

REFERENCE NO - 19/504734/FULL		
APPLICATION PROPOSAL Erection of 5no. detached dwellings with new access road and associated parking.		
ADDRESS 127 Hockers Lane, Thurnham Maidstone ME14 5JY		
RECOMMENDATION Grant Planning Permission subject to planning conditions set out in Section 8.0 of the report		
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> The proposed new dwellings are acceptable in terms of design and appearance, and there are no unacceptable impacts on the character, appearance and visual amenity of the locality generally. Despite its location in the countryside, the development is within close enough proximity of the Maidstone Urban Area and the services found within, and it is not considered to be in an isolated location. The proposals have been found to be acceptable in relation to parking and highway safety The proposal is in line with the requirements of policy SS1, SP1, SP17, SP19, DM1, DM12 and DM30 of the adopted Maidstone Borough Local Plan (2017). 		
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none"> Thurnham Parish Council have requested the application is refused on grounds that the site is inappropriate and unsustainable location for residential development as set out at paragraph 4.04 and referral if officers are minded to approve. Cllr Nick de Wiggondene-Sheppard requested that the planning application be referred to the planning committee in the event that officers were minded to recommend approval due to the application history and location. 		
WARD Detling And Thurnham	PARISH/TOWN COUNCIL Thurnham	APPLICANT Mr & Mrs Callen AGENT Consilium Town Planning Services Limited
TARGET DECISION DATE 03/07/20 (EOT)		PUBLICITY EXPIRY DATE 26/11/19

Relevant Planning History

- 16/506899/FULL Erection of 7 detached dwellings including ancillary works with alterations to highway access onto Ware Street Refused permission 8 February 2017 for the following reasons. (Appeal dismissed).
- Given the backland location of the site in the open countryside, area of special landscape character and within the setting of the AONB, the proposal fails to respect the surrounding landscape context as well as the existing topography of the site due to the significant amount of earth grading required to provide a level site. As such the proposal would fail to respect the topography and respond to the location of the site and would constitute inappropriate and visually harmful development in this rural location contrary to policies ENV28, ENV34 and ENV33 of the Maidstone Borough-Wide Local Plan 2000, paragraphs 17, 56, 58 and 115 of the National Planning Policy Framework and emerging Local Plan policies DM1 and SP17.
(Officer comment: this decision was taken before the adoption of the Local Plan which cancelled the area of special landscape character designation. As set out below the current proposal has been revised to address the issues that were raised)

2. The proposed backland development, by reason of its siting, scale and design, would fail to reflect the predominantly linear pattern of housing development located to the south and west of the site along Ware Street and Hockers Lane. The backland development would dominate the frontage properties and the proposal would be out of keeping with the character and appearance of the area and surrounding pattern of development, contrary to Policies ENV28, ENV34 and ENV33 of the Maidstone Borough-Wide Local Plan 2000 and paragraphs 17, 56, 58 and 115 of the National Planning Policy Framework and emerging Local Plan policy SP17.
(Officer Comment: Whilst this proposal did have a 'linear character' running parallel and behind existing properties, these reasons appear to be advocating new ribbon development along Hockers Lane which is not considered appropriate).
- 16/500159/FULL Erection of 10 detached dwellings including ancillary works with alterations to highway access onto Ware Street. Refused permission 27 April 2016 for the following reasons. (Appeal dismissed).
1. The proposed development is considered to be unacceptable by virtue of the significant amounts of earth grading required to provide a level site to facilitate the construction of 2 storey houses at the back end of the site. Given the backland location of the site outside of the urban edge boundary within an area of special landscape character, the proposal fails to respect the surrounding landscape context as well as existing ground levels to surrounding residential curtilages and would constitute inappropriate development in this location contrary to policies ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan 2000, paragraphs 17, 56 and 58 of the National Planning Policy Framework and the aims and principles of the Kent Design Guide.
(Officer comment: The current planning application with half the number of houses does not require the earth grading works that were of concern with this earlier application. With the subsequent adoption of the Local Plan in October 2017 the application site does not have any landscape designation.)
2. The proposed development is considered to be unacceptable by virtue of the poor, unsympathetic and cramped layout of the development incorporating poorly sited houses, especially house nos.2, 5 and 6, of an inappropriate scale, density and massing in relation to the size and backland location of the site and setting of no.127 Hockers Lane. As such, the proposal would be out of keeping with the character and appearance of the area and surrounding pattern of development, contrary to Policies ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan 2000 and paragraphs 17, 56 and 58 of the National Planning Policy Framework and the aims and principles of the Kent Design Guide.
(Officer comment: The issues that were raised have been resolved by the reduction in the number of dwellings by half from 10 to 5 units.)
3. The proposed development is considered to be unacceptable by virtue of the inappropriate siting of house nos.5 and 6 directly in front of and in close proximity to no.127 Hockers Lane separated by a distance of 9 metres adversely impacting on the general outlook from the front windows of this house to the south. As such, it is considered that the siting, scale and proximity of these houses would be visually intrusive constituting an unneighbourly form of development contrary to Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and paragraph 17 of the National Planning Policy Framework.
(Officer comment: The issues that were raised have been resolved by the reduction in the number of dwellings by half from 10 to 5 units.)
4. By virtue of the lack of information submitted, it is not possible to fully assess the impact the proposal would have on ecology/biodiversity and arboricultural implications within the application site. The application thereby fails to comply with central government planning policy as set out in section 11 of the National Planning

Policy Framework and Circular 06/2005.

(Officer comment: The current application is supported by a phase 1 ecological survey and a bat emergence survey. The applicant has also submitted a tree survey which has been assessed by the tree officer and found acceptable)

5. By virtue of the lack of information submitted, it is not possible to fully assess the impact the proposal would have with regard to surface water drainage within the application site and surrounding area. The application thereby fails to comply with central government planning policy as set out in section 10 of the National Planning Policy Framework and the National Planning Policy Guidance.
(Officer comment: As with other similar applications this information can reasonably be dealt with by planning condition).

6. In the absence of an appropriate legal mechanism to secure the provision of necessary contributions towards the primary school and local libraries, the impact of the development would be detrimental to existing social infrastructure and therefore contrary to Policy CF1 of the Maidstone Borough-Wide Local Plan 2000 and national policy as set out in the National Planning Policy Framework.
(Officer comment: There is no requirement for a s106 legal agreement as the Council's Community Infrastructure Levy is now in place and the reduction from 10 units to 5 units)

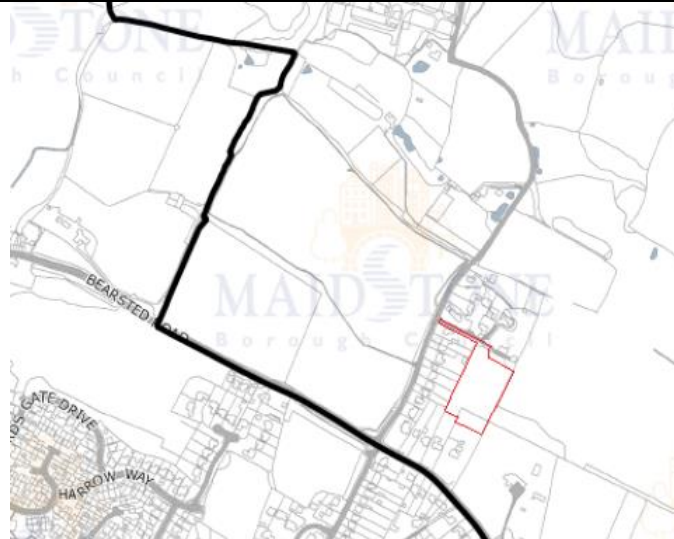
MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site (0.49 hectares) forms part of the expansive and intensively managed domestic rear garden of Apple Tree House, a substantial detached residential dwelling fronting Ware Street. The highly managed landscape of Bearsted Golf Course and the rear garden and tennis courts of Birling House (fronting Ware Street) are located to the east of the site and to the remaining three sides of the site existing residential development as set out below.

- 1.02 Apple Tree House and the neighbouring detached property called Mulberry House are to the south. To the west are the rear gardens (circa 30 metres long) of 9 mainly detached dwellings fronting Hockers Lane. To the north, set substantially back from Hockers Lane are two detached dwellings called Elmview (set back by circa 88 metres) and 127 Hockers Lane (circa 95 metres) and the Popes Wood development. The Popes Wood development consists of 5 detached properties arranged as a homestead located to the rear of 123 Hockers Lane. The vehicular access to these 7 properties between 123 and 129 Hockers Lane will also serve the proposed development.

Relationship of the application site to the Maidstone Urban Boundary



- 1.03 The site lies just outside of the Maidstone urban area boundary, which is located 95 metres to the south (along Ware Street), and also 430 metres to the west of the site. Whilst the site is located in the countryside, the area has a suburban character, with a formal row of dwellings and parked cars along this part of Hockers Lane and the children's day nursery on the corner of Ware Street and Hockers Lane.
- 1.04 The Kent Downs Area of Outstanding Natural Beauty is located 780 metres (0.4 miles) to the north of the application site, on the opposite side of the M20 Motorway. There are no protected trees on the site and no listed buildings in the vicinity of the site. The site is within a Minerals Safeguarding Area

2. PROPOSAL

- 2.01 The application proposes 5 detached dwellings with an access road and associated parking. The proposed two-storey detached dwellings are positioned facing a central landscaped area that also provides a looped access drive linking the existing drive from Popes Wood.
- 2.02 The current submission has sought to address the concerns expressed with the two previous planning applications with a significantly different proposal. The changes include a reduction in the number of proposed dwellings, changes to the plot coverage, built form, layout, appearance and access arrangements.

3. POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2017): Policies SS1 (Maidstone Borough Spatial Strategy); SP17 (Countryside); DM1 (Principles of Good Design); DM3 (Natural Environment); DM5 (Development on Brownfield Land); DM8 (External Lighting); DM11 (Residential Garden Land); DM12 (Density of Housing Development); DM23 (Vehicle Parking Standards) and DM30 (Design Principles in the Countryside).
- Supplementary Planning Documents: Kent Minerals and Waste Plan, the Kent Downs AONB Management Plan 2014-2019. The Maidstone Landscape Character Assessment March 2012 (LCA) and the Maidstone Landscape Capacity Study: Sensitivity Assessment January 2015
- National Planning Policy Framework (NPPF).
- National Planning Practice Guidance (NPPG).

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 Following public consultation 18 representations have been received with 9 objecting and 9 in support of the application.
- 4.02 The 9 representations objecting to the proposal raised concerns in relation to the following summarised grounds:
- The site is not allocated for housing,
 - The site is unsustainable location for housing,
 - Development out of character with the locality,
 - Development would have cramped appearance,
 - The development would exacerbate traffic issues in the area,
 - There is no identified need for the type of houses proposed,
 - Overlooking and Loss of privacy,
 - Loss of light and outlook.
- 4.03 The 9 representations in support of the proposal raised the following summarised points:
- There is a demand for family sized dwellings in the area,
 - The site is within easy walking distance to services at Bearsted and Grove Green,
 - The dwellings are well designed and would assimilate well in the local area,

- The scheme uses natural levels of the site to lessen the impact,
- The low density and high-quality of the scheme addressed previous concerns,
- The height and scale of the properties are similar to neighboring houses.

4.04 **Thurnham Parish Council:** Object. The site is an inappropriate and unsustainable location for residential development. The proposed development would injure the character of the local area and amenities of nearby residents.

4.05 **Bearsted and Turnham Society:** Object. The site is in an unsustainable location and therefore, the reasons given for refusing the previous application are still relevant.

4.06 **Cllr Nick de Wiggondene-Sheppard:** Request that the planning application be referred to the planning committee in the event that officers were minded to recommend approval due to the application history and location.

4.07 The planning issues raised by neighbours and other objectors are discussed in the detailed assessment below.

5. CONSULTATIONS

5.01 **Mid Kent (MBC) Environmental Health:** No objection, subject to conditions on land contamination, hours of work and informative.

5.02 **KCC Highways and Transport:** No objection subject to planning conditions after assessing the proposed access arrangement, sustainability of the site, parking including turning provision at the site.

5.03 **Southern Water:** No objection. The exact position of the public sewers must be determined on site by the applicant and all existing infrastructure should be protected during the course of construction works.

5.04 **Natural England:** No comment. Application should be assessed using Natural England published Standing Advice on protected species.

5.05 **MBC Tree Officer:** No objection, subject to pre commencement conditions on tree protection and section of "no dig" porous drive.

5.06 **KCC Infrastructure:** No objection. The application is on a site of 0.5ha or more and it is assumed this site will pay the CIL adopted by Maidstone Borough rather than s106.

6. APPRAISAL Main Issues

6.01 The main planning consideration are:

- Sustainability of the location,
- Potential impact on the setting of the Kent Downs AONB
- Potential impact on the character and appearance of the local area,
- Neighbour amenity,
- Standard of accommodation,
- Transport, parking, access and highway safety.
- Ecology, biodiversity, trees and landscape

Sustainability of the location

6.02 Paragraph 3 of Local Plan policy SS1 states "An expanded Maidstone urban area will be the principal focus for development in the borough". Local Plan policy SP1

states that "As the largest and most sustainable location, Maidstone urban area, as defined on the policies map, will be the focus for new development.

- 6.03 Paragraph 4.23 of the Maidstone Borough Local Plan (October 2017) states that "The town of Maidstone cannot accommodate all of the growth that is required on existing urban sites, and the most sustainable locations for additional planned development are at the edge of the urban area, expanding the boundary of the settlement in these locations. A characteristic of Maidstone is the way tracts of rural and semi-rural land penetrate into the urban area".
- 6.04 In policy terms the application site is located within the countryside. Local Plan policy SP17 states that "Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area".
- 6.05 Whilst the application site is located in the countryside, the Maidstone Urban Area boundary is under 100 metres to the south and 430 metres to the west of the site (see map after paragraph 1.02). The site is within easy walking distance to facilities and services available at Bearsted and Grove Green on foot, along with public transport opportunities.
- 6.06 The principle of the proposed development is considered acceptable due to the close relationship of the site to the urban area and the access to facilities, services and public transport that the urban area offers.
- Potential impact on the setting of the Kent Downs AONB and landscape**
- 6.07 Policy SP17 of the Local Plan states that development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area.
- 6.08 Policy DM1 advises that development must "Respect the topography and respond to the location of the site and sensitively incorporate natural features such as trees, hedges and ponds worth 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".
- 6.09 Policy DM30 of the Local Plan seeks to achieve high quality design in all development in the countryside. It emphasises the need for mass and scale to maintain and possibly enhance local distinctiveness including landscape features. The policy also requires that the impact of development on the appearance and character of the landscape is appropriately mitigated.
- 6.10 Under section 85(1) of the Countryside and Rights of Way Act 2000 there is a duty to have regard to the purpose of conserving and enhancing the natural beauty of the AONB. Policy SP17 of the Local Plan advises that "*Great weight should be given to the conservation and enhancement of the Kent Downs Area of Outstanding Natural Beauty*".
- 6.11 The duty to conserve and enhance within the AONB is also relevant to proposals outside the boundary of the AONB which may have an impact on the statutory purposes of the AONB. Local Plan policy SS1 advises that the AONB 'and its setting' will be conserved and enhanced.
- 6.12 The Local Plan states that it is not necessary to formally define the setting of the Kent Downs AONB. As a guide Local Plan paragraph 4.106 advises that the "Open

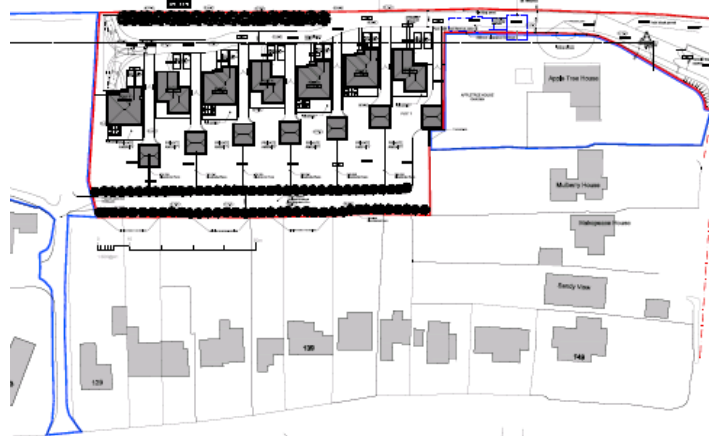
countryside to the immediate south of the AONB forms a large extent of the setting for this designation”.

- 6.13 The application site is not located in the Kent Downs Area of Outstanding Natural Beauty. The Maidstone Landscape Character Assessment March 2012 (LCA) and the Maidstone Landscape Capacity Study: Sensitivity Assessment January 2015 (LCS) both identify the application site as falling within the Bearsted Golf Course Landscape Area which contributes to the setting of the AONB. The LCS concluded that the landscape sensitivity of the area was high and that development should be limited to infilling within village boundaries.
- 6.14 The Local Plan sets out a number of factors that should be used to assess the potential impact of development in the AONB setting. These factors include “...the size of proposals, their distance, incompatibility with their surroundings...” In terms of distance the AONB is located 780 metres (0.4 miles) to the north of the application site, and on the opposite side of the M20 Motorway.
- 6.15 The application proposal is not considered incompatible with the site surroundings. The site forms part of the expansive and intensively managed domestic rear garden of Apple Tree House. The highly managed landscape of Bearsted Golf Course and the rear garden and tennis courts of Birling House (fronting Ware Street) are to the east. The remaining three sides are bordered by existing residential development in Ware Street, Hockers Lane and Popes Wood. In this context (and with reference to Local Plan paragraph 4.106) the location of the application site is not considered to be ‘open’ countryside and infilling development.
- 6.16 The application site enclosed on three sides has a secluded nature. With the screening provided by existing features on, and close to the site, and the backdrop of existing development the proposal would not have any wider landscape implications for the AONB or its setting. The proposal in addition also includes new landscaping.

Section drawing for previously refused application (16/506899/FULL)



Layout drawing for previously refused application (16/506899/FULL)



- 6.17 In relation to the size of the proposals. As can be seen by the section and layout drawings above, the previous proposal (16/506899/FULL) was for 7 houses in a

tight linear layout parallel to the existing line of properties in Hockers Lane. The rise in ground level towards Apple Tree House is evident on the right hand side (south) of the section drawing. It is also highlighted that this layout includes houses at the highest part of the site at the rear boundary of Apple Tree House.

- 6.18 The layout of the current proposal is shown in the image below. As well as the reduction from 7 to 5 houses, the orientation of the proposed properties has been changed so the properties face north and south. The changes to the layout have allowed the properties to have a more spacious appearance with substantially more tree planting both within the site and around the site boundaries.
- 6.19 The proposed tree planting on the east side of the site will be in addition to the existing trees on this part of the site and on the adjacent golf course. There is also existing vegetation along the western site boundary and additional landscaping is proposed that would provide further screening of the new houses.
- 6.20 As noted in the tree section below, as a direct impact of the development the proposal involves the loss of one tree at the site entrance. With the ground levels within the site lower than surrounding neighbouring development any adverse impact resulting from the development will be reduced.



- 6.21 The proposal would not extend development beyond the existing built form that is on three sides of the site. The application site is entirely set behind the existing houses fronting Hockers Lane and Ware Street and is without a street frontage.
- 6.22 For the above reasons, it is concluded that the proposal would not cause material harm to the character and appearance of the surrounding area or the setting to the AONB. It would comply with policies SP17 of the adopted Local Plan and the AONB management plan which amongst other things, require development to not result in significant harm to the character and appearance of the area.

Potential impact on the character and appearance of the local area

- 6.23 Local Plan policy DM1 states that development must "Respond positively to, and where possible enhance, the local, natural character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage". Development will be expected to incorporate a high quality, modern

design approach and to make use of vernacular materials where appropriate. Policy DM30 of the Local Plan seeks to achieve high quality design in all development in the countryside. It emphasises the need for the design, siting, materials including mass and scale to maintain and possibly enhance local distinctiveness.

- 6.24 There is a considerable variety in local building designs with the existing properties in the local area designed to include chalet bungalows and some traditional two storey buildings. Whilst the proposed development would not replicate the existing local character, it would provide high quality design that utilises architectural styles, fenestration and form of roof configuration that is in keeping with the visual character of the area. The development would assimilate well in the local area.
- 6.25 For the above reasons, it is concluded that the proposal would not cause material harm to the character and appearance of the surrounding area. It would comply with policies SP17, DM1 and DM30 of the adopted Local Plan which amongst other things, require development to respond positively to, and where possible enhance the local character of an area, to sensitively incorporate natural features and to not result in significant harm to the character and appearance of the area.
- 6.26 The application site consists of residential garden land located in the countryside. Local Plan policy DM5 (Development on Brownfield Land) is not relevant in this case as the policy applies, either to previously developed land (brownfield land) in Maidstone urban area, rural service centres and larger villages; or exceptionally, the residential redevelopment of brownfield sites in the countryside "...which are not residential gardens". Policy DM11 (Residential Garden Land) is also not relevant as it applies "Within the defined boundaries of the urban area, rural service centres and larger villages..."

Neighbour amenity

- 6.27 Local Plan policy DM1 states that development must "Respect the amenities of occupiers of neighbouring properties and uses by ensuring that development does not result in, or is exposed to, 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".
- 6.28 In terms of loss of privacy, overlooking, daylight and sunlight the 9 properties along Hockers Lane are to the west of the site. The proposed properties are oriented to face away from these properties that have rear gardens around 30 metres in length.
- 6.29 Apple Tree House and the neighbouring detached property called Mulberry House are to the south of the site. To the north of the site, are two detached dwellings called Elmview and 127 Hockers Lane and the Popes Wood development.
- 6.30 The Popes Wood development consists of 5 detached properties arranged as a homestead located to the rear of 123 Hockers Lane. It is considered that there is sufficient separation distance to ensure that the amenities of the occupiers of these properties are protected in relation to privacy, overlooking, daylight and sunlight.

Standard of accommodation

- 6.31 Local Plan policy DM1 and paragraph 127 of the NPPF states that proposals will be permitted where they create high quality design and provide adequate residential amenities for future occupiers of the development by ensuring that development is not exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion.

- 6.32 The proposed dwelling on plot 1 has a pitched roof, front gable features, together with rear, side and front balcony. The ground floor would accommodate an entrance hall, open planned kitchen dinner, family area, lounge, utility room and an integrated garage/boots room. There would be five bedrooms at first floor with en-suit facilities and a family bathroom.
- 6.33 Plot 2 shows a detached dwelling with an integral double garage with pitched roof. The ridge of the garage projection is set significantly below the ridge of the main roof. The ground floor includes an entrance hall, open planned kitchen dinner/family area, study, lounge cloak room, a detached double garage and an orangery. There would be five bedrooms at first floor, two with en-suite facilities and a family bathroom.
- 6.34 The detached dwellings on plot 3,4 and 5 are shown to have identical design with pitched roof and front gable features that are set lower than the ridge of main pitched roof. The floor plans show the front gabled projections accommodating an integral garage and boot area. The plan shows all three ground floors accommodating a hall, lounge, kitchen and family area. Two of the five bedrooms provided at first floor would have en-suite facilities.
- 6.35 The submission also indicates the extent of curtilage for each proposed dwelling including hardstanding parking areas at the front of the houses. The depth of the outdoor amenity area provided for all five dwellings would range between 16 to 26 metres, and their width would range between 19 to 27 metres respectively.
- 6.36 The proposed accommodation provides a good standard of residential accommodation with adequate internal space for the intended function of individual rooms. The submitted plans show that the accommodation is provided with sufficient daylight, sunlight and outlook for future occupiers. The accommodation is provided with an external amenity area to the rear of the dwellings with suitable sunlight and privacy.

Transport, parking, access and highway safety.

Access and servicing

- 6.37 Local Plan policy DM 1 states that proposals will be permitted, where they can safely accommodate the associated vehicular and pedestrian movement on the local highway network and through the site access.
- 6.38 The proposal will use the existing vehicle access from Hockers Lane. The existing access has been assessed in relation to its anticipated level of use, its width, driver sight lines and the future servicing of the accommodation and is considered suitable. A planning condition is recommended seeking details of bin storage and collection points.

Car parking

- 6.39 Local Plan policy DM 23 states that the car parking for residential development will take into account the type, size and mix of dwellings and the need for visitor parking. Parking shall secure an efficient and attractive layout of development whilst ensuring the appropriate provision of integrated vehicle parking. Car parking standards are set out at Local Plan Appendix B.
- 6.40 In relation to the categories in Appendix B, the application site is classed as suburban or suburban edge/ village/ rural. The standards require a minimum of 2 off street car parking spaces excluding garages and 0.2 spaces per unit for visitor parking. All of the proposed houses are provided with 2 off street car parking spaces with additional garages and there is sufficient on street space to accommodate the visitor space.

- 6.41 A planning condition is recommended seeking the provision of an electric vehicle charging point for each of the proposed new houses.

Cycle parking

- 6.42 Local Plan policy DM 23 states that cycle parking facilities on new developments will be of an appropriate design and sited in a convenient, safe, secure and sheltered location. A planning condition is recommended seeking details of cycle parking as part of the completed residential units.

Transport and traffic

- 6.43 Local Plan DM23 states that new developments should ensure that proposals incorporate electric vehicle charging infrastructure. Planning conditions are recommended seeking the provision of a minimum of two electric vehicle charging points.

- 6.44 A planning condition is recommended requesting the submission of measures to promote sustainable travel choices by future occupiers of the accommodation. This could include information given to new occupiers, including public transport timetables.

- 6.45 The vehicle trips generated by the proposal can be safely accommodated on the road network with harm to highway safety. Paragraph 109 of the revised NPPF (2019) states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. After considering

the nature and scale of the development, neither of these two circumstances apply in this case.

Ecology and biodiversity, trees and landscape

- 6.46 Local Plan policy DM1 states that proposals should create high quality design and 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.

- 6.47 Local Plan policy DM3 states: *"To enable Maidstone borough to retain a high quality of living and to be able to respond to the effects of climate change, developers will ensure that new development protects and enhances the natural environment ...where appropriate development proposals will be expected to appraise the value of the borough's natural environment through the provision of...an ecological evaluation of development sites...to take full account of the biodiversity present, including the potential for the retention and provision of native plant species"*.

- 6.48 An 'Extended Phase I Habitat and Habitat Suitability Index Survey' and a Bat Emergence Survey have been submitted in support of the current planning application. The Bat Emergence Survey found *"...that bat activity, which included commuting and foraging activity of six bat species within the site, was considered to be 'Moderate'. Recorded predominantly along the tree line on the eastern site boundary and the back garden of the main house, the level of activity and species diversity recorded is considered sufficient to indicate an important commuting route for bats. As such it is recommended that this tree line is retained and protected during the works. As noted in the previous Extended Phase I Habitat Survey report (Greenspace Ecological Solutions Ltd. 2016) the trees should be protected in accordance with the British Standard; Trees in relation to design, demolition and construction (BS 58376-2012)"*.

- 6.49 In relation to enhancements, the survey report found that *"As the site has been identified as suitable to support foraging bats, opportunities to include effective*

biodiversity enhancements exist within the development and in accordance with the requirements of the NPPF it is suggested that the installation of bat boxes on the elevations of the new building and/or within mature trees along the site

boundaries would be most appropriate". In response to these findings planning conditions are recommended seeking ecological enhancements including bat boxes and a wildlife friendly planting as part of a landscape scheme. The appraisal found no evidence or potential for any other protected species on the site which is a managed rear garden. The appraisal advised that, other than the bat survey, no further surveys are required.

- 6.50 A tree survey of the site identified arboricultural work that would be required in the interests of good management and in the absence of the current planning application. This work was for the removal of trees that were potentially dangerous or that had a very limited safe lifespan. These trees were T11 Silver Birch (Crown dying), T44 Holly (Weak stem union. Asymmetric crown), T49 Elm (Dutch Elm Disease present) and T51 Elm (Virtually dead. Dutch Elm Disease).
- 6.51 With the centre of the garden currently open, the proposed development only involves the loss of one silver birch tree that forms a group of three trees adjacent to the northern site boundary. The removal of the single tree is required to widen the existing access. The tree was found to be of moderate quality and value.
- 6.52 The loss of the tree to be removed and its status has been considered and the benefits of the overall development are considered to outweigh the loss of this tree. Also weighing in favour of the development is a landscape scheme also sought through a planning condition that seeks replacement and a net increase in trees in different areas of the site. Other conditions seek to ensure that the long term health of retained trees on the site are not adversely impacted by the proposed construction works. The Council's tree officer has considered the proposal and has no objection subject to the planning conditions that have been outlined below.

Other Matters

- 6.53 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.
- 6.54 The application site is located within a Minerals Safeguarding Area however the land lost to this development is considered to be insignificant as to the wider objectives of this zone.

PUBLIC SECTOR EQUALITY DUTY

- 6.55 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7. CONCLUSION

- 7.01 The proposed new residential development is acceptable in terms of design and appearance, and there are no unacceptable impacts on the character, appearance and visual amenity of the locality generally.
- 7.02 Despite its location in the countryside, the development is within close enough proximity of the Maidstone Urban Area and the services found within, and it is not in an isolated location.

- 7.03 The proposals have been found to be acceptable in relation to parking and highway safety
- 7.04 The proposal is in line with the requirements of policy SS1, SP1, SP17, SP19, DM1, DM12 and DM30 of the adopted Maidstone Borough Local Plan (2017).

8. RECOMMENDATION

GRANT planning permission subject to the following 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) The development hereby permitted shall be carried out in accordance with the following approved plans: 3163 - 004A Elevations and cross sections, 3163 - 005 Rev A Cross sections, 3163 - 008A Plot 1 elevations and floor plans, 3163 - 013 Proposed Street Scenes, 3163 - 014 Sections, 3163-10 REV A plots 3-5 elevations and floor plans, 3163 - 007D Location Plan, 3163 - 009B Plot 2 elevations and floor plans, 3163 - 011A Site Plan, 3163 - 012 B Block plan, 3163 - 015 B Block plan layout, Bat Emergence Survey, Extended phase 1 habitat survey
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3) No development shall take place until a construction management plan has been submitted to and approved in writing by the Local Planning Authority: The construction management plan shall be in place prior to work commencing, followed for the duration of the works and shall include the following (a) Routing of construction and delivery vehicles to / from site (b) Parking and turning areas for construction and delivery vehicles and site personnel (c) Timing of deliveries (d) Temporary traffic management / signage (e) Provision of measures to prevent the discharge of surface water onto the adjacent access road and highway during construction works.
Reason In the interests of amenity.
- 4) The development hereby approved shall not commence until details of tree protection in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- 5) No development shall take place until details of any works within the root protection areas of retained trees have been submitted to and approved in writing by the local planning authority. The details shall include arrangements for the formation of the new vehicular access using a no dig method and the specification of the porous surface material for the access. Development shall only proceed in accordance with the approved details with the approved surface material retained for the lifetime of the development.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- 6) The development hereby approved shall not commence above slab level until details of all external materials (including wearing surfaces for the roads, turning and parking areas, have been submitted to and approved in writing by 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 all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority with the details including gaps at ground level to allow the passage of wildlife and the development shall be carried out in accordance with the approved details before the first occupation of the relevant dwellings and maintained thereafter;
Reason: To ensure a satisfactory appearance to the development, to safeguard the enjoyment of their properties by existing and prospective occupiers and in the interests of wildlife.
- 8) The development hereby approved shall not commence above slab level until, details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the local planning authority and the approved facilities shall be provided before the first occupation of the building and maintained thereafter.
Reason: No such details have been submitted and in the interest of amenity.
- 9) The development hereby approved shall not commence above slab level until, details of cycle storage facilities have been submitted to and approved in writing by the local planning authority and the approved facilities shall be provided before the first occupation of the building and maintained thereafter.
Reason: To promote sustainable travel choices.
- 10) The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. 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 and include a planting specification, a programme of implementation and a [5] year management plan and shall include suitable trees for the replacement of those that are due to be removed (with an advanced nursery stock specimen) and wildlife-friendly planting.
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- 11) The approved landscaping associated with individual dwellings shall be in place at the end of the first planting and seeding season following occupation of the relevant individual dwelling. Any other communal, shared or street landscaping shall be in place at the end of the first planting and seeding season following occupation of the final unit. Any trees or plants, which, within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
Reason: In the interest of visual amenity of the area.
- 12) The dwellings hereby permitted shall not be occupied until sustainable surface water drainage works have been implemented in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site, including any requirement for the provision of a balancing pond and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation in relation to the development; and,
 - iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker, or any other arrangements to secure the operation of the scheme throughout its lifetime.
Reason: In the interests of pollution and flood prevention pursuant to the National Planning Policy Framework 2019.
- 13) No surface water shall discharge onto the adjacent access road and highway.
Reason: In the interests of highway safety.
- 14) The dwellings hereby permitted shall not be occupied until crime prevention measures are in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the approved measures retained for the lifetime of the development.
Reason: In the interests of amenity.
- 15) The dwellings hereby permitted shall not be occupied until measures to encourage sustainable travel choices by future occupiers have been submitted to and approved in writing by the Local Planning Authority (such as a welcome pack providing public transport information), the measures shall be in place prior to first occupation and maintained for the lifetime of the development.

Reason: In the interests of sustainable travel and pollution prevention.
- 16) Each individual dwelling hereby approved shall not be occupied until a minimum of one electric vehicle charging point has been installed on the given building for the use of the occupier with the charging point thereafter retained for that purpose.
Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with the NPPF.
- 17) The dwellings hereby permitted shall not be occupied until the associated parking/turning areas shown on the approved plans have been completed and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them.
Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.
- 18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Classes A, B, C and E shall be carried out without the permission of the local planning authority.
Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by existing and prospective occupiers.
- 19) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia,

measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors and set out how the lighting meets the Bat Conservation Trust guidelines. The

development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: In the interest of amenity and wildlife.

- 20) Prior to the end of the first planting season following occupation of the approved development ecological enhancements shall be in place (including installation of bat boxes on the elevations of the new building and/or within mature trees along the site boundaries) that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority with the measures retained for the lifetime of the development
Reason: In the interest of ecology and biodiversity.

INFORMATIVES

- 1) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.
- 2) The applicant is advised to comply with the Mid Kent Environmental Code of development Practice.
- 3) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant

details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after

Case Officer: Tony Ryan