

**REPORT SUMMARY**

<b>REFERENCE NO - 15/509961</b>			
<b>APPLICATION PROPOSAL</b> Erection of 41 no. residential units together with associated access, parking and landscaping			
<b>ADDRESS</b> Land at Church Street and Heath Road, Boughton Monchelsea, Kent			
<b>RECOMMENDATION</b> Grant Planning subject to conditions and S106			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The development is proposed in a sustainable location, which immediately adjoins an existing settlement and is not considered to result in significant planning harm. Given these issues and the fact the site is allocated for housing within the submitted version of the Local Plan, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan.			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Contrary to relevant saved policies in adopted Local Plan (2000)			
<b>WARD</b> Boughton Monchelsea	<b>PARISH COUNCIL</b> Boughton Monchelsea	<b>APPLICANT</b> Fernham Homes <b>AGENT</b> DHA	
<b>DECISION DUE DATE</b> 24/02/17	<b>PUBLICITY EXPIRY DATE</b> 21/4/17	<b>OFFICER SITE VISIT DATE</b> Various	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>Application No.</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
86/2022	Outline application for 17 detached dwellings	Refused	29/4/1987

**MAIN REPORT**

**1.0 INTRODUCTION**

- 1.1 The proposal is for a 41 residential unit development situated on the southern edge on the village of Boughton Monchelsea.
- 1.2 The planning application was made in November 2015. In order to address objections, and as a consequence of negotiation, the planning application has been subject to a number of amendments.

**2.0 DESCRIPTION OF SITE**

- 2.1 The site lies at the junction of Church Street and Heath Road (B2163) on the south side of Boughton Monchelsea and extends to approx. 1.27ha. The site has been in agricultural use and is currently fallow. It is roughly rectangular with a frontage to Heath Rd of approx. 160m. The site is bounded to the north by existing housing development in Lewis Court Drive and by lower density housing on the frontage to Church Street. The 2 main road frontages are defined by mature hedgerows approx. 2m high. There is a strong boundary hedge to the Heath Road frontage except for an existing field gate.

2.2 The site is adjoined to the north (on Church Street and Lewis Court Drive) by existing housing and also to the east by dwellings that front Heath Road. The NE corner of the site adjoins existing woodland. To the west is the recreation ground and village hall. To the south side of Heath Road set back from the junction of Heath Road and Church Hill is the listed Lodge to Boughton Monchelsea Place. The woodland opposite the site is part of the Registered Historic Park to Boughton Monchelsea Place. The Boughton Monchelsea Primary School is diagonally opposite the site.

### **3.0 PROPOSAL**

3.1 The full planning application was submitted for 41 residential units, with the following dwelling mix:

- 7 no 3 bed market houses
- 14 no 4 bed market houses
- 4 no 5 bed houses
- 8 no 2 bed affordable maisonette
- 8 no 3 bed affordable houses

3.2 The proposal includes 74 allocated parking spaces, 8 visitor parking spaces and 27 garage parking spaces. Excluding garages, 8 houses have 1 car parking space and 33 have 2 car parking spaces. Cycle parking is proposed within timber sheds.

3.3 The proposal consists of an open space at the south west corner of Church Street and Heath Road, overlooked by seven substantial two storey detached and semi-detached dwellings. The remainder of the dwellings are two and 2 ½ (rooms in roofs) storey detached and semi-detached houses, with one block of four no. two storey maisonettes on the eastern side of the main access road. The northern element of the site is proposed as an east-west row of houses, backing on to the back gardens of 73-89 Lewis Court Drive. To the south of this element are two perimeter blocks, with the north west corner of the site backing onto 71 Church Street,

3.4 The means of access for vehicles is from Heath Road. This access road has east and west running 'arms' to the north of the Heath Road hedge, serving the houses immediately to the north. The access road continues north into the heart of the site, with a further eastern 'arm' serving a further 14 units, including the affordable housing. The main access road then turns west, servicing the remainder of the houses, including the houses in the south west corner.

3.5 The design of the properties is relatively traditional in form, with the use of pitched tile roofs, bay windows, brick and tile hanging, pitched roof porches and pitched dormer windows. The elevations are typically detailed with brick plinths, soldier courses and timber eave detail, with protruding rafters a feature on some properties. That said there are a couple of features which are not traditional: the provision of a chimney within a ground floor bay flanked with windows: a feature of the two properties either side of the entrance to the site from Heath Road and of three houses facing onto the open space in the south west corner. Secondly the three no. 2 ½ storey dwellings facing onto Heath Road and one facing onto the south west corner, include an under-eaves half width balcony.

3.6 The existing hedges on Heath Road are largely retained, with gaps provided for the main vehicle access into the site and to allow pedestrian access at key points.

3.7 The visibility of the proposed development would be as follows:

- From the north there would be clear views of the new houses in the northern part of the site from 8 properties along Lewis Court Drive, and more limited and filtered views from 2 houses on Church Street. Most views would be from upper floor windows, but some of the houses on Lewis Court Drive also have some filtered views from ground floor windows. There would be no significant views from any further to the north, as the houses closest to the site provide an effective screen, though there may be some glimpses between the existing houses.
- From the east there would be some short distance views from the edge of the adjoining woodland (though there is no public access to the wood), and also open views from windows in the gable end of the adjoining property to the east (Cobtrees), and more limited and filtered views from one further property to the east of that.
- From the south east there would be no significant views from the public footpath which runs to the south, as the intervening vegetation provides an effective screen.
- From the south there would be short distance views of the new houses in the southern part of the site above the roadside hedgerow from the adjoining footway and also for occupants of vehicles passing along the road. There would be clear views into the site at the proposed access point. From further to the south, there would be no significant views from within the area of coppiced woodland to the south of the road, as they are generally screened by intervening vegetation.
- From the west there would be views above the roadside hedge and also across the proposed open space, for car drivers and pedestrians passing along Church Street. There would also be some more limited views from further to the west, within the recreation ground and around the village hall.

3.8 The proposal has been subject to a number of amendments, the most recent being:

- The reduction in the use of weatherboarding to four properties.
- The strengthening of landscape buffers to the north and east, including the safeguarding of root protection areas of substantial tree in the south east corner of the garden of 71 Church Street and 75 Lewis Court Drive.
- The block of 2 bedroom maisonettes have been oriented to face the principal north-south access road.
- Reorientation of the units and parking layout for plots 28-35 and materials for plots 28 – 31 have been changed to all brick (rather than brick and weatherboard).
- Changes to the house type of plots 37 - 41 along the frontage – reduced from a 2.5 storey to 2 storey dwelling.
- There are minor changes to elevations and house types.
- There has been verbal agreement from the agents regarding the use of Kentish ragstone within the development.
- Discussions regarding the affordable housing provision and tenure are ongoing and the Committee will be updated on progress.

#### **4. POLICY AND OTHER CONSIDERATIONS**

4.1 The following policy considerations are relevant in this case:

- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Development Plan - The saved policies of the Maidstone Borough Wide Local Plan (2000) The following saved policies are relevant:
  - ENV6 – Landscaping, surfacing and boundary treatment
  - ENV28– resists development in the countryside

- which harms the character and appearance of the area
- ENV32 – resists development which extends the defined urban area to avoid coalescence between the southern villages and the Maidstone Urban Area.
- T13 – Seeks to ensure appropriate parking provision.
- T21 - Accessibility of new developments
- Minerals and Waste Plan
- Affordable Housing DPD 2006: Policy AH1
- Integrated Transport Strategy: cycling.

4.2 The site adjoins the present built up extent of Boughton Monchelsea and was included as a housing allocation (H1(55), now H1 (53) ) in the Draft Local Plan Regulation 19 Consultation (February 2016 The EiP Inspectors' Interim Report (December 2016) ratified the housing allocation. Other Submitted draft Local Plan Policies which apply include:DM1, DM2, DM3, DM5, DM11, DM12 DM13, DM22, DM23, DM24, DM27.

4.3 **Policy H1(53) – Land at the junction of Church Street and Heath Road Boughton Monchelsea**

*Planning permission will be granted if the following criteria are met.*

**Design and Layout**

1. *The proposed layout respects the setting and relationship of The Lodge (to Boughton Monchelsea Place) to Heath Road and the junction with Church Street/Church Hill and maintains a set-back of a minimum of 15m for development at the junction of Church Lane and Heath Road.*
2. *The proposed layout retains the existing hedgerow to Heath Road and provides an appropriate buffer to the existing woodland in the NE corner of the site.*
3. *Development proposals will be of a high standard of design and sustainability incorporating the use of vernacular materials*

**Landscape**

4. *The development proposals are designed to take into account the results of a landscape and visual impact assessment undertaken in accordance with the principles of current guidance.*

**Drainage and Flood risk**

5. *Development will be subject to the results and recommendations of a detailed flood risk assessment and a surface water drainage strategy that demonstrates that surface water run-off from the site will not lead to an increased risk of flooding along the River Loose at The Quarries and downstream from The Quarries.*

**Heritage impact**

6. *Development will be subject to the result and recommendations of a Heritage Impact Assessment that addresses the impact of the development on the setting of The Lodge and the Registered Historic Park to Boughton Monchelsea Place.*

### ***Ecology/biodiversity***

7. *Development will be subject to the results and recommendations of a phase 1 habitat survey and any species specific surveys that may as a result be recommended together with any necessary mitigation/enhancement measures particularly in relation to the adjacent woodland to the NE corner of the site.*

### ***Community facilities***

8. *Appropriate contributions towards community infrastructure including improvement to medical facilities in Boughton Monchelsea Parish will be provided where proven necessary.*

### ***Highways***

9. *Linton Crossroads junction improvements.*

### ***Utility Infrastructure***

10. *A connection is provided to the local sewerage system at the nearest point of adequate capacity, in collaboration with the service provider.*

## **5.0 LOCAL REPRESENTATIONS**

- 5.1 There have been 10 individual objections to the application for the following main reasons:

- Encroachment of village into open countryside, contrary to ENV32
- Conflict between the planning constraint of H1(55) and the protection of Hedgerows and Road Safety
- Lack of a separation buffer depth of 40 metres of woodland
- Loss of trees and woodland habitat
- Additional traffic congestion on overloaded road system
- Lack of local services
- Unsustainable location
- Lack of carparking
- Loss of amenity – overlooking, loss of privacy, overshadowing.
- Flooding
- Loss of play area, walks etc.
- Lack of integration of social housing
- More suitable sites available elsewhere
- Damage to ecology

## **6.0 CONSULTATIONS**

### **6.1 Boughton Monchelsea Parish Council:**

The Parish Council support the proposal, with the following comments on the most recent amendments:

1. Concerns about amount and design of car parking;

2. Require railings and gates around public open space in south west corner for road safety;
3. Weatherboarding should only be used on property numbers 8, 19 and the front of numbers 38 and 40
4. Don't want additional lighting;
5. Made the following comments about materials:
  - a) Plastic weatherboarding should not be used
  - b. Clay roof tiles should be used, as the typical Kent vernacular.
  - c. The use of ragstone detailing on some of the properties facing onto the open space should be considered
  - d. Timber fences should not be used in public facing boundaries
  - e. conventional solar panels should not be installed on any of the properties, where these would be visible to the public
  - f. High quality paving material should be used for the road and footways within the development
  - g. Any cycle storage should comprise permanent structure, not timber.
  - h. Good quality street furniture should be used.

6.2 **KCC Highways** – No objection, request provision of a pelican crossing to replace the existing zebra crossing, suggest extension of double yellow lines on the entire frontage of the site. No contribution sought for Linton Crossroads due to Section 106 pooling restrictions. It is not considered that a development of this scale could justifiably support a cycle way to Linton. Conditions are suggested regarding control of construction vehicles and retention permanent car parking.

6.3 **KCC Infrastructure contributions** –

Primary Education: there is sufficient capacity within the locality to admit the need arising from the housing development, therefore no contribution is required.

Secondary and other KCC contributions (apart from library contribution): Section 106 pooling restrictions mean that KCC have not sought contributions for secondary education, youth and adult education, social care or Linton Crossroads improvements.

Library contribution is sought for additional book stock.

KCC have provided the following context behind the above position:

- In Maidstone KCC have several Secondary School projects; many have been broken down into phases:
- There have been a substantial number of large planning applications in and around Maidstone in the last few years and regrettably at the time of assessing this application there were not slots available to seek Secondary from this development; hence Kent Education made the decision not to seek Secondary from this development.
- Regrettably KCC have no way of predicting: what applications will come forward, when they will be submitted, and the number of units within developments. KCC therefore have to take a view at the time each application is submitted based upon available projects at that time. KCC Education are constantly reviewing the need for places to ensure sufficiency of provision in accordance with their role as the Local Education Authority in Kent. There are ongoing dialogues with individual schools and Academy's as well as

Government Education Funding Agency. As more possibilities are identified, these have been included within the projects above.

- At the time of this application, there were not any Secondary obligation slots available for this application. Thus without a CIL in place in Maidstone Borough – despite there being a Secondary need - KCC were unable to seek a contribution.
- Projects for other services like Social Care, Youth and Adult Education are more limited and are restricted to schemes of 50 units or more. KCC must therefore retain the 5 obligation slots for the largest developments which create the biggest impacts upon those services.

6.4 **KCC Ecology** – no objection, condition suggested to enhance biodiversity.

6.5 **MBC Housing** – The proposed amount of affordable housing (8 no 2 bed flats and 8 no 3 bed houses), approximate 40% of the total scheme dwellings, is broadly acceptable in policy terms as is the location of the affordable units, as shown on the amended tenure layout plan. The tenure split (a 60/40 split in favour of affordable rented accommodation under the adopted policy approach, and a 70/30 split under DM13) is yet to be finalised, partly because there is an opportunity for an additional number of Shared Ownership units to be provided and negotiations with a Registered Provider are ongoing. It is suggested that the issue of tenure split are addressed through the use of delegated powers in relation to S106 negotiations.

6.6 **MBC Landscape** - The applicant's Landscape and Visual Assessment, is considered to be acceptable in principle, as is the Tree Report. Concern is expressed in relation to the following issues:

- the layout is likely to give rise to post development pressure in relation to the proximity of trees T3, T12, T14, T15, T16, T17 and T18 to plots 16, 27
- The provision of visibility splays and other access points leading to removal of sections of existing hedge.

If permission is recommended to be granted then the following conditions are suggested:

- detailed landscape conditions which require implementation, maintenance and long term management details.
- The provision of a revised tree protection plan to reflect the latest planning layout.

6.7 **MBC Environmental Health** – No objection, suggest condition regarding emissions from traffic.

6.8 **West Kent Clinical Commissioning Group** - £31,608 required for health facilities.

6.9 **UK Power Network** - No objections

6.10 **Crime prevention** – concerns over pedestrian access, flat porches and defence able space.

6.11 **Parks and Leisure** – no objections. In-lieu Section 106 payment of £950 per dwelling required in order to mitigate lack of policy compliant open space.

6.12 **Archaeology** – Site is in an area of iron- age activity, condition suggested

- 6.13 **KCC drainage** – development acceptable subject to condition.
- 6.14 **Environment Agency** – Development lies in Flood Zone 1 and on a Principle Aquifer. The application has a low environmental risk as both foul and surface water drainage is being directed to a main sewer.
- 6.15 **MBC Conservation** – no objection. There is considered to be no detrimental effect on the Grade 2 listed Lodge building or historic park.

## 7.0 BACKGROUND PAPERS AND PLANS

- 7.1 The application included the following documents: Transport Statement, Flood Risk Assessment, Protected Species and Mitigation Report, Habitat Survey and protected Species Assessment, Preliminary Arboricultural Report, Draft S106 Agreement.
- 7.2 Drawing numbers: 121403-FER-01 G; 121403-FER-02F; 121403-FER-03 F; 121403-FER-04 F; 121403-FER-05 F; 121403-FER-06; 121403-FER-07 H; 121403-FER-PER01 F; 121403-FER-SS01 G; 121403-FER-SS02 E; 121403-FER-B-E1 C; 121403-FER-B-E2 C; 121403-FER-B-P1 B; 121403-FER-C-E1 E; 121403-FER-C-P1 C; 121403-FER-D-E2 A; 121403-FER-D-P1 B; 121403-FER-E-E1 D; 121403-FER-E-E2 C; 121403-FER-E-E3; 121403-FER-E-P1 C; 121403-FER-G-E1 B; 121403-FER-G-E2 C; 121403-FER-G-P1 C; 121403-FER-L-E1 B; 121403-FER-L-E2; 121403-FER-L-P1 B; 121403-FER-F-E1 A; 121403-FER-F-E2 A; 121403-FER-F-E3; 121403-FER-F-P1 A; 121403-FER-AA-E1 A; 121403-FER-AA-E2 A; 121403-FER-AA-P1 A; 121403-FER-AA-P2 A; 121403-FER-AB-E1 B; 121403-FER-AB-P1 A; 121403-FER-2BM-E1 D; 121403-FER-2BM-E2 D; 121403-FER-2BM-P1 D.

## 8.0 APPRAISAL

### 8.1 Main planning issues

The main planning issues are considered to be:

- The principle of residential development
- Visual impact;
- impact on residential amenity;
- whether the proposed layout, siting and form of development is appropriate in this location;
- impact on highways and road safety;
- the provision of infrastructure.

### 8.2 Principle of residential development

#### Local planning policies – weight

- 8.21 Paragraph 215 of the NPPF states that, *“due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”*
- 8.22 Saved policy ENV28 seeks to protect the countryside by restricting development beyond identified settlement boundaries. In general terms, this policy is consistent with the NPPF, which at paragraph 17, recognises the intrinsic character and beauty of the countryside. However, the Submitted Local Plan evidence base identifies objectively assessed needs for additional housing over the plan period 2011-2031

(which will be discussed in detail below), which the draft MBLP addresses, in part, by way of site allocations for housing outside existing settlement boundaries. The draft MBLP was submitted to the Secretary of State for Independent Examination on 20 May 2016 and examination hearings have been completed. The draft MBLP will deliver the development (and infrastructure to support it) to meet objectively assessed over the plan period.

8.23 The existing settlement boundaries defined by the adopted Local Plan (2000) will be revised by the MBLP to deliver the development necessary to meet identified needs in accordance with the site allocations in Submitted Local Plan Policy H1. Consequently, although saved policy ENV28 continues to be part of the Development Plan as the settlement boundaries in the adopted Local Plan will not be retained in their current form and would unduly restrict the supply of housing in the Borough contrary to paragraph 47 and 49 of the NPPF, that policy should be given reduced weight. While the anti-coalescence policy ENV32, is not being taken forward in the Submitted Local Plan, following a recent Supreme Court judgement regarding paragraph 49 of the NPPF, it should be given full weight.

8.24 Paragraph 216 of the NPPF states that,

*"From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."*

8.25 Inevitably any major development on a greenfield site will clearly have an impact upon the environment. In this respect at paragraph 152 the NPPF advises that,

*"Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate."*

8.26 In allocating the site, the Council considers its use for housing is appropriate subject to the criteria outlined within Submitted Local Plan policy H1(55) (now H1 (53) as amended by the modifications.) to mitigate the impact as far as possible.

8.27 In conclusion the weight to give the Submitted Local Plan and the draft site allocation policy H1(55) (now H1 (53)) is considered to be significant and clearly indicates that the Council considers a housing allocation at the site is appropriate subject to suitable mitigation.

### **Principle of Development**

8.28 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

8.29 The application site is to the south of the defined settlement boundary of Boughton Monchelsea. It is therefore upon land defined in the adopted Local Plan as countryside.

8.30 The starting point for consideration is saved policy ENV28 of the Maidstone Borough-wide Local Plan 2000 which states as follows:

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

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

*Proposals should include measures for habitat restoration and creation to ensure that there is no net loss of wildlife resources.”*

8.31 The proposal does not fit within the above exceptions of policy ENV28. The key consideration therefore is the amount of harm that the proposal is likely to cause, which will be considered further as part of the balancing exercise in section 9 of this report.

8.32 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should:

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

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

8.34 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was commissioned jointly with its housing market area partners: Ashford and Tonbridge & Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Maidstone Borough Local Plan (2011 to 2031).

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

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

- 8.36 The Inspector's interim report proposes additional modifications relating to the deletion or amendment of allocated sites, or to the phasing of allocated sites and broad locations. The report does not identify a need for further housing site allocations. In advance of public consultation on the formal modifications to the Local Plan, the interim findings have been applied to the borough's 20-year and five-year housing land supply tables which were set out in the Housing Topic Paper. The updated tables (examination document reference ED116) reveal a strengthened five-year supply position as at 1 April 2016, from 5.12 years to 6.11 years. The figures are not definitive because of the need for consultation on modifications in respect of the reduced housing need and proposed amendments to specific allocated sites, but they reaffirm a robust five-year housing land supply position and justify the assumptions being made. A full five-year housing land supply update will be undertaken through the annual housing information audit to produce the 1 April 2017 position.
- 8.37 Policy SP12 of the emerging local plan relating to Boughton Monchelsea Larger Village, sets out that the village can accommodate limited housing growth with supporting infrastructure providing approximately 193 new dwellings on six allocated sites. The application site is allocated under Policy H1(55) (now H1 (53) of the emerging plan for development of approximately 40 dwellings and sets out the criteria to be met whereby planning permission would be granted.

#### **8.4 Visual and Landscape Impact**

- 8.41 The site is in a prominent location on the south side of the village and is clearly visible from 2 road frontages in Heath Road & Church Street. The site is bordered on two sides by existing housing and will result in a slight increase in the existing moderately suburban character of this part of the village.
- 8.42 Some degree of existing screening is provided by established hedgerows which define the western and southern site boundaries. The existing hedges are largely retained apart from breaks to allow access and reinforced by additional landscaping around site boundaries. I consider these breaks to be proportionate considering road safety considerations and the need for the proposal to present an attractive outlook. The ecological advice is that the proposal is acceptable in terms of its impact on ecology and biodiversity. I concur with that advice.
- 8.43 The Maidstone Landscape Capacity Study: Site Assessments, January 2015 considers that the capacity of the landscape to accommodate housing on this site is high. The relevant points are listed below:

##### *Landscape Character Sensitivity: Low*

- *The site is in arable use and is isolated from semi natural vegetation*
- *The surrounding area is generally urban in character so that the site lacks a rural feel and is not characteristic of the wider countryside*
- *The busy road frontage reinforces the urban character*

Visual Sensitivity: Moderate

- Generally well enclosed by hedgerows, with a few sensitive residential receptors consisting of the adjoining housing on the northern and eastern boundaries which have close views of the site, although often filtered by hedges and garden trees
- Limited scope for mitigation because of the small size of the site, although further tree planting could help filter views

Landscape Value: Low

- The site has no landscape designations and the proximity to housing and the arable use reduces the sense of remoteness, wildness or tranquillity
- The site is generally of low scenic value and cultural significance
- The site has very limited potential to be of conservation interest
- Locally valued as a small parcel of farmland in an otherwise urban setting

Opportunities and Constraints

- Site relates closely to existing edge of development to the north
- Capacity for housing if sensitively designed with potential to infill around and link to existing development
- Strong existing boundary vegetation
- Opportunity for tree planting along Heath Road to soften the frontage

Mitigation

- Retain existing trees and boundary vegetation
- Reflect scale and mass of surrounding housing
- Plant trees to reduce visual impacts and soften the road frontage.

- 8.44 The proposal would be visible from some views but is not considered intrusive considering the above issues. The landscape of and around the site has been assessed as of low sensitivity to development of the type proposed. The degree of change brought about by the development would also be low. The anticipated overall effects on the local landscape would therefore be insignificant, as the proposals generally fit the landform and scale of the landscape, would have limited effects on views, can be mitigated to a reasonable extent and avoid effects on designated landscapes
- 8.45 The historic building, the Grade two listed Lodge to Boughton Monchelsea Place is situated directly opposite the SW corner of the site and the proposal is considered to respect its setting as the development is set back from the south western corner. The relationship of the proposal with the Lodge is considered to result in no harm and is acceptable in terms of landscape impact and conservation and the Conservation Officer concurred with this assessment.
- 8.46 The concerns expressed by the Landscape officer in regard to root protection of trees in the proximity of plots 16 and 27 have been largely addressed through a subsequent revised layout and a tree protection condition is suggested.
- 8.47 The treatment of the SW corner of the site at the junction of Heath Road and Church Street is particularly important as it forms the southern entrance to village. The layout includes an area of open space on the SW corner which is considered to provide a suitable entrance to the village.
- 8.48 The proposed scale of the buildings is considered appropriate for the site in being 2-2 ½ stories and the elevational treatment is considered appropriate to the location and vernacular of the village. Detailed points raised as part of the recent consultation are addressed through condition, including materials and boundary treatment

8.49 The development criteria set out in the Draft Local Plan gives particular weight to a high standard of design, use of good quality traditional materials and a sensitive layout which takes account of the established housing to the north of the site. I consider that, with suitable conditions, the proposal accords with these requirements.

### **8.5 Impact on residential amenity**

8.51 Particular care is required to minimise the impact on the adjoining residential development in Lewis Court Drive. There is at least a minimum separation distance of 20m between the proposed and existing properties in this part of the site which is considered acceptable to mitigate the impact on the amenities of adjoining residents. The proposed houses are closer to 71 Church Street and Cobtrees on Heath Road but the orientation of windows as well as boundary planting will limit any significant negative impact on residential amenity.

8.52 The impact on new occupiers has been minimised through a combination of distance, with in most cases a minimum of 20m back-to-back distances, and the orientation of windows to avoid direct overlooking.

8.53 The existing boundary treatment along the northern site boundary is inadequate, defined by a 2m high timber fence which is generally in poor condition. Additional buffers are proposed along the boundaries of the site with 71 Church Street, 89 Lewis Drive and Cobtrees to the east. While this will help to mitigate any significant loss of privacy and amenity, the boundary treatment including fences and landscaping is suggested to be covered by a details condition to ensure the above issues are addressed.

### **8.6 Proposed Siting and Layout**

8.61 The layout indicates a density of 31 dwellings/ha. in accordance with the Draft Local Plan allocation which is generally considered to be appropriate to an edge of village location and reflects the character of the existing development to the north.

8.62 The proposal follows good urban design principles in the following respects:

- Overlooked public open space;
- Active frontages and private backs;
- Minimising of blank walls on principal routes;
- Permeability and legibility in street design;
- Retention of established hedges on Heath Road, and established trees.

8.63 The suggested layout is considered to be acceptable. Adequate privacy, garden space, and surveillance are provided.

8.64 Concerns over the location of footpaths raised by the Crime Prevention Officer is not accepted: it is important that public access to the site and new open space is ensured.

8.65 While according with the H1 (55) (now H1 (53)) requirements for a minimum of 15m setback from the junction of Church Street and Heath Road, the proposal does not meet all the different open space requirements of policy DM22 on site. In such cases the policy provides for the off-site payment to make up the short fall. In this case there is a requirement for £950 per dwelling to be provided in mitigation, which would contribute to the improvement and maintenance of Boughton Monchelsea play area on Church Street.

8.66 The proposed mix of house sizes and types generally accords with the Council's requirements. The provision of approximately 40% affordable housing (16 units) is broadly in accordance with the adopted Affordable Housing DPD and emerging submitted local plan policy but the tenure split has not yet been agreed. In order to comply with DM13, a tenure split of 70/30 in favour of affordable rented housing or an equivalent policy compliant solution is required. The Committee will be updated with current progress on this issue. The location of the affordable housing element, on the eastern side of the site, is considered acceptable, and the layout lends itself to successful housing and landscape management.

## **8.7 Highways and access**

8.71 The original pre-application proposal put forward the main vehicular access to the site from Church Street. This was altered to Heath Road following negotiations, input from the Parish Council and representations from the Highways Authority, on the basis that the Church Street access would result in a loss of on-street parking near the existing primary school. The proposed access from Heath Road is considered acceptable, and the vision splays are adequate. It strikes the correct balance between road safety and hedge retention. The amount and layout of car parking is policy compliant and considered acceptable. Whilst road safety issues have been raised by objectors, these have not been sustained and have not been accepted by the Highways Authority. The proposal will not have a severe negative impact on traffic congestion, as confirmed by the submitted transport statement and KCC Highways comments. The suggestion to convert an existing zebra crossing to a pelican crossing does not meet the tests for planning conditions in that I do not consider such a requirements to be necessary, reasonable or in scale with the development.

8.72 The site is considered to be a reasonably sustainable location with both primary and secondary schools are within walking distance from the site, and frequent bus transport within a 17 minute walk.

8.73 The situation with the possible contributions to Linton Cross Roads is as follows. Consultants Mott MacDonald's have designed and costed junction improvements for the cross roads. Four schemes have already contributed towards, or have been earmarked to fund these improvements. In addition the Committee will be aware that there is a current application at Ware's Farm for a major commercial development that, if approved, will be likely to contribute to improvements to this junction. As Members will be aware the CIL regulations limit the number of contributions to 5.

8.74 Given the above and the likely contribution this scheme would be likely to make, it is important that a potential contribution from this site does not jeopardise to opportunity for a larger contribution from a different site. As a consequence I agree with KCC that a contribution towards the improvement to Linton Cross Roads is not required.

8.75 In terms of cycle improvements, the Integrated Transport Strategy does not identify specific requirements that provide an evidence base for securing contributions from this proposal. Actions C1 '*Maintain and further develop a strategic cycle network*', and C2 '*Maintain and further develop cycle routes win rural service centres*', do not identify this area are one requiring investment in cycle network improvements. The provision of a cycle route is not supported or required by KCC.

8.76 Bearing in mind the constraint outline by KCC above, I agree that contributions towards a cycle route would be unlikely to meet the necessary test and is not required in order to make the proposal acceptable in planning terms

## **8.8 Infrastructure**

- 8.81 A development of this scale is clearly likely to place extra demand on local services and facilities and it is important to ensure that the development can be assimilated within the local community. KCC have confirmed that there is sufficient primary school places to meet the needs of the proposal, but contributions for secondary education, Social Care, Youth and Adult Education are not sought due to pooling restrictions. While this is regrettable, I accept that there is no practical mechanism to secure such contributions. KCC have limited their requirements to library contributions to provide bookstock for the mobile library which serves Boughton Monchelsea. In such circumstances I accept that to require contributions other than those for library would not accord with the pooling regulation and would not be sustainable.
- 8.82 In order to address the health care needs likely to be generated by the proposal, the CCG have requested £31,608 for health care facilities and have suggested that improvements to the nearby facilities at Stockett Lane Surgery or the Orchard Medical Centre, Coxheath, would be appropriate. They have confirmed that the provision of a health facility in Boughton Monchelsea is not detailed in their response and is not a need that the CCG has identified as part of their local strategy and plans. Whilst I accept the CCG's views on this issue further investigation regarding the use of the health care contribution within the village, as suggested within the Submitted Local Plan H1 (53) should be carried out in order to fulfil the relevant policy requirement.
- 8.83 The Integrated Transport Strategy (ITS) suggests, in policies C1 and C2, the development of the strategic cycle network and the development of cycle routes in rural settlements. Given the scale of the proposal, I do not consider that that a contribution towards a cycle route would be appropriate or in scale with the development.
- 8.84 In terms of open space provision, £950 per dwelling is to be provided in mitigation for deficiency in relation to policy DM22, which would contribute to the improvement and maintenance of Boughton Monchelsea play area on Church Street.
- 8.85 Affordable housing negotiations are ongoing, as outlined in 6.5 and 8.86. A DM13 policy compliant solution is required and the Committee will be updated on progress on this issue.
- 8.86 The developers are in negotiations with a registered housing provider. For this reason I am therefore recommending that the Heads of Terms sets out a minimum affordable provision and mix with a request for delegated authority to agree the final mix should negotiations prove successful on this matter. It is suggested that delegated powers are used to allow further negotiations, providing a minimum of 16 affordable housing units, with a tenure mix of 70/30 in favour of affordable rented accommodation or an equivalent DM13 policy compliant solution.

## **8.9 Impact on ecology**

- 8.91 As required by policy H1 (53), a phase one ecological report was submitted with the planning application. This shows that there is no evidence of the presence of protected species and the site provides little suitable habitat for bats, reptiles and amphibians. The protection and enhancement of existing hedges, boundary planting and trees and well as the timing of any vegetation clearance, is proposed to be covered by condition. The proposed gaps in the existing hedges to provide road and pedestrian access are considered appropriate and do not significantly damage the ecology. KCC

Ecology have not objected and have suggested a condition to ensure ecological enhancements. I consider the proposal acceptable in ecological terms.

- 8.92 There are no objections on the grounds of drainage and archaeology and conditions are suggested to ensure compliance with the relevant KCC responses.

## **9.0 CONCLUSION**

- 9.01 The proposal represents a development which accords with the vast majority of the requirements within Submitted Local Plan Policy H1(53). While it represents development in the countryside, it is not considered to harm the character, appearance or amenity and consequently and therefore I consider the proposal does not contravene ENV 28. The site is within the southern anti-coalescence belt and thus contravenes ENV32. However notwithstanding that, the Submitted Local Plan allocates the site as housing and ENV32 is not being taken forward in the Submitted Local Plan As a consequence given the advanced nature of the emerging plan, and the principles of development covered earlier in this report, I do not consider the contravention of ENV32 to be a determining factor.
- 9.02 The proposal provides much needed housing in line with the Submitted Local Plan, which is at an advanced stage and should be given significant weight. The proposal provides economic and social benefits and the environmental impact is limited and proposed to be further mitigated by the use of conditions. Whilst regrettable, I do not consider the lack of social infrastructure as explored in 6.3 and 8.81 dictates that planning permission should be refused in this case.
- 9.03 I consider that the development is acceptable having regard to relevant national and local planning policy in the NPPF, and the Submitted Local Plan respectively. Accordingly, applying the presumption in favour of sustainable development in paragraph 14 of the NPPF, planning permission should be granted unless the adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits having regard to the policies of the NPPF considered as a whole. It is recommended that planning permission be granted subject to the following conditions and Heads of Terms.

## **10.0 RECOMMENDATION**

- 10.1 The Head of Planning and Development be given delegated power to grant planning permission subject to the conditions as set out below and the prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to provide the following:
1. Provision of affordable housing, tenure split and amount to be determined, subject to a minimum of 16 affordable units which will be provided with a tenure split of 70/30 in favour of affordable rented housing or equivalent DM13 policy compliant solution.
  2. Financial contribution per dwelling for the provision of funding for health facilities, to be used towards a medical facility within Boughton Monchelsea, or failing that, for Stockett Lane Surgery or the Orchard Medical Centre, Coxheath, based on the following formula: £31611 divided by (41 minus X) where X being the number of affordable housing units.
  3. Contribution of £48 per dwelling towards library bookstock provide the number of additional library books required to meet the need generate by the new residents.

4. Contribution of £950 per dwelling for off-site open space provision, £38,950 (£950 per dwelling), for the Boughton Monchelsea play area at Church Street.

#### 10.2 Conditions:

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

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

2. Details of landscaping and boundary treatment, including fences and walls within the site, and treatment of existing hedges to be submitted to and approved by the local planning authority prior to development above dpc level on site. Such details shall include maintenance and long term management of existing and proposed landscape, including trees and hedges. All such works shall be carried out in accordance with the approved details.

Reason: to secure appropriate screening and landscaping.

3. The development hereby permitted shall be carried out in accordance with the following approved plans/documents:  
121403-FER-01 G; 121403-FER-02F; 121403-FER-03 F; 121403-FER-04 F;  
121403-FER-05 F; 121403-FER-06; 121403-FER-07 H; 121403-FER-PER01 F;  
121403-FER-SS01 G; 121403-FER-SS02 E; 121403-FER-B-E1 C; 121403-FER-B-E2 C; 121403-FER-B-P1 B; 121403-FER-C-E1 E; 121403-FER-C-P1 C;  
121403-FER-D-E2 A; 121403-FER-D-P1 B; 121403-FER-E-E1 D; 121403-FER-E-E2 C; 121403-FER-E-E3; 121403-FER-E-P1 C; 121403-FER-G-E1 B; 121403-FER-G-E2 C; 121403-FER-G-P1 C; 121403-FER-L-E1 B; 121403-FER-L-E2; 121403-FER-L-P1 B; 121403-FER-F-E1 A; 121403-FER-F-E2 A; 121403-FER-F-E3; 121403-FER-F-P1 A; 121403-FER-AA-E1 A; 121403-FER-AA-E2 A; 121403-FER-AA-P1 A;  
121403-FER-AA-P2 A; 121403-FER-AB-E1 B; 121403-FER-AB-P1 A;  
121403-FER-2BM-E1 D; 121403-FER-2BM-E2 D; 121403-FER-2BM-P1D.

Reason: For the purposes of clarity and to ensure the quality of the development is maintained.

4. No development shall commence on site until a signed S278 Agreement, covering the provision of double yellow lines on Heath Road across the entire frontage of the site and the western edge of the site on Church Street, has been completed. The development shall not be occupied until the highways works covered in the S278 have been completed.

Reason: in the interests of road safety.

5. Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:  
i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and  
ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a 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 in accordance with NPPF section 12.

6. Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water runoff rate and volume disposed off-site is restricted to that of the existing site without any increase to the on/off-site flood risk. All such works shall be carried out in accordance with the approved details.

Reason: In the interests of sustainable drainage.

7. No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
  - i) a timetable for its implementation, and
  - ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

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

8. 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.

9. All car parking shall be retained and used by residents and visitors of the proposal and should not be occupied by any other person

Reason: to protect the amenity of adjoining occupiers

10. Details of the position of any external meter boxes shall be submitted to and approved by the Local Planning Authority prior to development above dpc level. All such works shall be carried out in accordance with the approved details.

Reason: to ensure a satisfactory external appearance.

11. Details of any proposed external lighting shall be submitted to and approved by the Local Planning Authority and shall only be installed in accordance with those approved details.

Reason: In the interests of visual and residential amenity and to protect ecological habitat.

12. The development hereby approved shall not progress above dpc level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated

into the development hereby approved to provide at least 10% of total annual energy requirements of the development, will 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 and to ensure that such details accord with the need for an satisfactory external appearance of the development. Details are required prior to development commencing to ensure the methods are integral to the design and to ensure that all options (including ground source heat pumps) are available.

13. The bicycle storage shown on drawing number 121403-FER-BS02 for each dwelling shall be completed prior to occupation of the respective dwelling and shall thereafter be retained for that purpose at all times.

Reason: To ensure the provision and retention of adequate off-street parking facilities for bicycles in the interests of highway safety and sustainable transport.

14. Prior to the completion of the development hereby approved, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. This will include clear ecological enhancement for breeding birds and bats and shall include the provision of bat boxes, bird boxes and generous native planting. The approved details will be implemented and thereafter retained.

Reason: In the interests of ecological enhancement.

15. Prior to the commencement of development, details of external materials and architectural detailing including the use of weatherboarding, tile hanging, ragstone, arched brickwork and other vernacular detailing shall be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.

Reason: in order to achieve a high standard of design in accordance with criterion 3 of Policy H1 (53) of the Proposed Main Modifications to the Maidstone Borough Local Plan, February 2016.

16. Prior to commencement of development, details of a tree protection plan, including tree root protection shall be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.

Reason: to protect existing trees.

**INFORMATIVE:**

17. Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband. We understand that major telecommunication providers are now offering Next Generation Access Broadband connections free of

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charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact [broadband@kent.gov.uk](mailto:broadband@kent.gov.uk)

18. The BT GPON system is currently being rolled out in Kent by BDUK. This is a laid fibre optical network offering a single optical fibre to multi point destinations i.e. fibre direct to premises
19. With reference to condition 10 the LPA will expect to avoid the provision of external meter boxes on the primary elevations of the relevant buildings.