

## REPORT SUMMARY

**REFERENCE NO -** 17/503237/OUT

### APPLICATION PROPOSAL

Outline Application (Some Matters Reserved) for demolition of existing buildings, and cessation of commercial use on site; Erection of residential development providing 18 No. units, of which 12 x 1 Bed and 6 x 2-Bed. Provision of 16 parking spaces/2 disabled spaces and 4 visitor spaces. Access, Layout and Scale being sought.

**ADDRESS** J B Garage Doors Straw Mill Hill, Tovil, Maidstone, Kent ME15 6FL.

**RECOMMENDATION** Grant outline planning permission with conditions and subject to a Section 106 and conditions as detailed in Paragraph 11 of the report.

### SUMMARY OF REASONS FOR RECOMMENDATION

- The site lies within the urban area of Maidstone whereby the principle of the scheme is considered to be acceptable subject to other policies.
- The scheme will utilise a brownfield site for a mix of market and affordable homes including those available for market rent.
- The buildings are considered to be of acceptable layout and scale, well-designed, appropriate to their context and subject to conditions will assimilate within the area without harm to nearby properties.
- The scheme will provide a mix of 1 and 2 bedrooms flats which will provide a good standard of accommodation.
- The proposed access and indicative parking layout complies with policies and the parking SPD.
- The scheme is considered acceptable in relation to all other relevant planning matters and will comply with the development plan. On this basis, it is considered that there are no overriding material considerations to indicate a refusal of planning permission, and it is recommended that planning permission is granted subject to planning conditions and legal agreement.

### REASON FOR REFERRAL TO COMMITTEE

Councillor Derek Mortimer has said that should officers be minded to recommend approval the application is 'called in' to committee for the following summarised reasons

- Although the application is outline only, more detail needs to be provided at this stage in terms of vehicle access use and footpath proposals. The proposed parking within the site is totally inadequate, 18 flats with a (questionable) 18 spaces. The local bus service is poor and getting worse and many residents are reluctant to use it because they cannot guarantee getting to their destination at the required time.
- There is a need and demand for one and two bed units but I have serious concerns that some of these units will essentially be bed-sits and not flats.
- Poor internal layout appears to be confined would be detrimental to any future enjoyment by residents.
- I support residential development on this site but would like to see a reduction in the amount of units, better design and perhaps omitting the smaller units with the view to providing more parking on the lower level.  
Surface water run off from anywhere in this area is a major concern. Local flooding regularly occurs at the junction of Straw Mill Hill and Tovil Hill and although regular cleansing takes place the capacity must be increased to cope with any further development in this proximity.

<b>WARD</b> South	<b>PARISH/TOWN COUNCIL</b> Tovil	<b>APPLICANT</b> Baker Byrne LLP <b>AGENT</b> SJM Planning And Construction Ltd	
<b>DECISION DUE DATE</b> 28/09/17	<b>PUBLICITY EXPIRY DATE</b> 24/10/17	<b>OFFICER SITE VISIT DATE</b> 21/12/2017	
<b>RELEVANT PLANNING HISTORY (inc appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
16/506547/PAMEET	Pre application Meeting - Demolition of existing buildings and storage areas. Erection of residential flat development.	CLOSED	27.09.2016
05/0523	Change of use and erection of 10 No. town houses with associated car parking as shown on site layout, block plans and elevational drawings received on 22 February 2005, 9 March & 16 March 2005 and as amended by plans JBGA – 103, 3210 letter dated 26 May 2005 received on 27 May 2005.	PER	19.07.2005
90/0737	Proposed alterations to existing building as validated by agent's plan No. 90-20-03A received 17 October 1990.	PER	16.11.1990
89/0429	Two storey office accommodation.	PER	06.10.1989

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The application site is located to the west side of Straw Mill Hill and adjoining the site to the north is a three storey development of flats accessed via Harris Place. To the south and west of the site is a site known as land off Farleigh Hill which has outline planning permission for up to 272 houses or flats as approved under MA/10/0256. Development at the adjoining site has not yet started and the reserved matters have not been approved. There is a further outline planning permission under ref 15/505441/OUT furthest to the south west at the Tovil Quarry for the erection of up to 108 dwellings.
- 1.02 The surrounding built up area in Tovil is predominantly residential. The application site is currently used for commercial purposes as a garage door company. The site has changes in land levels that rise from north to south.
- 1.03 There is a belt of protected trees (TPO No.11 of 1984) on the steep bank to the southern boundary of the application site.
- 1.04 The site is within the urban area of Maidstone and within an area covered by the Council's residents parking scheme that restricts on-street parking to permit holders.

### 2.0 PROPOSAL

- 2.01 The application proposes the demolition of existing buildings and their replacement with a three storey detached building accommodating a total of 18 flats consisting of 12x one bedroom units and 6 two bedroom units. The application provides 16 car parking spaces and an additional 2 disabled spaces plus 4 visitor parking spaces.

- 2.02 The current application is submitted in outline form, with access, layout and scale being sought at this stage, whilst appearance and landscaping of the site reserved for future consideration.
- 2.03 The indicative detail shows that access will be taken from Straw Mill Hill, and given the rectangular shape of the plot, the building will sit parallel to the plot boundary with the side elevations of the building running parallel to the north and south plot boundary. The frontage of the building would face east.
- 2.04 In terms of scale the submitted indicative drawings show a three storey building with a maximum height of approximately 11 m. Given the differences in land levels the building will be cut into the slope and would have a stepped entrance to the east elevation, and a ramped access to the north elevation of the building.
- 2.04 The submitted indicative drawings show a detached rectangular building designed as two rectangular blocks linked by a stair and circulation area. The flats would be located on either end of the building with a walkway in-between the units. The indicative drawing shows a total of 6 flats on each floor of the building comprising of 2no. two bed flats located to the northern end of the building and 4 one bed flats located to the southern end of the building. This layout is repeated on all three floors of the building.
- 2.05 The external appearance of the building is reserved for future consideration, however, the submitted detail indicates use of a forward projection to mark the front entrance, Juliette balconies, pitched roofs, brick detailing etc. Such matters will be fully assessed at reserved matters stage.
- 2.05 A total of 18 car parking spaces are proposed for residents with an additional 2 spaces provided as disabled parking. There are an additional of 4 spaces provided for visitors. A grassed area is proposed to the north, east and west of the development.
- 2.07 The site area measures approximately 0.16 hectares and the provision of 18 dwellings would result in a density of approximately 113 dwellings per hectare.
- 2.08 An amended layout drawing, and parking layout, together with additional information to demonstrate the accessibility of the proposed vehicular access, and, HGV and refuse collection turning areas were submitted to address concerns raised by the Parish Council and consultees.
- 2.09 The application is supported by a Design and Access statement and the application seeks to integrate the recommendations of this report within the scheme.

### **3.0 POLICY AND OTHER CONSIDERATIONS**

- The National Planning Policy Framework (NPPF): section 1, 2, 4, 6, 7, 8 and 10
- National Planning Practice Guidance (NPPG)
- Adopted Maidstone Local Plan 2017: DM1, DM2, DM3, DM5, DM11; DM12; DM19; DM20; DM21; DM23; DM24; SP19; and SP20
- Supplementary Planning Documents: SPG4 - Vehicle parking standards (July 2006)

### **4.0 LOCAL REPRESENTATIONS**

No comments received from neighbours.

One objection received from Councillor Derek Mortimer. Concerns raised are summarised as follows:-

- More detail is needed on vehicle use and details of footpath as Star Hill Mill is a narrow road
- Straw Hill Mill is a single track and applicant should demonstrate that the site access is safe
- There will be a conflict between vehicles and pedestrians
- Parking is inadequate and will overspill onto Straw Hill Mill
- Some of the units will be bedsits and not flats
- The proposed internal layout is confined and restricted
- Surface water runoff is a problem in this area.

Tovil Parish Council raised concern regarding the application and recommended refusal for the following reasons:

- Traffic access into Straw Mill Hill is not sufficiently detailed
- The development will lead to loss of the existing commercial use and loss of employment in the area
- Whilst TPC acknowledges that the parking requirement is met by the proposed development, they recommend that the parking allocation must be increased to a realistic number to take into account that additional street parking will not be possible
- A more detailed plan and proposal will highlight these concerns

## **5.0 CONSULTATIONS**

5.01 **Natural England** has no objection to the application

5.02 **UK Power** advise that they have no objection to the proposed works

5.03 **Southern Water** has no objection to the development and advise that if planning permission is given for the development an informative should be attached, requiring an application to be made to Southern Water to make a connection to the public sewerage system.

5.04 **Crime Prevention Design Advisor** advises that the applicant's attention should be drawn to the Kent Design Initiative which will also assist them with Crime Prevention and Community Safety. The following will need to be considered and conditioned if planning permission is given for the development: full audio visual access control system for the main entrance and disabled entrance, access control for other entrances or exits, post delivery, storage of cycles and bins, boundary treatments, use of certified door sets, protection of ground floor windows from a privacy and security aspect.

5.05 **KCC Developer Contributions** advise that the development will have additional impact on the delivery of services which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

They require the provision of high speed fibre broadband connection, and that the developer should make a contribution of £48.02 per dwelling for library book stock, which is a total of £864.28 for 18 units.

5.06 **KCC Flood and Water Management** advise that whilst no drainage strategy has been provided it is recognised that the site is largely impermeable and has some existing drainage infrastructure in place. Therefore there is no objection to the development subject to drainage conditions as recommended.

- 5.07 **KCC Highways & Transportation** initially raised concern regarding the development and requested amended and additional information on the proposed highway arrangement.

Several revised schemes and additional information was received from the agent. The revised scheme and additional detail submitted reviewed the injury crash record, demonstrated how refuse collection vehicles will access the site, and provided full details of the proposed access and after further negotiation KCC advise that they have no objection to the proposed development, that the proposed access is acceptable and that they have no objection to the proposed parking scheme.

- 5.08 **KCC Minerals & Waste** have no objection to the development

- 5.09 **KCC Archaeology** advises that the application site is on land with archaeological potential and as such recommend a condition to be attached (if planning permission is given for the development) requiring securing 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.

- 5.10 **Environmental Health** advise that the site has the potential to be contaminated and as such a condition is recommended requiring the submission of a Phase 1 Contaminated Land Study (including potential landfill gas aspect).

- 5.11 **Tree Officer** initially objected to the development on grounds of impact on nearby mature tree belt with a group protection (TPO No.11 of 1984). The scheme was then revised and officers have no objection to the revised siting subject to conditions protecting the existing trees, and conditions requiring submission of a landscaping scheme.

- 5.12 **MBC Parks and Open Spaces Team** advise that there is a requirement to contribute 0.366 ha of open space within this development and given that there is no scope for this to be included within the site there is a request for a contribution of £1575 per property for site improvements to the existing open space. Based on 18 units this would be a total of £28,350. The contribution will be spent on improvements at the Woodbridge Drive Play Area (introduction of imaginative play, upgrading the surface, and improvements to the drainage of the site to improve accessibility).

## 6.0 APPRAISAL

### Main Issues

- 6.01 The key issues for consideration are:-

- The principle of development
- Visual impact
- Residential amenity
- Highways
- Landscaping
- Renewable energy
- Contamination
- Developer contributions

### Principle of Development

- 6.02 The site is located within the Maidstone urban area which is considered to be the most sustainable location in the Borough as set out in policy SS1. It is located in

reasonable proximity to bus and rail services and would be well served by local facilities and amenities.

- 6.03 Paragraph 17 of the NPPF lists its core principles and one of them is the need for the effective use of land by re-using land that has been previously developed, provided it is not of high environmental value. Policy DM5 of the Local Plan stresses the necessity of utilising vacant plots to their full potential providing the site is not of high environmental value, and provided the proposed density of housing reflects the character and appearance of individual localities, and is consistent with Policy DM12, unless there is acceptable justification for a change in density.
- 6.04 The application site represents a brownfield site in a sustainable location which fully accords with the strategic objectives of the Local Plan and its policies, policy DM5 in particular. The site is currently used as a car garage/ workshop and as such falls within the definition of previously developed land. There are no policies that restrict loss of the existing commercial uses in this location.
- 6.05 The site is not of high environmental value and the development will reflect the density parameters set out in DM12, and will respect the character of its surroundings, in particular the flattened development to the North on Harris Place. On this basis it is not considered the loss of the existing uses would represent matters on their own which would justify the refusal of the application or would be directly contrary to any policy of the Local Plan. The scheme would accord with Policy DM5 in supporting the reuse of brownfield land.
- 6.06 In addition, NPPF paragraph 50 and Policy SP19 of the Maidstone Local Plan require housing development to deliver a wide choice of high quality homes by having an acceptable housing mix so as to promote sustainable development. The proposed development is for 12 x 1 bedroom and 6 x 2 bedroom flats and as such will make a positive contribution in meeting this target.
- 6.07 For the above reasons it is considered that the proposed quantum of development proposed is considered acceptable, that development would be appropriate in terms of Local Plan Policies, and as such the principle of redeveloping the site to a flattened development of 18 units as proposed is considered to be acceptable.

#### **Visual Impact**

- 6.08 Paragraph 56 of the NPPF requires all new development to provide high quality design and that good design is a key aspect of sustainable development and is indivisible from good planning, and that it should contribute positively to making places better for people. Local Plan Policy DM1 seeks to achieve high quality design in all development proposals, and to achieve this, the Council expects proposals to positively respond to, and where appropriate enhance the character of their surroundings. The key aspects of a development proposal are its scale, height, materials, detailing, mass bulk and site coverage.
- 6.09 The current scheme follows officers' recommendation made to the applicant at pre-application stage. The layout, and scale have been revised to reflect officer's advice.
- 6.10 The proposed building would measure approximately 34m deep and 11 m wide and would be three storeys in height with a maximum height of 12.5m. The scale and layout of the development are to be assessed at this stage, whilst appearance and landscaping are reserved for future consideration.

- 6.11 Following concerns raised by officers regarding the design of the development, the applicant amended the scheme so that the appearance of the development is reserved for future consideration. Given that appearance is a reserved matter, the submitted elevation detail is for illustration purposes only.
- 6.12 The indicative drawings show a three storey building block sited in a longitudinal form with the front elevation facing to the east of the site on Straw Mill Hill. The siting of the block appears appropriate and that it would make efficient use of the site. The north and south elevations would be key to the success of the scheme and its integration into existing development. These elevations would be the principal elevations of the building and it is expected that, being three storey and easily visible from public vantage points, they should be of high level design with variation and careful choice of materials.
- 6.13 There are residential flats immediately to the north of the site and these are of good standard of design with simple pitched roofs and quality materials, balconies, projecting bays and recesses, pitched roof and projecting balconies. At reserved matters stage, the proposed development would be expected to take cues from the adjoining flatted development to the north of the site, and this can be negotiated and secured by conditions. In addition, the east elevation would be expected to be actively designed so as to provide an attractive and active front elevation addressing Straw Mill Hill.
- 6.14 In terms of density, the scheme would represent 113 dwellings per hectare which would accord with the parameters set out in Policy DM12 of the local plan which considered a range between 45 and 170 dph to be acceptable at this type of location. The scale, layout and approach to the overall design is considered to have taken account of the site context, site levels and the character and scale of the surrounding built form.
- 6.15 Therefore, it is considered the outline scheme can provide good quality design which takes account of its context and would accord with policies DM1 and DM12 of the Local Plan and Section 7 of the NPPF.

#### **Residential Amenity**

- 6.16 The application site is a long and narrow fronted plot addressing Straw Mill Hill. In addition, the site has differences in land levels. With neighbours to the north and south on adjoining sites careful consideration needs to be given to creating an appropriate balance between the street scene and context to the development and protecting neighbour amenity.

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

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

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

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

- 6.18 The application is submitted in outline with some matters reserved for future consideration; this said the indicative plan provides an indication of how layout, access and scale could be achieved to provide a detached building accommodating a total of 18 flats on the site.
- 6.19 The relationship of the development to adjoining land is an important consideration in this case as the site adjoins sites that are occupied or have planning permission for residential development as detailed earlier in this report. The submitted layout of the development suggests that there would be a separation distance of approximately 15-20m between the proposed development and the adjoining residential uses and as such any impact on the residential amenities of neighbours will be minimised, and not cause harm to the living conditions of neighbouring properties.
- 6.20 To the north and west of the site, it is considered that a suitable level of separation exists that no significant harm to neighbouring amenity of existing occupiers would result. To the southern elevation the existing belt of trees coupled with the changes in land levels will minimise any impact to neighbouring occupiers to acceptable levels.
- 6.21 Given the differences in land levels between this site and adjoining neighbours a dominant three storey development as proposed could have a harmful impact on the outlook currently enjoyed from the neighbouring flats at Harris Place. However, it is considered that given the separation distance, and the orientation of the new development to the existing Harris Place flatted development, it is considered that such separation will minimise any overshadowing, overbearing and loss of light to acceptable level.
- 6.22 In terms of the standard of accommodation proposed, all flats have rooms that have windows for natural light and ventilation and all of the flats are of good size, and as such will afford all future occupiers a good standard of living.
- 6.23 It is therefore considered that a development of a detached building accommodating a total of 18 flats would not harm the residential amenity of neighbouring dwellings and as such proposed quantum of development proposed is considered acceptable and complies with Policy DM1 and Paragraph 17 of the NPPF.

#### **Highways**

- 6.24 The application site lies in a sustainable location in reasonable proximity to bus and rail services, and is well served by local facilities and amenities. Access is to be resolved at this stage and the applicant proposes to use an existing access from Straw Mill Hill. The KCC Highways Engineer advise that the proposal to use an existing access point from Straw Mill Hill is acceptable. They further advise that whilst the revised designated area for refuse storage is a short distance greater than that recommended from the roadside for roadside collection to be undertaken, it is considered that this is not onerous and that refuse collection can efficiently be undertaken via a nearby street.
- 6.25 Indicative parking is shown on the proposed plans; this would predominantly be parallel parking. 16 no, spaces are proposed for residents, an additional 2 is proposed for disabled users and 4 spaces are proposed for visitors.
- 6.26 I note the concerns raised regarding the adequacy of the proposed parking scheme. However, it is considered that this level of parking provision would accord with the Council's parking standards where there is a maximum suggested parking level of 1 space per unit with the advice stating reduced provision is encouraged in support of the efficient use of land and where the site is in a sustainable location. The proximity

of the site to public transport and to the town centre is a positive and justifies the proposed level of parking.

- 6.27 DM23 states the level of provision will take account of the type, size and mix of units whilst ensuring parking should be integrated within developments in an attractive manner. It is considered when having regard to the type of units, the sustainable location and the balance between the constraints of the site and making efficient use of land, it is considered the parking provision is adequate.
- 6.28 Due to the outline nature of the application and the plan being indicative the parking arrangement could be secured by condition. KCC Highways have reviewed the parking provision and have no objections to this. The scheme will also include cycle parking as per the Council's standards and it is recommended planning conditions are imposed to secure both vehicular and cycle parking post development.
- 6.29 Overall it has been demonstrated that a suitable access could be provided and the addition of 18 flats on this plot would not give rise to significant highways implications that would result in the ability to sustain a reason for refusal on highways grounds.

#### **Landscaping and Ecology**

- 6.30 Policy DM3 advises that to enable Maidstone Borough to retain a high quality of living and to be able to respond to the effects of climate change, developers should ensure that new development protects and enhances the natural environment by incorporating measures where appropriate to protect trees with significant amenity value as is the case here where the site adjoins trees with a group preservation order (TPO No.11 of 1984).
- 6.31 The retention of boundary planting (mature protected trees TPO No.11 of 1984) at the southern boundary of the site is important to retaining the character of the site. Point (v) of DM1 sets out that development should:-
- 'Respect the topography and respond to the location of the site and sensitively incorporate natural features such as trees, hedges and ponds worthy of retention within the site. Particular attention should be paid in rural and semi-rural areas where the retention and addition of native vegetation appropriate to local landscape character around the site boundaries should be used as positive tool to help assimilate development in a manner which reflects and respects the local and natural character of the area;'*
- 6.32 Landscaping of the site is reserved for future consideration, and this being the case it means that the submitted landscaping details are for illustration purposes only. The application site is limited in size and there is limited opportunity for soft landscaping, green areas and a communal amenity area for future residents. However, it is recommended that the proposed development should provide a landscaping scheme to soften the appearance and character of the development, and that the scheme should have balconies to provide private amenity space to all future occupiers.
- 6.33 If outline planning permission is given for the development, a landscaping condition should be attached in order to ensure that the development is completed satisfactorily and that would enhance the character of the locality. This should be carefully considered at reserved matters stage.
- 6.34 In regards to ecological matters, the application site has little opportunity for bio diversity enhancements. However, given that the belt of mature trees on southern

boundary will be retained, it is considered that the proposal can be considered acceptable on ecological grounds, subject to appropriate conditions relating to provision of biodiversity enhancements.

- 6.35 As such it is considered the proposed development is capable of securing the necessary mitigation through a robust landscaping scheme, and biodiversity enhancements, and that the future pressure on any retained existing protected trees would not be significant such that the proposed quantum of development proposed is considered acceptable.

#### **Renewable Energy**

- 6.36 In accordance with the NPPF development proposals are required to incorporate sources of renewable energy, including solar power where possible. Policy DM2 of the Maidstone Local Plan requires all new homes to meet the Building Regulations optional requirement for tighter water efficiency. In order to maximise carbon efficiency all homes are required to meet the strengthened on-site energy performance standards of Building Regulations. If planning permission is given for the development, a renewable energy condition should be attached in order to ensure that appropriate mitigation measures are incorporated into the development.

#### **Contamination**

- 6.37 Given the previous use of the site there is potential for the site to be contaminated. The Environmental Health Officer advises that if planning permission is granted for the development a contamination report should be submitted for consideration and this should be secured by condition.

#### **Other matters**

##### **S106 Developer Contributions**

##### Affordable Housing

- 6.38 The Maidstone Strategic Housing Market Assessment supports the seeking of a proportionate of dwellings to be provided on-site for affordable housing needs. Policy SP20 of the Maidstone Local Plan requires a 30% contribution for sites within Maidstone urban Area and that the tenure should be 70% affordable rented housing, social rented housing or a mixture of the two and 30% intermediate affordable housing (shared ownership and or intermediate rent). In addition, all affordable housing should be appropriately integrated within the site. In this case, a total of 6 flats should be affordable units: 4 of these flats being affordable rent and 2 flats being intermediate affordable housing (shared ownership or intermediate rent).

- 6.39 In addition, a development of 18 units will trigger a requirement for financial contributions in order to mitigate the impact of the development and help to deliver necessary infrastructure to accommodate the new development.

##### Financial contributions

- 6.40 Policy ID1 of the Local Plan sets out that :

*'Where development creates a requirement for new or improved infrastructure beyond existing provision, developers will be expected to provide or contribute towards the additional requirement being provided to an agreed delivery programme. In certain circumstances where proven necessary, the council may require that infrastructure is delivered ahead of the development being occupied.'*

- 6.41 These contributions can include Affordable housing, Transport, Open space, Public realm, Health, Education, Social services, Utilities, Libraries, Emergency Services and Flood defences.
- 6.42 Policy DM20 re-iterates these points and sets out that where a need for new community facilities is generated these would be secured through appropriate means.
- 6.43 The NPPG sets out that :  
*'contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area)'*.
- 6.44 A request for contributions has been received from Maidstone Borough Council Parks and Open Space, and from Kent County Council (KCC) Library Bookstock and they are detailed as follows:-
- Parks and Open Spaces – There is a requirement of 0.366 ha of open space within this development. However, given that there is no scope for this to be included onsite it is requested that a contribution of £1575 per property is made for offsite improvements to existing open space. Based on 18 units this would be a total of £28,350. This request would be used for improvements at the Woodbridge Drive Play Area to provide an imaginative play area, upgrading of the surfacing and improvements to the drainage of the site to improve accessibility.
  - Library Bookstock - There is a requirement for the developer to contribute £48.02 per dwelling and as such a total of £864.28 is required for a development of 18 units.
  - Primary Education - Although there is a need for a Primary School, due to the current Government's 5 obligation restriction KCC are unable to pursue the request
  - Secondary Education - Although there is a need for a Secondary School, due to the current Government's 5 obligation restriction KCC are unable to pursue the request

## **7.0 CONCLUSION**

- 7.01 The application relates to an outline application for residential development with access, scale and layout assessed at this stage whilst appearance and landscaping reserved for future consideration. Given this, the subject matter of this application is whether the site is suitable for residential development, whether it could satisfactorily accommodate the proposed quantum of dwellings, whether the means of access is acceptable, and whether the scale of the development is suitable.
- 7.02 On all those points, the application is considered acceptable as detailed herein. Furthermore, the site specific impacts have been assessed and reviewed by the various stakeholders and departments and there are no issues that would suggest the site is not suitable for development or that the site cannot accommodate the proposed quantum of development.
- 7.03 Concerns raised by the Parish Council and neighbours are noted, however, it is considered that the proposal would not result in any unacceptable highway safety issues to warrant refusal of the application on this ground. KCC Highways & Transportation raise no objection to the proposed access and amended parking arrangement as detailed herein.
- 7.04 It is considered that the site accords with the development plan and other material considerations weigh in favour of the development. Therefore it is recommended that

outline permission is granted subject to the imposition of the appropriate planning conditions and Section 106 agreement as detailed herein.

## 11.0 RECOMMENDATION

Subject to the prior completion of a legal agreement to provide for the Heads of Terms set out below and subject to the conditions as set out below, the Head of Planning and Development BE DELEGATED POWERS TO GRANT to grant planning permission, and to be able to settle or amend any necessary Heads of Terms and planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

### Heads of Terms

1. The provision of 30% affordable residential units within the application site ( to be a total of 6 affordable units)
2. Library contribution of £48.02 per dwelling (a total of £864.28 for 18 units) is sought towards libraries to address the demand from the development towards additional book stock.
3. Open Space Contribution of £1575 per property totalling £28,350 for 18 units. This based on off-site provision that cannot be provided onsite to be used towards improvements at the Woodbridge Drive Play Area.

### Conditions:-

1. The development hereby approved shall not commence until approval of the following reserved matters has been obtained in writing from the local planning authority:
  - a) appearance (b) landscaping

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. The reserved matters application relating to landscaping and in pursuant of condition 1 should including a full landscaping plan and specification which is based upon the opportunities and mitigation measures set out in the Maidstone Landscape Character Guidelines and should include native species and species which are good pollinators for local wildlife.

Reason: to give clarity on the appropriate type of landscaping which is suitable to the local area.

3. Landscaping details submitted pursuant to conditions 1 and 2 shall be implemented in the first available planting season following first occupation of the development hereby approved. Any part of the approved landscaping scheme that is dead, dying or diseased within 5 years of planting shall be replaced with a similar species of a size to be agreed in writing beforehand with the Local Planning Authority. The details relating to landscaping shall include the retention of the hedge along the western boundary or its meaningful replacement and a landscape scheme designed in accordance with the principles of the Council's landscape character guidance. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of on site

replacement planting to mitigate any loss of amenity and biodiversity value and include a planting specification, a programme of implementation and a [5] year management plan.

Reason: In the interests of visual amenity.

4. The details submitted in pursuance of Condition 1 shall include details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.  
Reason: To ensure an energy efficient form of development.

5. The development hereby permitted shall be carried out in accordance with the following approved plans:- 2016-024v9-PropEast; 016-024v9-PropFirst; 2016-024v9-PropGround; 2016-024v9-PropNorth; 2016-024v9-PropSecond ; 2016-024v9-PropSouth; 2016-024v9-PropWest; 2016-024v9-BlgPos ; 2016-024v9-LargeVehicle and 2016-0249v9-Parking

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

6. Prior to the development above damp proof course level details of all external materials (including wearing surfaces for the roads, turning and parking areas), shall have been submitted in writing for the approval of the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

7. The development hereby approved shall not commence above slab level until details of a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall take account of any protected species that have been identified on the site, shall include the enhancement of biodiversity through integrated methods into the design and appearance of the dwellings by means such as swift bricks, bat tube or bricks and in addition shall have regard to the enhancement of biodiversity generally. It shall be implemented in accordance with the approved proposals prior to occupation and shall be maintained in perpetuity.

Reason: To protect and enhance existing species and habitat on the site in the future and ensure that the enhancement methods can be successfully implemented prior. During or post development. This information is required prior to commencement as any site works have the potential to harm any protected species that may be present.

8. No external lighting shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation. The scheme shall be in accordance with the requirements outlined in the Bat Conservation Trust and Institution of Lighting Engineers documents Bats and Lighting in the UK.

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

9. Prior to development commencing full details of tree protection shall have been submitted to and approved in writing by the Local Planning Authority. Any trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction-Recommendations'. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a high quality development.

10. Prior to development commencing the applicant, or their agents or successors in title, shall have 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. This information is required prior to commencement as any site works have the potential to harm items of archaeological interest

11. Prior the commencement of development above damp proof course, details of EV rapid charge points (of 22kW or faster) should be submitted for approval by the Local Planning Authority. This should be on the basis of one space per 10 residential dwellings (where no dedicated off-street parking is provided) and where dwellings with dedicated off-street parking should be provided with their own charge points for low-emission plug-in vehicles. Once approved, the details shall be implemented prior occupation of the dwellings and retained thereafter.

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

12. Before any unit is occupied, details for the storage and screening of refuse shall be 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 facilitate the collection of refuse, preserve visual amenity and to reduce the occurrence of pests.

13. No development shall take place until details of bicycle storage facilities showing a covered and secure space have been submitted to an approved in writing by the Local Planning Authority. The approved bicycle storage shall be completed prior to occupation of the development and shall thereafter be retained.

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

14. Development shall not begin until a detailed sustainable surface water drainage design for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage design shall demonstrate that:-

- i. 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 onsite before being discharged at an agreed rate to the receiving watercourse.
- ii. Measures to prevent silt, mud and other pollutants from entering the downstream watercourses during construction.
- iii. Appropriate allowances for climate change have been incorporated into design.

Reason: In the interests of sustainable drainage.

15. 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: In the interests of sustainability.

16. The development hereby permitted shall be no more than three storeys in height including any roof space which is used as habitable rooms and the ridge height shall not exceed 12.5m from normal ground level.

Reason: To ensure conformity with the existing form and character of development in the surrounding area.

17. The development hereby approved shall not commence above slab level until, details of hard landscape works have been submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the building or land.

Reason: To ensure a satisfactory appearance to the development.

18. 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:-

a) 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.

b) 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.

c) 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.

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

Reason: In the interests of protecting the health of future occupants from any below ground pollutants.

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

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

Reason: In the interests of protecting the health of future occupants from any below ground pollutants.

20. Prior to the first occupation of the development, a scheme to demonstrate that the internal noise levels within the residential units will conform to the standard identified by BS 8233 2014, 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 dwellings and be retained thereafter.

Reason: To protect the amenity of future residential occupiers.

#### INFORMATIVE

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

Case Officer: Thandi Zulu

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