

## REPORT SUMMARY

<b>REFERENCE NO - 16/505427/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of 35 dwellings together with the provision of associated landscaping, earthworks, parking and access		
<b>ADDRESS</b> Bell Farm, North Street, Barming, Kent		
<b>RECOMMENDATION</b> GRANT PLANNING PERMISSION SUBJECT TO PRIOR COMPLETION OF AN APPROPRIATE LEGAL AGREEMENT AND CONDITIONS		
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b> The proposed development lies outside the settlement boundary as defined by ENV28 of the Maidstone Borough-wide Local plan 2000 but is included as a draft allocation for 35 units within the Local Plan under policy H1 (23) in the submitted Local Plan which is currently in examination. This application represents a revised scheme to the application that was refused in October 2015 Whilst, the application would be contrary to ENV28, it is considered the status of the site as a housing allocation within the emerging plan can be given significant weight as can the further discussions between the council and the applicant in order to address the previous reasons for refusal. The application is considered to accord with the criteria of H1(23) and is considered to address the reasons for the refusal of the previous application and thus whilst there is conflict with the adopted policy ENV28, the emerging plan is a significant material consideration that would outweigh this harm. Furthermore, the development is considered to be acceptable in relation to other relevant matters such as ecology, trees, highways, heritage and as such the development is considered to be in compliance with the National Planning Policy Framework and policies of the emerging plan and this is sufficient ground to depart from the Local Plan.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> The application represents a departure from the development plan due its location outside the 2000 development boundary		
<b>WARD</b> Barming	<b>PARISH/TOWN COUNCIL</b> Barming	<b>APPLICANT</b> Taylor Wimpey <b>AGENT</b> Mr Chris Hawkins
<b>DECISION DUE DATE</b> 12 <sup>th</sup> October 2016	<b>PUBLICITY EXPIRY DATE</b> 16 <sup>th</sup> August 2016	<b>OFFICER SITE VISIT DATE</b> 16 <sup>th</sup> August 2016
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b> 14/506419/FULL Erection of 35 residential dwellings, together with associated highway works, and landscaping provision. Considered at committee on the 22 <sup>nd</sup> October 2015 and REFUSED 5 <sup>th</sup> November 2015 Appeal made and currently held in abeyance pending outcome of this application		

### 1.0 MAIN REPORT

#### 1.1 Site Background

The site was previously subject to an application 14/506419/FULL which was refused at the committee on the 22<sup>nd</sup> October 2015 on the basis of impact on the semi-rural character of North Street, impact on the setting of nearby listed buildings and

ecological impacts. Since this application was refused the applicant has held further consultations with the Borough Council, the Parish Council and local residents and this new scheme is a result of this.

- 1.2 The development is a draft allocation under H1 (23) which states North Street is allocated for housing at a density of 35 dwellings per hectare and compliance with the following criteria

**Design and layout**

1. The character of this development will be complementary to its semi-rural location at the edge of the urban area.
2. The North Street frontage will be set back a minimum of 5m from the road to maintain the open character of this location.

**Access**

3. Access will be taken from North Street only.

**Air quality**

4. Appropriate air quality mitigation measures will be implemented as part of the development.

**Open space**

Contribution towards off-site provision/improvements in accordance with policy DM22.

**Community infrastructure**

6. Appropriate contributions towards community infrastructure will be provided, where proven necessary.

**Highways**

7. Highways and footpath improvements to North Street, Barming will be implemented as proven necessary.

- 1.3 This site was accepted by Cabinet on 2 February 2015 as suitable for 35 residential units. The site allocation H1 (19) was taken back to Strategic Planning, Sustainability and Transportation Committee on the 23 July 2015, and the site was approved for inclusion in the draft local plan and Regulation 19 consultation to include a 5 meter set-back for the development from North Street frontage and a 5 meter boundary extension to the west.

**2.0 DESCRIPTION OF SITE**

- 2.1 The application site relates to two parcels of agricultural land located on the west side of North Street in Barming. The sites are located within the open countryside as defined within the Local Plan Proposal Maps and are designated as Areas of Local Landscape Importance. The larger northern element lies between no.23 and no.35 North Street which can be considered to the 'southern element' and a larger section further north between no.43 North Street and White Gates which is the 'northern' element of the scheme. The northern element extends beyond the allocation site to west by approximately 10 metres.
- 2.2 A high level hedgerow located on the eastern boundary of the two sites abuts North Street running from opposite the Redstart PH to the boundary with no.43. The hedgerow becomes lower in the northern most section of the north site.

- 2.3 The surrounding area to the west of the site is characterised by open countryside and arable fields. To the north, east and south of the site is predominantly residential properties of vary designs and styles. Two listed buildings, Broumfield and The Oast are located on the opposite side of the road at the junction of North Street and Heath Road. 23 North Street is a listed building and is located to the south of the southern site. Residential properties located to the east and south of the site are located within the urban area of Maidstone as defined on the Proposal Maps.

### **3.0 PROPOSAL**

- 3.1 The application proposes 35 dwellings of which 11 (30%) would be affordable housing.
- 3.2 The affordable units will comprise 6 x 2 bed and 5 x 3 bed houses. The private units comprise 13 x 3 bed and 11 x 4 bed houses. These will be provided together with off-street parking spaces / garages.
- 3.3 The proposed dwellings will be 2- 2.5 storeys in height with a mix of terrace, semi-detached and detached properties. The development proposes a uniformed approach to materials with key materials being utilised throughout the site including facing brickwork, ragstone detailing, contrasting brick heads and weatherboarding. Roofs would be formed of clay tiles and slate.
- 3.4 The Northern site would retain the prominent element of its boundary hedge and its access has been relocated further south than the previous scheme in order to mitigate any impact on the adjoining heritage assets. From the access road, the development will contain a cluster of dwellings to the north of the site with an area of open space which will be set out as a public orchard. Further dwellings will be set out along new primary and secondary access roads which will be run from the main access road. The closest dwellings to North Street will be set back behind the existing boundary hedge and will front onto a landscaped frontage with pedestrian linkages to open space to the north and North Street to the south. A new pedestrian access point will be created in the south western point of the northern parcel which will link to a new north-south footpath link that will run through site to a new crossing point to Heath Road.
- 3.6 The southern site would be accessed via a new street / junction with North Street with the proposed houses fronting the new street and double fronted properties at the new junction at North Street. The new junction in the south site would constitute a shared surface comprising a raised table formed of a different road surface material and other paraphernalia for traffic calming purposes.
- 3.7 Following minor design concerns from the case officer, amended plans were submitted on the 6<sup>th</sup> October 2016 which relates to elevation treatment to plot 27, landscaping changes requested by the Parish Council and a reduction in road widths within the site and clarifying matters regarding the new pedestrian access. These amended plans were not subject to further consultation as the changes were not considered to be of significance or relevance to any consultee to warrant a further round of consultation.

### **4.0 POLICY AND OTHER CONSIDERATIONS**

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

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV35, ENV42, ENV49, T13

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

Maidstone Borough Council Draft Local Plan: SS1, SP5, H1(23), DM2, DM3, DM4, DM6, DM10, DM13, DM16, DM30, ID1

## **5.0 LOCAL REPRESENTATIONS**

5.1 A site notice was displayed at the site on 26<sup>th</sup> July 2016 and local residents and stakeholders were notified of the application.

5.2 Some 39 local residents objected including representations from Helen Grant MP. The following (summarised) issues were raised:

- Additional traffic / road congestion both in immediate and local area individually and cumulatively
- Bus services not regular as stated
- Pedestrian crossing and safety issues regarding lack of visibility
- Parking/impact on surroundings
- Highways safety
- Pedestrian safety
- Impact on local infrastructure including schools and doctors surgeries
- Design and layout including inappropriate density
- Urbanisation/urban sprawl
- Impact on semi-rural character
- Shared space being dangerous for sensory impairments
- The land to the rear will also be developed
- Overlooking and loss of privacy
- Extending site into adjacent field
- Impact/Loss of trees and hedgerows and future maintenance of trees
- Impact on historic buildings
- Development in the open countryside
- Impact on wildlife and loss of habitat
- Surface Water flooding
- Road widening would exacerbate the current traffic situation
- Impact on sewerage and drainage
- Loss of good quality agricultural land
- Loss of a view
- Noise and disturbance from construction and housing site once occupied
- Developers consultation process
- Development out of character with existing residential development
- Street and other lighting will disturb residents quality of life

5.3 Councillor Fay Gooch has commented on the application for the following (summarised) reasons:

- Appreciate that the applicant attending meeting and most comments have been taken on board and it is a much better design
- Prefer English Oaks to be planted on boundary and crab apples instead of fruit trees to allow for easier maintenance.
- Advice on bollards to street 6 and signage to local highway should be secured by S106 agreement.

## 6.0 CONSULTATIONS

6.1 Barming Parish Council has commented on the application but have confirmed they have no objection to the application overall. Its comments can be summarised as follows;

- Better design and access to the previous application
- Need to consider future maintenance of the open space/orchard
- New pedestrian point dangerous and some form of guard rail should be installed.
- Removal of build out between Apple Tree Close and Bell Farm is to be removed and Parish recommend the shared surface is raised to reduce speed to address potential for speeding.

6.2 **KCC Highways:** Objection in respect of pedestrian access

Southern shared space area.

*With a raised table, trees in the highway and a shared space environment proposed, it is considered that street lighting will be required. A street lighting proposal should be shown on drawing 14-021-037 Rev A. For the extent and scale of this drawing the base or existing situation shown on Pegasus drawing TBRS.6224\_08 should also be shown for clarification on 14-021-037 Rev A either as a layer 'underneath' the proposal or as a separate drawing (to same scale and extent) for clarification to understand the before and after situation for this area.*

Notations and extent of adoption.

*I note the Pegasus Layout drawing BRS.6224\_01B which shows green coloured notations both across the main access proposed to the north and immediately south of the main site on the western side of North Street. It is unclear what these represent? It is further noted and unclear on the Pegasus Proposed Adoption Plan TBRS.6224\_08 that there is a gap (white) between the main access proposed for adoption (in blue) and the existing North Street shown in yellow. The latter is not technically possible and I believe the green notations described and shown on BRS.6224\_01B are incorrect and/or misleading. I would be grateful if these plans could be clarified and amended accordingly.*

Inter-visibility with the proposed pedestrian access.

*I note the changes to the site layout proposed comprising a footway within the site. I also note that a safety audit has been undertaken regarding its emergence/egress onto North Street. I do consider however that a main road safety point does not appear to have been addressed in the safety audit; that being the inter-visibility between pedestrians and particularly southbound traffic on North Street. I am grateful for the speed measurements undertaken. I would be grateful however; if a detailed plan of this specific area could be provided showing the inter-visibility characteristics in relation to the 85th percentile speeds measured.*

The applicant's consultant provided further information in respect of the comments above including a corrected adoption plan, comments on lighting and in relation to the visibility from the pedestrian access. On the latter point, they concluded that without the substantial removal of the hedge this could not be vastly improved and as this access and hedgerow were requested as part of the revised scheme no further improvement could be made.

Further comments dated 20<sup>th</sup> September 2016

*I am in receipt of C & A Consulting Engineers Technical Note dated 2nd September (Job No.14-021) in response to my response of 1 August to this application. I note that this document has not as yet been uploaded onto your portal but I would like to respond in particular to comments regarding a proposed pedestrian egress onto North Street. It appears from this document that as well as an admission that pedestrian visibility is poor ('requiring substantial removal of hedge') that there is also an acceptance of this. From a highway authority's perspective the current proposal is unacceptable and cannot be sanctioned. The issue of pedestrian movement and safety requires further work and I would be grateful if you could discuss this with the applicant to be overcome this problem.*

This matter has been discussed further with the applicant but their view is without the removal of a substantial part of the existing hedge no further improvements can be made. In line with the comments of the Parish council, the applicant is proposing the provision of guardrails and signage at the access point to ensure highway safety as far as practicable. Plans have been provided to clarify the extent of the adoption and detail for the highways will be subject to planning condition and section 278 agreement.

6.3 **Environment Agency:** *No objections as in Flood Zone 1 with foul to connect to the mains*

6.4 **KCC Flood Risk Officer:** *No objection  
The surface water drainage strategy for this site adequately demonstrates that infiltration features can be accommodated within the proposed layout and provide sufficient storage for 1 in 100 year storm events plus climate change.*

6.5 **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: Primary Education contribution at £2360.96 per applicable house (x35) = £80,862.88 towards the enhancement of teaching space at Barming Primary School

*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: A contribution of £2359.80 (x35) = £80,823.15 towards the enhancement of teaching space at Maplesden Oaks School.

*'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'.*

Youth Services: A contribution of £296.66 is sought for the new residents of this development alone (supplied to Infozone Youth Hub).

*'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: A contribution of £1680.55 towards new book stock supplied to Mobile Library service covering Barming.

*'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.'*

**6.6 NHS Services**

Awaiting comments

**6.7 Conservation Officer: No Objections**

The development as now proposed has been substantially amended at the northern end of the site where it is closest to Broomfield. The access has been moved and it is now proposed to largely set the new houses back behind a retained hedge and open area which will be planted as an orchard to reflect the use of the land in the early/mid 20<sup>th</sup> Century. Whilst I consider that there will still be some less than substantial harm to the setting of Broomfield (an opinion which the submitted Heritage Statement shares) I accept that significant efforts have been made to alleviate this harm and in my view the proposed development now has a much happier relationship with the listed building. Given this and the fact that the site is now allocated for residential development it may now be considered that the limited harm caused would be outweighed by the public benefit of the provision of 35 new houses. Whilst in my opinion the designs of the proposed dwellings are not of a high standard this in itself is probably not enough to sustain a refusal.

**6.8 MBC Parks and Open Space:**

MBC Parks and Open Space department previously requested an off site contribution of £55125 (£1575 x 35) towards North Pole Road Allotments and Beaumont Road Allotments for improvement works with an equal split of monies between the two sites.

**6.9 MBC Environmental Health:** No objections subject to conditions regarding land contamination, lighting, EV Charging Points, Air Quality and Travel Plan and sound insulation.

**6.10 KCC Ecology:** No objections

Initial comments 4<sup>th</sup> August 2016

*'We advise that the ecological survey work reported in the Ecological Appraisal Report has been carried out to an appropriate standard but there is a need to understand the current site status to ensure that the results, conclusions and recommendations remain valid.'*

On request of the officer, the applicant submitted an updated 2016 ecological appraisal (the earlier one was submitted in error) and reptile mitigation strategy and ecological enhancement plan.

*Further comments following further ecological information provided*

*We have reviewed the submitted and revised documents in support of this application and advise that sufficient information has been provided to determine the planning application. Therefore, we require no additional information.*

The submitted *Ecological Enhancement Plan* outlines a number of enhancements that will be incorporated alongside the development. The submitted *Landscape and Ecology Management Plan* outlines the management prescriptions to ensure the development is managed appropriately in terms of ecology. We advise that these measures are implemented as a condition of any planning application and suggest the following wording:

*The ecological enhancement and management measures outlined in the submitted Landscape and Ecology Management Plan (CSA Environmental Ref: CSa/1683/05a, June 2016) shall be implemented according to the timescales set in the report.*

**6.11 MBC Landscape:** No objections

This scheme is generally an improvement on the original application, 16/505427/FULL, in landscape terms, particularly in respect of the treatment of the site frontage along North Street.

I would refer you to my comments on the above mentioned application dated 20 January 2015 and confirm that the applicant has adjusted the landscape scheme to try to address my comments on the detailed soft landscape proposals.

My only further comments at this stage relate to detail. The two proposed trees to the front of plots 4 and 3 and in front of the garages for plot 2 aren't identified and the locations appear entirely unsustainable. The new tree planting for plots 5 and 28 could be larger stature native species, grouped near the conjoined boundary, with plot 6 included, to ensure a more varied tree planting scheme.

**6.12 KCC Heritage:** No objections

The site lies within a general area of archaeological potential associated with prehistoric activity. There is a focus for Roman activity to the south but there is little recorded close to the site itself. This may, however, reflect the limited nature of formal archaeological investigations rather than a lack of archaeology.

There is some potential for archaeology within the site and I recommend the following condition is placed on any forthcoming consent:

*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.*

- 6.13 **Kent Police:** No objections subject to conditions
- 6.14 **Southern Water:** No objections. Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. Recommends conditions and informatives. .
- 6.15 **MBC Environmental Steetscene:** No objections subject to conditions
- 6.16 **UK Power Networks:** No objections

## APPRAISAL

### 7 Principle of Development

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. 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:
- 7.2 *“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.”*
- 7.3 In this case, none of the exceptions against the general policy of restraint apply, and therefore the proposal currently represents a departure from the Development Plan. It therefore falls to be considered firstly whether there are any material considerations which warrant a departure from the Development Plan policies is justified in the circumstances of this case.
- 7.4 One such consideration is the status of the site as a draft housing allocation within the emerging Maidstone Borough Council plan (currently under examination) 2011-2031 under policy H1(23) which allocates 35 residential units subject to a specified policy criteria;
1. The character of this development will be complementary to its semi-rural location at the edge of the urban area.
  2. The North Street frontage will be set back a minimum of 5m from the road to maintain the open character of this location.
  3. Access will be taken from North Street only.
  4. Appropriate air quality mitigation measures will be implemented as part of the development.
  5. Contribution towards off-site provision/improvements in accordance with policy DM22)
  6. Appropriate contributions towards community infrastructure will be provided, where proven necessary.

7. Highways and footpath improvements to North Street, Barming will be implemented as proven necessary.

As will be seen within the remainder of this report it is considered the development will accord with this policy criteria and the individual parts of the criteria will be discussed within the relevant sections below. It should be noted that the site extends further to the west than the currently proposed allocation site boundary by approximately 10 metres and this was discussed and agreed with the council in the post application discussions. However, this is not considered to cause any significant harm in landscape terms and it remains open for this allocation extent to be modified through the local plan process. Therefore, whilst the site lies beyond the current development boundaries set by ENV28, it is a pertinent point that in the emerging plan the site would largely lie within the development boundary and would no longer form part of the countryside which is protected by emerging policy SP17.

- 7.5 Whilst, the emerging plan is currently under examination, the NPPF states within paragraph 216 that weight can be afforded to emerging policies, with the extent of weight to be given being dependent on the stage of the development plan in the adoption process and the extent to which there are unresolved issues. It is obvious that the plan is at an advanced stage of the adoption process and there are no substantial policy objections to the site or issues which have been shown to be unresolved. In light of this guidance, it is considered significant weight can be afforded to the status of the site as an emerging allocation and the policy of H1(23) of the emerging plan.
- 7.6 It should be noted that although the previous application, 14/506419 was refused by the council, the outcome of the post application discussions demonstrated that the development of the site is not unacceptable in principle and that it was matters of detail that remained unresolved. It is notable that the applicant has since worked with the Borough and Parish councils and councillors to address these concerns and the revised layout reflects this post application advice.
- 7.7 The site is considered well located in terms of its location and 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 some 2.5 miles by road to the east with its extensive range of shops, services and businesses. There are bus stops located on North Street adjacent to the site and further bus stops at the junction with Tonbridge road with access into Maidstone town centre. More local to the site is a local convenience store at the junction of Tonbridge Road / South Street / North Street, as well as two local pubs within proximity to the site, one being almost opposite the application site. Barming Primary school is located less than 0.3 miles from the site.
- 7.8. It is therefore considered that less weight should be given to policy ENV28 on account of the allocation within the emerging plan which can be given significant weight in this instance. Subject to compliance with the criteria of policy H1(23) and in relation to other relevant planning matters, it is considered the development is acceptable in principle and it is not considered the location of the site outside the current development boundary should weigh against the proposals.

## **8.0 Visual Impact**

- 8.1 The site is located on the edge of the urban boundary in the open countryside and within an Area of Local Landscape Importance. 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.

- 8.2 Whilst, this status is recognised, its allocation for residential development within the emerging plan, which has been subject to a comprehensive evidence base, means there is some acceptance of a visual impact occurring on the site. The site comprises of two field parcels which are contained between existing residential development, although the northern element extends further westwards into the field by approximately 15 metres than the original field boundary as well as that is reflected in the boundary shown with policy H1(23) which itself extended beyond the field boundary by 5 metres. However, this excursion is not considered to have a significant visual impact on the area and this extent of the site area was discussed and agreed with the council in the post application discussions.
- 8.3 The proposed residential development is comprised of detached, semi-detached and terraced 2 storey residential dwellings which are laid out in two sections with existing and proposed hedgerows/planting proposed along the boundary with North Street. The retention of the existing substantial hedgerow south of the field access to the northern element is secured on account of the post-application discussions with members and the Parish Council, and this provides substantial screening from the Lane in that location. This is a key point as the removal of this hedgerow in the previous application was a key factor in the refusal of that application and its retention forms an important part of the new scheme. In addition to this existing hedgerow, a new native hedgerow will be planted northwards to the new access point and to the north of the access will be an area of open space set out as an orchard. This area will have two purposes, the aforementioned community use and also to provide greater separation between any development and the listed buildings to the north-east of the site in order to preserve their setting.
- 8.4 Whilst the northern element of the site will be accessed via a new access, new landscaping is proposed adjacent to this and along the main access road which will lead into the site to the west. This will provide access to an area of detached houses to the north of the site and also to a network of secondary access road to the south which provide access to terraced, detached and semi-detached properties. Where necessary, properties have been designed to address the street scene particularly on corner plots and frontages to the properties including areas of soft landscaping to frame the proposed built form. The existing boundary hedge to be retained and proposed planting is considered to be beneficial in softening the new development and in time this will largely screen the development from views although views of the northern extent of the site will be visible across the new open space area as will be views southwards into the site. However, this will be softened by the tree planting and with appropriate boundary treatments to the properties such as ragstone walling, the visual impact is considered to be acceptable.
- 8.5 The southern element will infill between the area of land between no.23 and no.35 North Street and will not project further eastwards than the gardens of the adjacent properties. Short range views are to be expected when developing a greenfield site for housing and in this instance the application site is considered to be well related to the existing settlement, and would effectively in-fill a gap between existing residential properties, and the views from North Street are considered to be acceptable and in keeping with the neighbouring residential development.
- 8.6 The western boundary will be planted with a full length native hedgerow and sporadic tree planting including native Oak trees to soften views from open countryside to the

west. Once this is mature, this planting would largely screen the bulk of the proposed development from mid to long range views and would reduce the visual impact of the development. Whilst there will be some hedgerow removal within the interior of the site, this will be mitigated by the additional boundary planting and overall landscape scheme. Furthermore, there is an established existing landscape structure to the west of the site and the development will not be significantly visible from any public footpaths located to the west of the site due to existing tree and hedgerow planting along field boundaries. In any case, any limited views of the proposed development would be seen against the backdrop of the existing built development located within the urban area of Maidstone on the south and east of the site and also the existing residential development located along North Pole Road.

- 8.7 A planning condition would secure the necessary landscaping and screening to the site including the maintenance of the orchard area which will be secured by the legal agreement.
- 8.8 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 a modest extension to the urban boundary with existing residential properties located on three sides of the development.
- 8.9 In any case, the council have considered the potential impacts of the site in relation to the development of the site and considered on balance to be acceptable. Therefore, in addition to the limited landscape impact described, the changes to the scheme since the previous application and its draft allocation status, it is considered the development would not cause significant harm to the landscape.

## **9.0 Heritage Impact**

- 9.1 The Council's Conservation Officer objected the previous application due to the impact on the setting of the nearby listed buildings, No 23 North Street, Broumfield and the adjacent oast house. The Oast House lies to the rear of Broumfield and No.23 North Street lies to the south of the Southern element and is screened from the application site by heavy vegetation. Therefore, there is not considered to be any harm to the setting of these two listed buildings. The previous application was also partly refused on the basis of the heritage impact of the development on the setting of Broumfield. This revised scheme has sought to take account of this impact through a revised layout which is supported by an updated Heritage Statement. It is considered the setting of Broumfield would be the most affected by the new development and the other listed buildings in the vicinity would not be significantly affected due to their location detached from the development. This was a position taken by the previous application.
- 9.2 In order to take account of these concerns, the application layout has been amended to locate the main access point further south and the northern part of the scheme has been reconfigured to create a new area of open space in the vicinity of the heritage asset to create appropriate separation from any built form. The conservation officer has reviewed these changes and is now of the view that the relationship of the proposed development with this heritage asset is a much better one and that he now raises no objections on heritage grounds.

- 9.3 I would concur with the view of the conservation officer in that there is less than substantial harm caused to the setting of Broumfield and that no harm is caused to the setting of the Oast and No.23 North Street for the reasons set out above. Whilst, this harm is given significant weight on account of the duty to protect the character and setting of listed buildings. it is considered in this instance the harm to the setting of the listed building would be outweighed by public benefits outlined elsewhere in this statement in accordance with paragraph 134 of the NPPF.

## **10.0 Design and layout**

- 10.1 In terms of the acceptability of the layout, this has been the subject of discussions between the applicant and Borough and Parish councillors in order to deliver the number of units set out in the emerging allocation in an acceptable manner and also to address the reasons for refusal in the previous application.
- 10.2 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 brickwork, ragstone detailing, contrasting brick heads and weatherboarding with roofs formed of clay tiles and slate. The properties are designed in the same manner as the previous application where no objection was made in relation to the type, elevational detail or architectural form of the properties.
- 10.3 As set out above, the layout will be characterised by a main access road (Street 1) which will then lead onto a series of minor access roads to the north and south (streets 2-5). The development will also have good pedestrian access throughout including a pedestrian footpath from the new pedestrian access point to the south west of the northern element which will lead along the eastern boundary to the open space to the north and across to Heath Road via a new pedestrian crossing point. This will have significant benefits in removing pedestrians from walking along North Street although it should be recognised there will be a degree on-street to the south until one reaches the footpath on the eastern side of North Street. The southern element would be designed as per the previous application which will be accessed via a raised shared surface access with trees which will act as a calming measure to North Street. This in part replaces the existing area of verge that currently project into North Street outside no.10 North Street. This southern element as a cul-de-sac and as previously submitted.
- 10.4 The applicant has submitted details of potential materials to be used on the elevations of the properties and on hardsurfacing but in order to ensure quality a condition will be placed on any permission requiring detailed samples to be submitted. I would expect the new properties to include natural slate and clay roof tiles, ragstone and use in elevation and a good quality stock block and this is reflected in the condition. In principle the suggested approach to the proposals is considered acceptable subject to finalisation of finishes.
- 10.5 In terms of the criteria of H1(23) the development is considered to respect the semi-rural location of the site through the retention of the hedgerow, open space and new boundary planting and the setting back of development from North Street well in excess of the 5m required. Furthermore, the site would represent a lower density of development than the policy requirement of 35dpa and thus the development will meet the principle of the policy and parts 1 and 2 of H1(23).

- 10.5 Access would be taken from North Street in accordance with Part 3 of the policy and internal road surfaces would differ according to the status of the roads within the development. The demarcation in road surfaces within the site would serve to break up the hardstanding and act as natural traffic calming. For example, the main access to the site would be tarmac with the secondary roads laid with block paving to delineate a more pedestrian friendly environment. The majority of units would benefit from off-street parking in the form of garages and parking spaces and the development would meet the relevant standards in terms of parking provision.
- 10.6 Bearing in mind in the post application discussions which have informed the revision to the previous scheme, it is considered the general layout and scale is considered to be appropriate for this semi-rural location on the edge of the village and one which would reflect the general requirement of the allocation policy. The application site will project further westwards than the allocation boundary but the majority of the built form will be within the allocation boundary with the additional land containing landscaping such as native hedgerows and tree planting and access roads.

### **11.0 Residential Amenity**

- 11.1 It is considered the development will maintain a good standard of amenity for adjoining properties and those future occupiers of the development in line with the NPPF and emerging policy DM1.
- 11.2 The closest residential properties would be White Gates located to the north of the northern site, no.43 North Street located to the south of the northern site and nos. 23, 25 and 35, which are located adjacent the south site.
- 11.3 Properties located on the east side of North Street would be separated from the development by the width of the public highway and with the retention of existing mature vegetation it is not considered there would be any adverse effects in terms of loss of amenity to these properties.
- 11.4 It is acknowledged that there are three properties (plots 2,3 and 4) backing onto the property Whitegates which has only one ground floor window on the facing side elevation which is mostly set below the boundary hedge of the property. In terms of plot 1 this lies within the building line to the south of Whitegates and will thus offer no overlooking and is sufficiently set back from the property. In terms of plots 3 and 4, these are approximately 17 metres from the shared boundary and are 27 metres from the rear elevation of Whitegates via an oblique view. Lastly, Plot 2 is the closest plot and lies at a right angle to the rear elevation of Whitegates, approximately 16 metres from the boundary. However, given the orientation of the two properties, Plot 2 will not overlook any habitable room of Whitegates due to the oblique angle and the boundary hedge. It is also considered the privacy of the rear garden will also to be maintained by reason of this orientation, the distances between properties, the mature hedge to the boundary of Whitegates and the lower ground levels of the application site in relation to Whitegates. Whilst the site has a wildlife buffer between the properties, it is considered additional tree or native planting should take place to further strengthen the boundary treatment and this can be secured by planning condition.
- 11.5 Similarly, the impact upon nos. 23, 25, 35 and 43 North Street are considered to be acceptable given the separation distance involved, landscape screening and orientation between the existing and proposed development. North facing openings on Plots 29 and 30 would be limited and obscure glazing would be secured via condition on first floor openings facing north.

- 11.6 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 which would a warrant refusal of the planning application.

## **12.0 Transport/Highway Matters**

- 12.1 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.
- 12.2 Accompanying the application is a full Transport Assessment assessing accident data, predicted trip generation, visibility assessments and traffic capacity assessments. The Highway Authority considers that the traffic generated by the proposal can be accommodated by the surrounding road network and has raised no objection to the application. The assessments also consider the highway works associated with the development and are supported by a road safety audit. It should be noted that the matter of traffic generation and congestion did not form a reason for refusal on the previous application.
- 12.3 Access to the northern site has been designed as a priority junction with a new crossing point to be provided to the north to allow access from the application site to Heath Road. The access road will be a 5.5m wide carriageway with footpaths either side. The application site will have a continuous footpath from the south west corner of the northern part which will allow pedestrians to walk along a safe access route within the application site rather than having to walk within the carriageway of North Street.
- 12.4 There is a new pedestrian access to the SW corner of the northern element which will create access to the site and to the site footpath route. This access formed part of the post-application discussion with the council to be included in a revised scheme to improve pedestrian legibility within the site and to encourage pedestrians away from walking along North Street. It should be noted that KCC Highways have objected to this SW pedestrian access point on the grounds of lack of visibility for pedestrians particularly to southbound traffic. However, the applicant has investigated whether this can be improved but in order to meet the requisite standards this would involve the removal of the boundary hedgerow. As the retention of the hedgerow is essential to any new scheme there has to be acknowledgement to retain such an access point, it would be below standard in terms of visibility. The applicant has also investigated whether the shared surface or footway can be extended northwards to the access point but this is either not possible due to road widths or not encouraged due to adversely influencing pedestrian behaviour. The provision of a footpath is seen as a positive addition in order to encourage residents to walk and when it is considered people already have to walk in the road along North Street, on balance this is considered an appropriate compromise notwithstanding KCC's concerns.
- 12.5 In order to address this safety point the applicant is proposing a safety barrier and signage in order pedestrians exiting the site in this location are aware of the highway and that they take additional care when walking onto North Street. The applicant is also proposing the resurfacing of the carriageway further south to connect with the

eastern footpath to act as further traffic calming in addition to the shared surface further south which is discussed below.

- 12.6 The access to the southern element comprises traffic calming measures on North Street to integrate access to the south site. The design includes a ramped shared space comprising the use of different surface materials, landscape feature such as trees which has been formulated through discussions with KCC highways Authority. Other than comments regarding lighting, which would be secured at the later design stage and further detail, the Highways department have no objections to the scheme.
- 12.7 A number of comments have been received in relation to the shared pedestrian and vehicle space to the southern element and the danger, inter alia, to pedestrians including the widening of the carriageway. However, the design of the junction has been formulated by national design guidance and through discussions with KCC Highways and will represent a ramped shared space where the design of the highway seeks to reduce speeds and driver behaviour. There were previously no objections in relation to this part of the site under the refusal of the previous application 14/506419/FULL
- 12.8 Turning to the internal layout of the site, the tracking detail has been provided to show turning of larger vehicles and the layout generally accords with the road hierarchy set out in the Kent Design Guide. There is no objection to the siting and size of the parking provision including visitor provision which would generally be in accordance with the councils parking standards and includes garages and some tandem parking. Cycle parking storage would be secured via condition.
- 12.9 Additionally, the site is not considered to be located within an unsustainable location and bus stops located in proximity to the site provide regular services to Maidstone Town centre.
- 12.10 KCC Highways have requested contributions towards crossing facilities at the Hermitage Lane/Heath Road/Fountain Lane/St. Andrews Road junction. Given the proposed development would have an impact on the junction KCC have requested £500 per unit which is regarded as a reasonable and proportionate approach to securing the necessary funding.

### **13.0 Affordable housing**

- 13.1 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 6 x two beds and 5 x three bed units.
- 13.2 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. However, the council has emerging policy DM13 within the emerging Local Plan which requests 30% affordable housing provision in areas such as the application site. As the emerging plan is at an advanced stage of preparation, it holds significant weight in this decision making and as there was no objection to this provision previously it is considered the development would be in line with the relevant policies.
- 13.3 The development would secure 11 affordable units which would be split into 70% affordable rent and 30% shared ownership and will be a mix of 2 and 3 bedroom

properties. This will accord with requirements of DM13 and the exact delivery of the units will be secured in the legal agreement.

- 13.4 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 semi-rural location, apartment developments are not deemed wholly appropriate and the opportunity for one bed units is therefore limited and would not make the best use of the land.

#### **14.0 Landscaping and Ecology**

- 14.1 The applicant has submitted an ecology appraisal, further species work and an ecology and landscape management plan in order to address the matters relating to ecology and the long term enhancement of the site. The 2016 Phase 1 Ecological Statement confirmed the site is not of ecological significance although the site is used for foraging bats, nesting bird and has potential for reptiles. The applicant has undertaken further reptile surveys in 2015 which found a low population of slow worm and common lizard and proposes a reptile mitigation scheme which will involve relocation of reptiles to a wildlife corridor on the northern boundary which will be 50m x 5m receptor area.. This area will be enhanced with suitable habitat and managed over the long term. This approach has been agreed with KCC Ecology. This forms part of wider suite of improvements which is set out in an ecology and landscape management plan.

- 14.2 It is acknowledged that the earlier 2014 application stated the receptor site was inappropriately located and that it did not replace the habitat that would be lost by the site. Whilst the receptor is the same as previously in terms of size, the new scheme will result in the retention of a greater proportion of existing hedgerows and will thus result in a reduction in the loss of habitat. The new scheme will also involve the planting of new hedgerows including the full extent of the western boundary and replacement of the hedgerow in the northern part of the site with new species rich hedging. Whilst some hedgerow will be removed within the interior of the site, it is considered the full suite of planting and mitigation will more than mitigate any loss of habitat whilst ensuring protection for reptiles over the course of the development.

- 14.3 The ecology submissions have been reviewed and endorsed by KCC Ecology who confirm they have no ecological objections to the scheme and recommend that the ecology and landscape management plan is implemented as part of the permission. It is considered subject to conditions to secure suitable mitigation for existing habitats within 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 the following:

- Native landscape planting along the western boundary and enhancement to existing hedgerow boundaries.
- Erection of bird and bat boxes
- 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;

#### **15.0 Loss of agricultural land**

- 15.1 The loss of grade II agricultural land is regrettable however in this instance the application site is include within the draft Local Plan as an allocated residential site and thus has been considered acceptable. 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.

## **16.0 Flooding/Drainage**

- 16.1 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.
- 16.2 As part of this report, the applicant has outlined a preliminary surface water strategy which will include the use of sustainable urban drainage systems in the form of attenuation measures and soakaways which is supported by soakage testing. This has been reviewed by KCC Drainage who agree with the recommendations and advise that a condition is placed to require specific details of the drainage proposals. This is included as a condition below.

## **17.0 Heads of Terms**

- 17.1 Any request for contributions needs to be scrutinised, in accordance with Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criterion that sets out that any obligation must meet the following requirements:

It is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

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

- (a) obligation A provides for the funding or provision of an infrastructure project or type of infrastructure; and .
- (b) five or more separate planning obligations that— .
  - (i) relate to planning permissions granted for development within the area of the charging authority; and
  - (ii) which provide for the funding or provision of that project, or type of infrastructure, have been entered into before the date that obligation A was entered into.

- 17.2 The above section came into force on 6<sup>th</sup> April 2015 and means that planning obligations cannot pool more than 5 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010).
- 17.3 The NHS previously requested £27,216 based on an average occupancy in relation to the size of the residential units towards improvements at the named surgeries of Blackthorne Medical Centre and College Practice (Barming) both of which are within 1 mile of the site. We are currently awaiting confirmation that this is still required.

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- 17.4 The Council's Parks and Open Space request £1575 per dwelling to cover towards North Pole Road Allotments and Beaumont Road Allotments for improvement works. It is clear that the proposed development of 35 dwellings would result in additional demand placed on the existing allotments and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 17.5 There are requests made by Kent County Council as the Local Education Authority towards primary school education contributions that amount to £2360.96 per applicable house towards the enhancement of teaching space at Barming Primary School. There will be a greater demand placed on schools within the borough from the occupants of the new 35 dwellings and information submitted by County shows that these are at capacity and as such the contribution is considered justified and appropriate.
- 17.6 In addition to a new primary school Kent County Council as the Local Education Authority require contributions of £2359.80 per applicable house towards the enhancement of teaching space at Maplesden Noakes Secondary School. There will be a greater demand placed on the local schools from the occupants of the new 35 dwellings and information submitted by County shows that these are at capacity and as such the contribution is considered justified and appropriate.
- 17.7 There is a request of £295.48 toward youth services sought by Kent County Council. This contribution would pay towards the provision of staff and equipment for Maidstone Borough Youth Outreach services supplied to Infozone Youth Hub. It is clear that the proposed development of 35 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.
- 17.8 Kent County Council has sought £1680.55 towards library services for new bookstock supplied to Mobile Library services covering Barming. It is clear that the proposed development of 35 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.
- 17.9 KCC Highways Authority has sought £500 per dwelling towards pedestrian crossing facilities at the Hermitage Lane/Heath Road junction. It is clear that the proposed development of 35 dwellings would have an additional impact on the junction and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 17.10 Provision of 30% affordable housing (11 units). The affordable housing would consist of 6 two bed units and 5 three bed units with a tenure split of 60% for rental and 40% of dwellings as shared ownership.
- 17.11 Secure long-term maintenance of open space and LEMP
- 17.12 Justification for the contributions is outlined at paragraph 7.4, 7.7 and 7.8 and I consider that the requested contributions have been sufficiently justified to mitigate the additional strain the development would put on these services and comply with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the CIL tests above.

## 18.0 CONCLUSION

- 18.1 The application site is included in the Draft Local Plan under policy H1 (23) as being appropriate for the development of 35 residential houses and will form part of the future development plan for the Borough whilst lying within the development boundary for the town over the period until 2031. The development would accord with the criteria of this policy in terms of density, quantum and general policy requirements. This can be given significant weight in this application. The application has been revised from the previously refused application following post application discussions.
- 18.2 Development at this site would infill a gap of residential development along the west side of North Street and would not project significantly beyond existing residential development to the west although this does project further than the allocation boundary. The application has sought to address the previous reasons for refusal including the impact on heritage matters, ecology and layout issues and is now considered to be acceptable. The layout is considered to deliver 35 units in an acceptable having regard to the constraints that exist.
- 18.3 The development would secure the requisite contributions for infrastructure and will also provide for 30% provision in line with the emerging policy. The site is located on the boundary of the urban area in easy reach of a number of services and facilities as well as regular bus routes, and the development of this site for residential purposes would represent an example of sustainable development and would conform to the aspirations of the NPPF and that of the emerging plan.
- 18.4 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.

## **21.0 RECOMMENDATION**

- 21.1 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. 70% rental and 30% shared ownership.
  - Contribution of £27,216 to be sought from the NHS towards improvements to Blackthorne Medical Centre and College Practice (Barming).
  - Contribution of £80,862.88 (£2360.96 per applicable house) towards the enhancement of teaching space at Barming Primary School
  - Contribution of £80,823.15 (£2359.80 per applicable house) towards towards the enhancement of teaching space at Maplesden Oaks School.
  - Contribution of £296.99 is sought to be used to address the demand from the development towards youth services locally to be supplied to Infozone Youth Hub.
  - Contribution of £1680.55 towards new book stock supplied to Mobile Library service covering Barming.
  - Contribution of £55,125 (£1575 per dwelling) towards the improvement of open space in the vicinity of the site.

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- Contribution of £17500 (£500 per dwelling) towards a pedestrian crossing facilities at the Hermitage Lane/Heath Road junction
- Management of Open space and LEMP

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

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

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

- (2) The development 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. The external materials shall include use of natural slate and clay roof tiles, use of ragstone in elevations and red stock bricks. Once approved the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development and to reflect the local vernacular.

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

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

- (4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reasons: In the interest of highways safety and residential amenity.

- (5) 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.

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- (6) The development shall be strictly undertaken in relation to the Reptile Mitigation Strategy dated June 2016, 1683/03b and its recommendations shall be fully implemented in line with its recommendations and timescales for implementation

Reason: In the interest of ecology and biodiversity enhancement.

- (7) The ecological enhancement and management measures outlined in the submitted Landscape and Ecology Management Plan (CSA Environmental Ref: CSa/1683/05a, June 2016) and set out on the Ecological Enhancements Plan 1683-124, shall be implemented according to the timescales set in the report and the long term management plan

- (8) No development shall commence beyond damp proof level until details of integral swift, bird and bat boxes to be installed within the proposed buildings is submitted to the council for approval. The approved details shall then be implemented before the first occupation of the development and its long term

Reason: In the interest of ecology and biodiversity enhancement.

- (9) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (Reference 14-021, June 2016, C&A Consulting Engineers):

Reason: To reduce the impact of flooding on the proposed development and prevent any impact from the development on surface water storage and flood, and future occupiers.

- (10) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the proposals within the Flood Risk Assessment and Preliminary Surface Water Drainage Strategy by C&A Consulting Engineers Ltd, ref. 14-021 dated June 2016, and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

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

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

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

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

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework..

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

1) A preliminary risk assessment which has identified:

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

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

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

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

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

Reason- to ensure the development or its occupiers are not put at risk from contaminants

- (13) Prior to the occupation of the development, the applicant should submit a detailed Travel Plan for approval by the Local Planning Authority, in consultation with the local Highway Authority. The approved Travel Plan measures shall subsequently be implemented and thereafter maintained within three months of the first occupation of the buildings hereby permitted.

The Travel Plan should include the following:

- a) Setting objectives and targets.
- b) Measures to promote and facilitate public transport use, walking and cycling.
- c) Measures to reduce car usage.

- d) Measures to reduce air pollution.
- e) Promotion of practices/facilities that reduce the need for travel.
- f) Monitoring and review mechanisms.
- g) Travel Plan co-ordinators and associated support.
- h) Provision of travel information.
- i) Marketing.
- (j) A timetable for the implementation of each element.

Reason: To promote sustainable travel measures and comply with the following Development Plan policies

- (14) Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units will conform to the "good" design range identified by BS 8233 1999, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: In order to protect the occupiers of the dwellings from undue disturbance by noise in accordance with Policy EN1 of the Local Plan.

- (15) 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.

Reason: To ensure suitable foul and surface water sewerage disposal is provided.

- (16) 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 to be retained together with measures for their protection during the course of development in the form of a Tree Protection Plan undertaken by an appropriately qualified party in accordance with BS5837:2012 This shall specifically include the retention of the retention of the existing hedgerow shown on BRS6624 01D which runs along the site's eastern boundary, opposite the Redstart PH southwards to its boundary with no.43 North Street

The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment 2012; including enhancements to the north, east and west boundary planting as shown on drawing number CSA/1683/123H; dated February 2016.

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

- 17) No development shall take place until a plan for the long term management for the maintenance of the landscaped areas (other than small, privately owned, domestic gardens) as approved by the council and for the long term management of the works set out in the Landscape and Ecology Management Plan (CSA Environmental Ref: CSa/1683/05a, June 2016). The management plan shall including details on the following;

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- The areas within the scope of the management plan and the maintenance requirements
  - Method and schedule for maintaining communal areas and estate roads
  - Details of the Parking control measures to be implemented within estate and access roads
  - Details on the enforcement of parking control measures
  - The setting up of an appropriate management body
  - The legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery
  - Ongoing monitoring of implementation of the plan
- (18) The existing hedgerow to the eastern boundary of the northern element of the site shown on the plan numbered BRS 6224 123H, shall be retained and maintained unless otherwise agreed in writing by the Local Planning Authority.
- (19) The use or occupation of each phase of the development hereby permitted shall not commence until all planting, seeding and turfing specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants, including existing trees/hedgerows which, within ten years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.
- Reason: To ensure a satisfactory landscaped setting for the development.
- (20) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, no further development shall take place on the site without the prior written consent 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.
- (21) The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority which shall include ragstone walling to the open space areas and prominent frontages. The development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter. Boundary treatment shall include:
- Cut-outs at ground level in the garden fences of the new residential houses to allow wildlife to move freely between gardens;
- Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.
- (22) 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

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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.

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

Reason: In the interest of residential amenity

- (24) No development shall take place until the applicant, or their agents or successors in title, has submitted and 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.

- (25) 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

- (26) 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.

- (27) No development shall commence on site until a signed S278 Agreement, covering the following;
- The alterations to North Street road layout including access, raised table with informal and shared surface, street lighting;
  - Access to the northern site
  - Pedestrian access point
  - A crossing point to the north of the site; street lighting Access point has been submitted to and approved in writing by the Local Planning Authority.

The development shall not be occupied until the highways works covered in the S278 have been completed.

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- (28) The proposed first floor north facing windows in the north elevation of the house on Plot 29 and Plot 30 hereby approved shall at no time be openable or glazed, otherwise than in obscured glass, below a minimum height of 1.75 metres above the relevant internal floor levels.
- (29) Prior to the commencement of development above damp proof course level details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter;

Reason: To ensure an energy efficient form of development.

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

Drawing numbers      to be inserted

and the following supporting documents;

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

### INFORMATIVES

#### Southern Water

A formal application for connection to the public sewerage system is required in order to service this development. Please contact, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or [southernwater.co.uk](http://southernwater.co.uk).

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