

**REPORT SUMMARY**

<b>REFERENCE NO - 14/503167/FULL</b>		
<b>APPLICATION PROPOSAL</b> Residential development for 36 units and re-alignment of Cripple Street.		
<b>ADDRESS</b> Land At Cripple Street Cripple Street Maidstone Kent ME15 6BA		
<b>RECOMMENDATION:</b> GRANT PLANNING PERMISSION SUBJECT TO PRIOR COMPLETION OF AN APPROPRIATE LEGAL MECHANISM AND CONDITIONS		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>  The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development is at a sustainable location, immediately adjoins the existing urban boundary, and is not considered to result in significant planning harm. Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient ground to depart from the Local Plan.  The applicant is prepared to enter into a legal agreement to ensure that justified contributions are met.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> The proposal is a departure from the Development Plan.  Councillor Derek Mortimer has requested the application be reported to Committee for the reasons set out below.  Tovil Parish Council wish to see the application refused and have requested the application be reported to Committee for the reasons set out below.  Loose Parish Council wish to see the application refused and have requested the application be reported to Committee for the reasons set out below.		
<b>WARD</b> South Ward	<b>PARISH/TOWN COUNCIL</b> Tovil	<b>APPLICANT</b> Mr Peter Bland <b>AGENT</b>
<b>DECISION DUE DATE</b> 15/12/14	<b>PUBLICITY EXPIRY DATE</b> 15/12/14	<b>OFFICER SITE VISIT DATE</b> 28.01.2015

**RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites)**

No planning history relevant on the application site.

The site was promoted in response to the Borough Council's "call for sites" in 2013 and was identified as having the potential to accommodate 70 houses.

The site was given the reference number HO-22 in the Council's subsequent Strategic Housing Employment Development Land Availability Assessment (SHEDLAA) and was recommended for selection in the draft plan by council officers. The SHEDLAA report concluded:

*'Layout and design would be very important in developing this site. Access to the site would also be important and should this site come forward, highway improvements within the locality are likely to be necessary as per the comments from KCC Highways.*

*Overall, I consider that this site is suitable [for residential development] and I recommend that it is accepted for development'.*

However, the site was rejected by Members at cabinet on 24.02.2014 and was not put forward in the draft Local.

A site located to the north of the application site H1 (20) Postley Road, Tovil has been included in the Reg. 18 Draft Local Plan. This site was been accepted by Cabinet on 2 February 2015 and will now move forward to the Reg. 19 stage. Site allocation H1 (20) is located within the open countryside in the Loose Valley Area of Local Landscape Importance and has been identified by Cabinet as having a recommended yield of 62 housing units. Site H1 (20) is separated from the application site at Cripple Street by a public footpath running east to west.

## **MAIN REPORT**

### **DESCRIPTION OF SITE**

The site is located to the west of the urban boundary and lies within a countryside location. The site comprises a broadly rectangular shaped plot sited to the west of Bockingford Farmhouse, a Grade II listed building which is located within the urban boundary. The site is located within the open countryside, an Area of Local Landscape Importance and to the east of the Loose Valley Conservation Area.

The site comprises rough grassland with established landscaped borders and is adjacent to the urban area and the properties of Broadoak Avenue, Buxton Close and Richmond Way. The land has a gently sloping topography with the land sloping west towards the Loose Valley. This is a slight gradient which increases further to the west of the site.

Within the vicinity to the west there are a small number of residential properties sporadically placed with most fronting Cripple Street including the grade II listed Bockingford House and Little Bockingford. The area to the west of the site is designated as the Loose Valley Conservation Area.

The area to the east of the site comprises a residential area of 1960's construction with the houses on Broadoak Avenue, Buxton Close and Richmond Way backing onto the PROW which abuts the application site. Bockingford Farmhouse is the exception with frontage onto the PROW and faces toward the application site. This residential area is a mixed area of single storey and two storey properties with the scale and density reducing to the west of this area.

To the north of the site is an area which received planning permission under 12/1848 for a residential development of 127 dwellings and landscape works. This area only was allocated under policy H1 of the MBWLP 2000. Beyond this the urban area extends north with further urban residential development. The area directly north of the site is comprises Site Allocation H1 (20) as mentioned above.

A public right of way (PROW) abuts the north and east boundary of the application site running from north to south and east to west.

## **PROPOSAL**

The application proposes 36 dwellings, of which 11 (30%) would be affordable housing and the re-alignment of Cripple Street.

The affordable units will comprise 1 x 2 bed flat; 4 x 2 bed and 6 x 3 bed houses. The private dwellings will comprise 4 x 2 bed, 10 x 3 bed, 7 x 4 bed and 4 x 5 bed houses. These will be provided together with off-street parking spaces with some of the private units having garages in addition to the parking allocation. Secure and covered cycle parking is also provided.

The proposed dwellings will be predominantly 2 storeys in height with the some 1½ storey chalet bungalows. The development proposes a uniformed approach to materials with key materials being utilised throughout the site including facing brickwork, weatherboarding, render and tile hanging with contrasting brickwork used for window headers and cills. Roofs would be formed of clay tiles and slate.

It is proposed to re-align and widen Cripple Street along the front of the site, inverting the curve of the road into the application site and creating a landscaped area between the re-aligned street and field to the south of the site. It is also proposed to increase the public footpaths from Cripple Street along the frontage of the site on either side of the road. The main access through the site would broadly dissect the site from south to north with secondary access roads provided off this main access.

Four detached properties located at the front of the site would be provided shared access from the main access road, set back from the entrance of the site. These four houses would have a frontage onto Cripple Street with shared parking / garaging located between the detached properties. The frontage properties would be set back a minimum of 15m from the re-aligned Cripple Street with extensive landscaping located to the front between Cripple Street.

Behind the four frontage properties there are a mix of dwelling styles and sizes with detached properties located along the western side of the central access road. The detached properties located on the western side of the site would all front the central access road save for the two properties located in the northwest corner, which would be served by a small cul-de-sac with frontages facing north.

The size of the dwellings is more varied on the eastern side of the site with a mixture of terrace, semi-detached and detached properties some of which would be located at 90 degrees to the access road and served by courtyard parking areas located at the front of the houses.

Off-street parking is proposed for all the units in garages, driveways and shared/allocated parking spaces for the terrace properties.

The existing boundary trees and landscaping would be retained and enhanced.

An area of open space is proposed on the eastern side of the site adjacent to Bockingford Farmhouse. Pedestrian access would punctuate the eastern boundary of the site onto the adjacent public footpath at the front of Bockingford Farmhouse.

### **POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Maidstone Borough-Wide Local Plan 2000: ENV6, ENV26, ENV28, ENV35, T13

Supplementary Planning Documents: Affordable Housing Development Plan Document (2006), Open Space Development Plan Document (2006)  
Maidstone Borough Council Draft Local Plan: SS1, SP5, H2, H3, DM2, DM3, DM4, DM6, DM10, DM11, DM13, DM23, DM24, DM30, ID1

Draft North Loose Neighbourhood Development Plan 2014-2031 Regulation 15.

### **Amended plans**

Re-orientation of Plot 8 and Plot 9 and increased amount of public open space between Plot 8 and 9. The new section of public open space would be provided on the west of the main access road and would be boarded by a low level rag stone wall and planted with ornamental trees.

### **LOCAL REPRESENTATIONS**

A site notice was displayed at the site on 18<sup>th</sup> September 2014.

Some 59 households have objected. The North Loose Residents Association and Valley Conservation Society have also objected to the proposal. The following issues were raised:

- Additional traffic / road congestion and lack of infrastructure
- Insufficient off-street parking proposed
- No pedestrian pavements
- Impact on local service such doctors and schools
- Impact on wildlife and open countryside and area of local landscape importance
- The development represents urban sprawl
- The MBC planning committee rejected the site from the draft local plan
- Impact on listed buildings
- Alterations to the road would be out of character with the rural nature of the lane
- Impact on Loose Valley Conservation Area
- Loss of privacy, light and overshadowing
- Unsustainable development
- Increase noise from residential use
- Loss of wildlife species and habitat
- Indigenous planting scheme required
- Impact on public footpaths
- Impact on drainage infrastructure
- Traffic calming measures have been requested if the development is approved
- Archaeology survey required

### **CONSULTATIONS**

Tovil Parish Council has objected to the application on the following (summarised) grounds:

- The proposal will adversely affect the setting of listed buildings and Loose Valley Conservation Area.
- Proposed four new entrances are considered dangerous
- The proposal does not accord with the White Paper NPPF
- Should the application be approved Tovil Parish Council proposes that contributions should be made toward open space within Tovil

Loose Parish Council has objected to the application on the following (summarised) grounds:

## Planning Committee Report

- Erosion of green corridor to Loose Valley
- Outside the urban boundary
- Impact on ALLI
- Contrary to Blue and Green Infrastructure Strategy
- Impact on setting of nearby listed buildings
- Additional traffic generation
- Pedestrian Safety

Councillor Mortimer requests that the application be reported to Planning Committee for the following (summarised) reasons:

- The site is outside the urban boundary
- Impact on the setting of Bockingford Farmhouse
- Encroachment into Loose Valley
- Impact on ecology and biodiversity on the site
- Highways safety and traffic congestion
- 30% affordable housing provision is lower than Councils DPD
- No mitigation of air quality

Councillor Brian Clark Kent County Councillor for Maidstone South requests that the application be reported to Planning Committee for the following (summarised) reasons:

- Site is undeveloped green space at the edge of the Loose Valley
- Urban sprawl
- Impact on Local Landscape Importance
- Major changes to Cripple Street proposed including three access roads
- Traffic generation
- Unsustainable location

**KCC Highways:** No objections. *Further to my previous comments on this application, I have received further information from Monson, acting on behalf of Millwood Homes.*

*I now understand the following:-*

*a) The applicant will remove the two private accesses and connect the properties into the new estate road. This would overcome my concern about the visibility splays from them.*

*b) Pre-application discussions on site with my colleagues concluded that the proposed realignment of Cripple Street would be the most appropriate means of managing the transition from the wider carriageway to the east and the much narrower section to the west. Additional signing and road markings would be provided to enhance speed attenuation.*

*c) The new estate road will be built to adoptable standards*

*d) KCC has concluded that there is little scope for physical capacity improvements to the A229 Loose Road/Cripple Street/Boughton Lane junction. Therefore it would be inappropriate to seek a contribution towards a joint study of the junction*

*e) The applicant is aware that a contribution of £3,000 per dwelling would be sought towards strategic improvements to the A229 corridor from the A229/A274 junction to the Bridges Gyratory, as this would be comparable to the contribution previously sought from the Ward Homes site on Boughton Lane. I understand that the applicant does not object to this. The S106 would therefore follow the wording that was agreed between KCC and MBC for the Boughton Lane site.*

f) *The parking on site should conform to the KCC Interim Guidance Note No. 3 for Residential Parking. The applicant should note that the standard indicates that garage parking should be taken as being additional to the provision identified at the various properties. This could be resolved through the detailed design of the layout for the private 2,3 and 4 bedroom houses where the Monson response refers to "at least" one space per unit in addition to the garage.*

*Overall, in the expectation that the contribution to the wider highway improvements would be secured by a S106 Agreement, and that the details of the signing/lining and parking provision could be subject to condition and resolved at detailed design, I would like to make **no objection** to this application'.*

**Environment Agency:** *'We have **no objection** to the proposal development as submitted provided that the following condition is included requiring the following drainage details:*

*'Development shall not begin until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority.*

*The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.*

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

**KCC Development Contributions:** *'The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution'.*

Primary Education Provision: £4000 per 'applicable' house towards construction of a new primary school in south east Maidstone and £2701.63 per applicable house towards land acquisition costs and £675.41 per applicable flat.

*'The proposal gives rise to 10 additional primary school pupils during occupation of this development. This need, cumulatively with other new developments in the vicinity, can only be met through the provision of new Primary Schools in Hermitage Lane & Sutton Road Maidstone, as identified in the Maidstone Borough Interim Local Plan Policies, as the forecast primary pupil product in the locality results in the maximum capacity of local primary schools being exceeded.*

*This proposal has been assessed in accordance with the KCC Development Contributions Guide methodology of 'first come, first served' assessment; having regard to the indigenous pupils, overlain by the pupil generation impact of this and concurrent new residential developments on the locality'.*

Secondary Education Provision: £2359.80 per applicable house and £589.95 per applicable flat towards new secondary school accommodation will be provided in Maidstone through extensions to provide additional accommodation.

*'The proposal is projected to give rise to 7 additional secondary school pupils from the date of occupation of this development. This need can only be met through the provision of new accommodation within the locality.'*

Community Learning: £30.70 per household sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both through dedicated adult education centres and through outreach community learning facilities local to the development.

*"There is an assessed shortfall in provision for this service: the current adult participation in the District in both Centres and Outreach facilities is in excess of current service capacity."*

Youth Services: £8.44 per household sought to be used to address the demand from the development towards youth services locally.

*'Forecasts indicate that there is insufficient capacity within local Centres to accommodate the increased demand generated through the development, therefore KCC require contributions to provide increased centre based youth services in the local area.'*

Libraries Contribution: £183.14 per household sought to be used to address the demand from the development towards additional bookstock and services at local libraries serving the development.

*'There is an assessed shortfall in provision: overall borrower numbers in the local area are in excess of area service capacity, and bookstock for Maidstone Borough at 1339 per 1000 population is below the County average of 1349 and both the England and total UK figures of 1510 and 1605 respectively.'*

Social Care: £53.88 per household sought to be used to address the demand from the development towards the provision of new/expanded facilities and services in the area local to the development including assistive technology, and enhancement of local community facilities to ensure full DDA access.

The proposed development will result in additional demand upon Social Care (SC) (older people, and also adults with Learning or Physical Disabilities) services, however all available care capacity is fully allocated already, and there is no spare capacity to meet additional demand arising from this and other new developments which SC are under a statutory obligation to meet.

**NHS:** *'In terms of this particular application, a need has been identified for contributions to support the delivery of investments highlighted within the Strategic Service Development Plan. These improvements to the primary care infrastructure will enable support in the registrations of the new population, in addition to the commissioning and delivery of health services to all. This proposed development noted above is expected to result in a need to invest in a number of local surgery premises:*

- Boughton Lane Surgery
- Grove Park Surgery
- Northumberland Court Surgery
- Mote Park Medical Practice

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

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

**Predicted Occupancy rates**

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

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

<b>Predicted Occupancy rates</b>	<b>Total number in planning application</b>	<b>Total occupancy</b>	<b>Contribution sought (Occupancy x £360)</b>
<b>2</b>	<b>9</b>	<b>18</b>	<b>£6,480</b>
<b>2.8</b>	<b>16</b>	<b>44.8</b>	<b>£16,128</b>
<b>3.5</b>	<b>11</b>	<b>38.5</b>	<b>£13,860</b>
			<b>£36,468</b>

NHS Property Services Ltd therefore seeks a contribution of £ 36,468.'

**MBC Housing:** 'The development is for a total of 36 units with the applicant proposing 30% affordable housing which equates to 11 units.

The applicant has sought to justify only supplying a 30% affordable provision on this site at chapter 7 of the submitted planning application. The applicants are highlighting the 30% affordable housing provision which is in the emerging local plan.

The applicants are latching on to the policy within the interim approved Local Plan, and suggest that it should be afforded due weight in the determination of planning applications. It is their view that all new development schemes should provide for affordable housing in accordance with emerging policy.

Housing does not concur with this view. The key word being 'emerging' policy. It is not formally adopted as yet, and housing are still not entirely convinced of the affordable percentage ask requirements being suggested within the emerging policy. Housing are currently putting forward officer recommendations for change following the period of public consultation on the draft Local Plan and further viability testing is to be undertaken. It is housing's view that until such time as the new Local Plan and policies within it are adopted (or at least all agreed and closer to adoption than at present); the current Affordable Housing Development Plan document should be adhered to.

The submitted planning statement continues at 10.9 quoting sites whereby 30% affordable provision has been granted. It should be noted that all these developments are strategic sites within the draft local plan, whereas this site was removed from the latest published edition.

Appendix 4 of the planning statement highlights the officers' report for the 'New Line Learning Academy' planning application and the officers' comments. However, it should be noted that this application was refused with one of the reasons being:



(2) *The provision of 30% affordable housing does not comply with Maidstone Borough Council's Affordable Housing SPD.*

*Furthermore, if the developers are offering only 30% affordable units on this site, we would like to see a separate viability assessment which is then independently assessed which confirms that the adopted policy of 40% affordable housing is not viable.*

*This advice was also given to the developers in a pre-application advice meeting, as Appendix 1 of the application states:*

*Affordable Housing*

*'The Council's Affordable Housing DPD (2006) requires 40% provision with the affordable rent/shared equity split 60/40.*

*Unfortunately, Housing was not involved in any pre-application discussions and, as such, has not been aware of the proposed affordable mix until this planning application has been submitted.*

<i>1 Bed units</i>	<i>0</i>	<i>0%</i>
<i>2 Bed units</i>	<i>5</i>	<i>45%</i>
<i>3 Bed units</i>	<i>6</i>	<i>55%</i>
<i>4 Bed units</i>	<i>0</i>	<i>0%</i>

*There doesn't appear to be any mention in the application at present of any suggested tenure split.*

*It is disappointing to see another development which is offering no 1 bed provision for the affordable units as this is the need for 57% of the applicants on the Councils housing register.*

*We are currently working on the following percentages for affordable housing units for sites that are able to provide a range of unit sizes:*

*Affordable Rented Units (60%) 1-Beds (35%), 2-Beds (30%), 3-Beds (25%), 4-Beds (10%)  
Shared Ownership Units (40%) 1-Beds (20%), 2-Beds (50%), 3-Beds (30%)*

*This would equate to the following mix for 40% affordable provision:*

Size	Total Units	Rental	Shared Ownership
1 Bedroom	4	3	1
2 Bedroom	5	2	3
3 Bedroom	4	2	2
4 Bedroom	1	1	0
Total	14	8	6

*For a 30% affordable provision, this would equate to:*

Size	Total Units	Rental	Shared Ownership
1 Bedroom	3	2	1
2 Bedroom	4	2	2
3 Bedroom	3	2	1
4 Bedroom	1	1	0
Total	11	7	4

*However, we acknowledge that to amend the site plans at this stage of the planning process may not be an option.*

*The applicants are suggesting that the affordable housing be split in to two locations on the site. Due to the number of units involved this would be agreeable with us. In terms of unit sizes, we would be looking for 2-bed 4 person dwellings, as well as 3-bed 6 person dwellings to help maximise occupancy, in accordance with need.*

*Provision for lifetime homes across all the affordable dwellings is also encouraged’.*

**Conservation Officer:** *‘The application site occupies land formerly under orchard use, presumably associated with Bockingford Farm, whose early 19<sup>th</sup> Century farmhouse remains and has been listed Grade II since 1974. The farmhouse is now subsumed on three sides in the residential estate which includes Broadoak Avenue and Buxton Close, which was developed in the early-mid 1960s at a time when Bockingford Farmhouse was a Grade III (locally listed) building. The impact of this development on the setting of the farmhouse seems to have been given no consideration at that time, with the result that this mid-20<sup>th</sup> century housing estate of suburban character has seriously impacted on the setting of the listed building, much to the detriment of its significance.*

*Development of this land to the west of the farmhouse, which is the only side on which the original setting of the listed building is preserved, would complete its encompassment within modern housing estates and result in the complete destruction of its original rural setting. Although this setting has already been severely compromised, the additional impact of the current proposals still needs to be given close consideration. English Heritage produced a Guidance Note on the Setting of Heritage Assets in 2011. This is currently being updated to incorporate up-to-date references to the NPPF and the latest draft contains the following advice in Paragraph 8*

*“Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies, consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset. Negative change could include severing the last link between an asset and its original setting...).*

*Thus it is clear that the current proposals would result in negative change causing harm to the significance of the listed building. This is perhaps exacerbated by the fact that it is the principal elevation of the farmhouse with its large windows to the main reception rooms which faces towards the application site. Although the proposals seek to acknowledge this by siting an area of public open space immediately in front of the listed building, the provision of such a manicured and restricted space would be poor compensation for the loss of the existing open setting; it is also proposed to keep a “visual corridor” open to protect views from the farmhouse towards other historic buildings, but this would provide a space for garages with flat roofs which hardly represent an appropriate outlook.*

*The site also lies adjacent to the boundary of the Loose Valley Conservation Area and its present open agricultural character is important to the setting of the conservation area. Although development is to be set back from this boundary to allow for tree screening this is unlikely to adequately mitigate the impact on the setting of the conservation area.*

**MBC Parks and Open Space:** *‘The Parks and Open Spaces Team have viewed this application and would make the following observations;*

## Planning Committee Report

*For a development of this size we would expect a minimum onsite provision of formal open space of 0.47ha (not including Green Corridors or Natural & Semi-Natural Green Spaces). The development is located within South Ward.*

*There is no set standard for minimum provision in terms of Natural and Semi Natural Open Space and Green Corridors.*

*A development this size will have an impact on existing areas of formal open space in the local area where no onsite provision exists. Local Areas of Equipped Play and Outdoor Sports Facilities, for example.*

*Whilst it is noted that the development includes open space, the documentation provided does not fully indicate what form this takes, nor does it identify the size of open space provided on site.*

*The closest existing area of open space and equipped areas of play for children is at South Park which is approximately 0.4 miles away.*

*The developer indicates the site is 2ha in size and as such a little over 20% should be given as on-site open space. If this is not the case then we would seek an off-site contribution to cover any shortfall. Depending on what type of onsite open space is provided could also affect any offsite contributions being sought*

*It is difficult to identify exactly what scale of off-site contribution we would seek, due to minimal information being provided as to the extent of what is actually being provided. Obviously the full amount per dwelling of £1575 will be cut down accordingly but again this depends on what is actually provided on site*

*Any offsite contribution we would request to be used within a one mile radius of the development for the improvement, refurbishment and maintenance of existing areas of open space and equipped play and outdoor sports facilities.*

*Such sites as South Park and Mangravet are within 1 mile of the site and would be used by the development as they are the nearest sites with areas of equipped play and outdoor sports facilities'.*

Following the submission of further information by the applicant regarding the level of on-site open space, MBC Parks and Open Space department indicate the public open space contribution and method used to calculate the contributions in this instance is thus:

*'The normal request per dwelling for developments with no on-site open space is £1575*

*This development should have a minimum of 0.47ha of onsite open space provided*

*According to the developer it will have 0.4078ha of onsite open space.*

*That is a shortfall of 0.0122ha*

*0.0122*

*1575/47 = £33.51 per dwelling for every 0.01ha not provided*

$£33.51 * 1.22 = £40.80$  per dwelling

$£40.80 * 36$  dwellings = £1471.75'

**Spatial Policy:** *'This site was submitted and assessed in the 2013 Call for Sites/SHLAA exercise (reference HO-22). The officer conclusion was that the site was suitable for development (assessment attached).*

*It was subsequently recommended for inclusion in the Reg. 18 Consultation draft of the Maidstone Borough Local Plan. However, at the meeting of the Cabinet on 24 February 2014, inter-alia, the following decision was made:-*

*Minutes:*

*DECISION MADE: a) That the draft Maidstone Borough Local Plan, as attached at Appendix A to the report of the Head of Planning and Development, be approved for public consultation (Regulation 18) subject to:- i) The deletion of the following housing sites:- H1(18) Cross Keys, Bearsted H1(19) Fant Farm, Maidstone H1(51) Cripple Street, Loose H1(58) Ware Street, Thurnham*

*The site is not therefore allocated in the Reg. 18 Draft Maidstone Borough Local Plan'.*

**MBC Environmental Health:** No objections. Advise there is no evidence historically or in the current land use to suggest that the site is likely to be contaminated therefore no site investigation is required by the Council.

**Natural England:** No objections – the proposal is unlikely to affect any statutory protected sites or landscapes. Recommends following Natural England's Standing Advice.

**KCC Ecology:** Subject to confirmation that no trees of significant amenity value would be removed, raise no objections to the development of the site.

**KCC PROW:** Initial objection removed following receipt of amended drawings. Contribution of £5400 sought for the purposes of improving the environment and furniture of Public Footpath KB22 including increasing the width of the footpath, to be secured via S106 agreement.

**MBC Landscape:** *'The amendments to this proposal are an improvement in landscape terms, particularly the provision of additional landscaping along the frontage with Cripple Street. I therefore raise no objection subject to a pre commencement condition requiring a detailed landscape scheme including tree protection details in accordance with BS5837:2012'.*

**Rural Planning Limited:** *'The proposed site here comprises some 2.0 ha (5 acres) of disused grassland, located on the edge of existing residential development, lying at between 60m and 65m above sea level.*

*DEFRA's 1:250,000 land classification map does not ascribe an agricultural grade to the land as it includes it within the general urban area. The 1:250,000 scale mapping is insufficiently detailed, in any event, to reliably define land quality on an individual field scale.*

*However DEFRA's "Magic" website shows that a larger block (about 8ha) of potentially similar land about 250m north-west of the site has been subject to a more detailed agricultural land classification study, post 1988. All of that land is indicated as Grade 3b (moderate quality), and thus outside the "best and most versatile" category.*

*It may also be relevant to note that similar land immediately north of the subject site currently also proposed for residential use (see MA/13/2038, and my letter of 17 December 2013), that the subject is not particularly extensive, and appears not to have been in use for any productive agriculture purpose for quite some years. Overall, therefore, it could be considered that the issue of agricultural land loss may not be of particular significance in this instance’.*

**Kent Wildlife:** Objects to the proposal for the following reasons:

- *‘The site is outside the defined urban area of Maidstone and is contrary to save Local Plan policies for the countryside.*
- *The development fails to meet the requirements of the National Planning Policy Framework (Paragraphs 7, 8 and 109) by failing to mitigate the risk of harm to nature conservation interest of acknowledged importance’.*

**Kent Police:** No objections subject to conditions

**Southern Water:** No objections. Advise that Southern Water can provide foul sewage disposal to service the proposed development. Informatives and conditions recommended.

## **APPRAISAL**

### **Principle of Development**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. In this case the Development Plan comprises the Maidstone Borough-Wide Local Plan 2000, and as such the starting point for consideration of the proposal is policy ENV28 which relates to development within the open countryside. The policy states that:

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

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

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

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

Paragraph 47 of the NPPF states that Councils should;

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

Relevant to this, the NPPF requires that local authorities have a clear understanding of housing needs in their area, and as such they should prepare a Strategic Housing Market Assessment (SHMA) to assess their full needs; working with neighbouring authorities where housing market areas cross administrative boundaries. Maidstone has carried this out with Ashford Borough Council and Tonbridge and Malling Borough Council. The SHMA (2014) confirms the objectively assessed housing need for the borough over the plan period 2011 to 2031 as 19,600 dwellings (980 dwellings per annum). Subsequent to this, the objectively assessed housing need was revised downwards to 18,600. This figure, which is based on central government population projections based on 2011 census data, was reported to, and accepted by, Cabinet on 10th September 2014.

At April 2014, the Council has a 2.1 year supply of housing assessed against the revised objectively assessed need figure of 18,600. The Council is unable to demonstrate a 5 year supply of housing land.

This lack of a 5 year supply is a significant factor and at paragraph 49 of the NPPF it is stated that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a 5 year supply cannot be demonstrated. The presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.

In respect of the circumstances of the specifics of this case, the proposal site is located on the edge of the urban boundary of Maidstone, in reasonable proximity to the wide range of key services in the town centre as well as good public transport links.

The draft Local Plan states the town of Maidstone cannot accommodate all of the growth that is required on existing urban sites, and the most sustainable locations for additional planned development are at the edge of the urban area.

In this context, it is considered that the location of the site is sustainable in the terms of the NPPF as it is located on the edge of the defined urban area. The centre of Maidstone lies just over 2km by road to the north with its extensive range of shops, services and businesses. More local to the site are a small range of shops, health facilities and services as well as a local pub at the east end of Cripple Street at its junction with the A229 (Loose Rd) which are less than 400m distance from the site. Also within 1.25km there are a number of schools providing primary and secondary education all of which can be reached by lit footways. There is a bus stop located on Loose Road approximately 400m distance from the site with regular services into Maidstone centre. The route from the site to these services is along a lit pedestrian pavement on Cripple Street.

The Council is not in a position to demonstrate a five year housing land supply, and as such normal restraints on volume residential development in the open countryside do not currently

apply as the adopted Local Plan is considered out of date. In such circumstances the NPPF advises that when planning for development through the Local Plan process and the determination of planning applications, the focus should be on edge of town developments. The development of this site is therefore in accord with the objectives of the NPPF being located directly adjacent to the edge of the urban area of Maidstone and in a sustainable location.

Furthermore, the bringing forward of development on this sustainable site adjacent to the urban area of Maidstone, would contribute towards the provision of housing and therefore help in meeting the shortfall in housing supply. This also represents a strong material consideration in favour of the development.

The site is located outside the North Loose Neighbourhood Development Plan boundary..

For these reasons, it is considered that the principle of the development is, by virtue of national planning policy as set out in the NPPF and local planning policy as set out in the emerging Local Plan, acceptable in the circumstances of this case. In the circumstances of this case, the key planning issues are considered to be visual impact, heritage, density of the development (including whether the site can suitably accommodate 36 dwellings), residential amenity, access/highway safety and ecology.

### **Visual Impact**

The site is located on the edge of the urban boundary in the open countryside and within an Area of Local Landscape Importance and adjacent to the Loose Valley Conservation Area. Within the context of saved policy ENV35 of the adopted Maidstone Borough-Wide Local Plan (2000) advises these areas provide local distinctiveness which is unique to Maidstone's identity. In these areas particular attention will be given to the maintenance of the open space and the character of the landscape.

The site is a greenfield site and its development for residential and other development would clearly have an impact visually on the site. It is important to assess the impact with regard to the coverage of the development proposed.

The proposed residential development is comprised of detached, semi-detached and terraced 1.5 and 2 storey residential dwellings.

The proposed site is boarded by other residential properties on two sides (east and west) with the urban boundary of Maidstone located along the whole of the eastern boundary and more sporadic residential development located on the lower sections of the western boundary.

There is heavily hedge and tree lined boundaries on the north and west boundaries and these will be maintained and enhanced as part of the development proposal. The natural vegetation along these boundaries would afford a good level of screening and act as a natural buffer to the Loose Valley and open countryside. In the case of the eastern boundary this is on the edge of the urban boundary and currently benefits from broken hedgerow and sporadic tree planting. The front of the site is clearly visible from Cripple Street.

There are several short range public vantage points from which the site can be seen in particular from the footpath that runs along the eastern boundary of the site and the footpath which runs along the northern boundary of the site. Views are not afforded into the site from all areas of these footpaths due to substantial vegetation located on the edge of the site. Nevertheless short range views of the proposed development would be afforded from

these footpaths and from Cripple Street and there would be a considerable change in the character of the site that would clearly have a visual impact.

Short range views are to be expected when developing a greenfield site for housing and in certain circumstances may generally be considered acceptable. It is noted that the footpath running along the eastern boundary of the site is located adjacent to the built up urban area and views of the housing development to the east can be seen from the footpath and are a characteristic of this footpath already.

Additionally views of the new development from Cripple Street and from the west would be seen against the backdrop of other built development, particularly the properties of Broadoak Avenue, Richmond Way and Buxton Close, located to the east of the site within the defined urban area of Maidstone.

Due to characteristics of the surrounding area and natural screening located along the north and west boundaries of the site it is considered that the development site would not be significantly visible from longer distances.

The impact of the re-alignment of Cripple Street and introduction of a new vehicle access would undoubtedly have a visual impact on the immediate area. However, the edge of the site adjacent Cripple Street and site entrance would be enhanced with additional tree and hedgerow landscaping (subject to suitable visibility splays) and the old section of road would be landscaped providing a buffer between the site and open countryside to the south.

Therefore I consider that the visual impact of the development would be acceptable. Whilst it would change the character of the site, there would not be any significant wider visual harm that would be harmful to the character and appearance of the area. I consider that the general principle of development of this site to be acceptable in relation to the visual change to the site and the development of this site represents an extension to the urban boundary and would also partially constitute infill development being located between residential properties on Broadoak Avenue and houses further west on Cripple Street.

In addition to this, the NPPF attaches less weight to the protection of locally designated landscapes such as the areas of local landscape importance which is applicable in this case.

### **Heritage Impact**

The council conservation officer has objected to the development of the application site due to the impact on the setting of the Loose Valley Conservation Area and grade II listed Bockingford Farmhouse.

The proposed new development would inevitably have a visual impact on the setting of Bockingford Farmhouse which currently benefits from unobstructed views across the site. The Conservation Officer is of the opinion that the development of the site would result in harm to the significance of the Bockingford Farm, a designated heritage asset. The proposed development would undoubtedly have a visual impact on the setting of this grade II listed building, however in my view, the level of harm would be less than substantial, therefore this needs to be weighed against any public benefit arising from the proposals in accordance with the tests set out in the NPPF.

The proposed layout has been designed so as to have regard to the setting of Bockingford Farmhouse in order to reduce the impact of the development on this grade II listed property and preserve its setting. In this regard an area of public open space is proposed within the site directly opposite Bockingford Farmhouse which extends across the width of the site. In addition, the dwellings located adjacent / in proximity to the farmhouse would have lowered eaves heights (plots 18 -23), while plots 8 and 9 situated on the west side of main access



road would have lower slab levels than the other dwellings within the site. Plots 8 and 9 have also been re-orientated from the initial submission to allow for an additional section of open space on the west side of the access road thus preserving the setting of the grade II listed building. In my view the development proposed to the west of the farmhouse would be subservient to the grade II listed property and the provision of public open space across the width of the site, at the front of the farmhouse, together with the lowered building heights, would help preserve the character, appearance and setting of the grade II listed building. The proposed development would not have an unacceptable impact on the setting of Little Bockingford and Bockingford House due to the separation distance between the site and these properties.

As regard the impact on the setting of the Loose Valley Conservation Area the western boundary of the site is already heavily screened by trees and hedgerow which would be reinforced as part of the landscape master plan. The boundary along the western edge of the site would form a natural buffer and visual break which would help to limit to the impact on the setting of the Loose Valley Conservation Area.

It is therefore considered that the significant public benefits arising from the additional 36 houses would, in my view, outweigh the limited harm to the setting of the Conservation Area and grade II listed building.

### **Design and layout**

The submitted layout has been described in the proposal section of this report. In terms of the acceptability of the layout, this has been the subject of discussion between the applicant's and case officers in order to achieve the most effective outcome. The site had originally been allocated by Maidstone Borough Council for 70 dwellings (although now removed from the Site Allocations). The number of units has been reduced to 36 to allow a better provision of open space on the site, reduce the impact on the Conservation Area, listed buildings and open countryside and improve the sustainability of the development.

The Design and Access Statement considers existing styles of development in the surrounding area and the materials used. The D&A Statement advises the development has been designed to fit into its surroundings through the use of vernacular materials and styles including facing brick, hanging tiles and weatherboarding. Materials will be subject to a condition requiring detailed samples to be submitted, however in principle I consider the proposals acceptable subject to finalisation of finishes.

Four frontage buildings onto Cripple Street would create a clearly defined gateway into the development and throughout the site dwellings generally front the internal road and turn corners where appropriate. The main entry into the site is spacious with good levels of landscaping at either side of the proposed junction.

The overall design and layout of the development is considered to be acceptable. The proposed buildings are considered to be individually of a high design standard and the use a simple palette of materials would ensure a uniform identity throughout the site which would be varied by the differing form, height and design of the individual buildings. The palette of materials, form and design of the houses is considered appropriate for this edge of town setting and would respect the surrounding local vernacular.

All of the proposed units would provide a good level of private amenity space and the low density scheme (18 dwellings per hectare), would create a sense of spaciousness, allowing dwellings to be set well back from the site boundaries and significant landscaping is proposed throughout the site and on the boundaries, all of which are considered appropriate and sympathetic to this location on the periphery of the urban area.

There is good connectivity within the site and demarcation in road surfaces to break up hardstanding and act as natural traffic calming. The site would be permeable to pedestrians as footpaths through the site would link up with the north to south footpath running parallel to the site to the east, enhancing links to the site with the surrounding area. Footpaths running through the site generally avoid the central access road which would reduce the concentration of hard surfacing and provide a high standard pedestrian environment enhanced by the landscaping scheme on the edge of the footpaths. All units would benefit from off-street parking in the form of garages and allocated parking spaces which have been sited and designed in order to limit the level of hard surfacing.

A lower density housing development is considered acceptable in this instance due to the urban periphery location, and would reduce the impact of the development on the nearby listed buildings and conservation area and, would improve the sustainability of the housing development. In this instance a lower density scheme is considered to be acceptable and would make the best use of the land.

### **Residential Amenity**

The closest residential properties would be those located west of the site fronting Cripple Street and the properties located to the east within the housing estate in Broadoak Avenue, Buxton Close and Richmond Way.

Whilst the outlook from some of these properties would undoubtedly change as a result of the proposed development, overall it is considered that there would be sufficient separation distances between the new houses and the existing neighbouring properties and, the proposed development is considered not to result in an unreasonable loss of amenity in terms of loss of light, outlook or privacy.

Orchard End is a residential property with frontage onto Cripple Street, located to the west of the application site. This property would be located some 16m from the closest proposed dwelling with the flank walls broadly facing one another. Given the orientation and separation distances between the proposed development and Orchard End it is considered there would be no unreasonable loss of residential amenity to this property. The proposed development would not result in any direct overlooking into the habitable rooms or private outdoor amenity areas of Orchard End.

With regard to the impact to the residential development located to the east of the site, a majority of these houses would be located more than 20m from the proposed built development and would therefore not suffer any unreasonable loss of amenity.

The rear elevation of nos. 5, 6 and 7 Buxton Close would be located less than 20m from the proposed development. No.6 would be some 15m distance from the flank elevation of the dwelling proposed on plot 22. Given the orientation and proposed location of the windows, the dwelling on plot 22 would not result in a loss of privacy to the properties located on Buxton Close. Further the separation distances, together with the boundary screening and width of the public footpath, would ensure there would not be an unacceptable loss of light or outlook to these neighbouring properties.

The rear elevations of nos. 5 and 6 would be located some 19m from the rear elevations of plot 24. However, given the orientation of proposed development only oblique views would be afforded between the rear windows of the properties and together with the separation distance, is considered sufficient to ensure there would not be any unreasonable loss of outlook or light to the properties located on Buxton Close.

The garage at the rear of plots 14 and 15 would be located toward the rear gardens of nos. 15 and 17 Richmond Way. These garages would be a single storey structures separated

from the neighbouring rear gardens by the public footpath and largely screened by existing boundary treatment and would therefore, in my view, not result in any significant amenity issues.

### **Transport**

Concern has been raised with regard to the impact on the existing road network. Existing residents are concerned that the proposal will increase the risks on the public highway and add to congestion. Accompanying the application was a full Transport Assessment. Detailed comments from Kent Highways have been provided and no objections are being raised in relation to the increased traffic generation, parking provision and highways safety.

Within the urban area Cripple Street is a wide carriageway of approx. 6.5m with street lighting and footways on either side. Along the site frontage and to the west of the site Cripple Street is a narrow country lane becoming Hayle Mill Road and Straw Mill Road on its way to the B2010 Farleigh Hill. It is a narrow carriageway which relies on passing places in parts for cars to pass, has no footways and occasional street lighting installed in recent years to improve safety. The frontage of the application site is covered by a 30mph speed limit.

At present the public footpath along Cripple Street stops just short of the application site at the end of the public footpath running along the eastern boundary of the site. Cripple Street curves gently round the southern boundary of the site, before turning fairly sharply north westward at the southwest corner of the site.

The application was submitted with an accompanying transport assessment by Monson that includes a turning movement survey and a traffic survey and trip generations in accordance with the TRICS database in accordance with KCC guidance.

Following pre-application comments from Kent Highways the re-alignment of Cripple Street is proposed. The street would be re-aligned to include a gently inverted curve which would safely allow the provision of a new vehicle access into the site from Cripple Street allowing for suitable sightlines and safe ingress and egress. The proposal also includes the widening of Cripple Street at the frontage of the application site which would improve highway safety in this area. The original submission proposed three new access roads from the re-aligned Cripple Street into the site, however, following initial comments from KCC highways the scheme has been amended reducing the number of proposed vehicle access to one. This amendment to the access has been endorsed by KCC Highways.

The demarcation in the new road surface along the re-aligned section of Cripple Street would also act as natural traffic calming slowing down traffic from east to west as it moves towards the fairly sharp bend further west of the site. Additional road signage and road markings would also be provided to enhance speed attenuation and slow traffic along this section of Cripple Street.

Overall the re-alignment, widening of Cripple Street and extension of the existing public footpath would represent an improvement over the existing road layout in terms of highways safety.

TRICs has been used to estimate the traffic generated by the development and this indicates that there is likely to be 5 arrivals and 11 departures during the AM peak and 13 arrivals and 7 departures during the PM peak. The number of trips generated significant increase and is considered not to result in an unacceptable highways impact onto Cripple Street in this location.

The Transport Statement advises that a majority of the traffic movements are likely to be via the Loose Road/Cripple Street junction due to the level of services on offer in this direction compared with west onto Cripple Street.

A capacity assessment of the junction at Loose Road/Cripple Street has been undertaken to assess the impact of the development. Growth factors have been applied to surveyed traffic flow data which estimate that 1518 vehicles use the junction at AM peak hours and 2240 during PM peak hours. The results indicate that the junction would operate without any significant queuing or delays with these predicted AM and PM peak traffic flows with the addition of the development traffic.

Residents are concerned over the safety of providing additional dwellings that would use the new access onto Cripple Street. The crash data was recorded over a three year period and indicates that 47 personal injuries accidents (PIAs) were recorded, however, of these only 3 recorded at the Loose Road/Cripple Street junction and all were minor and caused by driver error. There is no significant pattern shown by the type and location of the PIAs and their occurrence is unlikely to be materially affected by the development given the modest level of additional traffic predicted. Kent Highways are satisfied with the information available and design of the scheme that the proposal is acceptable in highway safety terms.

Concerns initially raised with by Kent Highways have been overcome through discussions / amended details.

Turning to the internal layout of the site, there is no objection to the siting and size of the parking bays, nor to the overall number of parking spaces provided. Cycle parking storage would be secured via condition. In terms of connectivity footways from the development site would link to the existing PROW to the east of the site.

There is a request from KCC PROW to provide a contribution of £5400 for the purposes of improving the environment and furniture of footpath KB22 and the legal dedication to increase the additional width of the footpath and for adjoining the sites pedestrian footpath to this footpath. At present the footpath is currently unlit and does not benefit from an all weather surface. The contribution would enable improvements and the widening of the footpath and are considered acceptable and in accordance with sustainable travel principles. Additionally, potential improvements to footpath KB22 have been identified in the Draft North Loose Neighbourhood Development Plan.

### **Affordable housing**

The proposed scheme comprises the provision of 30% affordable housing (11 units) provided in two sections of the site. The affordable housing would consist of 5 two bed units and 6 three bed units.

The affordable housing policy in the Adopted Local Plan (2000) has not been saved. It has been replaced by a blanket requirement of 40%, as set out in the Council's Affordable Housing DPD that was adopted in 2006. The adopted DPD states that the council should seek to negotiate 40% affordable housing on sites of this scale. This policy document remains current and relevant; however, the council has emerging policy (CS9) within the draft Local Plan which requests 30% affordable housing provision in areas such as the application site. It is acknowledged that the draft Local Plan is in the early stages and therefore only holds limited weight in the decision making process. However, draft policy CS9 is based on housing assessment commissioned by the council to assess the viability of the emerging Local Plan within Maidstone Borough. The Viability Testing was undertaken by Peter Brett Associates (PBA); dated April 2013 and represents the most up to date and comprehensive data and methodology on affordable housing provision in the Borough.

## Planning Committee Report

The Viability Testing advises the proportions of affordable housing sought by the Council should be 20% in the urban area, 25% on the urban periphery and 40% in rural areas and at villages.

Following assessment of the viability report the Council accepted the need to differentiate the required provision according to location, but amended PBA's recommendations. The draft local plan, policy DM 24 therefore shows that the council will seek the delivery of affordable housing as follows:

Previously developed land-urban - 15%  
Greenfield-urban and urban periphery - 30%  
Countryside, rural service centres and larger villages – 40%.

The applicant has used the PBA assessment to underpin their proposal to provide 30% affordable housing and have provided a viability commentary which seeks to justify the level of affordable housing at this specific site, in accordance with the information contained within the PBA report and due to the high financial contribution sought. Whilst it is acknowledged that PBA assessment does use more up to date methodology, the Affordable Housing DPD 2006 remains the adopted policy. Whilst the DPD is still a material consideration it is significantly older than the Peter Brett report having being adopted in 2006, and in my view, greater weight should be afforded to the most up to date document and data in this instance. The application site represents a reasonable comparison to the urban periphery sites utilised in the Peter Brett Report which advises 25% affordable housing provision, whereas this scheme proposes 30%.

In addition, the affordable housing commentary provided by the applicant argues that the density has been reduced to limit the impact of the development on nearby listed buildings and conservation area. The reduction in density means that the development is less able to provide affordable housing when proportionately higher infrastructure costs are taken into account, such as the cost of diverting Cripple Street.

Furthermore, there is a good housing mix on the site and the affordable housing tenure split would be in accordance with council policy and the provision of 30% affordable housing does not warrant the development being unacceptable.

The Council's housing department has raised concern about the lack of one bed affordable units. In this instance, given the sensitive nature of the site, in proximity to listed buildings and conservation areas, apartment developments are not deemed appropriate and the opportunity for one bed units is therefore limited and would not make the best use of the land.

It is important to note that the Peter Brett Viability Report makes the assumption that new housing would be built to Code for Sustainable Homes Level 4. Achieving code level 4 has a greater cost implication than code level 3 therefore all the proposed new units would be required to meet code level 4 in order that a 30% affordable housing provision can be considered viable.

The proposed development is described as achieving level 4 of the Code for Sustainable Homes in the Pre-Assessment report and as such is compliant with the emerging local plan policy and the Peter Brett viability report. A condition is recommended to safeguard this to be achieved.

### **Landscaping**

A comprehensive landscaping scheme has been proposed which would see a majority of the existing boundary trees and hedgerows retained with enhancements in a number of places

through new tree and native hedgerow planting. The landscaping scheme has been endorsed by the councils Landscape officer and would be secured via appropriate conditions. In addition, the boundary landscaping along the eastern boundary of the site adjacent to public footpath KB22 would be enhanced within the site and any fencing would be located behind the soft landscaping so as not to appear overtly harsh and dominant along the public footpath.

Few trees would be removed from the application site. The councils Arborist has not raised any objections to the removal of these trees subject to the additional tree planting proposed in the landscape scheme. Protection of the trees located on the boundaries of the application site could be secured by a suitably worded condition.

### **Ecology**

A phase 1 ecological statement has been submitted. This reveals that there are no identified protected species on the site and overall no significant ecological constraints found on the site. Planning guidance states that in addition to mitigation, development should seek to enhance ecological interests. The application promotes ecological enhancement through the provision of open spaces, new tree planting and hedgerow planting.

Other ecological enhancements proposed are as follows:

- Closure of existing gaps in retained hedgerows
- Seed informal play space areas with wildflower mix
- Erection of bat and bird boxes on retained trees of the appropriate size;
- Cut-outs at ground level in the garden fences of the new residential houses, so as to ensure wildlife is able to move freely between gardens;
- Care over placing of lighting to ensure none are placed near the entrance/exit points of potential roost/nest sites; low spill lights where possible;
- Vegetation removal undertaken outside bird nesting season
- Additional planting
- Provision of hedgehog hibernation boxes

Natural England and KCC Ecology have raised no objections to the development of the site advising that no protected species would be affected.

### **Loss of agricultural land**

The loss of grade agricultural land is noted however the Council's agricultural advisor has commented that the grade of land is not definitive and would most likely be classified grade 3b and no objections are therefore raised with regard to the loss of valuable agricultural land. However, it is clear that there is insufficient brownfield land to meet the Borough's housing need and the fact that the Council does not have a five year land supply means that some development greenfield sites and best and most versatile land is inevitable.

There is no evidence historically or in the current land use to suggest that the site is likely to be contaminated therefore no site investigation is required by the Council.

### **Flooding**

The site is located within a Zone 1 (low risk) area and not subject to any significant risk from fluvial, coastal or tidal flooding. The flood risk assessment that was submitted has demonstrated that there would be no significant flood risk to the development and also that through the integration of sustainable drainage systems that there would be no significant surface water run off problems from the site. The Environment Agency has raised no objections to the application on this basis.

### Heads of Terms

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

These are set out below:-

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

The NHS have requested £36,468 based on an average occupancy in relation to the size of the residential units towards improvements at the named surgeries of Boughton Lane Surgery, Grove Park Surgery, Northumberland Court Surgery and Mote Park Medical Practice all of which are within 1 mile of the site. It is clear that the proposed development of 36 dwellings would result in additional demand placed on the health facilities and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.

KCC Highways have requested a contribution of £3,000 per dwelling be sought towards strategic improvements to the A229 corridor from the A229/A274 junction to the Bridges Gyratory. It is clear that the proposed development of 36 dwellings would result in additional demand placed on the local highways network and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution and are deemed to meet the required tests of the CIL Regulations.

The Council's Parks and Open request £40.80 per dwelling to cover the improvement of open space in the vicinity of the site and have identified South Park and Mangravet Recreation Ground being within 1 mile of the development and specifically has a gap in play provision for 5 to 9 year olds. It is also envisaged that with a large increase in families moving into the area that these two parks will see an increase in usage and so toddler and teen provision will also need further addressing. It is clear that the proposed development of 36 dwellings would result in additional demand placed on the existing play spaces and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.

There are requests made by Kent County Council as the Local Education Authority towards primary school education contributions that amount to £4000 per applicable house & £1000 per applicable flat towards build cost, and £2701.63 per applicable house and £675.41 per applicable flat towards land costs. The monies would be put towards the provision of new schools in the borough at Hermitage Lane and Sutton Road. There will be a greater demand placed on schools within the borough from the occupants of the new 36 dwellings and information submitted by County shows that these are at capacity and as such the contribution is considered justified and appropriate.

In addition to a new primary school Kent County Council as the Local Education Authority require contributions towards additional secondary school places by extending existing secondary Schools in the Town at a cost of £2359.80 per applicable house & £589.95 per applicable flat. There will be a greater demand placed on the local schools from the occupants of the new 36 dwellings and information submitted by County shows that these are at capacity and as such the contribution is considered justified and appropriate.

Kent County Council have sought contributions of £30.70 per dwelling towards community learning, which would be £1105.20 for 36 dwellings. The contribution would be used to pay

for adult learning classes or Outreach Adult Learning in Maidstone. It is clear that the proposed development of 36 dwellings would result in additional demand placed on the health facilities and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.

There is a request of £8.44 per dwelling sought by Kent County Council, which would be £303.84 for 36 dwellings. This contribution would pay towards the provision of staff and equipment for Maidstone Borough Youth Outreach services in the area. It is clear that the proposed development of 36 dwellings would result in additional demand placed on the youth facilities available in the area and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.

Kent County Council to provide £183.14 per dwelling which would be £6593.40 for 36 dwellings. This would be used to provide for expansion of Library services locally and additional bookstock & equipment to deal with the addition usage from this development. It is clear that the proposed development of 36 dwellings would result in additional demand placed on the bookstock at Maidstone library and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.

Kent County Council has sought contributions of £53.88 per dwelling, which would be £1,939.68 for 36 dwellings towards adult social services. The projects identified include the expansion of the services and facilities for older people care needs and adults with learning and physical disabilities. It is clear that the proposed development of 36 dwellings would result in additional demand placed on the social services provided by Kent County Council and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.

There is a request from KCC PROW to provide a contribution of £5400 for the purposes of improving the environment and furniture of Public Footpath KB22 and the legal dedication of additional width for adjoining Public Right of Way. It is clear that the proposed development of 36 dwellings would result in additional demand placed on the adjacent footpath and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.

Provision of 30% affordable housing (11 units) provided in two sections of the site. The affordable housing would consist of 5 two bed units and 6 three bed units with a tenure split of 60% for rental and 40% of dwellings as shared ownership.

## **CONCLUSION**

Development at this site would extend the grain of development from Broadoak Avenue to the east and would infill the space between the urban area and the more sporadic development to the west of the site. The level of affordable housing would be contrary to policy, however, the 30% provision has been influenced by the overall density of the development and location of neighbouring listed buildings. Whilst the development would have an impact upon the setting of the listed buildings of Bockingford Farmhouse and the Loose Valley Conservation Area, I do not consider that this would be a significant impact to resist development altogether. In addition to this, the need to provide sites suitable for housing holds significant weight which outweighs this harm. The site on the boundary of the urban area in easy reach of a number of services and facilities as well as a well used bus route. The development of this site for residential purposes would represent an example sustainable development and would conform to the aspirations of the NPPF.

Furthermore, the site, being on the periphery of the urban area of Maidstone, would be in conformity with the Council's hierarchy of development which seeks to direct development to the urban area of Maidstone in the first instance followed urban fringe sites. Therefore, the



development of this site for residential purposes would conform with the Council's approach to the location of development.

It is therefore considered that the development of the site for residential purposes is acceptable and it is recommended that subject to the completion of a section 106 agreement planning permission is granted.

## **RECOMMENDATION**

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

- The provision of 30% affordable residential units within the application site. 60% rental and 40% shared ownership.
- Contribution of £36,468 to be sought from the NHS towards improvements to local surgeries.
- Contribution of £4,000 per applicable house and towards construction of a new primary school in south east Maidstone and £2,701.63 per applicable house towards land acquisition costs and £675.41 per flat.
- Contribution of £2359.80 per applicable house towards secondary education provision in Maidstone and £589.95 per flat.
- Contribution of £30.70 per household sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both through dedicated adult education centres and through outreach community learning facilities local to the development.
- Contribution of £8.44 per household sought to be used to address the demand from the development towards youth services locally.
- Contribution of £183.14 per household sought to be used to address the demand from the development towards additional bookstock and services at local libraries serving the development.
- Contribution of £53.88 per household sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both on site and local to the development including assistive technology, and enhancement of local community facilities to ensure full DDA access.
- Contribution of £3,000 per dwelling towards strategic improvements to the A229 corridor from the A229/A274 junction to the Bridges Gyratory
- Contribution of £40.80 per dwelling towards the improvement of open space in the vicinity of the site and have identified South Park and Mangravet Recreation Ground.
- Contribution of £5400 sought for the purposes of improving the environment and furniture of Public Footpath KB22. The legal dedication of additional width for adjoining Public Right of Way.

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

## **CONDITIONS**

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

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

(2) The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

(3) The development shall not commence until, details of all fencing, walling (including rag stone walls) 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) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management.

The landscape scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment 2012 and shall include details of the repair and retention of existing hedgerows and tree lines within the site; the provision of the wildflower planting; enhancements to the north, east and west boundary planting, SUDs and swales planting, street planting and private garden planting.

The implementation and long term management plan shall include long term design and objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens.

The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details over the period specified;

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

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

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

## Planning Committee Report

(6) The development shall not commence until an Arboricultural Method Statement in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

(7) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a habitat management plan detailing how all the ecological enhancements and protected species mitigation will be managed long term. The site shall be managed in accordance with the approved habitat management plan thereafter.

Reason: To ensure a satisfactory appearance and setting to the development and in the interests of biodiversity protection and enhancement.

(8) Should ground works not commence within two years of the Ecology Report dated August 2014 a further reptile survey of the site shall be undertaken and submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance and setting to the development and in the interests of biodiversity protection and enhancement

(9) The proposed development shall not be occupied until provision for cycle storage has been made in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking and refuse/waste storage arrangements shall be retained thereafter.

REASON: To provide adequate transport arrangements.

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

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

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

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

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

## Planning Committee Report

Reason: In the interest of residential amenity

(13) Development shall not begin until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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

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

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

(15) The dwellings shall achieve at least Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.

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

(16) 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 suitable foul and surface water sewerage disposal is provided.

(17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Class(es) B, C, and F and within Schedule 2, Part 2 Class(es) A; shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by prospective occupiers and surrounding neighbours.

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

14032 P110, 14032 P111A, 14032 P113, 14032 P114, 14032 P115A, 14032 P116, 14032 P117, 14032 P118A, 14032 P119A, 14032 P120, 14032 P121, 14032 P122A, 14032 P123, 14032 P124, 14032 P125, 14032 P126, 14032 P127, 14032 P128, 14032 P129, 14032 P130A, 14032 P131A, 14032 P132, 14032 P133A; dated June 2014 and P260/PL/330; dated March 2015 and 14032 P102K; dated 22.05.2014 and 14032 S101; dated 7/08/2014 and 2940\_DR\_001B; dated 24/11/2014 and 2940\_DR\_002A; dated 12/08/2014, S13/4042/03; dated Nov 2013, Design and Access Statement by Millwood; August 2014, Arboricultural Report (2940\_RP\_003A) and Arboricultural Impact Assessment (2940\_RP\_002A) by Lloydbore; dated 1/08/2014, Landscape Appraisal (2940/RP001A) by

## Planning Committee Report

Lloydbore; dated 12/08/2014, Transport Statement by Monson Issue 1 (5500H); dated 24/07/2014, Site Waste Management Plan by Millwood; dated 21.07.2014, Planning Statement by Peter Court; dated August 2014, Flood Risk Assessment by Monson Issue A; dated 16/07/2014, Ecological Appraisal (E1791R1) by Bioscan; dated August 2014, Archaeological Desk-based Assessment (CSM14/108); dated July 2014.

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

### Informatives:

(1) The applicant should have regard to the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

(2) Due to changes in legislation that came in to 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 before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

### (3) Flood Risk

36 houses will be introduced to the land. These homes and the accompanying driveways and landscaping, will increase the amount of impermeable ground present. Surface water drainage management should be clearly addressed. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity. The variety of SUDS techniques available means that virtually any development should be able to include a scheme based around these principles. Water butts and rain storage tanks cannot be included as part of the surface water drainage management as it cannot be assumed that the storage tanks will be empty.

### Water Resources

Water is one of our most precious natural resources, and the South East of England is "Water Stressed", so we are keen to ensure water is used wisely. As such, water conservation techniques should be incorporated into the design of all new development. If domestic appliances are to be provided in the new properties, the applicant is asked to consider installing water and energy efficient models/devices.

All new homes should be designed to achieve a minimum water efficiency of 105 litres per person per day (equivalent to Code for Sustainable Homes Levels 3/4). To achieve level 3/4 for water use will only cost around an additional £189 per property (over and above baseline cost for standard appliances).