

REPORT SUMMARY

REFERENCE NO - 15/505906/FULL			
APPLICATION PROPOSAL			
Demolition of the existing garden centre buildings and infrastructure, erection of 14 detached bespoke dwellings including garages with annex above, two storey B1 office unit (5,515sqft); together with associated parking, access and landscaping.			
ADDRESS Grafty Green Garden Centre Headcorn Road Grafty Green Kent ME17 2AT			
RECOMMENDATION – REFUSE PLANNING PERMISSION			
SUMMARY OF REASONS FOR RECOMMENDATION-REASONS FOR REFUSAL			
<p>1. The proposal is a departure from the Development Plan in that it would be contrary to</p> <ul style="list-style-type: none"> • Saved Policy ENV28 of the Maidstone Borough Wide Local Plan (MBWLP) in that it is located in open countryside outside of the a defined settlement and does not fit into any of the exceptions relating to development in the countryside and; • Saved Policy ENV34 of the MBWLP where landscape considerations are given priority over other planning considerations. • That the application fails to demonstrate that it is a sustainable form of development contrary to advice and guidance contained within paragraphs 14 , 49, 50 and 55 of the NPPF; 			
REASON FOR REFERRAL TO COMMITTEE			
<ul style="list-style-type: none"> • The proposal is a departure from the Development Plan • Referral by Boughton Malherbe Parish Council 			
WARD Headcorn	PARISH/TOWN COUNCIL Boughton Malherbe	APPLICANT SQE Grafty Green Ltd/Quinn Estates AGENT DHA Planning	
DECISION DUE DATE 09/06/16	PUBLICITY EXPIRY DATE 09/11/15	OFFICER SITE VISIT DATE 11/03/16	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
09/0363	Erection of a new building to house and operate a biomass electricity plant	Approved	27/04/2009
<i>Summarise Reasons</i>			
83/1671	Erection of temporary toilet accommodation	Approved	19/01/1984
<i>Summarise Reasons</i>			
87/1209	Opening of pet centre	Approved	27/11/1987

<i>Summarise Reasons</i>

82/1143	Change of use of glasshouse area to retail garden centre	Approved	18/08/1983
---------	--	----------	------------

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.1 This site broadly occupies the footprint of the former Grafty Green Garden Centre, some 4ha in area that operated a market garden and retail garden centre from the site between 1982 to its closure in March 2015. Topography of the site is relatively level with the northern boundary benefiting from a dense tree screen. Though now abandoned, the buildings and fabric of the garden centre remains largely in place with the larger part of the site consisting of glass houses, growing shed and sales areas of the garden centre, some 6200sqm. Buildings on site are now in a poor condition overall, with the remainder of the site utilized for overspill parking and the storage of caravans. Two accesses serve the site from off Headcorn Road and Crumps Lane respectively.

1.2 Though a brownfield site, the setting is predominantly rural countryside with some sporadic isolated housing some distance from the nearest small settlement at Grafty Green located 1km to the north east.

1.3 Larger Key settlements in the wider locality with a full range of services are in excess of 5km distant located in Lenham and Headcorn containing services such as convenience stores and doctors, railway stations and access to more regular bus services. Smaller villages such as Ulcombe (2.7km) and Platts Heath (3.1km) are geographically closer to the site and offer a more limited range of services including primary schools and village shop. The nearest secondary schools are located some 10km distant at Maidstone. An infrequent bus service passes runs from Grafty Green to Maidstone via some of the local villages.

1.4 In terms of flood risk, the site is located in the EA Flood Risk Zone 1 with a low (1 in 1000) annual probability of flooding.

1.5 Location is within the Low Weald Special Landscape Area

2.0 PROPOSAL

2.1 It is proposed to demolish the existing garden centre buildings and redevelop the site for 14 new dwellings and a single 512sqm, 2 storey office development located to the south of the site. The layout drawings shows the five bedroom two storey dwellings, each within a substantial curtilage ranging from 1.06acres (Plot 1) with the smallest providing still substantial garden areas of 0.35acres (Plots 5 – 6 and 8 – 11) Each plot would contain a detached double garage with the potential to provide for ancillary living accommodation available for use in the roof space. Layout is centred on two curved estate roads sourced from a common existing entrance from Crumps Lane with the existing road junction onto Headcorn Road also utilized to provide an egress only onto the highway system at Headcorn Road

2.2 The 512sqm office building would be located at the southern part of the site fronting Crumps Lane and consist of a semi hexagonal two storey building with two office spaces on each floor separated by centrally positioned common utilities and service areas. 25 commercial parking spaces would be provided within the curtilage to service this building

2.3 In terms of construction materials each of the buildings would use the following in common:

- A red stock facing brick
- Grey Oak facing board
- Either a grey tile or grey slate roofing material
- Timber windows and doors

2.4 The existing dwellings at Wellington Lodge and Gate House would be retained respectively on the north eastern and southern edges of the development adjacent to the entrances.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34, T13, CF1, H27; H28

Supplementary Planning Documents: Affordable Housing Development Plan Document (2006), Open Space Development Plan Document (2006)

Maidstone Borough Council Draft Local Plan: SS1, SP3, SP7, SP8, H1 (27), H2, DM1, DM2, DM4, DM6, DM11, DM12, DM13, DM20, DM23, DM24, DM27, ID1

4.0 PLANNING CONSTRAINTS

None Relevant

5.0 CONSULTATIONS

5.1 **Boughton Malherbe Parish Council** – No objection. Request that the matter be referred to full committee if officers minded to refuse.

5.2 **KCC Flood Protection** – No objections to the proposed drainage in principle and the proposed reduction of peak flows compared to that of the existing site is welcomed.: Accordingly, should your Authority be minded to grant permission to this development, we would request that the following Conditions are attached in respect of SuDS, implementation, maintenance and management of the sustainable drainage scheme and control of surface water to avoid risks to controlled waters.

5.3 **Kent Police: Object to the proposal**; Specific reference to crime & disorder and fear of crime referred to para.57 of the NPPF has been omitted. **Natural England – No objection** Comments dated 20th August 2015

5.4 **KCC Highways**: No objection to this application subject to the following conditions.

- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.

- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
- Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing;
- Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.
- Use of a bound surface for at least the first 5 metres of the access from the edge of the highway.

5.5 KCC Economic Development:

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.

5.6 KCC Archaeologist: No comments

5.7 Upper Medway IDB: No objections subject to conditions pertaining to surface water drainage.

5.8 MKP Environmental Protection: No Objection: The developer should be encouraged to install electric vehicle rapid charging points. Request conditions in respect of Land contamination risk assessment to be undertaken and remediation measures in respect of any contamination identified during demolition.

5.9 MBC Economic Development Officer: Support the application: At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social and environmental. Planning decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. The application supports these fundamental planning policies. These principles are reflected in Policy DM1 in the Regulation 18 Local Plan which encourages the use of brownfield land so long as the site is not of high environmental value, which this application site is not deemed to be. This proposed application provides the potential for 5,513sqft of employment space in a rural location, offering the opportunity to counter the loss of jobs following the closure of the Grafty Green Garden Centre. This would contribute towards achieving the target of delivering 14,400 new jobs in the Borough by 2031, as outlined in the adopted Economic Development Strategy 2015. Good quality, flexible small office space is in demand and there is a paucity of stock and a lack of investment in property of this nature. This is evidenced in the Qualitative Employment Site Assessment (GVA September 2014) which forms part of the evidence base for the Lo Plan. This situation has deteriorated as the Borough has seen a significant reduction in the volume of office space lost due to the temporary Permitted Development Rights that enable the conversion of office space to residential uses without planning consent. The Council has received 57 prior notification applications for conversions of offices to residential use since June 2013. Should all these offices be converted the potential loss of office space could exceed 150,000 sq. ft. Evidence from Locate in Kent, the County's inward investment agency, supports the view that there is a need for small flexible work space. Analysis of their commercial property database indicates that at the end of July 2015, only 43 office properties were available in

Maidstone borough at the size ranges that this development will cater for. The small office development will benefit from Open Access BT broadband connections, which are vital infrastructure for all business regardless of location and offers employment opportunities for residents in the new.

5.10 MBC Housing Officer

It should be noted that in the progress of this application, the applicant has substantially increased their offer in respect of commuted sum for affordable housing, initially set at £34,000, to £190,000

The Councils adopted policy on affordable housing (Policy AH1 – adopted December 2006)

Below is a summary of what the Councils Housing team's position is with regards to the above planning application

Firstly, in the applicants email dated 11 May 2016 they have set out the latest total contributions, namely:

· Village Hall -	£50,000
· Broadband -	£50,000
· Affordable Housing -	£190,000
· NHS -	£18,864
· Primary education -	£33,053
· Public Open Space	£22,050
· Library Book stock -	£672
· TOTAL -	£364,639

As has previously been highlighted, the Village Hall and Broadband provisions (both £50,000) should not take preference over contributions to affordable housing, therefore these amounts should be included within the affordable housing provision. Furthermore, as the local planning authorities number one priority for s.106 contributions, affordable housing contributions should therefore be prioritised above the amounts quoted above for NHS (£18,864) and Primary Education (£33,053) as well

With the above comments in mind, Housing believe that the off-site affordable housing contribution for this scheme should be given priority over the other contributions listed and should be at least £341,917, made up as follows:

Affordable Housing	£190,000
Village Hall	£50,000
Broadband	£50,000
NHS	£18,864
Primary education	£33,053

5.11 KCC Ecology

We have reviewed the ecological information submitted and we are satisfied that sufficient information has been provided to provide a good understanding of the ecological constraints associated with the proposed development. The submitted surveys confirmed that the following species/species groups are present:

Planning Committee Report

- At least 4 species of foraging bats
- Grass snake and Common Lizard (insufficient survey visits were carried out to establish population size)

In addition the surveys confirmed there was suitable habitat present on site for breeding birds and hedgehogs.

Reptiles

The surveys have confirmed that grass snakes and common lizards are present on site and detailed that a translocation will need to be implemented prior to any works commencing on site. The mitigations strategy has detailed that the reptiles will be translocated to an area within the east of the site. While we support the intention to create an onsite receptor site it cannot be created within residential gardens as there is no guarantee that future residents will manage the receptor area to retain suitable reptile habitat. We advise that if planning permission is granted an updated reptile mitigation strategy is produced and submitted as a condition of planning permission.

In addition to the information submitted within the original report it must include the following:

- Map showing the location of the receptor site.
- Confirmation that it is not included within the residential gardens
- Timings for the proposed receptor site (including ecological enhancement works)
- Management plan for the receptor site and an undertaking by the applicant that it will be implemented as part of the site management works.
- Details of long term monitoring

Bats

The activity surveys have confirmed that at least 4 species of bats are foraging within the site – particularly around the boundary of the site. The site plan clearly shows that the site boundaries will be retained if planning permission is granted. As detailed within the report, the lighting for the proposed development must be designed to minimise impact on foraging and commuting bats. We recommend that the Bat Conservation Trust's Bats and Lighting in the UK guidance is adhered to in the lighting design (see end of this note for a summary of key requirements). Precautionary Mitigation The report has highlighted that there is suitable habitat on site for breeding birds and hedgehogs which may be negatively impacted by the construction of the proposed development (if granted). We recommend that the precautionary mitigation for breeding birds and hedgehogs (phase 1 survey) is implemented if planning permission is granted.

Enhancements

One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged". The ecological enhancements recommended within the phase 1 survey must be implemented if planning permission is granted. In addition we recommend that integrated bat boxes are incorporated in to the new buildings.

5.12 Southern Water: Require a formal application for a connection to the public sewer.

5.13 UK Power Networks: No Objection

6.0 Local Representations

A site notice was displayed on the site on 11th August 2015. Six letters have been received from local residents, two in support of the application and four objecting to the proposal on the grounds of:

- Drainage issues extant on the site; incidences of local flooding;
- Crumps Lane being unsuitable as an access to residential development
- Availability of industrial and office sites elsewhere in the vicinity;
- Residential development of the site would substantially increase traffic flows within the locality beyond the capability of the local highway network to cope.

7.0 BACKGROUND PAPERS AND PLANS

7.1 Drawings : 14.093.02.C; 14.093.03.A; 14.093.04; 14.093.05; 14.093.07; 14.093.08; 14.093.09; 14.093.10.A; 14.093.11.A; 14.093.12; 14.093.13; SDS204336.01; SDS204336.02; SDS204336.03; SDS204336.04; SDS204336.05; SDS204336.06; 2243/15/B/3; 2243/15/B/4

7.2 Documents: Housing Types; Power Details Planning Statement; Design and Access Statement; Archaeology Desk Based Assessment; Flood Risk Assessment; Economics Benefits Statement; Landscape Strategy; Landscape Visual Impact Assessment ; Tree Survey; Phase 1 Habitat Survey; Statement of Community Involvement; Transport Statement; Geo Environmental Investigation ; Sustainability Report; Landscape Strategy ; Utilities Report; Strutt and Parker Marketing Information ; Quinton Edwards Marketing Information.

8.0 APPRAISAL

8.1 Principle of Development

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

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

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

8.3 Located where it is within open countryside, outside of a defined settlement and therefore subject to the saved MBWLP Policy ENV28, the proposal does not fit into any of the permitted exceptions relating to development in the countryside. None of the exceptions contained within the MBWLP against the general policy of restraint apply, and as such, the proposal represents a departure from the Development Plan.

9.0 Five Year Land Supply

9.1 Outside of the Development Plan, the National Planning Policy Framework 2012 (NPPF) sets out the key material considerations in respect of the determination of applications for residential development in the open countryside. In this respect paragraph 47 of the NPPF advises 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;”

9.2 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge and Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Local Plan (2011 -31). The SHMA (January 2014) found that there is the objectively assessed need (OAN) for some 19, 600 additional new homes over this period which was agreed by Cabinet in January 2014. Following the publication of updated population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014. Since that date revised household projection figures have been published by the Government and as a result the SHMA has been re-assessed. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed a new OAN figure of 18,560 dwellings.

9.3 The new Local Plan has advanced and was submitted to the Secretary of State for examination on the 20 May 2016. Examination is expected to follow in September. The Plan allocates housing sites considered to be in the most appropriate locations for the Borough to meet the OAN figure and allows the Council to demonstrate a 5 year supply of deliverable housing sites.

9.4 The yearly housing land supply monitoring carried out at 1 April 2016 calculated the supply of housing, assessed extant permissions, took account of existing under delivery and the expected delivery of housing. A 5% reduction from current housing supply was applied to account for permissions which expire without implementation. In conformity with the NPPF paragraph 47, a 5% buffer was applied to the OAN. The monitoring demonstrates the council has a 5.12 year supply of housing assessed against the OAN of 18,560 dwellings.

9.5 Now submitted to the Inspectorate for examination, the emerging policies of the new Local Plan are now considered to carry significant weight in the consideration of applications.

10. Sustainable Development

10.1 As indicated by way of justification by the applicant in their submission, the then lack of a five year supply at the time of submission was cited as a significant factor in the justification of the principle of this application under para. 49 of the NPPF which required 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 where a five year supply cannot be demonstrated. However, the 5 year land supply has now been demonstrated in the recent submission of the Local Plan for examination by the Inspectorate. Therefore, though the presumption in favour of **sustainable** development identified in paragraph 14 of the NPPF remains, Maidstone Borough Wide Local Plan (2000) Policy ENV28 is once again relevant and a material policy consideration in the assessment and determination of this application for residential development located outside of settlement boundaries and within the countryside.

10.2 Located some distance outside of the settlement boundaries of the smaller villages listed in Policy H27 of the Borough Wide Local Plan or even within 10km of any of the larger villages (Policy H28) insufficient justification has been made in this application for the residential development in the countryside; for instance, the provisions for dwellings reasonably considered necessary for the purposes of agriculture or forestry or any other policy exception that might be considered acceptable elsewhere. As such, this development is clearly contrary to the requirements of Policy ENV28 of the Maidstone Borough-Wide Local Plan in respect unsuitable residential development in the countryside. No allocation has been made for the development of this site in the emerging Local Plan recently submitted to the Inspectorate.

10.3 The remoteness of the site is one of its defining characteristics. For instance, the closest settlement is Grafty Green, a small rural settlement some 2km distant containing a rural shop/post office and a public house. Further afield the nearest main settlements identified as Rural Service Centres (RSC) in the settlement hierarchy laid out in the draft Local Plan under draft policy SP3, are at Headcorn 5.1km distant and Lenham at 6.4km distant.

10.4 The applicant raises in their submission that the vehicular traffic generated by the proposed residential development is likely to be significantly less than that generated by the garden centre when it was in operation. However, the type of journeys that would have been generated by visitors to the garden centre retail outlet would have been materially different from those of the residential units proposed. As a shopping destination, the garden centre would have been the destination for customers and suppliers visiting the site and the end point of these specific vehicle journeys. Residential development centred on this site would necessitate both short haul and longer vehicular journeys even to serve the most basic needs of the residents.

10.5 In terms of its relationship with other settlements with core services, the development occupies a relatively isolated location some distance from the Rural Service Centres of Lenham and Headcorn which would be expected to provide the majority of its day to day needs and is even some distance from the closer minor village settlements of Grafty Green (2km), Ulcombe (2.7km) and Platts Heath at 3.1km. Local bus service connections are infrequent (3 journeys per day) passing the site Mondays to Saturdays but with no service on Sundays and, as previously indicated, the closest secondary schools are located some 10km distant in Maidstone.

10.6 Within this context, it is considered that dwellings on this site would be compromised in terms of their sustainability by being located at a distance from any village or major service centre to be almost wholly reliant car borne journeys to service even their most basic needs. Notwithstanding its non compliance with saved Policy ENV28 of the adopted Borough Wide Local Plan (2000), this site would otherwise be unable to be considered **sustainable** location for residential development in the terms of the NPPF and draft Local Plan.

10.7 The NPPF encourages residential development to be located in or close to village settlements where their presence would serve to promote and serve local services, in

compliance with paragraph 70 of the NPPF with isolated locations such as the former garden centre at Grafty Green avoided unless there are exceptional circumstances.

10.8 The bringing forward of such a low density development of 14 dwellings on a 4ha site would result in a development of some 3.5 dwellings per hectare site. Notwithstanding its location occupying a largely brownfield site within the open countryside, the proposal would arguably fail to make any significant contribution to either the local or to the borough wide housing supply. However, paragraph 50 requires the delivery of a wide choice of high quality homes that are able to widen opportunities for home ownership and enable the creation of sustainable, inclusive and mixed communities.; plan for a mix of housing based on current and future demographic trends and needs of different groups within the community; identifying, the size, type, tenure and housing that is required on particular locations to reflect the local demand and, where a need is identified, contain a provision for affordable housing either on or off site if on site provision is not practicable. The application for the low density development as proposed would not satisfy any of these provisions.

11.0 Design and Layout of Residential Development

11.1 The applicants claim that this low density development would respect the character of the area and respect the character of the local landscape is not borne out in terms of densities and layout that would appear to be arbitrary and unrelated either to the context of the site or sense of place within its countryside location. Indeed, part of the development would extend beyond the brownfield land onto previously undeveloped land (Plots 1, 2, 3, and 4) to the west of the proposed junction with Crumps Lane.

11.2 The applicant offers no clear rationale for the use of such low residential densities, across the site other than it would replace a redundant and contaminated commercial facility with a niche development of 14 dwellings. A case is put in the design and access documents and the Planning Statement for the redevelopment of the garden centre which used to operate from the eastern end of the site to be considered the redevelopment of previously developed land. However, the western end of the site within the application site remained as greenfield land.

11.3 The Design & Access Statement makes references on page 12 of this document to local character influences. However, other than the garden centre to be demolished, the local character of the location is determined by an open countryside of enclosed fields interspersed with isolated dwellings and farmsteads well spaced apart, set within the backdrop of the nearby Greensand Ridge and; where the predominant commercial activity remains agriculture.

11.4 The proposed development in the form of an isolated estate of large five bedroom dwellings fails to reflect local distinctiveness in terms of road layout, density, scale of the dwellings plot layout, aspect and orientation paying little regard to the rural pattern of development. Arguably, in terms of the scale; design & type of dwelling ; layout; the setting out of the internal road network ; and layout of both the peripheral and internal boundary landscape; reflects a suburbanised character that is clearly out of place within its rural setting within the Kentish Countryside. Though the existing hedges and tree screens are to be retained on the perimeter of the development, gaps exist in places with the application proposing minimal tree planting along the roads where only a hedge boundary is shown. Existing screening of the site is therefore partial and views of the dwellings from outside of the site will take time to be softened by possible later planting by future residents leaving the large properties proposed visible from the existing lanes until any such planting matures. Though the minimal hedge and tree planting to the internal boundaries would result in less than robust screening between dwellings this, again, could be augmented by

subsequent planting of garden plants by future occupiers and, in any case, distances between each dwelling and their orientation would be successful in any case in preventing any loss of residential amenity by mutual overlooking of private areas of main windows.

11.5 The road layout and distribution of development appears to pay little regard to the rural pattern of development. The curving layout of the access road is not a characteristic of the local area and appears arbitrary and gives the new development a very suburban feel. It is not the best or most appropriate response to this rural location. This site planning also creates large areas of hard standing in front of buildings.

11.6 The suburban feel to this site is further emphasised by the creation of substantial areas of hard standing in front of each of the dwellings. There is a failure, also, to draw benefit from the rural location in terms of locating green space and views out of the site, despite the generosity of plots. Whilst the use of local materials and design references are welcome, together with the use of Kentish Vernacular design cues the scale of the dwellings and plot layout are such to resemble a collection of 'barn conversions' laid out within a suburban street pattern which would not be a pattern of design and development that would be indicative or acceptable in terms of its setting and context within the local still largely unspoilt rural countryside. Paragraph 55 of the NPPF seeks to promote sustainable development in rural areas that are truly outstanding and innovative helping to raise the standard of design in rural areas; significantly enhance its immediate setting and be of a design and scale sensitive to the defining characteristics of the local area. This development is none of these and therefore fails to meet design guidance for rural development laid out in this paragraph.

12. Office Development

12.1 The MBC Economic Development Officer argues that this would contribute towards achieving the target of delivering 14,400 new jobs in the Borough by 2031, as outlined in the adopted Economic Development Strategy 2015. He also advises that good quality, flexible small office space is in demand and there is a paucity of stock and a lack of investment in property of this nature. This is evidenced in the Qualitative Employment Site Assessment (GVA September 2014) which forms part of the evidence base for the Local Plan. He cites a loss of office accommodation lost due to the temporary Permitted Development Rights that enable the conversion of office space to residential uses without planning consent.

12.2 Evidence from Locate in Kent, the County's inward investment agency, supports the view that there is a need for small flexible work space. Analysis of their commercial property database indicates that at the end of July 2015, only 43 office properties were available in Maidstone borough at the size ranges that this development will cater for. The small office development will benefit from Open Access BT broadband connections, which are vital infrastructure for all business regardless of location and offers employment opportunities for residents in the new.

12.3 Some concern has been raised by the Design South East in respect of the commercial space not being sufficiently integrated or otherwise relating well with the residential part of the development. However, this site has, until its closure in 2015, been consistently operated commercially as a sui generis mixed use garden centre since the 1980's providing local employment in terms of the horticultural, sales and other ancillary uses such as the café. This application would seek to retain and an important employment use on part of the site.

12.4 In terms of its design, materials and overall external appearance, the mainly two storey building would reflect in terms of its roof and window lines, the scale and character of the proposed dwellings proposed within the wider residential estate with external finishes of timber facing board and slate roofs reinforcing the built connection with the wider built

scheme. Though integrated into the overall scheme the office would be located within its own compound with both the building and car parking area benefiting from a dense tree and hedge screen

12.5 At the heart of the National Planning Policy Framework is the ubiquitous presumption in favour of sustainable development with paragraph 7 of the NPPF providing the three dimensions required for sustainable development which are its roles in relation to the economy, social well being and the environment. In this, the provision of 512sqm of offices would, in respect of supporting the rural economy, comply with guidance contained in paragraph 28 of the NPPF in terms of supporting the sustainable growth of enterprise in rural areas by the re-use of previously developed brownfield land. These principles are reflected in Policies DM1 & DM4 of the emerging Local Plan which respectively support the principles of good design in respect of the office development and encourages the use of brownfield land so long as the site is not of high environmental value.

12.6 In providing for 512sqm of employment space in a rural location, the proposed development would allow for the opportunity to counter the job losses within the locality from previously generated by the closure of the Grafty Green Garden Centre. Arguably, this would contribute toward achieving the target of delivering 14,400 new jobs in the Borough by 2031, as outlined in the adopted Economic Development Strategy 2015.

13.0 Contamination

13.1 The applicant has maintained that the use of the site for 14 dwellings together with an office development, would serve to re-use and restore a contaminated brownfield of some long standing within the locality and the dwellings proposed would be an acceptable and sustainable alternative use of the site. Given the use of the site as a garden centre for a period of over forty years, concentrations of chemical fertilisers would have been used leaving a deposit of residual contamination. The applicants Geo-Environmental investigation indicates that substantial ground works would need to be undertaken in accordance with industry standards in respect of the disposal of contaminated waste.

13.2 A Refurbishment and Demolition Asbestos Survey undertaken by the applicant identifies substantial use of asbestos materials within the site in the construction of buildings in items such as corrugated roof sheeting; barge boards and cladding of external walls. In addition asbestos was used on a substantial number of ancillary items such as electrical fuse boxes, flooring down-piping and protection strips, external gutters, wall tiles and roof tiles. After demolition, of these materials would need to be undertaken in accordance with industry standards in respect of the disposal of contaminated waste.

13.3 Though clearance of contaminants from the site is a laudable aim in itself, the proposal fails to justify an otherwise unsustainable form of development in terms of its isolated location within the countryside.

14.0 Commuted Sums/Affordable Housing Provision

14.1 The overall commuted sums made available, in the region of £364,639, have been examined and 'pressure tested' by the valuers appointed by the Council and in their view the sum offered is viable in respect of this site

14.2 Paragraph 49 of the NPPF urges local planning authorities to be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including rural exception sites such as the former Grafty Green Garden Centre, where appropriate. Authorities are also advised, within these circumstances to consider whether allowing some market housing on sites such as these would, in turn, facilitate the provision of significant additional affordable housing to meet local needs.

14.3 Development of this size and scale would therefore be expected to generate a commuted sum toward housing which in terms of the Affordable Housing SPD is set at 40/% affordable housing provision of the houses built. Of these, 60% would be for rental with the rest available for shared ownership. This equates to 4 affordable rent units and 2 shared ownership units Given the size, value and low density of the proposed development the council was amenable to negotiate an alternative arrangement based on the provision of, say, affordable houses off site of a size and scale more commensurate for use by the average family..

14.4 No allocation of land to provide for affordable housing provision has been made upon the site though, as a site of over 0.5ha, it would usually be required under the Councils Affordable Housing DPD. Overall provision has been made for commuted sums totalling £364,639 has been made by the applicant including an affordable housing contribution off site; sums for primary education, public, NHS contribution and public open space, again off-site.

14.5 The breakdown of the applicant's latest offer in respect of contributions made on 11th May 2016 is set out below

· Village Hall -	£50,000	
· Broadband -	£50,000	
· Affordable Housing -	£190,000	
· NHS -	£18,864	
· Primary education -	£33,053	
· Public Open Space	£22,050	
· Library Book stock -	£672	- TOTAL -£364,639

14.6 In their calculations, the applicant has also included in this sum contributions of £50,000 each in respect of the village hall refurbishment and repair, and; the introduction of broadband to the area none of which are policy requirements of this Council or required under the CIL regulations

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

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

14.8 Neither the Village Hall Contribution or the Broadband contribution are necessary for the furtherance of this development or, in the case of the village hall in any way related to the development in terms of scale or kind whereas, the provision of broadband could be transferred to the cost of the development

14.9 Part D of the adopted policy states that where affordable housing cannot be provided on-site, the Borough Council will accept appropriate off-site provision. It has generally been agreed that provision of affordable housing on site would not be appropriate for this development, mainly due to the unit sizes being proposed as well as issues of affordability. However, the Housing Officer used the proposed unit sizes provided to calculate The Council's Affordable Housing commuted sum as by using smaller sized units for example, this would not give a true reflection on the schemes viability.

14.10 The Housing Officer is of the opinion that the Village Hall and Broadband provisions (both £50,000) should not take preference over contributions to affordable housing and, therefore be included within the affordable housing provision. The Housing Officer also maintains that, in respect of S106 contributions, affordable housing contributions be prioritised above all to include the other sums of money allocated for NHS (£18,864) and Primary Education (£33,053).

14.11 Notwithstanding the substantially improved offer received from the applicant raising their initial and clearly inadequate offer of £34,000 to £190,000, The Housing Officer maintains that the off-site affordable housing contribution for this scheme should, nonetheless, be given priority over all the other contributions listed and should be at least **£341,917**, made up from the total sum of money offered in respect of contribution irrespective of policy requirements for these. However, other contributions such as NHS; Primary Education; Libraries and Public Open Space remain subject to planning policy requirements, which, in effect ring fences these sums and, as such, cannot be negotiated away to provide additional sums for affordable housing.

14.12 Though the applicant has agreed to regard the sum for Broadband to be considered as a cost to the development in much the same way as, say, drainage provision, and included within the primary costings of the development and this developer is free to undertake under their own volition

14.13 With respect to the village hall, the applicant has also made it clear that they would not be prepared to not agree the withdrawal of its funding and the £50,000 allocation, instead, being put towards affordable housing (AH) to provide for an overall affordable housing contribution totalling £240,000. It is therefore fair to assume that the applicant would not be prepared to sign an s106 agreement. This, in itself, would form an additional ground for refusal being that an inadequate off-site contribution towards AH is being provided as the applicant proposes monies to go to the village hall (at the expense of AH). This is contrary to the Affordable Housing DPD.

15.0 Ecology

15.1 The County Ecologist has analysed the Ecology Report submitted by La Dell Wood on behalf of the applicant which identified the presence common lizards and grass snake as well as evidence of bat activity on the boundary. No objection is raised by the County Ecologist subject to suitable mitigation strategies being adopted and put in place should members be minded to grant planning permission.

16.0 Visual Impact and Landscaping

16.1 Other than two adjoining properties at Gate House located on the southern perimeter of the site and Willington Lodge on the eastern boundary facing onto Headcorn Road; the site is surrounded by agricultural land. Perimeters of the site already benefit from a dense tree and hedge screen on the all boundaries with only a partial gap on the southern boundary facing onto Crump Lane.

16.2 The site is south of the Greensand Ridge some 3 – 4km distant and there will be the possibility of some visibility of the site when viewed southward from the brow of the hillside. However, this would be mitigated by the irregular topography of the area and intervening woodland

16.3 Local views of the site are already mitigated by the dense tree screen existing on the perimeter of the site and these would be mitigated by further landscape planting undertaken to augment the perimeter screen and also internally to boundaries within the site. The proposal would therefore not be readily visible from the nearby highway network or more distant dwellings in the locality such as Orchard Farm

16.4 The proposed density on the site appears arbitrary and unrelated to either the context or place making decisions. In areas the layout appears somewhat wasteful, with large areas of space given over to parking courts in front gardens and seemingly awkward leftover spaces around and between homes and garages. In addition the development has now spread westward to develop a larger site than the pre-application indicated, spreading the same amount of development thinner across the area.

16.5 It is intended by the applicant to provide full details of the perimeter and internal landscaping within the context of a Landscape Master Plan which would be subject to a condition should planning permission be approved

16.6 This will include additional hedge and tree planting to enhance and reinforce the existing hedgerow enclosures on the main out-facing northern and southern elevation with an 8 – 10m deep belt of trees planted on the western boundary of the site that does not have a hedgerow. Water storage would be created sourced from standing water and screened by additional planting at the junction with Crumps Lane. Internally, the individual plots would be planted with mixed hedges on their respective boundaries

17.0 Residential Amenity

17.1 Only two nearby dwellings would be affected by the proposal and they are located on the perimeter of the site. Gate House, on the southern perimeter is located some 23m to the south of the gable end of Plot 1 which presents not main living room windows towards this dwelling. In addition, a hedge and tree screen would be planted on the intervening boundary between the two,

17.2 The main rear elevation of Willington Lodge, on the eastern perimeter would be positioned in excess of 30m from the main elevations of Plots 10 & 11 and, separated by an augmented existing hedge and tree screen. Window to window interface distances between the existing dwellings and those proposed are therefore sufficient to protect the residential amenities of these dwellings.

17.3 Layout of the proposed scheme is low density at less than 4 dwellings per hectare within substantial plots with hedge and trees screens located on each of their boundaries. As such, there would be sufficient space and landscaping designed within the scheme to protect the residential amenities of the dwellings.

18.0 Highways

18.1 A total of 14 dwellings, each with double garages and outside parking and a commercial parking area of 24 spaces will be served by the sole access onto the site from Crumps Lane to serve the office block. Egress only from the site would be shared by the

existing roadway onto Headcorn Road. No objection to this application has been raised by KCC Highways subject to conditions on the following

- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
- Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing;
- Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.
- Use of a bound surface for at least the first 5 metres of the access from the edge of the highway.

19.0 CONCLUSION

19.1 The site is located in a geographically isolated area within open countryside outside of and some distance from any defined settlement and therefore subject to the saved MBWLP Policy ENV28, the proposal does not fit into any of the permitted exceptions relating to development in the countryside. None of the exceptions contained within the MBWLP against the general policy of restraint apply, and therefore the proposal represents a departure from the Development Plan. Within this context, it is considered that 14 dwellings located on this site would be compromised in terms of their sustainability by being located of sufficient distance from any village or major service centre to be almost wholly reliant car borne journeys to service even their most basic needs. As such, the proposed development unable to be considered a **sustainable** location for residential development in the terms and guidance contained within the NPPF.

19.2 The suburban feel to this site is further emphasised by the creation of substantial areas of hard standing in front of each of the dwellings. There is a failure, also to draw benefit from the rural location in terms of locating green space and views out of the site, despite the generosity of plots. Whilst the use of local materials and design references are welcome, together with the use of Kentish Vernacular design cues the scale of the dwellings and plot layout are such to resemble a collection of 'barn conversions' laid out within a suburban street pattern which would not be a pattern of design and development that would be indicative or acceptable in terms of its setting and context within the local still largely unspoilt rural countryside. Paragraph 55 of the NPPF seeks to promote sustainable development in rural areas that are truly outstanding and innovative helping to raise the standard of design in rural areas; significantly enhance its immediate setting and be of a design and scale sensitive to the defining characteristics of the local area. This development is none of these and therefore fails to meet design guidance for rural development laid out in this paragraph.

19.3 With respect to the village hall, the applicant has also made it clear that they would not be prepared to agree the withdrawal of its funding and the £50,000 allocation, instead, being put towards affordable housing (AH) to provide for an overall affordable housing contribution totalling £240,000. As such, an inadequate contribution would be made toward affordable housing contrary to the Council's Affordable Housing DPD.

RECOMMENDATION –REFUSE for the following reasons:

Reasons for refusal

1. An inadequate off-site contribution towards affordable housing would be provided with monies that could otherwise be used for this purpose instead being put toward the repair and maintenance of Grafty Green Parish Hall which is located some 2km distant from the development and, not necessary for the carrying out of the development contrary to the Council's Affordable Housing DPD.
2. The design and layout of the development, which encroaches westward onto greenfield land, consists of uniformly large dwellings and curtilages in the form of a suburban street pattern that would have a visually conspicuous and discordant presence that would not be acceptable in terms of its setting and context within the local still largely unspoilt rural countryside located within the Low Weald Special Landscape Area. The proposal would therefore be contrary to saved Policy ENV34 of the MBWLP that seeks to both conserve and protect the scenic quality and distinctive character of the area and also be contrary to paragraph 55 of the NPPF which seeks to promote sustainable development in rural areas.
3. The development occupies a relatively isolated location some distance from the Rural Service Centres of Lenham and Headcorn which would be expected to provide the majority of its day to day needs and is even some distance from the closer minor village settlements. It is considered that residential development of this site would be compromised in terms of sustainability by being located at a sufficient distance from any village or major service centre for the residents to be almost wholly reliant car borne journeys to service even their most basic needs. The site is therefore unable to be considered a **sustainable** location for residential development in being contrary to the requirements of paragraph 55 of the NPPF that would seek to both maintain and enhance the vitality of rural communities and paragraph 70 which seeks to encourage development close to existing settlements and villages where their presence would serve to promote local services.

INFORMATIVES

Case Officer: Tom OConnor

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

**Address:
Grafty Green Garden Centre,
Headcorn Road, Grafty Green**

The following further comments have been received from the applicants representative DHA Planning in respect of the contents of the Committee Report and the recommendation for refusal

Whilst the recommendation for refusal of this full application was not unexpected, it was with some surprise that I read that the Council now consider that they are in a position to demonstrate a five year supply of housing land, and as such, significant weight has been applied to policy ENV28 of the Maidstone Borough Wide Local Plan (2000).

The Committee report refers to monitoring which was 'carried out at 1 April 2016' that demonstrates a 5.12 year supply of housing land. This information comes from a *Local Plan Housing Topic Paper (2016)* which shows that the Council have seen 2,860 completions over the past five years (572 per annum)- at a time of significant economic activity within the housing sector. This has been a significant under delivery over this period, and therefore results in the Council needing to demonstrate a housing land supply for some 6,741 dwellings over the next five years (1,348 per annum). This is clearly a significant uplift. In order to achieve this, the Council has included sites within the draft local plan, which have no resolution, or in some instances where no planning application has been submitted.

Whilst Appendix C (table 8.10) of the aforementioned document sets out the extant permissions, and suggested build out rates, it also indicates the yields that the Council expects from the draft local plan allocations, which has now been submitted to the Secretary of State.

This draft local plan has not yet been assessed by the Inspector, and no interested parties have been able to debate the robustness of the policies or housing trajectory assumptions of the document. For this reason, we consider the inclusion of these allocations as premature at this stage.

dha planning

Eclipse House, Eclipse Park, Sittingbourne Road
Maidstone, Kent ME14 3EN

t: 01622 776226 f: 01622 776227

e: info@dhaplanning.co.uk w: www.dhaplanning.co.uk

DHA Planning Ltd. Registered in England. Registration No. 2683 290



URS is a member of Registrar of Standards (Holdings) Ltd.

We do acknowledge that Maidstone Borough Council has taken great strides in order to meet their Objectively Assessed Need (OAN), however, as a decision making body we consider it inappropriate for you to include draft allocations in order to meet the short term housing need, which have not yet been fully debated within an Examination in Public, or for which an Inspector has been able to provide his or her opinion upon.

This position is backed up by appeal decisions such as *Land West of Audlem Road, Cheshire* where the Inspector was critical of the Council in that case trying to rely on uncommitted and untested draft Local Plan allocations as part of its 5 year supply. The Inspector in that case stated at paragraph 89 of the decision:

"At the Inquiry, a considerable amount of the assumed [5 year] supply was from sites without planning permission. These sites included some development proposed to be delivered on strategic sites identified in the [draft Local Plan]. These sites have yet to be considered through the local plan examination process and I am aware that there has been opposition to some of the allocations. I appreciate that the inclusion of these sites in the [draft Local Plan] shows some sense of commitment on the part of the Council, to taking them forward to fulfil the future needs of the Borough. It seems premature though, to place such a considerable emphasis on such sites in the calculation of housing supply. This is particularly so, as the anticipated time scale for the adoption of the [draft Local Plan] may be optimistic. Therefore, I consider there is insufficient clear evidence to convince me, in the circumstances of this appeal, that the inclusion of the uncommitted strategic sites in the deliverable housing supply is justified.

You state within paragraph 9.5 of your report that the emerging policies can be given 'significant weight in the consideration of applications.' We do not disagree that these policies should be given weight in shaping the development that is coming forward. It is clear that the Council has made significant efforts to ensure the policies bring about suitable infrastructure and high quality design. Given the lack of a five year supply in the recent past, this has been the most appropriate way for applications to be assessed by Officers and Members. However, there is a significant difference between giving the policies weight to determine planning applications, and assuming that they will come forward within the next five years. It is for this reason that we will be putting forward a view that until the examination opens, and the Inspector provides an indication of his or her view, these allocations should not be used for the evaluation of the five year housing land supply.

Irrespective of the five year supply issue, we are also of the view that the level of weight afforded to policy ENV28 of the Maidstone Borough Wide Local Plan (2000) within the Committee report is disproportionate given its age. The policy is now 16 years old since adoption, and whilst in part accords with the objectives of the National Planning Policy Framework (NPPF) 2012, should not be given more weight than this document.

The NPPF is clear that priority should be given to the effective use of land, by reusing land that has been previously developed (core planning principles, para. 17). This is re-iterated within paragraph 111 of the NPPF.

Throughout our discussions with the local authority, we have always acknowledged that this is a balanced proposal. The site is relatively detached from the existing settlement of Grafty Green, however it has had (and could once again have) a very intensive commercial use. It was hoped that the Committee report would greater reflect this balance, and would have included reference to the NPPFs core principle of reusing brownfield land, alongside the concerns with regards to its relationship with existing development.

I would also like to take this opportunity to raise a few more detailed points with you concerning the report. I would be grateful if these concerns (as well as those set out above) were reported to Members within an urgent update report.

- 1) Boughton Malherbe Parish Council support the application - within the report you state that they raise *no objection*. Throughout the pre-application process, and since the application was submitted, the Parish have *unanimously supported* the proposal, seeing it as the most appropriate use of this brownfield site.
- 2) It is noted that two letters of support have been received, however you do not highlight the contents of these letters as you have for the objection letters received. Again, to ensure that Members are provided with a balanced view, I would recommend that the contents of these letters be provided.
- 3) Your comments on the highways issues do not provide a direct comparison between the existing/previous vehicular movements, and that generated by this proposal. To my mind the types of vehicular movements, whilst a material consideration, should also be assessed alongside the amount of movements. This is certainly one of the reasons why the Parish support the application- as they acknowledge the reduction in vehicular traffic through their village.
- 4) Concern is raised within the report with regards to the design of the proposal -and that it appears 'suburban' in character. The reason behind the low density, is to ensure that the development is able to provide a significant increase in internal landscaping to that currently within the site. We acknowledge that this is a rural site, and the building designs and landscaping have been formed to respond positively to this. We do understand that design is subjective, but ultimately both ourselves, and the Parish believe that this is an acceptable form of development for this location.

Finally, you have suggested that we would be unwilling to sign a legal agreement that would not accord with our proposed heads of terms. As with any application we have put forward a proposal, and should Members decide that the monies should be redirected elsewhere, we would be open to accept any such amendments. The contributions that we have proposed are significant, but seek to address a number of local issues and concerns, rather than to concentrate on one specific matter i.e. affordable housing. These heads reflect the rural location of the site and have been formulated to make the development acceptable. We do not therefore agree that they fail to comply with the CIL regulations. However, should Members disagree with our proposal, and would wish to see the proposed contributions disaggregated differently we would be flexible on this matter. I would be grateful if this could also be highlighted to Members.

Officer Comment

The Committee Report sets out the Officer assessment of the merits of the application and recommendation

Recommendation

My recommendation remains unchanged.