Forge Meadow to the south and the side wall of no.37 West Street. It is concluded that the siting, scale and massing of the proposed development and its orientation is in keeping with the character of the area. The parish council have also objected to the proposal on the grounds of residential amenity and this is considered below.

Residential Amenity

- 8.12 The proposed development consists of a single storey building with a pitched roof. The development is orientated to ensure that it would not result in overlooking or loss of privacy to the occupants of adjacent dwellings. All windows openings are orientated to the front elevation facing to the public street in Forge Meadow and as a result there are no significant issues in terms of overlooking or loss of privacy. Whilst bathrooms are not habitable rooms and do not require natural light sun pipes are proposed to the rear roof slope just beneath the ridge to provide natural day light to the bathrooms. A planning condition is recommended removing permitted development rights as this will provide control over any future roof extensions that could impact on amenity.
- 8.13 The separation distance (new flank to existing rear elevation) between the proposed development and dwellings at nos. 37 and 39 West Street would be approximately 10.5 metres. This is a generous distance and with no windows on the flank wall of the proposed building this separation distance will ensure no loss of outlook would arise. Looking east, the rear elevation of the application property would be sited approximately 13 metres away from the flank wall of the terrace block of dwellings within Bakers Yard. Whilst the development would result in a marginal enclosing impact on the rear garden of the neighbouring dwelling at no.41 West Street, it would not overlook this adjacent amenity space and the elevation is broken up by the proposed external amenity spaces.

- 8.14 The application site is of a sufficient size to provide adequate internal and external space for the proposed development, whilst retaining sufficient garden land for the adjacent dwellings at 37 and 39 West Street. The proposed rear patio garden would be just under 5 metres in width and between 3 to 3.5 metres in depth. It is considered that the development would provide adequate internal and external living space for future occupants.
- 8.15 With the scale, design and siting of the proposed development and the separation distance from neighbouring properties, the proposal is acceptable in relation to impact on the amenities of the occupiers of dwellings surrounding the site.

Parking and highway safety

- 8.16 Car parking standards are found within the SPG 'Kent Vehicle Parking Standards' (2006) and the 'Kent Design Guide Review: Interim Guidance Note 3 (IGN3)(2008) – Residential Parking'. This guidance recommends provision of 1.5 spaces for a new one or two bedroom house in a suburban edge, village or rural setting with in street visitor parking available at 0.2 spaces per unit.
- 8.17 Policy DM27 in the emerging plan states that car parking will take into account the type, size and mix of dwellings and secure an efficient and attractive layout of development whilst ensuring that appropriate provision for vehicle parking is integrated within it. The standards advise provision of 1.5 car parking spaces for each proposed 1 and 2 bedroom house. Policy DM27 advises that 0.2 visitor spaces should be provided per unit with the possibility of this being reduced where main provision is not allocated.
- 8.18 The proposed car parking spaces are provided in three groups. Two car parking spaces are located immediately to the south of the proposed terrace block in place of the existing garage. Whilst still within the application site, two spaces are located 45 metres to south east of the proposed building in the parking court of Bakers Yard.
- 8.19 The final two car parking spaces are provided in a new parking layby adjacent to the site frontage in Forge Meadow. A planning condition is recommended to ensure the layby car parking is provided prior to occupation of the new units and that all of the spaces are permanently retained.
- 8.20 The standard set out in Interim Guidance Note 3 and policy DM27 require the provision of 6 off street allocated car parking spaces and 0.8 on street visitor parking. The proposed development includes the provision of 6 car parking spaces, with 4 allocated off street spaces. The two car parking spaces in the layby will be unallocated and as a result can only be considered as visitor parking.
- 8.21 The site is in close proximity to the village centre, the main A20 (with good bus links) and the train station, therefore, the parking provision in this instance is considered to be sufficient the site is in a sustainable location with access to facilities without the use of a private car and where needed public transport alternatives to the use of the private car.
- 8.22 The proposal would generate a marginal increase in vehicular movement to and from the site. It is considered that these movements can be adequately accommodated on the road network without detriment to highway safety.

- 8.23 With the sustainable location of the site, absence of highway safety issues, off street parking in accordance with policy DM27 the proposal is considered acceptable in relation to parking, traffic and highway safety.

Landscaping and trees

- 8.24 Policy ENV6 of the Maidstone Borough-wide Local Plan emphasises the retention of existing trees, woodlands, hedgerows and other features which contributes to the character and quality of the area, whilst encouraging planting of trees and hedgerows as appropriate using native species.
- 8.25 The application seeks to replicate the existing 'greenery' along the western boundary of the site in Forge Meadow. This is achieved through provision of hedging 700 mm from the edge of the pavement along the front elevations of nos.2, 3 and 4, to soften the appearance of the development.
- 8.26 The hedging would be complemented by planting boxes beneath the kitchen windows of plots no.2, 3 and 4. The rear patio garden areas would be hard paved with gravel border beds, with soft landscaping in the form of plants in pots set upon the gravel beds.
- 8.27 The proposal will involve the removal of four trees on the application site. Whilst any loss of trees is regrettable, in this case the loss of the trees is considered acceptable on balance due to the average quality of the trees and the benefit of providing new residential accommodation.
- 8.28 In the context of the scale of the site and the location the proposed landscaping is considered adequate. Whilst it would be preferable to maintain the existing hedging, the constraints of the site make this unworkable. A planning condition is recommended to request further information on this landscaping such as spacing and species and to ensure that the landscaping is replaced if it dies within a period of 5 years at the site.

9.0 CONCLUSION

- 9.01 The proposed development, compiles with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and there are no unacceptable impacts on the character, appearance and visual amenity of the locality generally. The development does not result in any unacceptable impact on the amenities of surrounding occupiers. The proposals do not raise any overriding parking or highway safety issues.
- 9.02 In these circumstances, the proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other relevant material considerations. There are no overriding material considerations to indicate a refusal of planning permission and the recommendation is to approve planning permission.

10.0 RECOMMENDATION – GRANT PLANNING PERMISSION - 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:

Drawing P.1.2345 Existing and proposed site location plans (received 16.08.2016 showing red line site boundary).

Drawing P.1.2345 Rev A Existing and proposed site location plans (received 24.10.2016 showing new layby).

Drawing P.2.2345 Rev A Ground Floor Plan (received 24.10.2016)

Drawing P.3.2345 Roof Plan and Elevations (received 16.08.2016)

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

3. The development hereby approved shall not commence above slab level until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials.

The details of the material shall include sparrow boxes/bricks incorporated into the development.

Reason: To ensure a satisfactory appearance to the development and in the interest of biodiversity.

4. No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the south, east or north facing walls of the building hereby permitted;

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

5. The development hereby approved shall not commence until details of on-site facilities for the loading, unloading and turning of construction vehicles have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided as approved prior to the commencement of groundworks and shall be retained for the duration of the build works on site.

Reason: To ensure the construction of development does not result in highway safety. The information is required prior to commencement as any on site works has the potential to cause harm to highway safety.

6. The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall 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 5 year management plan.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

7. The use or occupation of the development hereby permitted shall not commence until all planting, seeding and turfing specified in the approved plans has been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within five 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: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

8. The development shall not be occupied until the parking spaces shown on the approved plans have been provided including the layby in Forge Meadow. They shall be kept available for the parking of vehicles connected to the occupiers of the approved development at all times and permanently retained as such thereafter.

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

9. Prior to the development proceeding above ground level details of how the vehicle layby in Forge Meadow is to be provided shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before first occupation of the dwellings hereby permitted and kept available for the parking of vehicles at all times and permanently retained as such thereafter.

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

10. Prior to occupation of the proposed units a minimum of two publicly accessible electric vehicle charging points shall be installed and ready for use and in accordance with details that have previously been submitted to and approved in writing by the local planning authority that includes a programme for installation, maintenance and management with the points retained thereafter and maintained in accordance with the approved details.

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

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

Reason: In the interests of amenity

12. The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in writing by

the local planning authority. The approved details shall be installed prior to first occupation and maintained thereafter;

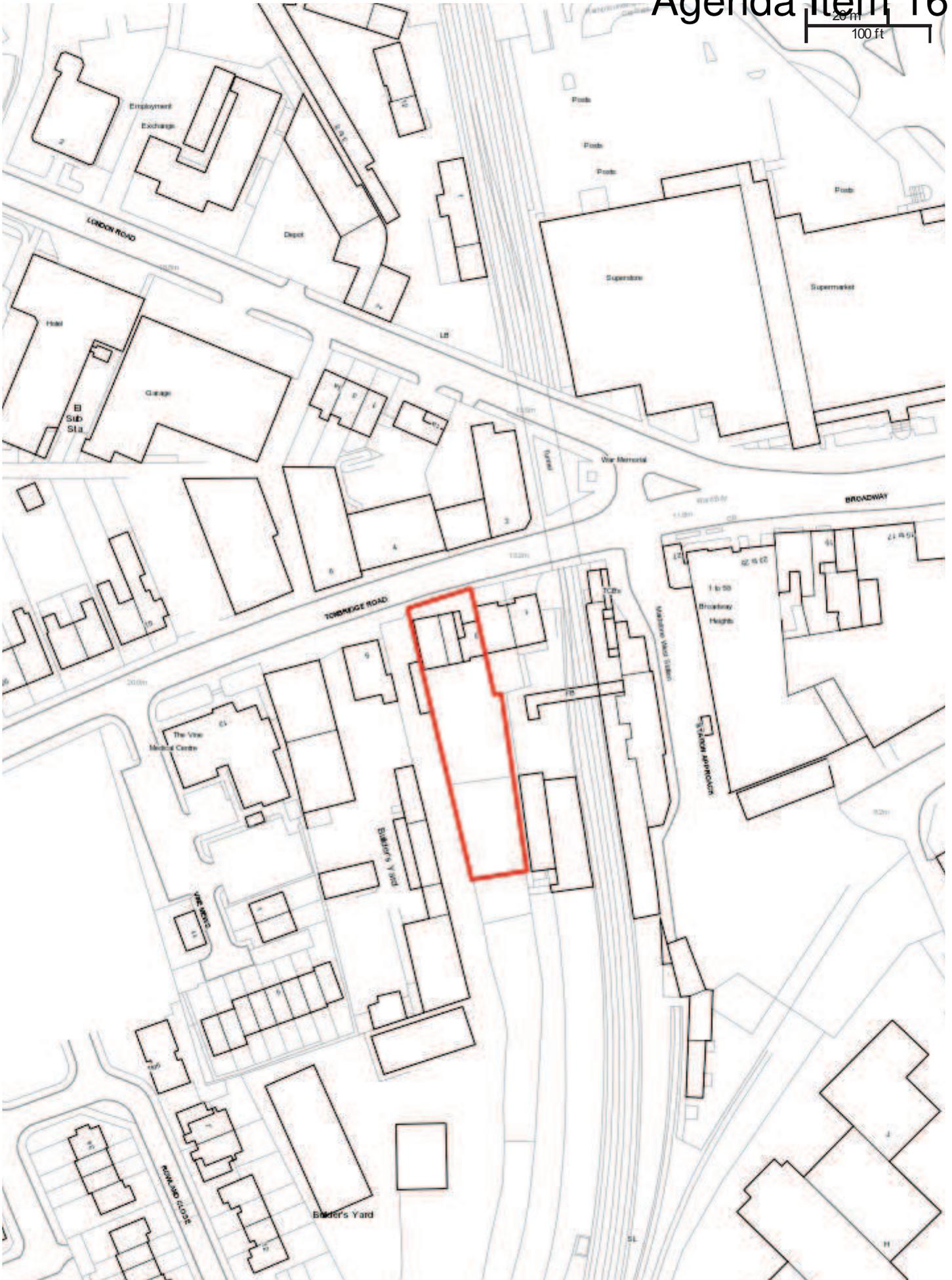
Reason: To ensure an energy efficient form of development. Details are required prior to commencements as these methods may impact or influence the overall appearance of development.

INFORMATIVES

- (1) The applicants 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 EHM regarding noise control requirements.
- (2) The applicant is advised that clearance and burning of existing woodland or rubbish should seek to avoid nuisance from smoke etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the EHM.
- (3) The applicant is advised that measures should seek to restrict that use of plant and machinery used for demolition and construction to 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. It is advised to restrict vehicles arriving, departing, loading or unloading 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.

Case Officer: Francis Amekor

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



16/507491 3 Tonbridge Road

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REPORT SUMMARY

15 June 2017

REFERENCE NO - 16/507491/FULL		
APPLICATION PROPOSAL Demolition of the existing building and erection of 20 no. apartments		
ADDRESS 3 Tonbridge Road, Maidstone, Kent, ME16 8RL		
RECOMMENDATION GRANT PLANNING PERMISSION SUBJECT TO PLANNING CONDITIONS		
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none">• Call in from Councillor Paul Harper and Councillor Keith Adkinson on the grounds that the proposal will result in the loss of employment land, that the proposal represents overdevelopment of the site and in relation to the associated issues traffic movement onto Tonbridge road outside of office hours.• The proposal represents a departure from the adopted development plan.		
WARD Fant	PARISH/TOWN COUNCIL N/A	APPLICANT Tonbridge Rd Development Ltd AGENT Go Planning Ltd
DECISION DUE DATE 01/02/17	PUBLICITY EXPIRY DATE 30/01/14	OFFICER SITE VISIT DATE 28/11/2016

MAIN REPORT

1.0 BACKGROUND

- 1.01 The consideration of this planning application was deferred after the case was discussed at the committee meeting on the 16 March 2017.
- 1.02 The meeting minutes record that consideration of this application be deferred to:
- (a) Obtain an air quality assessment; and
 - (b) Reconsider the design and layout in the light of the air quality assessment; this to be landscape-led, including trees and planting on the Tonbridge Road frontage, and the treatment of the elevations to be reconsidered to improve amenity for future occupants.
- 1.03 Following the decision to defer, a meeting took place on the 11 April 2017 with the developer, councillors and the case officer. An air quality assessment report was also submitted in support of the application.
- 1.04 The revised plans that were submitted in response to the comments from members and the air quality assessment were subject to further public consultation between 27 April and the 11 May 2017.

2.0 LOCAL REPRESENTATIONS

- 2.1 The consultation responses that were received as a result of the original public consultation are included in the original report that is copied as an appendix below.
- 2.2 As a result of the additional consultation one further objection has been received from the neighbouring landowner (sole objector from the previous consultation). The

objection restates previously reported comments and makes the following additional comments:

- The plan with the application site edged red on the amended Design and Access Statement cover is part of the Corbens Place site not the 3 Tonbridge Road site;
- Tree planting along the western and southern boundaries of the 3 Tonbridge Road site is shown spreading across site boundaries which demonstrates overdevelopment.
- The overhanging trees would obstruct the passage of traffic along this road;
- The growth and future health of the trees could be affected by constraints such as interference with underground services or heave to the surface of its access road which would nullify their amenity value;
- The proposed tree and other planting on the 3 Tonbridge Road frontage has the potential to obstruct vision splays at the existing vehicular access to the Corbens Place site.

3.0 CONSULTATION

Environmental Health

- 3.1 The air quality assessment which was provided in support of the application is considered satisfactory and no objection is raised.

KCC Highways

- 3.2 No further comment to make on the revised plans.

4.0 FURTHER INFORMATION FROM THE APPLICANT

- 4.01 In response to the views expressed by members of the planning committee further information in the form of the air quality assessment and revised plans have been submitted in support of the planning application.

- 4.02 The amendments to the plans previously considered by members include
- One additional residential unit at fourth floor level with a revised total of 20 apartments;
 - Alterations to the colouring of the elevations;
 - Increased landscaping and tree planting including along the site boundaries

- 4.03 In response to the comments received as a result of the further public consultation further revisions have been made to the plans with the submission of an amended site plan – showing the trees fully within the site and an amended Design and Access Statement showing the correct red line boundary.

5.0 BACKGROUND PAPERS AND PLANS

- 5.01 The development proposals are shown on drawing numbers 15-671-001 (Location plan); 15-671-002D (Site Plan coloured) rec 12.05.2017; 15-671-010C (Ground floor plan) rec. 21.04.2017; 15-671-011B (First floor plan) rec 16.12.2016; 15-671-012B (Second floor plan) rec 16.12.2016; 15-671-013B (Roof plan) rec. 21.04.2017; 15-671-013C (Third floor plan) rec. 21.04.2017; 15-671-015D (All elevations) rec 24.04.2017; and 15-671-019 Section 2 rec 06.02.2017.

- 5.02 The application is supported by a Transport Assessment (Journey Transport Planning); Visual impact assessment; Design and Access Statement; Noise Exposure Assessment by Clement Acoustics ref 11182-NEA-02 and Air Quality Assessment (rec. 28.04.2017).

6.0 APPRAISAL

- 6.01 This application was considered at the committee meeting on the 16 March 2017 and the reasons for deferring a decision were (a) to obtain an air quality assessment; and (b) to reconsider the design and layout in the light of the air quality assessment; this to be landscape-led, including trees and planting on the Tonbridge Road frontage, and the treatment of the elevations to be reconsidered to improve amenity for future occupants.
- 6.02 In response to the comments from members the applicants commissioned an air quality assessment which was guided by advice from the council's environmental health officer.
- 6.03 The completed assessment concluded that "The assessment has indicated that air quality would be expected to meet all relevant air quality objectives at all locations throughout the development. As such the proposed development would not be introducing new residential development into a location of poor air quality". The assessment goes on to say "The need to provide mitigation measures to protect residents from poor air quality has not been identified. Furthermore it is considered appropriate that the development includes openable windows throughout the development and balconies can be provided as designed on the north facing and western facades" (Page 16).
- 6.04 The methodology and conclusions of the assessment have been considered by the council's environmental health officer and there is no objection raised. In this context it is considered that there is no requirement for the previously recommended planning condition that sought air quality mitigation measures and this has been removed from the recommendation below.
- 6.05 The development previously considered by members was four storeys high at the front of the site, stepping down to three storeys at the extreme rear of the building. In response to further discussions on the design and appearance of the development, the revised design includes an additional residential unit increasing the total number of apartments to 20. This additional unit increases the height of the three storey building section, with the whole building now four storeys in height.

Table 1: Flat sizes and location

Floor / no bedrooms	Units	One bedroom	Two bedroom	Total
Ground floor	1,2	2		2
First Floor	3,4,5,12,13,18	3	3	6
Second Floor	6,7,8,14,15,19	3	3	6
Third Floor	9,10,11,16,17, 20	3 (was 2)	3	6 (was 5)
Total		11 (was 10)	9	20 (Was 19)

- 6.06 Policy DM 12 of the emerging plan advises that all new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area. Subject to this overriding consideration, within and close to the town centre new residential development will be expected to achieve net densities of between 45 and 170 dwellings per hectare. The draft housing seeks 'a high density scheme' that reflects this town centre location specifying a "...development of approximately 10 dwellings at an average density of 67 dwellings per hectare".

- 6.07 The application site covers an area of 0.12 hectares with the proposal providing 20 (previously 19) residential dwellings which amounts to a residential density of 166 (previously 158) dwellings per hectare.
- 6.08 It is accepted that the proposed residential density is higher than the precise density figure specified in the draft housing allocation; however it is in line with the aspiration for a high density development within the allocation, and is within the density range set out in policy DM12. Maidstone West Railway Station entrance is 60 metres from the application site and with the other facilities available in this town centre location, the site is in a highly sustainable location and the proposed density is considered acceptable in this context.
- 6.09 In terms of design and appearance, the increase in height at the rear of the building is considered a positive change as it improves the scale and building proportions in this prominent location. With the whole building now four storeys in height it is considered that the building is also now more coherent in the appearance of the side elevations. There is no change proposed to the bulk and massing of the front elevation of the building.
- 6.10 The amended site plan shows areas of landscaping in the open areas of the site. This landscaping includes small leafed Lime trees and a hedge to the front of the building, ornamental Crab Apple and Hornbeam Hedging in the area next to the boundary with 5 Tonbridge Road, cherry trees along the rear boundary and trellis and ivy on the retaining wall adjacent to Maidstone West Railway Station. The submitted details are considered acceptable, however a recommended condition (no 22) require further details and the replacement of planting should it fail within a period of 5 years.
- 6.11 With the provision of an additional residential unit, the financial viability of the development has been reconsidered in relation to the provision of affordable housing and other planning obligations. Whilst the additional residential unit will assist the viability of the development, the value of the additional unit will not improve viability sufficiently to enable the provision of affordable housing or other planning obligations as part of the development.

7.0 CONCLUSION

- 7.1 The minutes from the committee meeting on the 16 March 2017 record that consideration of this application be deferred to: (a) Obtain an air quality assessment; and (b) Reconsider the design and layout in the light of the air quality assessment; this to be landscape-led, including trees and planting on the Tonbridge Road frontage, and the treatment of the elevations to be reconsidered to improve amenity for future occupants.
- 7.2 The air quality assessment submitted by the applicant has concluded that the design of the proposed development is acceptable in relation to the amenity of future residents and that no air quality mitigation is necessary. The applicant has in addition submitted revised plans showing the landscaping of the open areas of the site including the Tonbridge Road frontage. The submitted details are considered acceptable and the recommendation is to grant planning permission.

8.0 RECOMMENDATION

GRANT PLANNING PERMISSION subject to planning 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 proposals are shown on drawing numbers 15-671-001 (Location plan); 15-671-002D (Site Plan coloured) rec 12.05.2017; 15-671-010C (Ground floor plan) rec. 21.04.2017; 15-671-011B (First floor plan) rec 16.12.2016; 15-671-012B (Second floor plan) rec 16.12.2016; 15-671-013B (Roof plan) rec. 21.04.2017; 15-671-013C (Third floor plan) rec. 21.04.2017; 15-671-015D (All elevations) rec 24.04.2017; and 15-671-019 Section 2 rec 06.02.2017. Reason For the avoidance of doubt and in the interests of proper planning.
- (3) Prior to the commencement of development details of the proposed slab levels of the buildings and the existing site levels shall 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. These details shall include details any proposed re-grading, cross-sections and retaining walls.
Reason: In order to secure a satisfactory form of development having regard to the topography of the site. Details are required prior to commencement of development to ensure that no unnecessary altering of levels takes place to accommodate the scheme.
- (4) Prior to the commencement of development details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.
Reason: To ensure an energy efficient form of development. Details are required prior to development to ensure the methods are integral to the design and to ensure that all options (including ground source heat pumps) are available.
- (5) Prior to the commencement of development the following shall have been submitted to and approved in writing by the Local Planning Authority a) details of archaeological field evaluation works in accordance with a specification and written timetable, b) following 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.
Reason: To ensure that features of archaeological interest are properly examined and recorded. Details are required prior to commencement of development to ensure that works do not damage items of archaeological value that may be present.
- (6) Prior to the commencement of development written evidence shall be submitted to and approved in writing by the Local Planning Authority to demonstrate how the development will fully meet the recommendations of the submitted acoustic report (carried out by Clement Acoustics, ref 11182-NEA-02 (dated May 2016)) with approved measures in place prior to first occupation of the relevant residential unit and retained as such thereafter.
Reason: To protect residential amenity. Details are required prior to commencement as the measures necessary may need to be integral to the design of the development.

- (7) Prior to the commencement of development a construction management plan shall be submitted to approved in writing by the Local Planning Authority. The plan shall include a) details of washing facilities to prevent construction vehicles carrying mud on to the public highway, b) details of arrangements for loading/unloading and turning, c) details of parking facilities for site personnel and site visitors d) Measures to minimise the production of dust on the site and dealing with dust that is generated through a dust management plan; e) Measures to minimise the noise (including vibration) generation; f) Measures to manage the production of waste and to maximise the re-use of materials g) Measures to minimise the potential for pollution of groundwater and surface water and prevent surface water discharge on to the public highway; h) The location and design of the site office and storage compounds and i) arrangements for public consultation and liaison during the construction works. The approved facilities and arrangements shall be provided prior to construction work commencing and maintained for the duration of the construction works.
Reason: To maintain highway safety and to protect the amenities of local residents. Details are required prior to commencement as potential impact will arise from the point of commencement.
- (8) Prior to the commencement of development details of a sustainable surface water drainage scheme shall have been submitted to and approved in writing by the Local Planning Authority. The surface water scheme should be compliant with the Non-Statutory Technical Standards for Sustainable Drainage (March 2015) and shall include measures to prevent discharge of surface water onto the highway. The scheme should specify responsibilities for the implementation of the SUDS scheme; specify a timetable for implementation; provide a management and maintenance plan for the lifetime of the development; including arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. There shall be no provision for infiltration of surface water into the ground unless it has been demonstrated that there will be no risk to controlled waters. The scheme shall be implemented in accordance with the approved details prior to first occupation of any dwelling and maintained as such thereafter.
Reason: To prevent flooding by the ensuring the satisfactory storage and disposal of surface water from the site. Details are required prior to commencement to maximise the options that are available to achieve a sustainable drainage system. Infiltration of surface water into contaminated ground has the potential to impact on surface water quality and pose unacceptable risks to controlled waters.
- (9) Prior to the commencement of development details of the proposed means of foul and surface water disposal shall have been submitted to, and approved in writing by, the Local Planning Authority with the approved measures in place prior to occupation and retained permanently thereafter.
Reason: To avoid pollution of the surrounding area. Details are required prior to commencement as groundworks will reduce the options available.
- (10) Prior to the commencement of development a scheme for the enhancement of biodiversity shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include the location and design of swift bricks and bat boxes, tubes or tiles and take account of any protected species that have been identified on the site, shall include the enhancement of biodiversity through integrated methods into the design and appearance of the dwellings and in addition shall have regard to the enhancement of biodiversity generally. It shall-be implemented in accordance with the approved proposals

prior to first occupation of dwellings in any phase or sub-phase and shall be maintained in perpetuity.

Reason: To protect and enhance biodiversity. This information is required prior to commencement of development as works have the potential to harm any protected species present.

- (11) Prior to the development reaching damp proof course level, written details and samples of all facing materials and external surfacing materials (including undercroft parking) of the development hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved materials unless otherwise agreed in writing by the Local Planning Authority.

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

- (12) Prior to first occupation of any residential unit, fencing, walling, railings and other boundary treatments (including provision of gaps under boundary fencing to facilitate ecological networks) shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority and the approved boundary treatments shall be maintained as such thereafter.

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

- (13) Prior to first occupation of any residential unit, facilities for the storage of domestic refuse shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority and the approved boundary treatments shall be maintained as such thereafter.

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

- (14) Prior to first occupation of any residential unit, a closure report shall be submitted to and approved in writing by the Local Planning Authority. The closure report shall include a) details of any post remediation sampling and analysis, b) 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. 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.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development in any phase or sub-phase can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- (15) If during construction/demolition works evidence of potential contamination is encountered, all 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 in accordance with the agreed plan.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled

waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- (16) Prior to first occupation of any residential unit, the proposed bathroom, toilet, and staircase windows and the secondary bedroom windows located on the west (side) building elevation shall be fitted with obscured glass with the obscured glass retained permanently thereafter.
Reason: In order to prevent amenity and prevent overlooking and loss of privacy.
- (17) Prior to first occupation of the relevant residential dwellings electric vehicle “rapid charge” points (of 22kW or faster) and charge points for low-emission plug-in vehicles shall be installed and ready for use in accordance with details that have previously been submitted to and approved by the Local Planning Authority with these facilities retained in accordance with these details thereafter.
Reason: In the interests of sustainability, to support reductions in air pollution, to provide for low emission vehicles and to reduce the carbon footprint.
- (18) Prior to first occupation of any residential dwellings hereby approved a detailed Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority with the agreed measures implemented within three months of first occupation and retained. Thereafter. The Travel Plan should include the following: a) objectives and targets, b) Measures to promote and facilitate public transport use, walking and cycling. c) Promotion of practises/facilities that reduce the need for travel. d) Monitoring and review mechanisms. e) Travel Plan co-ordinators and associated support. f) Details of a welcome pack for all new residents including local travel information, g) Marketing. h) Timetable for the implementation of each element.
Reason: In order to promote sustainable travel choices and to help reduce air pollution.
- (19) Prior to first occupation of any residential dwellings hereby approved management arrangements for the communal areas of the site and access roads shall be in place that are in accordance with a plan that has previously been submitted to and approved in writing by the Local Planning Authority. With these arrangements retained thereafter. The plan should include a) The areas within the scope of the management plan and the maintenance requirements of these; b) Method and works schedule for maintaining communal areas and estate roads; c) Details of the parking control measures to be implemented within the site; d) Details on the enforcement of parking control measures; e) The setting up of an appropriate management body; f) 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; and g) Ongoing monitoring of implementation of the plan.
Reason: To protect the amenity of future residents and the character and appearance of the development.
- (20) Prior to first occupation of any residential dwellings hereby approved the cycle parking, car parking and internal access arrangements shown on the approved plans shall be provided, surfaced and drained in accordance with the approved details and shall be retained permanently for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 2015 (or subsequent revision), shall be carried out on the land so shown or in such a position as to preclude vehicular access to parking areas.

Reason: Development without provision of adequate access and parking is likely to lead to inconvenience to other road users and be detrimental to amenity.

- (21) Prior to first occupation of any of the residential dwellings hereby approved the vehicle access from Tonbridge Road (A26) shall be laid out in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The details shall include details of suitable driver visibility splays and measures to ensure their retention, and confirmation of the position of the electronically operated gates (require a minimum set back of 7 metres from back edge of the pavement); with the approved measures retained permanently thereafter.

Reason: In the interests of highway safety including in relation to the high pedestrian footfall in Tonbridge Road.

- (22) Prior to first occupation of any of the residential dwellings hereby approved landscaping shall be in place that is in accordance with a landscaping scheme that has previously been submitted to and approved in writing by the Local Planning Authority. The scheme shall include on a plan, full details of the size, species, spacing, quantities and location of proposed plants, together with any hard surfacing, means of enclosure, and indications of all existing trees, hedges and any other features to be retained, and measures for their protection during the course of development. Any part of the approved landscaping scheme that is dead, dying or diseased within 5 years of planting shall be replaced with similar species of a size to be agreed in writing beforehand with the Local Planning Authority.

Reason: In the interests of visual amenity, an appropriate standard of accommodation.

- (23) Prior to first occupation of any of the residential dwellings hereby approved details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used shall be submitted to and approved in writing by the Local Planning Authority. The details shall show 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, it shall be retained in accordance with the approved details and no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority.

Reason: In order to protect the amenities of neighbouring occupiers and future residents of this development.

- (24) Prior to first occupation of any of the residential dwellings hereby approved details of any external lighting to be placed or erected within the site shall have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include details of measures to shield and direct light from the light sources so as to prevent light pollution and in order to minimise any impact upon ecology. The development shall be carried out in accordance with the approved details and maintained as such permanently thereafter. Reason: To prevent light pollution in the interests of the character, amenity and biodiversity of the area.

INFORMATIVES

- (1) The applicant is reminded of the requirements of approved document E of the Building Regulations 2010 in terms of protecting future residents of the apartment blocks from internally generated noise.
- (2) The applicant is advised that 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.
- (3) The applicant is reminded of the requirement for a formal application to connect to the public sewerage system.
- (4) The applicant is advised to contact Southern Water for further advice including in relation to protecting infrastructure during construction works , Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".
- (5) The applicant is advised of their responsibility to ensure, that before the development hereby approved is commenced, that all necessary highway approvals and consents are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action by the Highway Authority.
- (6) The applicant is advised that a formal application to Southern Water is required for connection to the public sewerage system in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
- (7) The applicant is advised that due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
- (8) The applicant is advised of the Mid Kent Environmental Code of Development Practice and it is recommended that no demolition/construction activities take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.
- (9) The applicant is advised that 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.
- (10) The applicant is advised that adequate and suitable measures should be in place to minimise release of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.
- (11) The applicant is advised that any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.
- (12) The applicant is advised that the lighting scheme provided in accordance with the planning condition should adhere to the following advice from the Bat Conservation Trust and Institution of Lighting Engineers. Bats and Lighting in the UK.

Case Officer: Tony Ryan

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

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

APPENDIX: REPORT TO THE PLANNING COMMITTEE ON THE 16.03.2017

REPORT SUMMARY

16 March 2017

REFERENCE NO - 16/507491/FULL		
APPLICATION PROPOSAL Demolition of the existing building and erection of 19 no. apartments		
ADDRESS 3 Tonbridge Road, Maidstone, Kent, ME16 8RL		
RECOMMENDATION GRANT PLANNING PERMISSION SUBJECT TO PLANNING CONDITIONS		
REASON FOR REFERRAL TO COMMITTEE		
<ul style="list-style-type: none"> • Call in from Councillor Paul Harper and Councillor Keith Adkinson on the grounds that the proposal will result in the loss of employment land, that the proposal represents overdevelopment of the site and in relation to the associated issues traffic movement onto Tonbridge road outside of office hours. • The proposal represents a departure from the adopted development plan. 		
WARD Fant	PARISH/TOWN COUNCIL N/A	APPLICANT Tonbridge Rd Development Ltd AGENT Go Planning Ltd
DECISION DUE DATE 01/02/17	PUBLICITY EXPIRY DATE 30/01/14	OFFICER SITE VISIT DATE 28/11/2016

RELEVANT PLANNING HISTORY (Inc. relevant history on adjoining sites):

- Application site at 3 Tonbridge Road
16/508704/PNOCLA Prior approval given on the 10 February 2017 for the change of use of an office to 7 no. residential units after considering transport and highways impacts; contamination risks; flooding risks and impact of noise from commercial premises on the intended occupiers of the development.
- 16/505584/FULL Application withdrawn on the 4 October 2016 following advice from officers for the demolition of the existing building and erection of 21 no. apartments.
- 16/501842/PNOCLA Determination that prior approval was not required on the 23 June 2016 for the change of use of a building from office use to provide 9 No. apartments after considering transport and highways impacts of the development, contamination risks on the site and flooding risks on the site. (This decision relates to the semi-detached building that is not part of the current application site).
- 16/501674/FULL Permission granted on the 9 May 2016 for proposed external changes consisting of, additional dormer to rear elevation, additional dormer to side

elevation, removal of front door at ground and basement level to front elevation. (This decision relates to the semi-detached building that is not part of the current application site).

- MA/PN/14/0001 Determined that prior approval not required on the 18 February 2014 in respect of the change of use office building to up to 9 self-contained flats
- 09/1827 Permission refused on the 28 January 2001 for the demolition of existing office block and erection of part five storey part six storey building comprising 14 no. two-bedroom apartments with associated parking. Permission refused for the following reasons:
 - 1) *The proposed development lies within an area designated as being for B1 uses only. As such, the proposal for the provision of housing, with no clear demonstration that the viability of the continued use of the site has been fully explored, and is proved to be unsuitable for this purpose, fails to comply with Policy ED2 (xxvi) of the Maidstone Borough Wide Local Plan 2000.*
 - 2) *The proposed building, by virtue of its scale, and exacerbated by its poor quality and unarticulated design would fail to respond positively to the existing form of development within the locality, and would be a dominant and obtrusive feature within the context of the site (which is an elevated site, and highly visible from long distance views) and the wider area. Furthermore the layout of the proposed development would include a significant level of open hardstanding for car parking provision, and an insufficient level of landscaping which would fail to provide a decent outlook to the future occupiers of the units, and would provide an inadequate setting for a building of this scale, thereby proving contrary to PPS1: Design, the Kent Design Guide and Policy BE1 of the South East Plan 2009.*
 - 3) *In the absence of any proposed contributions towards the provision of off-site public open space (in-lieu of provision on-site) and community and primary health care facilities to offset the additional demand and need likely to be generated by the development, to permit the development would be contrary to the provisions of Policy OS1 of the Council's adopted Open Space DPD December 2006, Policy CF1 of the Maidstone Wide Borough Plan 2000, and Policy S6 of the South East Plan 2009.*
- 93/1395 Permission granted on the 18 November 1993 for the change of use from offices to premises for education provision within use class D1 as amended and validated by drawing received 22 October 1993.

Units 4 & 5, Corbens Business Centre, 3A Tonbridge Road (to the south east and rear of the application site). (NB: This land is included within the red line application site boundary for the approval under 15/510179/OUT – see history for 5 Tonbridge Road below)

- 15/510179/OUT Outline planning permission (all matters reserved) granted on the 23 December 2016 (committee resolution 4 August 2016) for redevelopment with up to 65 dwellings and associated vehicular and pedestrian access, car and cycle parking, street and external lighting, main services, bin stores and other ancillary development.
- 07/1637 Permission granted 1 October 2007 for the demolition of existing commercial buildings and redevelopment to provide for replacement storage and distribution premises with ancillary offices trade counter and parking
- 04/0267 Permission refused 6 April 2004 for the extension of existing warehouse building for use for purpose within class B8. *The proposed development, due to its size and proximity to the site boundary, would result in overshadowing of the adjacent*

residential property 16 Rowland Close and its rear garden area and would have an overbearing impact upon that property resulting in an unacceptable loss of amenity to occupants of the dwelling, contrary to policy ENV2 of the Maidstone Borough-Wide Local Plan 2000 and policy ENV15 of the Kent Structure Plan 1996.

- 03/1774 Permission refused 7 January 2004 for a change of use to storage and servicing of taxis and passenger carrying vehicles with ancillary offices and the installation of a second new window. Permission refused for the following reasons: *The proposed change of use to the storage and servicing of taxis and passenger carrying vehicles would be likely to generate an unacceptable level of noise and lead to a worsening of air quality to the detriment of occupiers of surrounding residential properties. As such the proposal is contrary to policy ENV15 of the Kent Structure Plan 1996, policies QL1 and FP5 of the Kent and Medway Structure Plan: Deposit Plan Sept 2003 and policies ENV1, ENV2 and ENV4 of the Maidstone Borough-Wide Local Plan 2000*
- 02/1298 Permission granted 10 December 2002 for the demolition of existing buildings (3 no.) and the erection of 2 no. industrial units for use class B1c/B8 of 234 square metres each (units 1 and 2); use of unit 3 (existing) for use class B1c/B8 use; use of area to east of access drive for open storage in association with adjoining plant hire premises.

5 Tonbridge Road

- 15/510179/OUT Outline planning permission (All matters reserved) granted on the 23 December 2016 (committee resolution 4 August 2016) for redevelopment with up to 65 dwellings and associated vehicular and pedestrian access, car and cycle parking, street and external lighting, main services, bin stores and other ancillary development.
- 07/1637 Permission granted 1 October 2007 for the demolition of existing commercial buildings and redevelopment to provide for replacement storage and distribution premises with ancillary offices trade counter and parking.
- 15/503951/DEMREQ Determined that prior approval was required 16 June 2015 in respect of the application for prior notification of proposed demolition of a single storey building divided into 2no retail units, a separate 2 storey shop with office above, range of single storey outbuildings. *The decision reason was "The application is lacking in a satisfactory scheme of restoration, with the proposed stockpiling of crushed materials to a potential height of 7m causing particular concern for the visual amenities of the locality. In the absence of any certainty as to how long the site would remain in this condition, the Local Planning Authority is of the opinion that prior approval for this element of the works is required".*
- 11/0648 Permission granted 27 June 2011 for alterations to elevations and change of use of vacant storage building to A1 retail associated with use of 5 Tonbridge Road and external works including cladding and replacement windows.
- 01/1641 Permission refused 11 December 2001 for the conversion of first floor from offices to 1 no. flat. Permission was refused for the following reasons (1) The proposed change of use would result in the loss of commercial floorspace in a designated area of existing economic activity, contrary to Policy ED2 of the Maidstone Borough-Wide Local Plan 2000 and Policy ED1 of the Kent Structure Plan 1996. (2) Due to the close proximity of the proposed habitable rooms to the main road, the proposed accommodation would not provide a satisfactory standard of residential amenity, contrary to Policies ENV2, ENV4 and H23 of the Maidstone Borough-Wide Local Plan 2000 and Policy H2 of the Kent Structure Plan 1996.

5A Tonbridge Road (Solicitors office at first floor above fireplace shop)

(NB: This land is included within the red line application site boundary for the approval under 15/510179/OUT – see history for 5 Tonbridge Road above)

- 87/0252 Permission granted 10 July 1987 for the change of use from first floor residential flat to office accommodation.

5, 7 & 9 Tonbridge Road

(NB: This land is included within the red line application site boundary for the approval under 15/510179/OUT – see history for 5 Tonbridge Road above)

- 15/510179/OUT Outline planning permission (All matters reserved) granted on the 23 December 2016 (committee resolution 4 August 2016) for redevelopment with up to 65 dwellings and associated vehicular and pedestrian access, car and cycle parking, street and external lighting, main services, bin stores and other ancillary development.
- 07/1637 Permission granted 1 October 2007 for the demolition of existing commercial buildings and redevelopment to provide for replacement storage and distribution premises with ancillary offices trade counter and parking.
- 87/1195 Permission granted 1 December 1987 for the erection of building to provide a builders merchants showroom with associated wholesale and retail use.
- 81/0403 Outline permission granted 10 May 1981 for the erection of storage and warehouse buildings and admin offices. Existing site and buildings used as building merchants, storage and showrooms.
- 75/0398 Permission granted 18/06/75 for a fireplace slabbing shop, toilet and office.

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.05 The application site is located on the south side of Tonbridge Road covering an area of 0.77 hectares. The site is located on the gyratory section of Tonbridge Road with two lanes of one way traffic travelling past the site frontage (east to west). This section of road forms part of the A20 with the A26 (Tonbridge Road) starting further to the west. A pelican pedestrian crossing is located 20 metres to the east of the site.
- 1.06 The site lies to the west of Maidstone West Railway Station. The front part of the site is separated from the railway station by a pair of semi-detached Victorian properties, with the rear part of the application site directly adjoining the railway station. The ground level on the application site is significantly higher than the railway station, with this rise in ground level continuing to the west of the application site along Tonbridge Road.
- 1.07 The area surrounding the application site is mixed in terms of the character and scale of existing buildings and the range of land uses. A semi-detached pair of Victorian buildings to the east of the site has floor space on five levels, including roof space and semi basement. Beyond the entrance to the railway station is a six storey building providing retail use at ground floor with residential on the upper floors (Broadway Heights – 58 flats 05/1719).
- 1.08 To west of the site, 5 to 9 Tonbridge Road has an existing vehicular access adjoining the boundary with the application site with this site occupied by a mixture of retail and

other commercial uses. Buildings fronting Tonbridge Road on this adjoining site are in retail use, including a fireplace shop (two storey) and a golf shop. A taxi firm uses the centre of this adjoining site for storage and repairs with a distribution company on the lower section and the extreme south of the site in use as a vehicle garage.

- 1.09 The site at 5 to 9 Tonbridge Road benefits from outline permission for development with up to 65 dwellings (committee resolution at 4 August 2016 meeting). Further to the east is the Vines Medical Practice (three storey) with residential properties to the rear. On the opposite side of Tonbridge Road is an office building with a substantial mansard roof (Vaughan Chambers) providing four floors (including roof space) with an adjoining single storey building on the corner providing a cycle shop.
- 1.10 The application site is currently occupied by a three storey red brick building with a part flat, part sloping tiled roof. The building on the application site and the attached semi-detached Victorian building are currently both known as 3 Tonbridge Road, however the adjoining semi-detached building is now in separate ownership and it does not form part of the current planning application.
- 1.11 The vacant brick building on the application site was previously in office use (planning use class B1/A2). The building was previously occupied by Berry and Berry Solicitors who it appears vacated the building following a merger in 2012 (now Berry and Lamberts Solicitors). At ground floor level the building has a covered vehicular access from Tonbridge Road to a rear parking area with a reception area and office area of 65 square metres. The first and second floors of the building provide a further 290 square metres of office space. The site is not located in a conservation area, and the nearest listed buildings are approximately 100 metres from the site. There are no protected trees or landscape designations either on, or adjacent to the application site.

2.0 PROPOSAL

- 2.1 The proposal is for the demolition of the existing office building and the construction of a part three, part four storey residential building. The proposed building has a linear footprint with a block fronting Tonbridge Road and then extending towards the rear of the site.
- 2.2 The ground floor of the building provides two residential flats at the front of the site set behind areas of amenity space. At the rear of the site the ground floor provides integral refuse storage and cycle parking space (19 spaces) and 13 covered car parking spaces. A further 5 open car parking spaces (total of 18 off street car parking spaces) are located adjacent to the rear site boundary. The building retains and reuses the existing vehicular access on to Tonbridge Road located next to the eastern boundary.

Table 1: Flat sizes and location

Floor / no	Units	One bedroom	Two bedroom	Total
Ground floor	1,2	2		2
First Floor	3,4,5,12,13,18	3	3	6
Second Floor	6,7,8,14,15,19	3	3	6
Third Floor	9,10,11,16,17	2	3	5
Total		10	9	19

- 2.3 The building is arranged around three staircase cores providing access to the accommodation on the upper floors of the building. The development provides 19 flats with the location of these flats set out in the above table. All of the proposed flats (mix

of one and two bedroom units) are dual aspect as a minimum, with units to the front and rear elevations provided with balconies.

3.0 POLICY AND OTHER CONSIDERATIONS

3.01 Maidstone Borough-Wide Local Plan 2000:

Policy ENV6: Landscaping, Surfacing and Boundary Treatment

Policy ENV7: Riverside Zone of Special Townscape Importance (Adjacent to, eastern boundary)

Policy T1: Transport strategy

Policy T2: Public Transport Preference Measures

Policy T3: Public Transport for Substantial Developments

Policy T7: Safeguarding Railway Lines

Policy T13: Parking Standards

Policy T23: Need for Highway/Public Transport Improvements

ED2 (xxiii): Retention of Employment sites

Policy CF1: Seeking New Community Facilities

3.02 Supplementary Planning Documents:

- Affordable Housing Development Plan Document (2006),
- Open Space Development Plan Document (2006)
- Kent Design Guide Review: Interim Guidance Note 3: Residential Parking

3.03 The National Planning Policy Framework (NPPF)

The National Planning Policy Framework is a key material consideration, particularly with regard to housing land supply.

3.04 Paragraph 47 of the NPPF states that Councils should: *“identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”*.

3.05 Furthermore, paragraph 49 of the NPPF is clear that relevant policies for the supply of housing *“should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”*.

3.06 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was commissioned jointly with its housing market area partners: Ashford and Tonbridge & Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Maidstone Borough Local Plan (2011 to 2031). The SHMA has been the subject of a number of iterations following the publication of updated population projections by the Office for National Statistics and household projections by the Department for Communities and Local Government. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed an objectively assessed housing need figure of 18,560 dwellings for the period 2011 to 2031. This figure was adopted as the Local Plan housing target by Council at its meeting on 25 January 2016.

3.07 The Maidstone Borough Local Plan was submitted to the Secretary of State for examination on 20 May 2016, and the Plan allocates housing sites considered to be in

the most appropriate locations for the borough to meet its objectively assessed needs. The Housing Topic Paper, which was submitted with the Local Plan, demonstrates that the Council has a five-year supply of deliverable housing sites in accordance with paragraph 47 of the NPPF. The independent examination into the Local Plan commenced on 4 October 2016, and the closing session for the hearings was held on 24 January 2017. The examination itself will close following further public consultation on modifications to the Local Plan and receipt of the Inspector's final report. Adoption of the Plan is expected in summer 2017.

- 3.08 Housing land supply monitoring is undertaken at a base date of 1 April each year. The Council's five-year supply position includes dwellings completed since 1 April 2011, extant planning permissions, Local Plan allocations, and a windfall allowance from small sites (1-4 units). The methodology used is PPG-compliant in that the past under-supply of dwellings against objectively assessed housing need is delivered in future years; it applies a discount rate for the non-implementation of extant sites; and a 5% buffer is applied. The position is set out in full in the Housing Topic Paper, which demonstrates the Council has 5.12 years' worth of deliverable housing sites at 1 April 2016 against its objectively assessed need of 18,560 dwellings for the Plan period.
- 3.09 The Inspector issued a report on his 'Interim Findings from the Examination of the Maidstone Borough Local Plan' on 22 December 2016 (examination document reference ED110). In addition to confirming that it is reasonable to apply a 5% buffer to the borough's five-year housing land supply in accordance with paragraph 47 of the NPPF, the Inspector is recommending two key changes to the Council's housing land supply position.
- 3.10 First, the Inspector did not consider that the 5% market signals uplift set out in the SHMA would have the desired effect of boosting housing supply, nor that it was justified, particularly given the overall increase in past building rates that is expected as a result of the Local Plan allocations. Consequently, the borough's objectively assessed housing need is proposed to be reduced by 900 units to 17,660 dwellings for the period 2011 to 2031.
- 3.11 Second, the Inspector recommends the use of a 'Maidstone hybrid' method for the calculation of the borough's five-year housing land supply, which would deliver past under-supply over the next 10 years (as opposed to the next 5 years as set out in the Housing Topic Paper). This would result in a smoother and more realistic rate of delivery of dwellings over the Local Plan period.
- 3.12 The Inspector's interim report proposes additional modifications relating to the deletion or amendment of allocated sites, or to the phasing of allocated sites and broad locations. The report does not identify a need for further housing site allocations. In advance of public consultation on the formal modifications to the Local Plan, the interim findings have been applied to the borough's 20-year and five-year housing land supply tables which were set out in the Housing Topic Paper. The updated tables (examination document reference ED116) reveal a strengthened five-year supply position as at 1 April 2016, from 5.12 years to 6.11 years. The figures are not definitive because of the need for consultation on modifications in respect of the reduced housing need and proposed amendments to specific allocated sites, but they reaffirm a robust five-year housing land supply position and justify the assumptions being made. A full five-year housing land supply update will be undertaken through the annual housing information audit to produce the 1 April 2017 position.

- 3.13 In this context the council can demonstrate five year land supply and when assessed against paragraph 49 of the NPPF relevant policies for the supply of housing are considered up to date and should be given full weight in decision making.
- 3.14 National Planning Practice Guidance (NPPG)
Advice on the following is relevant air quality; climate change; community infrastructure levy; design; noise; renewable and low carbon energy; travel plans, transport assessments and statements; use of planning conditions and viability
- 3.15 Maidstone Borough Council draft Local Plan (Submission Version):
- Policy H1: Housing allocations –
H1 (16) Slencrest House, 3 Tonbridge Road,
 - Policy DM1: Principles of good design
 - Policy DM2: Sustainable design
 - Policy DM4: Development of brownfield land
 - Policy DM5: Air quality
 - Policy DM11: Housing mix
 - Policy DM12: Density of housing development
 - Policy DM13: Affordable housing
 - Policy DM22: Open space and recreation
 - Policy DM23: Community facilities
 - Policy DM24: Sustainable transport
 - Policy DM25: Public transport
 - Policy DM27: Parking standards
 - Policy ID1: Infrastructure Delivery

4.0 LOCAL REPRESENTATIONS

- 4.04 The submitted planning application was publicised by means of a site notice, a press notice ('major' development) and individual consultation letters sent to neighbouring addresses.
- 4.05 As a result of this consultation a single objection has been received from the owner of the adjacent site at 5 Tonbridge Road (15/510179/OUT outline approval for 65 dwellings) the objection made in three letters is on the following grounds:
- The proposal is an overdevelopment of the site due to the number of residential units (9 units above the draft allocation) and the scale of the building;
 - The main access road is less than 4 metres wide in places and the car parking layout is cramped;
 - The refuse storage area is too far away from the main collection point on Tonbridge Road;
 - The bay window on the western ground floor elevation is less than a metre from the boundary;
 - The development does not provide the 7 metre setback that was required for the development of the neighbouring site at 5 Tonbridge Road.
 - The proposed building located close to the western site boundary will have an adverse impact on a proposed new development on the adjoining site (outline 15/510179/OUT) in terms of daylight and sunlight;
 - The use of 'directional windows' is noted, however there will still be overlooking from stairwells and the "...the apartments (living room and bedroom windows) on the Tonbridge Road frontage."
 - The development at 3 Tonbridge Road (19 units) will have a significant adverse impact on the future residents of the proposed flatted block (38 flats) that is part of the outline approval at 5 Tonbridge Road (this approval that includes houses at the rear is for a total of up to 65 units);

- The current proposal is considered an overdevelopment of 3 Tonbridge Road and if approved this will result in the underdevelopment of 5 Tonbridge Road (draft allocation of up to 60 dwellings) as part of a future reserved matters application.
- A daylight and sunlight has not been carried out for this development and this is required to fully assess impact.

5.0 CONSULTATION

Kent County Council Community Services

- 5.1 No objection subject to planning obligations to mitigate the additional pressure on local services.
- 5.2 The County Council has assessed the potential impact of this proposal on the delivery of its community services. The County Council is of the opinion that the development will place additional demand on the delivery of its services and this will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution. Potential obligations have been considered against the Community Infrastructure Levy (CIL) Regulations part 122 and 123.

- **Primary Education**

Whilst Kent County Council Education Authority can demonstrate a forecast lack of provision which will require school expansions, due to the Government pooling restrictions the County Council can now not collect primary contributions from every development, only those creating the largest amount of demand.

- **Secondary School Provision**

Whilst Kent County Council Education Authority can demonstrate a forecast lack of provision which will require school expansions, due to the Government pooling restrictions the County Council can now not collect secondary contributions from every development, only those creating the largest amount of demand.

- **Libraries**

KCC are the statutory library authority. The library authority's statutory duty in the Public Libraries and Museums Act 1964 is to provide 'a comprehensive and efficient service'. The Local Government Act 1972 also requires KCC to take proper care of its libraries and archives. 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 to meet the additional demand to borrow library books which will be generated by the people residing in these Dwellings. The County Council therefore requests £48.02 per household (Appendix 1) to address the direct impact of this development, and the additional stock will be made available locally as and when the monies are received.

- **Superfast Fibre Optic Broadband**

A planning condition is recommended that seeks the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations.

NHS (West Kent Clinical Commissioning Group)

- 5.3 No objection subject to a planning obligation to mitigate the additional pressure on local services.

- Kent County Council Local Highway Authority
- 5.4 No objection subject to conditions relating to submission and approval of construction phase arrangements (including construction management plan relating to loading and unloading, parking, discharge of water on to the highway and wheel washing) and provision and retention of facilities for the completed development (car parking, cycle parking, servicing and turning areas) and an informative providing advice on separate highways approvals.
- KCC Archaeology
- 5.5 No objection subject to a planning condition attached to any approval securing the implementation of field evaluations works in accordance with a specification and written timetable and 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.
- Maidstone Borough Council Environmental Health
- 5.6 No objection subject to planning conditions and informatives relating to a contaminated land watching brief, implementation of the recommendations of the noise exposure assessment, hours of working, details of any proposed air conditioning/ventilation equipment, an air quality assessment and mitigation, promotion of sustainable travel options, control of noise and asbestos and storage of oils and chemicals.
- Maidstone Borough Council Landscape Officer
- 5.7 No objection subject to planning conditions attached to any approval requiring the submission of details of detailed landscape proposals (including implementation details, a long term management plan and new planting on the Tonbridge Road frontage).
- Maidstone Borough Council Housing Services
- 5.8 The original viability appraisal indicated that providing any affordable units would not be possible but this contradicted the fact that MHS were looking to do 11 shared ownership units on the site (52% of the total) but no affordable rent provision.
- 5.9 Housing Services would struggle to support such a scheme as the need for 1 and 2 bed affordable rented properties in the town centre remains high and a scheme providing no affordable rented units would go against the Councils adopted and emerging policies.
- 5.10 The current adopted policy is for 40% of the units to be for affordable housing with a 60/40% split between affordable rent / shared ownership tenure. This would equate to a scheme of 8 units with 5 for affordable rent and 3 for shared ownership. Therefore, we would ideally be looking at this site providing a minimum of 5 affordable units.
- UK Power Networks
- 5.11 No objection
- Crime Prevention Design Advisor
- 5.12 The applicant is advised to contact the Crime Prevention Design Advisor to discuss measures to that can be incorporated within the development to minimise the risk of crime.
- Scotia Gas Networks
- 5.13 No objection. The applicant is advised to contact Scotia Gas Networks before carrying out any works in the vicinity of the Scotia Gas Network.

Southern Water

- 5.14 No objection subject to planning conditions and informatives attached to any planning approval requiring details of a sustainable urban drainage system to be submitted (including long term management), details of the proposed means of foul and surface water sewerage disposal and highlighting the requirement for a formal application to connect to the public sewerage system; that 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 and for the applicant to contact Southern Water to discuss the location of new trees and soakaways and protection of existing infrastructure.

6.0 BACKGROUND PAPERS AND PLANS

- 6.12 The development proposals are shown on drawing numbers 15-671-001 (Location plan); 15-671-002B (Site Plan) rec 06.02.2017; 15-671-010B (Ground floor plan) rec 16.12.2016; 15-671-011B (First floor plan) rec 16.12.2016; 15-671-012B (Second floor plan) rec 16.12.2016; 15-671-013B (Third floor plan) rec 16.12.2016; 15-671-015 (Rear and side elevations) rec 06.02.2017; 15-671-016 (East elevation) rec 06.02.2017; 15-671-018A (Sections) rec 06.02.2017 and 15-671-019 Section 2 rec 06.02.2017.
- 6.13 The application is supported by a Transport Assessment (Journey Transport Planning); Visual impact assessment; Design and Access Statement; Noise Exposure Assessment by Clement Acoustics ref 11182-NEA-02

7.0 APPRAISAL

- 7.01 The main planning considerations include assessing the loss of the existing building and commercial use, the design and appearance of the proposed building; assessing the potential impact of the proposed building on the amenities of neighbouring occupiers including loss of daylight, sunlight, outlook and privacy, assessing the standard of the proposed residential accommodation and assessing the potential impact on the local highway network.

Loss of the existing employment use and existing building on the application site.

- 7.02 Policy ED2 of the adopted Local Plan recommends the retention of Class B1 (office) uses on sites located on the south side of Tonbridge Road (xxiii) that include the application site. Policy ED2 advises *“Planning permission will not be granted to redevelop or use vacant business... sites or premises for non-employment purposes unless the retention of the site or premises for employment use has been explored fully without success”*.
- 7.03 Policy ED2 applies to land to the west of Maidstone West Railway Station including 1 to 5 Tonbridge Road and the former Maidstone BC Council Offices at 13 Tonbridge Road). Since the adoption of the Local Plan in 2000 the site at 13 Tonbridge Road has been redeveloped to provide a health use (Use Class D1 - Vine Medical Centre) fronting Tonbridge Road and 10 dwellings to the south of the site (11/1078). In August 2016 members gave outline approval for the redevelopment of the site at 5 Tonbridge Road that currently provide commercial uses to provide residential accommodation (15/510179/OUT).
- 7.04 Although it has been vacant for some time, the existing building on the application site previously provided an office use which was linked to the adjoining semi-detached Victorian property. This adjoining building is not on the application site and is now in separate ownership. This adjoining property benefits from an extant permission for the

conversion of the office floor space to residential (9 flats) through the prior approval system (16/501842/PNOCLA).

- 7.05 After considering the limited matters that legislation allows to be assessed (transport and highways impacts; contamination risks; flooding risks and impact of noise from commercial premises on the intended occupiers of the development) prior approval was given on the 10 February 2017 for the conversion of the office floor space to provide 7 residential units (16/508704/PNOCLA).
- 7.06 It is highlighted that the loss of the existing building at 3 Tonbridge Road and the office land use has also been considered and accepted as part of the emerging local plan process. As a result the application site and the adjoining land at 5 Tonbridge Road are both allocated sites for housing within the draft Local Plan (Submission version) that was considered at the recent examination in public.
- 7.07 The existing building on the application site constructed of red brick and a tiled roof is considered to be of no particular architectural merit or historical significance. There is no objection raised to the loss of the existing building with the current application providing an opportunity to replace 'poor design with better design' (NPPF para 9).
- 7.08 The NPPF core principles set out that the development of brownfield land should be encouraged; with the guidance encouraging the "*...effective use of land by reusing land that has been previously development (brownfield land), provided that it is not of high environmental value*". Policy DM4 of the emerging Local Plan states that "*Proposals for development on previously developed land (brownfield land) in Maidstone urban area....that make effective and efficient use of land and which meet the following criteria will be permitted: The site is not of high environmental value; ...and the density of new housing proposals reflects the character and appearance of individual localities....*".
- 7.09 In conclusion the protection sought by policy ED2 of the adopted plan has been significantly undermined in this town centre location by changes in demand, expectations and legislation changes with the introduction of the prior approval system. The prevailing character of the application site and its surroundings have significantly altered since the local plan was adopted in 2000.
- 7.10 The emerging Local Plan having been through the examination in public now carries significant weight in decision making. The council's future aspirations for the application site (and 5 and 6 Tonbridge Road) are set out in the specific site allocations within the emerging Local Plan. The application site is on brownfield land; it is not of high environmental value and is in a sustainable location. The allocation for housing on the application site and the background set out above represent a significant material consideration that justifies the loss of this vacant office building and a departure from policy ED2 of the Local Plan.

Design, layout, appearance and density

- 7.11 Policy DM 1 of the emerging plan states that proposals which would create high quality design will be permitted. Proposals should respond positively to and where possible enhance the character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation, and site coverage - incorporating a high quality modern design approach.
- 7.12 The housing site allocation H1(16) in the emerging plan states that the council will seek the following: The brick Victorian building at 3 Tonbridge Road will be retained to maintain its relationship with no 1 Tonbridge Road and to preserve the street scene.

The design of any development will reflect the exposed location of the site on the slopes of the Medway Valley in a prominent position overlooking the town centre and will be subject to the results and recommendations of a visual impact assessment that addresses the potential impact of any development from College Road and the All Saints area including the Lockmeadow footbridge. The eastern/south eastern elevation shall be well articulated given the exposed location of the site. Development proposals will be of a high standard of design and sustainability incorporating the use of vernacular materials. A high density scheme will be developed reflecting that the site is in a town centre location. As set out below it is considered that the development is in accordance with the merging plan.

- 7.13 In line with the draft allocation in the emerging local plan for the application site and the adjacent site at 5 Tonbridge Road both land owners have been encouraged by officers to collaborate with ideally one development proposal coming forward for both 3 and 5 Tonbridge Road. The suggestion of a single access road to access both developments has also been explored. Unfortunately this collaboration has not been possible and the council is required to consider the current application on individual merits.
- 7.14 The character and appearance of Tonbridge Road varies significantly as you travel away from the town centre and Maidstone West Railway Station. Recent development such as the Vine Medical Centre has changed the character of the area and planned development and the housing allocations are likely to change this character further. Development in the immediate vicinity of the site is between 2-4 storeys on the frontage, with higher 6 storey development further eastwards towards the town centre at Broadway Heights.
- 7.15 The design and appearance of the proposed building has been guided by advice provided as part of the earlier withdrawn planning application, including consideration of the earlier proposal by the council's design surgery. The housing allocation in the emerging plan includes, and seeks the retention of the adjacent semi-detached Victorian property and this has been achieved. The proposed removal of the existing link at first floor will improve the appearance of this retained building located outside the current application site. At the front of the site the proposed building will have a similar bulk and scale to the existing building on the site.
- 7.16 The front block of the revised proposal includes references to the adjacent Victorian property; including the two bays to the front elevation and the proposed fenestration design and proportions. In relation to building scale, whilst there are taller existing and proposed buildings (potentially a 6 storey building at 5 Tonbridge Road) in the locality, the building proposed has sought to reflect the roof eaves and ridge height of the adjacent retained Victorian building.
- 7.17 There are a variety of different building facing materials in the local area including red brick (Vaughan Chambers) stone cladding (6 Tonbridge Road), red brick and render (8 Tonbridge Road) and buff brick (1 Tonbridge Road). The new building will be constructed with a buff facing brick, with vertical cladding at third floor level. At the rear of the building the ground floor and the front staircase core will be in a blue/grey facing brick, with the other two staircase cores in vertical cladding to match the third floor. This choice of facing materials is considered appropriate in this location, reflecting the modern design approach and in accordance with the housing allocation.
- 7.18 Following the views expressed by members during the consideration of the outline proposal for the adjacent site at 5 Tonbridge Road, the main front elevation of the revised proposal has been set back by 7 metres from the front Tonbridge Road boundary. The two bays to the front elevation are set back 5 metres from the front

boundary (as highlighted in the consultation response from the owner of 5 Tonbridge Road). This layout is considered acceptable in terms of the site context providing a step forward to the adjacent semi-detached Victorian property that is set back 3.5 metres from the Tonbridge Road pavement.

- 7.19 The design of the proposed development has considered the exposed location of the application site on the slopes of the Medway Valley in this prominent position overlooking the town centre (plan allocation point 2). In support of the planning application context photographs have been provided from the B&Q car park in Hart Street and three locations on the opposite side of the Medway Valley in College Road. The proposed building, that is the same height as the adjacent building steps down (from four storey to three storey) at the rear of the site, will be seen in the context of taller buildings on higher land to the north. The design, scale and appearance of the building is considered acceptable in these views.
- 7.20 The footprint and extent of the proposed building reflects the linear shape of the application site. The proposed design has provided interest and rhythm to the side and rear elevations of the building (east, west and south) through fenestration, the balconies, different facing materials and the three staircase cores. It is considered that the building meets the aspirations set out in the draft housing allocation (point 3).
- 7.21 Policy DM 12 of the emerging plan advises that all new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area. Subject to this overriding consideration, within and close to the town centre new residential development will be expected to achieve net densities of between 45 and 170 dwellings per hectare. The draft housing seeks 'a high density scheme' that reflects this town centre location specifying a "...development of approximately 10 dwellings at an average density of 67 dwellings per hectare".
- 7.22 The application site covers an area of 0.12 hectares with the proposal providing 19 residential dwellings which amounts to a residential density of 158 dwellings per hectare.
- 7.23 It is accepted that the proposed residential density is higher than the precise density figure specified in the draft housing allocation; however it is in line with the aspiration for a high density development within the allocation, and is within the density range set out in policy DM12. Maidstone West Railway Station entrance is 60 metres from the application site and with the other facilities available in this town centre location, the site is in a highly sustainable location and the proposed density is considered acceptable in this context.
- 7.24 The density of the proposal has been raised in the objection received from the owner of the adjacent site. The objection states that the 'overdevelopment, of the application site will lead to an 'underdevelopment' of the site at 5 Tonbridge Road. The draft allocation of the adjacent site at 5 Tonbridge Road in the emerging plan is for up to 60 dwellings. The original outline application for this adjacent site sought 83 dwellings; however this was reduced following negotiation to up to 65 dwellings (5 units above the draft allocation).
- 7.25 As advised in the officer's committee report, the submitted indicative plans for 5 Tonbridge Road show a flatted block at the front of the neighbouring site which is 6 storeys high and provides 41 flats. Whilst it is highlighted that the current application site is narrower, by comparison the currently proposed building is four storeys and provides 19 flats. It is considered that both proposed buildings are compatible in terms

of design and appearance and as discussed can provide a good standard of accommodation.

- 7.26 It is not considered that the proposed development represents an overdevelopment of the application site and the following sections of the site consider other relevant matters such as daylight, sunlight and privacy.

Impact of the proposed building on the amenities of neighbouring occupiers

- 7.27 Policy DM1 advises that development should respect the amenities of occupiers of neighbouring properties and uses by ensuring that development does not result in excessive noise, activity or vehicular movements, overlooking or visual intrusion. The policy states that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties. The core principles set out in the NPPF state that planning should *'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.'*
- 7.28 The semi-detached building to the east of the site (also 3 Tonbridge Road) is currently vacant office floor space but it benefits from prior approval to convert to residential (16/501842/PNOCLA). With the south facing orientation of the rear elevation and the separation distance of 4 metres increasing to 5 metres towards the rear it is considered that the new building is acceptable in relation to the impact on sunlight and daylight provision to this building.
- 7.29 At the rear of this neighbouring property is a small external area at ground level which is 2 metres below ground level on the application site. The immediately adjacent windows on the proposed building serve a staircase core and with the retaining wall and the separation from the boundary the proposed building is considered acceptable in relation to privacy and overlooking.
- 7.30 The land to the west of the application site at 5 Tonbridge Road is currently occupied by a mixture of commercial uses, including a fireplace shop and offices on the Tonbridge Road frontage. A rear vehicular access to the rear currently runs along the boundary with the application site. This neighbouring site is on higher ground reflecting the general change in ground level when travelling west away from the town centre.
- 7.31 Outline permission has been approved for the redevelopment of this neighbouring site (15/510179/OUT committee resolution in August 2016) with redevelopment with up to 65 dwellings and associated vehicular and pedestrian access, car and cycle parking, street and external lighting, main services, bin stores and other ancillary development. The lower ground floor (level 1) of the neighbouring building is likely to provide servicing and access functions with habitable room windows (single aspect units) and balconies provided at levels 2-6 (ground to fourth floor) facing towards the current application site.
- 7.32 A distance of 8 metres currently separates the side elevation of the building on the application site (that benefits from prior approval to convert to residential) from the side elevation of the existing commercial building on the neighbouring site at 5 Tonbridge Road. A distance of between 10 and 12.6 metres will separate the two proposed new buildings. The two proposed and opposing side elevations look over a new street formed by a two lane, vehicular access road on the site at 5 Tonbridge Road. As part of the current application, the design of the building provides dual aspect residential units. This layout has allowed the majority of main habitable room windows to be located on the east and south building elevations facing away from 5 Tonbridge Road.

- 7.33 The design of the west elevation currently proposed has considered the building proposed as part of the outline approval and the subsequent request for pre application advice. The majority of windows on the elevation facing 5 Tonbridge Road are to non-habitable floor space and will be fitted with obscured glass. A planning condition is recommended to ensure that these non-habitable room windows, the staircase windows and the secondary bedroom windows in units 18 and 19 on this west elevation are fitted with obscured glass.
- 7.34 Where main bedroom windows are proposed (9 flats) on the rear section of this west elevation, the building has been designed with angled directional windows. These windows will continue to provide outlook for future occupants but will also restrict views to a 45 degree angle and as a result restrict any overlooking of the adjacent building.
- 7.35 The consultation response from the neighbouring land owner has highlighted the bay windows linked to the units at the front of the site and to the west facing elevation (units 1, 3, 6 and 9). These windows to bedrooms and secondary living room windows look towards bedrooms and balconies on the proposed neighbouring building. With the separation distance and the semi-public nature of the road between the buildings this relationship is considered acceptable.
- 7.36 The objection from the neighbouring land owner has stated that a full BRE sunlight and daylight assessment should have been submitted with the current application. A full BRE daylight and sunlight was not necessary as part of the current planning application. This assessment was based on the commercial land uses present on adjoining sites.
- 7.37 Outline approval has been given with all matters reserved for the development of 5 Tonbridge Road. Using the indicative outline plans and draft detailed plans supplied by the adjoining landowner (and whilst less detailed than a full BRE assessment) the applicant has assessed the potential impact of the currently proposed development on sunlight and daylight. This assessment has considered the layout of the proposed building on the adjoining site including non-habitable servicing areas at lower ground floor level and two units on the relevant side of the building at ground floor level. This shows the relationship will be acceptable having regard to daylight and sunlight matters. Overall it is considered that the relationship between the buildings is acceptable and there would be acceptable amenity for occupants of both developments.
- 7.38 In summary it is considered that the proposed development with suitable planning conditions will respect the amenities of occupiers of existing neighbouring buildings and occupiers of the building proposed as part of the outline approval. The development will not result in excessive noise, activity or vehicular movements, overlooking or visual intrusion, and will not result in an unacceptable loss of privacy or light enjoyed by current or future occupiers of nearby buildings and land.

Standard of accommodation

- 7.39 Policy DM1 advises that development should provide adequate residential amenities for future occupiers by ensuring that development does not result in excessive noise, air pollution, activity or vehicular movements, overlooking or visual intrusion. The proposed layout of the development provides as a minimum dual aspect units and a good standard of residential accommodation overall with adequate daylight, sunlight and privacy provision to all of the proposed flats.

Air quality

7.40 Paragraph 124 of the NPPF states *'Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.'* Policy DM5 of the emerging local plan sets out that *'Proposals located close to identified air quality exceedance areas as defined through the Local Air Quality management process will require a full Air Quality Impact Assessment in line with national and local guidance'* The housing site allocation H1 (16) in the emerging plan states that the council will seek appropriate air quality mitigation measures to be agreed with the council will be implemented as part of the development.

7.41 The application site is within an Air Quality Management Area (AQMA) that covers the whole of Maidstone town centre. This area that has been identified as having poor air quality due to the nature of road networks and traffic movements.

7.42 The environmental health team have considered the application in relation to the potential impact on air quality and not raised any objection subject to a number of planning conditions. These conditions require an air quality assessment to be carried out along with measures to secure air quality emissions reductions. The air quality assessment should address the possible "canyon" effects on air pollution, particularly in conjunction with the steep gradient of the hill and the gyratory one way system. Further planning conditions should require the preparation of a Travel Plan and the installation of electric vehicle charging points on the site to promote sustainable travel options.

Noise

7.43 Paragraph 123 of the NPPF sets out *'Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through conditions; recognise that development will often create some noise...'* The housing site allocation H1 (16) in the emerging plan states that the development will be subject to a noise survey to determine any necessary attenuation measures in respect of its town centre location and the adjacent railway.

7.44 The location of the development on a busy road and the proximity of the railway line both have the potential to cause nuisance to future occupiers. A noise exposure assessment by Clement Acoustics ref 11182-NEA-02 (dated May 2016) was submitted in support of the planning application. A planning condition is recommended to secure all of the mitigation that is outlined in this report. In order to protect future residents of the apartment blocks from internally generated noise, an informative is recommended highlighting approved document E of the Building Regulations 2010.

7.45 Informatives are recommended that seek to minimise disturbance to adjoining buildings during the demolition and construction phase. An informative is recommended to highlight the need to comply with separate legislation covering the surveying and removal of any asbestos that is found by a licensed contractor.

Flooding and drainage

7.46 The site is not in a location recorded by the Environment Agency as being prone to fluvial flooding, and no objection is raised on the grounds of fluvial flood risk. In relation to surface water flooding pre-commencement conditions are recommended seeking the submission of details of a sustainable surface water drainage scheme, and implementation of the approved details.

7.47 Southern Water raise no objection subject to planning conditions and informatives attached to any planning approval. The conditions requiring details of a sustainable

urban drainage system to be submitted (including long term management) for approval. Details of the proposed means of foul and surface water sewerage disposal would also be required.

- 7.48 Informatives are recommended highlighting the requirement for a formal application to connect to the public sewerage system; and that detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system. The applicant is advised to contact Southern Water to discuss the location of new trees and soakaways and the protection of existing infrastructure.

Ground contamination

- 7.49 The housing site allocation H1 (16) in the emerging plan states that development will be subject to the results and recommendations of a land contamination survey. Whilst the application site land is not known to be contaminated, there may be contamination present due to the previous commercial land use and ground works could disturb any contamination that is present. In these circumstances the environmental health team recommend a planning condition, be attached to any planning permission that will require a contaminated land watching brief.

Impact on the local highway network including traffic and parking.

- 7.50 The application site is in a sustainable location. The site is in close proximity to Maidstone West Train station, with a footpath link along Tonbridge Road. The town centre is within walking distance and other everyday services (including a doctors, schools and parks) are all within a short distance of the site. Bus stops are located along Tonbridge Road and these provide access to the town centre, local hospital, and other nearby towns. In order to promote sustainable transport choices planning conditions are recommended seeking various measures including a travel plan and electric vehicle charging points
- 7.51 The proposal will utilise the existing vehicular access in to Tonbridge Road with the function of this access improved by the proposed increase in the set back of the building. The application satisfactorily demonstrates that safe access can be provided onto Tonbridge Road. A planning condition is recommended to confirm the position of the electronically operated gates; with the pedestrian footfall these gates require a set back of at least 7 metres from the edge of the carriageway. The proposed access to and within the site has been considered by the local highways authority and no objection has been raised.
- 7.52 A Transport Assessment has been submitted in support of the planning application. After assessment of the application the highways officer has concluded that trip generation resulting from the proposal would not result in a severe impact in the context of the NPPF.
- 7.53 The site currently has car parking to the rear and previously operated as a solicitors office. The proposal includes car parking (18 spaces) which is appropriate for this central location where other forms of transport are readily available. The proposal also includes 19 cycle parking spaces in an appropriate location on the site. The proposed car parking provision and layout has been considered by the local highways authority and no objection has been raised.
- 7.54 The proposed servicing arrangements for the development including the size and location of the refuse storage area are considered acceptable. The refuse storage and collection arrangements have been considered by the local highways authority and no objection has been raised.

- 7.55 With the nature of this location the applicant is advised to give careful thought to construction phase arrangements including vehicle unloading/loading, measures to prevent surface water discharge, operative parking and wheel washing. A planning condition is recommended requesting the submission and approval of these details prior to work commencing.

Trees, landscaping, and ecology

- 7.56 The housing site allocation H1(16) in the emerging plan states that *development proposals should be designed to take into account the results of a detailed arboricultural survey, tree constraints plan and tree retention/protection plans.*
- 7.57 The existing site has limited existing tree planting, landscaping or ecology capability with the site predominantly occupied by buildings or hard surfacing. There is some overgrown planting along the southwest boundary with other trees on the boundary to the west of site with 5 Tonbridge Road.
- 7.58 The proposed development allows for the appearance of the site to be enhanced with improvements in relation to tree planting, landscaping and ecology. The submitted proposal has been considered by the council's landscape officer who has no objection to the development subject to planning conditions requiring the submission and implementation of a landscaping scheme. It is recommended that planning conditions secure swift bricks and bat boxes, tubes or tiles within the new building.

Archaeology

- 7.59 The housing site allocation H1(16) in the emerging plan states that *development proposals are designed to take into account the results of a detailed Heritage Impact Assessment that addresses the archaeological implications arising from the development and in particular the adjacent Roman cemetery site.*
- 7.60 The site of the application lies close to, or contains, a Roman cemetery and there is potential for Roman remains. In view of this, there have been some targeted archaeological investigations and some specialist assessment of the archaeological potential and the extent of previous works on site but it seems that details of existing ground disturbance is still not clear. After considering the submitted proposal KCC archaeology have not raised any objection to the proposal subject to a planning condition requiring *archaeological field evaluation works in accordance with a specification and written timetable.*

Planning obligations

Kent County Council

- 7.61 Kent County Council has assessed the potential impact of this proposal on the delivery of its community services and has provided the following assessment:
- Primary Education
- 7.62 Kent County Council Education Authority can demonstrate a forecast lack of provision which will require school expansions, however due to pooling restrictions contributions towards a specific infrastructure project or type of infrastructure are restricted to up to four different planning applications.
- Secondary School Provision
- 7.63 Kent County Council Education Authority can demonstrate a forecast lack of provision which will require school expansions, however due to pooling restrictions contributions

towards a specific infrastructure project or type of infrastructure are restricted to up to four different planning applications.

- Libraries

7.64 Kent County Council is the statutory library authority. The library authority's statutory duty in the Public Libraries and Museums Act 1964 is to provide 'a comprehensive and efficient service'. The Local Government Act 1972 also requires Kent County Council to take proper care of its libraries and archives. 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.

7.65 To mitigate the impact of this development, Kent County Council will need to provide additional library books to meet the additional demand to borrow library books which will be generated by the people residing in the proposed development. Kent County Council therefore requests £48.02 per household to address the direct impact of this development, and the additional stock will be made available locally as and when the monies are received.

- Provision of broadband

7.66 Kent County Council have requested that a planning condition be attached to an approval requiring broadband infrastructure. It is considered that this condition would not meet the relevant planning condition tests.

NHS West Kent Clinical Commissioning Group

7.67 As of 1 April 2016, NHS West Kent Clinical Commissioning Group (CCG) took on responsibility for the delegated co-commissioning of primary care services in West Kent. We are now the body which will requests Section 106 and Community Infrastructure Levy health care contributions on behalf of NHS England South (South East).

7.68 Inevitably any increase in the local population has an impact on provision of health care and NHS West Kent CCG would seek to apply this s106 contribution to meet these extra demands placed upon primary and community health service and to meet the needs of this population. In terms of this particular application, a need has been identified for contributions to support the delivery of investments highlighted within the Primary Care Development Strategy and Estates Framework. These improvements to the primary care and out of hospital infrastructure will enable support for the registrations of the new population with a local practice, in addition to the commissioning and delivery of health services to all.

7.69 The proposed development noted above is expected to result in a need to invest in the primary care premises at The Vine Medical Centre (0.1mile). This contribution will be directly related to supporting improvements within primary care by way of extension, refurbishment and/or upgrade to services in order to provide the required additional capacity through the delivery of the primary care hub and cluster model as set out in the primary care development strategy.

7.70 NHS West Kent CCG will continue to use the same NHS WEST Kent formulae for calculating s106 contributions for which have been used for some time and are calculated as fair and reasonable. Where the application identifies unit sizes to calculate predicted occupancy multiplied by £360 per person the following predicted occupancy rates will be used: 1 bed unit @ 1.4 persons and 2 bed unit @ 2 persons.

7.71 NHS West Kent CCG will not apply for contributions if the units are identified for affordable/social housing. NHS West Kent CCG therefore seeks a healthcare

contribution of £11,520, plus support for our legal costs in connection with securing this contribution. This figure has been calculated as the cost per person needed to enhance healthcare needs within the NHS services.

Community Infrastructure Levy Regulations and planning policy

- 7.72 Policy ID1 of the emerging Local Plan relates to infrastructure delivery. In the event of competing demands for developer contributions towards infrastructure the Council's hierarchy of prioritisation set out in policy ID1 is: affordable housing, transport, open space, public realm, health, education, social services, utilities, libraries and emergency services.
- 7.73 Policy CF1 of the adopted Local Plan states: *'Residential development which would generate a need for new community facilities or for which spare capacity in such facilities does not exist, will not be permitted unless the provision of new, extended or improved facilities (or a contribution towards such provision) is secured by planning conditions or by planning obligations.*
- 7.74 The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests: The requests must be 1. Necessary, 2. Related to the development, and 3. Reasonably related in scale and kind.
- 7.75 In addition since 6th April 2015, section 123 of the CIL Regulations places a restriction on the number of different obligations (calculated back to April 2010) that relate to the funding or provision of an infrastructure project or type of infrastructure, ("the pooling restriction"). As such, the scope of contributions that can be requested in respect of new development is restricted. Affordable housing is excluded from this restriction.
- 7.76 The CIL 122 and 123 tests have been applied in the context of this planning application and the above planning obligations were found to be compliant with the Community Infrastructure Levy Regulations 2010 (Regulation 122). The planning obligations in the context of this planning application have been assessed against and were found to be compliant with the Community Infrastructure Levy Regulations 2010 (Regulation 123). With the proposed obligations also in line with adopted and emerging the provision of these contributions by way of an appropriate legal mechanism is considered acceptable.

Affordable housing and development viability

- 7.77 The NPPF (Chapter 6) supports the delivery of a wide choice of high quality homes, this includes at paragraphs 47 and 50 the provision of affordable housing. The council's adopted Affordable Housing Development Plan Document (DPD) sets out at policy AH1 the requirement for affordable housing. This requirement relates to housing sites or mixed-use development sites of either 15 units or more, or 0.5 hectare or greater. The current adopted policy is for 40% of the units to be for affordable housing with a 60/40% split between affordable rent / shared ownership tenure. In the context of the current proposal this would equate to 8 affordable units with 5 for affordable rent and 3 for shared ownership.
- 7.78 Paragraph 2.14 of the DPD sets out 'the Council is aware that there may be circumstances whereby 40% affordable housing will not be viable if the Councils is expecting a full range of other planning obligations, such as contributions towards open space, highways, education, health, public art, etc.

- 7.79 In such cases, the Council will priorities requirements, but the onus will lie with the developer to prove to the Borough council's satisfaction why a site cannot economically sustain the provision of 40% affordable housing'. Policy AH1 states 'The Council will seek to negotiate that a minimum of 40% of the total number of dwellings to be provided shall be affordable housing to meet the identified housing need, unless the council is satisfied of the exceptional circumstances that demonstrate that only a lesser proportion can be provided'.
- 7.80 The current planning application is accompanied by viability report that concludes that the submitted development cannot support any affordable housing provision or other planning obligations whilst remaining financially viable. This viability report has been independently reviewed by a third party on behalf of the council.
- 7.81 The review has agreed with the applicant's assessment and has concluded that it would not be possible for the viable development of the application site whilst providing affordable housing or other planning obligations. In order to allow the site to come forward as part of a financially viable development it is not recommended that any planning obligations or affordable housing

8.0 CONCLUSION

- 8.01 The proposal would result in the loss of land currently designated in the adopted local plan for employment use (Use Class B1 office), however the council have approved a number of residential developments in similar locations. In addition the council's aspiration for the site set out in the draft Local Plan is for the site to provide residential use and is a draft allocation under Policy H1(16). In this context the loss of the office use on the site and the provision of residential accommodation is acceptable.
- 8.02 The existing vacant building makes little contribution to the character of the area and the removal of this building and the first floor link to the adjoining is supported. The current application provides an opportunity to bring this site back into beneficial use and to make more efficient use of the land that is available in this highly sustainable location.
- 8.03 In line with the draft allocation for the application site and the adjacent site at 5 Tonbridge Road both land owners have been encouraged by officers to collaborate with ideally one development proposal coming forward for both 3 and 5 Tonbridge Road. The suggestion of a single access road to access both developments has also been explored. Unfortunately this collaboration has not been possible and the council is required to consider the current application on its own individual merits.
- 8.04 The design, appearance, scale and proportions of the proposed building satisfactorily address the Tonbridge Road streetscene and both existing and proposed adjacent development. The proposed building is acceptable in terms of impact on the amenities of existing and future neighbouring occupiers including loss of daylight, sunlight, outlook and privacy. The proposal will provide a good standard of the residential accommodation including in relation to noise and air quality. The development utilising the existing access and with adequate car parking and serving arrangements is acceptable in relation to the local highway network.

6.0 RECOMMENDATION

GRANT PLANNING PERMISSION SUBJECT TO PLANNING CONDITIONS

CONDITIONS

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- (2) The development hereby permitted shall be carried out in accordance with the following approved plans:15-671-001 (Location plan); 15-671-002B (Site Plan) rec 06.02.2017; 15-671-010B (Ground floor plan) rec 16.12.2016; 15-671-011B (First floor plan) rec 16.12.2016; 15-671-012B (Second floor plan) rec 16.12.2016; 15-671-013B (Third floor plan) rec 16.12.2016; 15-671-015 (Rear and side elevations) rec 06.02.2017; 15-671-016 (East elevation) rec 06.02.2017; 15-671-018A (Sections) rec 06.02.2017 and 15-671-019 Section 2 rec 06.02.2017. Transport Assessment (Journey Transport Planning); Visual impact assessment; Design and Access Statement; Noise Exposure Assessment by Clement Acoustics ref 11182-NEA-02
Reason For the avoidance of doubt and in the interests of proper planning.
- (3) Prior to the commencement of development details of the proposed slab levels of the buildings and the existing site levels shall 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. These details shall include details any proposed re-grading, cross-sections and retaining walls.
Reason: In order to secure a satisfactory form of development having regard to the topography of the site. Details are required prior to commencement of development to ensure that no unnecessary altering of levels takes place to accommodate the scheme.
- (4) Prior to the commencement of development details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.
Reason: To ensure an energy efficient form of development. Details are required prior to development to ensure the methods are integral to the design and to ensure that all options (including ground source heat pumps) are available.
- (5) Prior to the commencement of development the following shall have been submitted to and approved in writing by the Local Planning Authority a) details of archaeological field evaluation works in accordance with a specification and written timetable, b) following 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.
Reason: To ensure that features of archaeological interest are properly examined and recorded. Details are required prior to commencement of development to ensure that works do not damage items of archaeological value that may be present.
- (6) Prior to the commencement of development written evidence shall be submitted to and approved in writing by the Local Planning Authority to demonstrate how the development will fully meet the recommendations of the submitted acoustic report (carried out by Clement Acoustics, ref 11182-NEA-02 (dated May 2016)) with approved measures in place prior to first occupation of the relevant residential unit and retained as such thereafter.
Reason: To protect residential amenity. Details are required prior to commencement as the measures necessary may need to be integral to the design of the development.

- (7) Prior to the commencement of development an air quality assessment shall be carried out by a competent person in accordance with current guidelines and best practice with the written assessment report submitted to and approved in writing by the Local Planning Authority. The report shall contain a) An assessment of air quality on the application site and of any scheme necessary for the mitigation of poor air quality affecting the residential amenity of future occupiers of this development. b) An assessment of the effect that the development will have on the air quality of the surrounding area and any scheme necessary for the mitigation of poor air quality arising from the development. c) Consider the possible “canyon” effects on air pollution, particularly in conjunction with the steep gradient of the hill and gyratory the one way system. Any scheme of mitigation set out in the subsequently approved report shall be implemented prior to the first occupation of the building and retained thereafter.

Reason: To protect air quality and the amenity of future residents. Details are required prior to development commencing to ensure that the maximum range of mitigation measures are available.

- (8) Prior to the commencement of development a report shall be submitted to and approved in writing by the Local Planning Authority including a calculation of pollutant emissions costs from the vehicular traffic generated by the development, (utilising the most recent DEFRA Emissions Factor Toolkit and the latest DEFRA IGCB Air Quality Damage Costs for the pollutants considered). The report should include identification of 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] and 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 as: 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.

Reason: To protect air quality and the amenity of future residents. Details are required prior to development commencing to ensure that the maximum range of mitigation measures are available.

- (9) Prior to the commencement of development a construction management plan shall be submitted to approved in writing by the Local Planning Authority. The plan shall include a) details of washing facilities to prevent construction vehicles carrying mud on to the public highway, b) details of arrangements for loading/unloading and turning, c) details of parking facilities for site personnel and site visitors d) Measures to minimise the production of dust on the site; e) Measures to minimise the noise (including vibration) generation; f) Measures to manage the production of waste and to maximise the re-use of materials g) Measures to minimise the potential for pollution of groundwater and surface water and prevent surface water discharge on to the public highway; h) The location and design of the site office and storage compounds and i) arrangements for public consultation and liaison during the construction works The approved facilities and arrangements shall be provided prior to construction work commencing and maintained for the duration of the construction works.

Reason: To maintain highway safety and to protect the amenities of local residents. Details are required prior to commencement as potential impact will arise from the point of commencement.

- (10) Prior to the commencement of development details of a sustainable surface water drainage scheme shall have been submitted to and approved in writing by the Local Planning Authority. The surface water scheme should be compliant with the

Non-Statutory Technical Standards for Sustainable Drainage (March 2015) and shall include measures to prevent discharge of surface water onto the highway. The scheme should specify responsibilities for the implementation of the SUDS scheme; specify a timetable for implementation; provide a management and maintenance plan for the lifetime of the development; including arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. There shall be no provision for infiltration of surface water into the ground unless it has been demonstrated that there will be no risk to controlled waters. The scheme shall be implemented in accordance with the approved details prior to first occupation of any dwelling and maintained as such thereafter.

Reason: To prevent flooding by the ensuring the satisfactory storage and disposal of surface water from the site. Details are required prior to commencement to maximise the options that are available to achieve a sustainable drainage system. Infiltration of surface water into contaminated ground has the potential to impact on surface water quality and pose unacceptable risks to controlled waters.

- (11) Prior to the commencement of development details of the proposed means of foul and surface water disposal shall have been submitted to, and approved in writing by, the Local Planning Authority with the approved measures in place prior to occupation and retained permanently thereafter.

Reason: To avoid pollution of the surrounding area. Details are required prior to commencement as groundworks will reduce the options available.

- (12) Prior to the commencement of development a scheme for the enhancement of biodiversity shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include the location and design of swift bricks and bat boxes, tubes or tiles and take account of any protected species that have been identified on the site, shall include the enhancement of biodiversity through integrated methods into the design and appearance of the dwellings and in addition shall have regard to the enhancement of biodiversity generally. It shall be implemented in accordance with the approved proposals prior to first occupation of dwellings in any phase or sub-phase and shall be maintained in perpetuity.

Reason: To protect and enhance biodiversity. This information is required prior to commencement of development as works have the potential to harm any protected species present.

- (13) Prior to the development reaching damp proof course level, written details and samples of all facing materials and external surfacing materials (including undercroft parking) of the development hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved materials unless otherwise agreed in writing by the Local Planning Authority.

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

- (14) Prior to first occupation of any residential unit, fencing, walling, railings and other boundary treatments (including provision of gaps under boundary fencing to facilitate ecological networks) shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority and the approved boundary treatments shall be maintained as such thereafter.

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

- (15) Prior to first occupation of any residential unit, facilities for the storage of domestic refuse shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority and the approved boundary treatments shall be maintained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and to safeguard the amenities of future occupiers.
- (16) Prior to first occupation of any residential unit, a closure report shall be submitted to and approved in writing by the Local Planning Authority. The closure report shall include a) details of any post remediation sampling and analysis, b) 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. 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.
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development in any phase or sub-phase can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- (17) If during construction/demolition works evidence of potential contamination is encountered, all 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 in accordance with the agreed plan.
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- (18) Prior to first occupation of any residential unit, the proposed bathroom, toilet, and staircase windows and the secondary bedroom windows located on the west (side) building elevation shall be fitted with obscured glass with the obscured glass retained permanently thereafter.
Reason: In order to prevent amenity and prevent overlooking and loss of privacy.
- (19) Prior to first occupation of the relevant residential dwellings electric vehicle “rapid charge” points (of 22kW or faster) and charge points for low-emission plug-in vehicles shall be installed and ready for use in accordance with details that have previously been submitted to and approved by the Local Planning Authority with these facilities retained in accordance with these details thereafter.
Reason: In the interests of sustainability, to support reductions in air pollution, to provide for low emission vehicles and to reduce the carbon footprint.
- (20) Prior to first occupation of any residential dwellings hereby approved a detailed Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority with the agreed measures implemented within three months of first occupation and retained. Thereafter. The Travel Plan should include the following: a) objectives and targets, b) Measures to promote and facilitate public transport use, walking and cycling. c) Promotion of practises/facilities that reduce the need for travel. d) Monitoring and review mechanisms. e) Travel Plan co-ordinators and associated support. f) Details of a welcome pack for all new residents including local travel information, g) Marketing. h) Timetable for the implementation of each element.

Reason: In order to promote sustainable travel choices and to help reduce air pollution.

- (21) Prior to first occupation of any residential dwellings hereby approved management arrangements for the communal areas of the site and access roads shall be in place that are in accordance with a plan that has previously been submitted to and approved in writing by the Local Planning Authority. With these arrangements retained thereafter. The plan should include a) The areas within the scope of the management plan and the maintenance requirements of these; b) Method and works schedule for maintaining communal areas and estate roads; c) Details of the parking control measures to be implemented within the site; d) Details on the enforcement of parking control measures; e) The setting up of an appropriate management body; f) 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; and g) Ongoing monitoring of implementation of the plan.

Reason: To protect the amenity of future residents and the character and appearance of the development.

- (22) Prior to first occupation of any residential dwellings hereby approved the cycle parking, car parking and internal access arrangements shown on the approved plans shall be provided, surfaced and drained in accordance with the approved details and shall be retained permanently for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 2015 (or subsequent revision), shall be carried out on the land so shown or in such a position as to preclude vehicular access to parking areas.

Reason: Development without provision of adequate access and parking is likely to lead to inconvenience to other road users and be detrimental to amenity.

- (23) Prior to first occupation of any of the residential dwellings hereby approved the vehicle access from Tonbridge Road (A26) shall be laid out in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The details shall include details of suitable driver visibility splays and measures to ensure their retention, and confirmation of the position of the electronically operated gates (require a minimum set back of 7 metres from back edge of the pavement); with the approved measures retained permanently thereafter.

Reason: In the interests of highway safety including in relation to the high pedestrian footfall in Tonbridge Road.

- (24) Prior to first occupation of any of the residential dwellings hereby approved landscaping shall be in place that is in accordance with a landscaping scheme that has previously been submitted to and approved in writing by the Local Planning Authority. The scheme shall include on a plan, full details of the size, species, spacing, quantities and location of proposed plants, together with any hard surfacing, means of enclosure, and indications of all existing trees, hedges and any other features to be retained, and measures for their protection during the course of development. Any part of the approved landscaping scheme that is dead, dying or diseased within 5 years of planting shall be replaced with similar species of a size to be agreed in writing beforehand with the Local Planning Authority.

Reason: In the interests of visual amenity an appropriate standard of accommodation.

- (25) Prior to first occupation of any of the residential dwellings hereby approved details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used shall be submitted to and approved in writing by the Local Planning Authority. The details shall show 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, it shall be retained in accordance with the approved details and no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority.

Reason: In order to protect the amenities of neighbouring occupiers and future residents of this development.

- (26) Prior to first occupation of any of the residential dwellings hereby approved details of any external lighting to be placed or erected within the site shall have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include details of measures to shield and direct light from the light sources so as to prevent light pollution and in order to minimise any impact upon ecology. The development shall be carried out in accordance with the approved details and maintained as such permanently thereafter. Reason: To prevent light pollution in the interests of the character, amenity and biodiversity of the area.

INFORMATIVES

- (13) The applicant is reminded of the requirements of approved document E of the Building Regulations 2010 in terms of protecting future residents of the apartment blocks from internally generated noise.
- (14) The applicant is advised that 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.
- (15) The applicant is reminded of the requirement for a formal application to connect to the public sewerage system.
- (16) The applicant is advised to contact Southern Water for further advice including in relation to protecting infrastructure during construction works, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
- (17) The applicant is advised of their responsibility to ensure, that before the development hereby approved is commenced, that all necessary highway approvals and consents are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action by the Highway Authority.
- (18) The applicant is advised that a formal application to Southern Water is required for connection to the public sewerage system in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
- (19) The applicant is advised that due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
- (20) The applicant is advised of the Mid Kent Environmental Code of Development Practice and it is recommended that no demolition/construction activities take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.

- (21) The applicant is advised that 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.
- (22) The applicant is advised that adequate and suitable measures should be in place to minimise release of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.
- (23) The applicant is advised that any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.
- (24) The applicant is advised that the lighting scheme provided in accordance with the planning condition should adhere to the following advice from the Bat Conservation Trust and Institution of Lighting Engineers. Bats and Lighting in the UK.

Case Officer: Tony Ryan

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

Urgent Updates

Item 17. Pages 63-93 3 Tonbridge Road, Maidstone Reference number: 16/507491/FULL

Add additional condition (8a) on page 87 as follows:

Prior to the first occupation of any of the residential units hereby approved and following the conclusions of the emissions report submitted to discharge condition 8 emissions mitigation/compensation shall be in place that is accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect air quality and the amenity of future residents.

RECOMMENDATION REMAINS UNCHANGED

Item 17. Pages 63-93 3 Tonbridge Road, Maidstone Reference number: 16/507491/FULL

Further representations have been received from Councillor Tony Harwood raising the following concerns and from the adjoining land owner:

- There is very little detail in terms of landscaping, materials or design;
- We have conditioned the introduction of good quality planting ('pollution busting' small leaved lime trees are a key landscaping motif) between any new development and Tonbridge Road. In this case there is just a reference to 'amenity space' on the Tonbridge road frontage; indeed there is no indication of planting anywhere in the plans.
- The drawings seem to indicate squat oblong tenement blocks with tiny windows totally filling the site. This approach seems to be at odds with previous permissions on similar sites in the vicinity which have achieved good design.
- The proposal will adversely impact upon the adjoining site in terms of the quality of the accommodation due to the failure to meet the BRE guidelines

The following response is provided to these comments:

- The existing site has limited existing tree planting, landscaping or ecology capability with the land predominantly occupied by buildings or hard surfacing. The proposed development allows for the appearance of the site to be enhanced with improvements in relation to tree planting, landscaping and ecology.

- The proposal has been considered by the landscape officer who has no objection to the development subject to planning conditions requiring the submission and implementation of a landscaping scheme. It is recommended that planning conditions also secure swift bricks and bat boxes, tubes or tiles within the new building.
 - There is open space for landscaping along the site boundaries and at the front of the site to provide the setting to the building with details of landscaping requested through condition 24.
 - Whilst there are other conditions that consider air pollution, a specific reference to Lime trees can be added to the landscape condition if required.
 - The flats are one and two bedroom units with the majority provided with balconies as external amenity space, this arrangement is similar to other buildings in similar locations.
 - The proposed design provides interest and rhythm to the side and rear elevations of the building (east, west and south) through fenestration, the balconies, different facing materials and the three staircase cores.
 - Whilst the development provides dual aspect units the main orientation in terms of habitable space and sunlight and daylight is to the east (towards the railway station). The smaller windows facing west towards 5 Tonbridge Road are designed to minimise overlooking and loss of privacy in order and allow the development of the neighbouring site at 5 Tonbridge Road.
 - There are a variety of different building facing materials locally including red brick (Vaughan Chambers) stone cladding (6 Tonbridge Road), red brick and render (8 Tonbridge Road) and buff brick (1 Tonbridge Road). The new building will be constructed with a buff facing brick, with vertical cladding at third floor level. At the rear of the building the ground floor and the front staircase core will be in a blue/grey facing brick, with the other two staircase cores in vertical cladding to match the third floor.
- Following comments from members on the outline proposal at 5 Tonbridge Road, the use of render was replaced with brickwork.
- A 7 metre set back is provided between the main front elevation and Tonbridge Road. This is 2 metres further back than the existing building and behind the neighbouring Victorian building. This set back is also similar to that requested on the neighbouring site.
 - In terms of site coverage, density, extent of open space, the proposed layout is similar to the outline proposal that members approved for the adjoining site at 5 Tonbridge Road albeit the proposed block on the adjoining site is 6 storeys.
 - The height of the proposed block will have a closer relationship to the adjoining Victorian building and 4 storeys is considered appropriate in this context and to respect the scale of this adjoining building .
 - The BRE sunlight and daylight guidelines are non-mandatory and the guidelines advise that they should not be seen as “an instrument of planning policy”; As they are based on a model of two storey detached housing the guidance states that “in an area with modern high rise buildings, a higher degree of obstruction maybe unavoidable if new developments are to match the height and proportions of existing building”.
 - The footprint and extent of the proposed building reflects the linear shape of the site (similar to the nearby Broadway Heights site). The proposed layout makes efficient use of land in this highly sustainable location, with the draft housing allocation seeking ‘a high density scheme’.
 - As stated in the officer report it is considered that the current proposal and a building on the neighbouring site can adequately co-exist and provide an acceptable standard of accommodation.

RECOMMENDATION REMAINS UNCHANGED

REPORT SUMMARY

REFERENCE NO - 16/508382/OUT		
APPLICATION PROPOSAL Outline Application (with all matters reserved except access) for redevelopment of the site consisting of the demolition of an existing commercial storage and distribution unit and external yard and the construction of eight dwellings in order to ensure the retention of five existing B1 commercial units		
ADDRESS Warmlake Business Estate, Maidstone Road, Sutton Valence, Kent, ME17 3LQ		
RECOMMENDATION – Approve with conditions		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development comprises the redevelopment of part of an existing brownfield site and is at a sustainable location (as found by the Inspectors determining the appeals at The Oaks, Land at The Wind Chimes and Land at Four Wents Orchard, located near to this site), and benefits from an extant outline planning permission for five houses. The proposal is not considered to result in any significant planning harm, and these matters, and that the development is considered to be in compliance with the National Planning Policy Framework is sufficient grounds to depart from the Borough-wide Local plan 2000.		
REASON FOR REFERRAL TO COMMITTEE Sutton Valence Parish Council wish to see the application refused for the reasons set out below.		
WARD Sutton Valence And Langley	PARISH/TOWN COUNCIL Sutton Valence	APPLICANT Paice Pension Trust AGENT Bloomfields
DECISION DUE DATE 22/03/17	PUBLICITY EXPIRY DATE 09/03/17	OFFICER SITE VISIT DATE 16/02/17
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): There is a lengthy planning history for this site; generally with regard to commercial development. The most relevant element of the planning history involves an extant outline planning permission on this site for 5 detached houses: 15/509960/OUT - Outline application for the redevelopment of the site consisting of the demolition of an existing commercial storage and distribution unit and external yard and the construction of five dwellings in order to ensure the retention of five existing B1 commercial units. (Access to be considered at this stage and all other matters reserved for future consideration) – Approved 12/1484 - Subdivision of Unit 11 into two units with new access door for Class B1 use – Approved MA/13/1723 - Retrospective application for the change of use of unit 8 to use class B8 and extension of outdoor storage compound - Approved		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The application site is a roughly rectangular area of land at the western end of the Warmlake Business Estate, located off the west side of the A274, approx. 0.7km to the north of the defined boundary of Sutton Valence village. This is therefore land within the defined countryside and subject to policies and guidance aimed at development restraint.
- 1.2 The site involves the western extremity of a large commercial building and attendant compounds in the southern part of the land with a landscaped parking area to the north and west of that structure. The site is quite well screened by natural vegetation with hedging/trees to the south, west and north. The parking areas are, to a certain extent, set down below low grassed embankments.
- 1.3 The site currently operates as a centre of operations for a scaffolding business with an outdoor compound used for 'open' storage. Access runs along the north side of the site, to the north of a converted oast (that is Grade 2 Listed), and onto the A274 via a wide access.

2.0 PROPOSAL

- 2.1 This is an outline application for the removal of the existing unit at the end of the complex and the cessation of the scaffolding use; and replacement with 8 dwellings. All matters are reserved except for access: the plans show access in the same location but re-arranged in a more regular, linear form, slightly north of the existing route. Illustrative plans show 6 detached and 2 semi-detached arranged around a curved cul-de-sac vehicle access road terminating in the southern section of the site. There is an indication of significant landscaping being put in place to supplement existing around the boundaries of the site and along the access track as far as the oast.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: ENV6, ENV28, T13
Supplementary Planning Documents: SP1, SP17, DM1, DM3, DM4, DM12, DM13, DM21, DM27, DM34

4.0 LOCAL REPRESENTATIONS

- 4.1 Sutton Valence PC: Objects.
- 4.2 *'The Parish Council resolved that this application be refused and are prepared to go to Committee. The Parish council agreed with the inspectors decision for five and believes that eight is over development of site. This increase will only add to the urbanisation of the once rural Warmlake area. Currently within 100 metres of this site permission has been given for an additional 56 dwellings. This is an increase of over 200%. The inspectors interim report of the Local Plan has confirmed that Maidstone Borough Council has its housing numbers, therefore this increase is not needed'.*
- 4.3 Some 2 Neighbour objections have been received and are summarised below:
 - Overdevelopment.
 - The application is a Trojan Horse.
 - Increased traffic
 - Highways safety.

5.0 CONSULTATIONS

- Natural England has no comment.
- Environment Agency has no objection
- KCC Highways and Transportation has no objection.
- The KCC Senior Archaeological Officer has no comment.
- Southern Water has no objection.
- SGN has no objection.
- UK Power Networks has no objection.
- MIDKENT EHSS has no objection.
- The MBC Landscape Officer has no objection subject to detail (to be the subject of future applications).

APPRAISAL

6.0 Principle of Development

- 6.1 The principle of residential development at this site has been established under extant outline planning permission 15/509960/OUT which grants consent for 5 detached houses. This application seeks to establish whether the site is capable of accommodating three additional units.
- 6.2 This site is 'previously developed land' that currently accommodates a scaffolder's yard with a building, open storage and the potential for the parking of a significant number of vehicles in the substantial parking area to the north and west of the building. The operation is controlled by the terms of the planning permission but the unattractive building, open storage of plant and materials and lorry and van movements should be recognised in terms of the negative impacts on the appearance of the countryside and the amenities of local residents.
- 6.3 Since the previous outline permission was granted the emerging local plan has advanced and the council is now in a position that it considers that it can demonstrate a 5 year supply of housing which has been confirmed at numerous appeals. Warmlake Business Estate has been allocated as an economic development site under policy DM20 of the emerging local plan which seeks to retain the site for business use. In addition, DM4 of the emerging local plan supports the redevelopment of brownfield sites in sustainable location subject to visual and environmental enhancements. The emerging allocation of the Warmlake Business Estate was assessed under the previous application when it was considered that the proposal would involve the loss of only a peripheral element of the overall site such that an objection on economic grounds could not be justified. There is also an extant planning permission for residential use on this part of the site which conflicts with the emerging allocation.
- 6.4 Overall, given the fact there is an extant outline planning permission on this site for 5 dwellings the principle of the redevelopment of the site for residential use has already been accepted and it still relevant.

- 6.5 The key issue for the assessment of this application are considered to be the additional impact of the three additional units on visual impact of the countryside, highways safety and parking and amenity.

7.0 Visual Impact

- 7.1 The application is in outline with all matters reserved save for the access. As such the drawings in terms of layout that have been submitted are illustrative in form and designed to show how a development of eight dwellings could be accommodated on the site. The approved outline scheme was supported by an indicative plan which demonstrates how 5 units could be positioned on site.
- 7.2 The latest submission proposes additional landscaping on the north and west boundary compared to the previously approved scheme and although the number of units has increased the footprint of each unit has reduced in the latest scheme. In addition, the indicative plan demonstrates that the eight houses would be located further away from the sensitive north and west countryside boundaries than the previously approved scheme, which has been achieved by altering the vehicle access inside the site.
- 7.3 In terms of impact on the character of the area, this will largely be determined through the design of the reserved matters. From the information available thus far I consider the character of the area likely to improve, not least through enhanced landscaping. The setting of the listed oast would not be adversely affected.
- 7.4 Overall it is therefore considered that the additional three houses would not have a significantly greater visual impact on the character of the open countryside than the extant consent to warrant reason for refusal and the scale, design and layout are to be reserved for later determination.

8.0 Residential Amenity

- 8.1 This site has no close residential neighbours and there would be no adverse impact on local residents in terms of loss of light, loss of privacy, excessive noise and disturbance, etc. Since the previous outline permission was granted there has been an appeal allowed (ref: 15/509996) on the neighbouring site to the north for 6 detached houses. Given the separation distances involved and boundary screening there would be no unacceptable amenity impacts. I am satisfied that the occupants of the dwellings would enjoy at least a reasonable living environment with little road noise and the potential for reasonable private garden areas.

9.0 Highways

- 9.1 The application site is located in the rural area beyond the defined bounds of any settlement but this is a locality that is reasonably close to the basic services offered by Sutton Valence to the south and to the public transport opportunities along the A274 to which the site has direct access. There is a roadside footway along the A274 into Sutton Valence. There are opportunities here for accessing services on foot, cycle, bus or shared motor vehicle trips and I consider the site to be in a reasonably sustainable location in the sense that there would not be an over-reliance on the private motor car. Although each site is different, the Inspector on The Oaks, Maidstone Road appeal (to the east of this site) concluded that that site was sufficiently well located to allow a major new housing site.
- 9.2 The existing access onto Maidstone Road would be utilised and the vehicle access onto Maidstone Road would be the same as the access approved for the five unit

scheme on this site. No highways safety objections are raised to the access which has been found to be acceptable previously. Compared to the approved scheme for five units on this site it is considered that the additional 3 houses would not result in a significant increase in traffic generation to warrant an objection on highways grounds. The indicative site plan indicates that sufficient parking and turning areas could be provided within the site.

10.0 Landscaping and Ecology

10.1 On more detailed matters, it must be recognised that the only issue to be determined here is access with a reworked access along the northern boundary of the land to serve the development. In terms of ecology, a 'Preliminary Ecological Appraisal' has been submitted which, as may be expected, indicates that the site is of low ecological value. A reptile survey has also been carried out and no reptiles were found on site. The conclusion of these documents is that all that is required is enhancement in the form of a variety of measures including bird boxes, bat roosting spaces/boxes and enhanced landscaping. Against this background I consider there to be no justifiable reason to object on ecology grounds.

10.2 Similarly landscaping is not being considered at this stage however the indicative site plan indicates that there is space to provide additional landscaping on the north and west boundary compared to the extant permission. Landscaping could also be planting along part of the vehicle access road to soften the impact of the approach into the site. A suitably worded condition / reserved matters would secure native landscaping on this site.

11.0 Other matters

11.1 Several neighbours have raised concerns that this application with a revised vehicle access road has been submitted to link up with an adjoining site to the rear of Redic House which benefits from an appeal approval for a new dwelling in the rear garden. Concerns are that the revised access could enable further development at the adjoining site. However, this application can only be assessed on its own merits as currently proposed.

12.1 Due to the proximity of the adjacent business use I consider it would be prudent to attach a condition to safeguard future occupiers in terms of potential noise and disturbance from the neighbouring business uses.

12.0 CONCLUSION

12.1 In all, it is considered that the redeveloped of the site presents benefits to the character of the countryside, ecology and the amenities of local residents. In addition the proposal would not result in any significant harm to the character of the open countryside, highways safety or neighbour amenity, compared to the extant permission on this site.

12.2 The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development comprises the redevelopment of part of an existing brownfield site and is at a sustainable location (as found by the Inspectors determining the appeals at The Oaks, Land at The Wind Chimes and Land at Four Wents Orchard, located near to this site), and benefits from an extant outline planning permission for five houses. The proposal is not considered to result in any significant planning harm, and these matters, and that the development is considered to be in compliance with the National Planning Policy Framework is sufficient grounds to depart from the Borough-wide Local plan 2000.

13.0 RECOMMENDATION – GRANT Subject to the following conditions:

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

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

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 2 years from the date of this permission. 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.

- (2) Before development commences on the application site full details of the layout, means of surfacing and landscaping of the retained parking and turning area for the remaining commercial units shall be submitted to and approved by the Local Planning Authority. The approved parking and turning area shall be ready for use before development commences on the application site and shall thereafter be kept available for such use. No development, whether permitted by The Town and Country Planning (General Permitted Development) (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. These details are necessary before development commences as they relate to the safe operation of the commercial units.

- (3) Before development commences on the application site full details of the proposed elevational treatment (following demolition) of the western end elevation of the retained commercial units shall be submitted to and approved by the Local Planning Authority;

Reason: In the interests of visual amenity. These details are necessary before development commences as they raise fundamental issues as to the appearance of the retained units.

- (4) Before the first occupation of the new dwellings full details of proposed ecological enhancement works (including a timetable for implementation and management) shall be submitted to and approved by the Local Planning Authority;

Reason: In the interests of ecology.

- (5) The development shall not commence until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter;

Reason: To ensure an energy efficient form of development. These details are necessary before development commences as they raise fundamental issues as to the design of the proposed dwellings.

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

1) A preliminary risk assessment which has identified:

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

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

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

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

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

Reason: In order to deal properly with potential contamination. These details are necessary before development commences as they raise fundamental issues as to health and safety.

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

Reason: To ensure adequate sewerage is provided.

- (8) The development hereby approved shall not commence until, 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, have been 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 aural amenity.

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

Drawing nos. 1251 P001C, 1251 P002C; received 21.12.2017 and 1251 P002C; received 26.04.2017

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

INFORMATIVES

1. Should the reserved matters scheme comprise a development which has a combined floorspace of greater than 1,000m² (gross internal area), the council will require the delivery of affordable housing in accordance with the emerging affordable housing policy.

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.

Planning Committee	15 June 2017
Is the final decision on the recommendations in this report to be made at this meeting?	Yes

Planning Committee Member and Substitute Member training

Final Decision-Maker	Planning Committee
Lead Head of Service	Angela Woodhouse, Head of Policy & Communications
Lead Officer and Report Author	Rob Jarman, Head of Planning and Development Richard Timms, Principal Planning Officer
Classification	Public
Wards affected	All

This report makes the following recommendations to this Committee:

- (1) **That new Planning Committee members and new substitute members** complete Planning Induction Training by the end of July 2017, covering the Development Plan, Planning Policies & Guidance, Legislation, Planning Conditions, Refusal of Planning Applications, and Section 106 Agreements in order to fulfil the requirements in the Constitution.
- (2) **That existing Planning Committee members and substitute members** complete training by the end of September 2017 covering annual refresher training on Planning Policies & Guidance, Legislation, Planning Conditions, Refusal of Planning Applications, and Section 106 Agreements in order to fulfil the requirements in the Constitution.
- (3) **That Planning Committee members and substitute members** complete training as deemed appropriate by officers following the introduction of any new policy, guidance or legislation in order to fulfil the requirements in the Constitution.
- (4) **That Planning Committee members and substitute members** are strongly recommended to complete the following optional training sessions:
 - Legal Training including Pre-determination of Planning Applications (General and Constitution background), and Planning Judicial Reviews (General process)
 - Maidstone’s New Local Plan – How its policies will continue to deliver high quality development
 - Between 1-3 specialised/best practice subject area sessions potentially covering design, air quality and biodiversity but to be agreed between the Head of Planning and Development and the Political Group Spokespersons. (This would be likely to be run by an external trainer/body within a budget of £2,000)

This report relates to the following corporate priorities:

- 1.2 Keeping Maidstone Borough an attractive place for all and securing a successful economy for Maidstone Borough by ensuring planning decisions are made using an up to date knowledge and understanding of national and local planning policies and legislation.

2. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 2.2 This report outlines Planning Committee Members' and Substitute Members' responsibilities to ensure they comply with the Council's constitution by ensuring their knowledge and understanding of current local and national planning policies and legislation remains up to date, while serving on or supporting the Committee.
- 2.3 The report also strongly recommends attendance at a programme of optional training for Planning Committee Members and Substitute Members to facilitate their planning knowledge while serving on or supporting the Committee.

3. INTRODUCTION AND BACKGROUND

- 3.1 The Council's Constitution sets out the responsibilities of Planning Committee Members and Substitute Members.
- 3.2 The Council's Constitution, Part 4.4 (Local Code of Conduct for Councillors and Officers dealing with planning matters), Section 1.c states, under "The General Role and Conduct of Councillors and Officers":

"The Council has agreed that no member will be able to serve on the Planning Committee without having agreed to undertake a minimum period of training on the policies, procedures, legislation and guidance relevant to the Committee as specified by the Committee. This training should be completed to an agreed level according to an agreed programme within an agreed time period set by the Committee for newly appointed Councillors and substitutes of the Committee. If the specified training has not been completed by the due date, the Councillor will cease to be a member/substitute member of the Committee until the training has been completed. The Head of Policy and Communications will keep a record of the training requirements of the Committee and of the Councillors' compliance with the requirements. Existing members and substitute members of the Committee should be updated regularly on changes of legislation and procedures and must receive refresher training on an annual basis. Failure to undertake the refresher training will result in the Councillor ceasing to be a member/substitute member of the Committee until the refresher training has been completed."

- 3.3 Further, Part 3.1, section 4.2 paragraph 2 of the Council's Constitution states under Appointment of Substitute Members of Committees and Sub-Committees, that:

'No Councillor will be able to serve on the Planning and Licensing Committees without having agreed to undertake a minimum period of training on the policies, procedures, legislation and guidance relevant to the

Committee as specified by the Committee. This training should be completed to an agreed level according to an agreed programme within an agreed time period set by the Committee and must be refreshed annually. If the specified training has not been completed by the due date, the Councillor will cease to be a Member/Substitute Member of the Committee until the training has been completed.'

3.4 Also, Part 4.4 section 20 states:

All Members of the Planning Committee and substitute Members should receive training on grounds of refusal and imposition of conditions.

All Councillors should receive basic training on planning issues.'

3.5 A programme of training has been arranged with the Planning Department for the Municipal year 2017-2018. Dates for the training will be confirmed in due course. Planning Committee Members and Substitute Members should attend as follows:

(1) ***That all new Planning Committee members and new substitute members*** complete *Planning Induction Training* by then end of July 2017, covering the *Development Plan, Planning Policies & Guidance, Legislation, Planning Conditions, Refusal of Planning Applications, and Section 106 Agreements* in order to fulfil the requirements in the *Constitution*.

(2) ***That existing Planning Committee members and substitute members*** complete training by the end of September 2017 covering *annual refresher training on Planning Policies & Guidance, Legislation, Planning Conditions, Refusal of Planning Applications, and Section 106 Agreements* in order to fulfil the requirements in the *Constitution*.

(3) ***That Planning Committee members and substitute members*** complete training as deemed appropriate by officers following the introduction of any new policy, guidance or legislation in order to fulfil the requirements in the *Constitution*.

(4) ***That Planning Committee Members and Substitute Members*** are strongly recommended to complete the following optional training sessions:

- *Legal Training including Pre-determination of Planning Applications (General and Constitution background), and Planning Judicial Reviews (General process)*
- *Maidstone's New Local Plan – How its policies will continue to deliver high quality development*
- *Between 1-3 specialised/best practice subject area sessions potentially covering design, air quality and biodiversity but to be agreed between the Head of Planning and Development and the Political Group Spokespersons. (This would be likely to be run by an external trainer/body within a budget of £2,000)*

3.6 The Committee are asked to agree this minimum level of training for Committee Members and Substitute Members, from the list at 3.5, which

will maintain a suitable level of knowledge and understanding of national and local policies and legislation to be able to properly perform their functions as a Planning Committee. The strongly recommended optional training will assist on-going professional development.

4. AVAILABLE OPTIONS

- 4.1 The Committee could decide to do nothing. However, this is not recommended as it would contravene the Council's own Local Code of Conduct for Councillors and Officers Dealing with Planning Matters.
- 4.2 The Committee could decide alternative optional training but these have been proposed in discussion with the Political Groups Spokespersons, and can be covered by the Members training budget. If alternative training is proposed the Committee would need to be clear on what this should be so officers can progress this.
- 4.3 The Committee could decide that the compulsory training and development as outlined in the list at 3.5 be completed by all Planning Committee Members and Substitute Members, and that the optional training should be attended.

5. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 5.1 The preferred option is option 4.3. The reasons for this recommendation are:
- 5.2 The Committee Members will fulfil their responsibilities under the Local Code of Conduct for Councillors detailed in Part 4.4, Section 1c of the Council's Constitution;
- 5.3 Members and Substitute Members of the Planning committee will fulfil their individual responsibilities to maintain their knowledge and understanding of local and national planning policy and legislation, and;
- 5.4 The Planning Committee will avoid being inquorate due to an insufficient supply of suitably trained Substitute Committee Members.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 Once the Committee has made its decision, information on the training dates and times will be sent to all Committee Members and Substitute Members.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	Training will ensure planning decisions are made using an up to date knowledge and understanding of national and local planning policies and legislation which will contribute towards keeping Maidstone	Richard Timms

	Borough an attractive place for all and securing a successful economy for Maidstone Borough.	
Risk Management	N/A	
Financial	Up to £2,000 from the Members Training Budget.	Richard Timms
Staffing	Officers will be required to carry out some of the training.	Richard Timms
Legal	Members have a constitutional duty to undertake a minimum amount of training relative to the particular committee on which they sit; they also have a public responsibility to be able to make proper and lawful decisions.	Richard Timms
Equality Impact Needs Assessment	Reasonable adjustments based on needs will be made to allow all members to participate in training. E.g larger size fonts	Richard Timms
Environmental/Sustainable Development	Training will ensure planning decisions are made using an up to date knowledge and understanding of national and local planning policies and legislation.	Richard Timms
Community Safety	N/A	
Human Rights Act	Training will ensure the Human Rights Act is considered where relevant.	Richard Timms
Procurement	N/A	
Asset Management	N/A	

Agenda Item 19

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 15th June 2017**

APPEAL DECISIONS:

- 1. 16/506764** Change of use of land to include parking and landscaping and to allow for the siting of a mobile home holiday let

APPEAL: Dismissed

Land At Harple Lane, Detling, Kent

(Delegated)

- 2. 16/506173** Demolition and replacement of the existing laundry room, outbuildings and ragstone wall with a new laundry room building.

APPEAL: Dismissed

Court Lodge Park, Lower Road, West Farleigh Kent, ME15 0PD

(Delegated)

- 3. 16/506174** Listed building Consent for demolition of the existing laundry room, outbuildings and ragstone wall and replacement with a new laundry room building.

APPEAL: Dismissed

Court Lodge Park, Lower Road, West Farleigh Kent, ME15 0PD

(Delegated)

- 4. ENF/500852** Change of use of the land from agriculture to a mixed use comprising agriculture and the stationing of caravans, mobile homes and a log cabin in residential occupation and the carrying out of operational development being the laying of areas of hardstanding; the erection of fencing; the erection of a log cabin; and the erection of three buildings.

APPEAL: Appeal Allowed and Enforcement Notice Amended and Upheld

Three Sons, Hampstead Lane, ME18 5HN

(Delegated)

5. 16/502378

Erection of a pair of semi-detached dwellings and attached carports.

APPEAL: Dismissed

Swallowfield, Wheelers Lane, Linton, Kent

(Delegated)

6. 16/508253

Erection of a two storey side extension.

APPEAL: Dismissed

Debonair, Howland Road, Marden, Kent

(Delegated)

7. 16/506571

Outline application for one detached dwelling (All matters reserved for future consideration).

APPEAL: Dismissed

The Granary, Court Lodge Farm, The Street, Boxley, Kent, ME14 3DX

(Delegated)
