

APPLICATION: MA/09/2349 Date: 18 December 2009 Received: 16 August 2010

APPLICANT: Mr C. Begeman, Cascade Partnership

LOCATION: HAVEN FARM, NORTH STREET, SUTTON VALENCE, MAIDSTONE, KENT, ME17 3HS

PARISH: Sutton Valence

PROPOSAL: Change of use of land from agricultural for the erection of twelve dwellings with associated work (including the provision of a new footpath and crossing point to the south of the site) in accordance with plans numbered 5425 01 Rev D as received on 7 December 2010; 5425 15 Rev A; 5425 14 Rev A received on 3 August 2010, 5425 16; 5425 13; 5425 12 received on 14 May 2010; biodiversity statement received 3 August 2010; and Transport Statement, Design and Access Statement, Housing Needs Survey received on 18 January 2010.

AGENDA DATE: 16th December 2010

CASE OFFICER: Chris Hawkins

The recommendation for this application is being reported to Committee for decision because:

- It is a departure from the Development Plan in that the site lies outside the village envelope as defined in the Maidstone Borough-wide Local Plan 2000 and has been advertised as such.

## **1.0 POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV49, T13, CF1  
South East Plan 2009: SP2, CC1, CC4, CC6, C4, H1, H2, H3, H4, H5, T4, NRM1, NRM4, NRM5, NRM7, BE4, S3, S6  
Government Policy: PPS1, PPS3, PPS4, PPS7, PPS9, PPS25, PPG13, PPG16

## **2.0 HISTORY**

- 2.1 There is no relevant planning history on this site.
- 2.2 Whilst the application was initially submitted in late 2009, significant negotiations have taken place to see the reduction in units proposed on site, and the enhancement of the landscaped areas within the development. This has led to the delay in bringing this application to Planning Committee.

### **3.0 CONSULTATIONS**

**3.1 Kent Highway Services** were consulted and have raised no objections to this proposal, subject to the imposition of suitable conditions and informatives. These are set out at the end of the report.

**3.2 KCC (Mouchel)** were consulted and raised no objections to this proposal. Whilst this proposal is in excess of the threshold identified to trigger contributions (10), as this is a rural exception site, they have agreed that no contributions should be required in this instance as the scheme is for 100% affordable housing.

**3.3 Kent County Council Archaeology** were consulted and raised no objection to this proposal subject to the imposition of a condition concerning the implementation of suitable archaeological work on site prior to the development taking place.

**3.4 Kent Police Authority** were consulted (on 19 August 2010) and have made no formal comments on this application.

**\*Officer Comment:** I do not consider that a lack of comments from the Architectural Liaison Officer to result in an inability to determine this planning application.

**3.5 Natural England** were consulted (on 19 August 2010) and have made no comments on the application.

**3.6 Kent Wildlife Trust** were consulted and initially objected to the proposal, on the basis of a lack of information submitted. However, the applicant has now submitted additional information, and the Trust have withdrawn their objection.

**3.7 The Environment Agency** were consulted and initially raised an objection to the proposal as insufficient information had been provided. This information was then submitted, and the Environment Agency have now withdrawn their objection. They do however, request that conditions be imposed that address the following matters:

- Land contamination;
- Surface drainage;
- Foul drainage.

It is also requested that an informative be placed on any permission so as to ensure that fuel, oil and chemical storage does not take place on site.

**3.8 Southern Water Services** were consulted and raised no objections to this proposal. They do request that details of the drainage of the site be submitted to the local planning authority for agreement prior to the development taking place.

**3.9 EDF Energy** were consulted and raised no objections to the proposal.

**3.10 Scottish Gas** were consulted and raised no objections to the proposal.

**3.11 West Kent PCT** were consulted and has requested that no contribution be made as this is an application for affordable housing within the countryside (a rural exceptions site).

**3.12 The Upper Medway Drainage Board** were consulted and raise no objections on the basis that:

- All surface water drainage from the site discharging to a local watercourse is attenuated for the 1:100 year return storm with a limited discharge of 7 l/s/ha or the equivalent run off from a greenfield site for 1:2 year storm.
- The application meets with the Environment Agency requirements.

**3.13 Maidstone Borough Council Landscape Officer** has made the following comments:

'The area is not within a Conservation Area nor are there any trees within the site which are subject to a TPO. There are three hedgerows which run along the east, west and south boundary of the application site. The hedgerow which runs along the highway boundary is described as poor with two poor quality trees within the hedgerow itself. Whereas the hedge along the western boundary is substantial (in length). It is not clear as to whether these hedgerows are to be retained or removed to accommodate the development. However, in order to assess whether they are of any ecological significance, a hedgerow survey should be undertaken. Within the document reference is made to landscaping, however, no details have been provided to date. Any landscaping scheme should take into account of the landscape character of the area as detailed in the Landscape Character Assessment and Landscape Guidelines.'

**3.14 Maidstone Borough Council Environmental Health Officer** has raised no objections to this proposal.

**3.15 Maidstone Borough Council Housing Officer** has made the following comments:

'The local connection and eligibility criteria (defined within the draft s106) for prospective applicants applying for a proposed scheme of this nature in Sutton Valance is what has been agreed between housing and the parish council, and

follows previous schemes local connection eligibility criteria. The properties will remain affordable in perpetuity, thereby ensuring that the future housing needs of local people will be safeguarded.

Action with Communities in Rural Kent, with the support of housing, assisted Sutton Valence Parish Council to undertake a parish wide survey to ascertain if there are shortfalls in affordable housing provision within the parish. A survey was posted to every household in the parish during July 2009. There were 21 households identified within the Local Housing Need Survey that reported they were unable to rent or purchase a home suitable for their needs on the open market. The survey itself is based on one used by Rural Housing Enablers nationally and the methodology is well tried and tested and been in operation for several years. Further analysis showed that four households indicated the ability to afford a shared ownership property. I am therefore satisfied that a level of need exists.

The revised 12 unit scheme includes a mix of property types and a proposed tenure split which is acceptable to housing and reflects identified need within the survey. The affordable provision has also been agreed with the parish council, and from my point of view the new scheme layout is much better than previous proposals. A bid has been submitted by Golding Homes to the HCA for grant funding towards the 12 unit scheme, of which has been approved. Planning consent will enable Golding Homes to progress to grant confirmation stage.

In summary the scheme application has my full support, and will help to provide a mixed tenure, sustainable affordable housing scheme, in an attractive rural area, where property prices are at a premium. This means that many local people are priced out of the housing market and unable to afford to live locally. The result is that many young couples and families have been forced to move away elsewhere in search of more affordable accommodation. This can have a detrimental effect on the balance and sustainability of the local community. Through the provision of affordable housing in Sutton Valence, we can help local people to remain in the village where they have strong family or employment ties.'

**3.16 Sutton Valence Parish Council** were consulted, and initially objected (17 February 2010) to the proposal for the following reasons:

- 'The Parish Council has concerns about the access onto the A274 and wish to see a highways report.
- The Parish Council believe that the issue of pedestrian safety has not been properly addressed and believe the pavement to the south ends at a dangerous crossing point.
- The number of proposed dwellings is too large and not in keeping with the size of the Parish.

- The current development is too obtrusive from the A274, travelling both north and south.
- The current development is situated too far forward of the neighbouring properties to the south.
- The ratio of rent to ownership is too large.'

They then state that they would be prepared to consider an application with the following amendments:

- 'A smaller development of 12 houses with a ratio of 8 shared ownership and 4 rented.
- A site set further back from the highway with a frontage consistent with the neighbouring properties and a greater degree of landscaping.
- The Council being re-assured that highways are satisfied with the access onto the A274.
- The footpath to the south connects with the existing footpath that runs along the front of the doctors surgery and a footpath the north is installed.
- The possibility of a pedestrian crossing across the A274 is investigated.
- The site is moved further north.'

Following further negotiations with the applicant, amended plans were received and the Parish Council have subsequently withdrawn their objections (August 2010). Their comments are as follows:

- 'Sutton Valence Parish Council wish to see the application approved.
- The Parish Council request that all parties consider more fully the option of a footpath connecting with the existing footpath that runs along the front of the doctors surgery.'

## **4.0 REPRESENTATIONS**

4.1 Neighbouring properties were notified of this application, and nine letters of objection have been received. The concerns raised within these letters are summarised below: -

- The site selection process is flawed;
- The impact upon the neighbouring property in terms of overlooking and overshadowing;
- The layout has a dense and urban appearance;
- The proposal would have any adverse impact upon the character and appearance of the area;
- The proposal would have a detrimental impact upon highway safety;
- The proposal is no sustainable;
- The proposed access is not suitable; and
- The loss of agricultural land.

## **5.0 CONSIDERATIONS**

### **5.1 Site Description**

- 5.1.1 The application site is located to the north of the village confines of Sutton Valence, and lies to the west of the A274, Maidstone Road. The application site forms part of Haven Farm, and was until recently was provided with polytunnels. These have subsequently been removed, leaving an empty field. The site has an area of 0.4 hectares and is relatively flat. The land rises by approximately 1.25metres from south to north, and the A274 continues to rise as one travels further northwards beyond the application site. It lies outside of the village confines, although this borders the application site to the south. The land has no specific designation within the Maidstone Borough Wide Local Plan (2000).
- 5.1.2 There is a two storey property to the south of the application site 'Brae House' which was constructed in the mid 1980's. There are no other residential properties that bound the application site. There are however, residential properties that are sited opposite the site, within a ribbon form of development to the east. The village community hall also lies directly opposite the site.
- 5.1.3 The site is currently bound by soft landscaping, with a substantial hedge to the front of the site, and also to the rear. These are 3 to 4 metres in height. To the south, trees have recently been planted, although these are of no significant size. There is a close boarded fence that runs along the footpath to the south of the site (between the site and 'Brae House'). There are no ponds within the immediate vicinity of the application site.
- 5.1.4 There is a bus service that runs along North Street into Sutton Valence, although there is no bus top out side of the application site – the closest being outside of the Hill Garage (northbound)/Kings Head public house (southbound) to the south of the site. This bus runs approximately once every hour during the day. The last bus out of Maidstone to Sutton Valence, during the week is at 11.05pm.

### **5.2 Proposal**

- 5.2.1 The proposal is a full planning application for the erection of 12 dwellings, together with associated access to provide additional affordable housing within the village of Sutton Valence. These properties would be solely provided for the residents of the Parish of Sutton Valence, as there is an identified need. A housing needs survey has been undertaken in the village and forms part of the application. The survey report clearly identifies that a need exists and that there a number of households that cannot satisfy their housing needs on the open market. The survey identifies that 19 households are in need of housing within the Parish within the next 3 years. Of these four were excluded from the findings

as they either only wanted to buy on the open market, or to rent from the private sector. This left 15 households. Of these there were 8 single people, 4 couples, and three families (i.e. parent & child/children). The report shows a total of 35 people within the Parish with a housing need, with a maximum of 21 homes required to meet this need.

- 5.2.2 The proposal would see the provision of an access centrally located within the site, with residential properties located on either side. This access would have a width of 4.8metres, and would be constructed of tarmac for the first 10metres, and brick/block pavers beyond. The properties on either side of this access would be set back between 8 and 11metres from the edge of the existing highway, with an area of planting of approximately 3.5metres between the grass verge/pavement and the driveway for plots 1 and 12.
- 5.2.3 As one enters the site, there would be a row of three terraced properties on either side, the first of which (plots 1 and 12) would have elevations that face on to North Street (as well as fenestration facing the access road). This ensures that these properties fully address the A274, and as they are both identical in design, provide a suitable balance on either side of the access. These properties would be provided with timber cladding, and a clay tile roof (not interlocking). It is proposed that soft landscaping be provided to the front of the terraced properties. These properties would have a maximum height of 8.5metres, and would have a varying eaves line.
- 5.2.4 Beyond this, the road 'splits' with part running to the north, and to the west, serving an area of car parking. The properties are orientated in such a way to ensure that they address these road frontages. To the south-east of the application site is an area set aside for wildlife enhancement. This would include wetland areas, managed grassland, and hibernacula. This area would be bound by a 1.5metre wide hedge/tree planting area to the south and the west.
- 5.2.5 The existing hedge planting along the western boundary would be replaced, with an indigenous hedge/tree planting scheme, as well as 'bat fencing.' Within the north-west corner of the site, a triangular piece of land is to be set aside for additional landscaping provision. New indigenous planting will be provided along the northern boundary of the application site.
- 5.2.6 The properties within the development would be two storey (although plots 4 & 5 have been amended to prevent overlooking of 'Brae House') and of brick construction, with tile hanging or weatherboarding used.
- 5.2.7 The hardstanding within the development would be permeable paving, which would be arranged in such a way as to give pedestrians priority. A total of 24 car parking spaces are proposed, which equates to two spaces per property. A new

pedestrian crossing is also proposed to the south of the application site, with tactile paving.

5.2.8 The applicant has submitted an ecological statement, and the mitigation measures proposed are fully considered within the report. A landscaping proposal has also been submitted that demonstrates that indigenous planting is to be provided around the edge of the application site, and also internally. Around the site, a double staggered hedge, with tree planting has been proposed. This would have a minimum depth of 2metres along the southern boundary, 4metres along the western boundary, and 2metres to the northern boundary. It is not currently shown on the plans, but I consider it also important to bring this double staggered hedge along the front boundary, as I don't considered that a close boarded fence along here to be acceptable, in visual terms.

5.2.9 The applicant is also seeking to provide a pedestrian link to the south of the access of the application site. This would consist of a new path of approximately 35metres in length, with a tactile paving crossing to the western side of the A274 (where there is an existing path into the village). The applicant will construct this to the required specification through a S278 agreement with the Highways Authority.

5.2.10 The applicant has submitted a draft S106 agreement that would ensure that the properties would remain as affordable housing for those with a local connection. This S106 agreement would also ensure the landscaping, and ecological measures are also maintained throughout the lifetime of the development.

### **5.3 Principle of Development**

5.3.1 The site is located in the countryside outside any defined settlement. There is therefore a general presumption against development unless justified in terms of any exceptions set out in Development Plan policy. Policy H30 of the Maidstone Borough Wide Local Plan (2000) referred to local needs housing within rural areas, however, this policy was not saved, and no longer forms part of the Development Plan. There is therefore, a local vacuum in the Development Plan in this respect, and as such, an interpretation of national policy is therefore required in order to establish the principle of development.

5.3.2 As the site is in the countryside, the application should be considered against Planning Policy Statement 7 (PPS7). The more recently published Planning Policy Statement 4 (PPS4), which has superseded and cancelled significant portions of the advice in PPS7 and Planning Policy Statement 3 (PPS3) should also be considered.



- 5.3.3 In respect of housing PPS7 states (Para.8) that the 'key aim of government policy is to offer everyone the opportunity of a decent home, with the needs of all in the community being recognised, including those in need of affordable and accessible, special needs housing in rural areas.'
- 5.3.4 Specifically in relation to the countryside, PPS7 applies (para.14) to the 'largely undeveloped countryside that separates cities towns and villages,' the character of which should be protected and where possible enhanced. Particular regard should be had to areas of countryside that have been statutorily designated for their landscape, wildlife or historic qualities.' Members will be aware that this site is not subject to a statutory designation either in terms of its wildlife or landscape but nevertheless, its impact on the countryside is an important consideration.
- 5.3.5 PPS4 (Planning for Sustainable Economic Growth), has a similar aim to PPS7 in that it sets out the Government objective of raising 'the quality of life and the environment in rural areas by promoting thriving, inclusive and locally distinctive rural communities whilst continuing to protect the open countryside for the benefit of all.'
- 5.3.6 PPS3 (November 2006 & amended 2010) sets out Government advice on Housing and is also relevant to this application. The PPS also emphasises the Government's commitment to providing high quality housing for people who are unable to access or afford market housing.
- 5.3.7 In terms of the national guidance set out above, I consider that the proposed development site is located close to the existing settlement boundary. In this respect, the advice set out within PPS7 and PPS4 that development should be focused on existing settlements and that development should take place on land within or adjoining settlements has been met. Both PPS7 and PPS3 encourage the provision of housing (including affordable housing to meet local needs) that contributes to the creation and maintenance of sustainable rural communities in market towns and villages.
- 5.3.8 Turning to local and regional policy for affordable housing and particularly local needs ('exceptions site') housing of the type proposed in this application, the Maidstone Borough-wide Local Plan (Policy H30) and the former Kent & Medway Structure Plan (policy HP8) both contained an exceptions site policy but these were not saved in the case of the MBWLP and have fallen away in the case of the Structure Plan. The Council's Affordable Housing DPD December 2006 makes no specific reference to exceptions site policies but refers back to policy H30 of the MBWLP which has not been saved.
- 5.3.9 There is therefore no longer a local policy on which to consider local needs housing applications at either Borough or County level.

5.3.10 The South East Plan (2009) had been revoked earlier this year, however, following a High Court challenge, this has been brought back into force. As such it has to be fully considered as part of any application. Policy H3 sets out that Local Planning Authorities should work with local communities in rural areas to secure small scale affordable housing sites within or well related to existing settlements. To date, this Authority has not identified any such sites.

5.3.11 There is clear government general support for the provision of affordable housing including for 'exceptions sites' where a need has been demonstrated and this is reflected in the recent Regional Spatial Strategy. It is contended that such development helps to maintain a mix and a balance in a community and also helps to support local infrastructure and services. Central Government also indirectly funds local planning authorities through 'top-up' grants and financial support also comes directly from the Homes and Communities Agency.

5.3.12 A key consideration is whether Sutton Valence is considered a sustainable location that can accommodate a development of this nature. The village does have educational facilities, a shop, public houses, and a small number of commercial units. In addition, there is a relatively frequent bus service (runs every hour) that runs into and out of Maidstone, and also serves the service centre of Headcorn. I am therefore satisfied that this proposal would not prove to be unsustainable within a village of this size, with links to existing service centres. I am also satisfied that there is a need within the locality, and that in principle support can be given to this application, subject to all other material considerations.

## **5.4 Visual Impact**

5.4.1 As the site lies within the open countryside, it is important to assess the impact that the proposal would have not only on the immediate surroundings, but the wider area. As such, both the detail of the design is discussed within this section, and the wider impact that the proposal would have upon the character and appearance of the locality. The area is characterised by linear (predominantly residential) development, which stretches from the village centre northwards. This becomes more sporadic as one moves northwards. The immediate properties to the south of the site are set back approximately 15-25metres from the highway, however, those opposite the site are approximately 12metres back. Properties on either side of 'Southways' which is some 100metres from the site, are set back between 10 and 20 metres from the highway.

5.4.2 With regards to the wider impact that the development would have, I have assessed where the application site can be seen from, in terms of both long and medium distance views.

- 5.4.3 Whilst the land does rise to the north, as one travels along the A274 from the south, there are a number of residential properties along the western side of this highway. These, together with a good level of soft landscaping provision (both trees and hedges) within the curtilage of the neighbouring occupiers (in particular 'Brae House' and 'St. Aubyns,' would ensure that the development site is well screened from this direction.
- 5.4.4 A footpath runs from north to south approximately 650metres to the east of the application site. The site is not visible from any point along this pathway, due to the topography of the land, which rises and then falls, and due to the hedges that have been provided along the boundary of the school. No views are available from further east of this point.
- 5.4.5 From the south of the application site, the site would be viewed through the front gardens of existing residential properties, many of which have a significant number of well established trees and shrubs. As the majority of the dwellings would be set back within the application site, views of these would be severely restricted, from both close, medium and long distance views.
- 5.4.6 From the west of the application site, the nearest public vantage point would be within Church Road, some 900metres from the application site. There would be a sufficient level of screening from this road to ensure that there would be no direct views of the application site, from any vantage point.
- 5.4.7 I am therefore satisfied that this proposal would not have any significant impact upon long distance views from any public vantage point, due to the existing screening, and that proposed around the boundary of the application site.
- 5.4.8 With regards to the design of the properties, and the layout, the applicant has taken a relatively traditional approach. The access into the site is located centrally with dwellings located on either side, facing on to the A274 (North Street). To the front of these properties, a landscaped strip of 3-4metres in depth would be provided that would reflect the well landscaped gardens of the adjacent properties, and the hedgerow to the north of the application site. These properties, set back 8metres from the site boundary would be two storey, timber clad dwellings. It is noted that one of the strong characteristics of this area is the well landscaped areas, and distance that the existing properties are set back from the highway. This proposal would undoubtedly result in change in this character. However, the properties have been designed in such a way as to positively address the road frontage, and in such a way as to appear as detached, and facing the A274, which again reflects the character of the properties to the south of the site. These properties would be provided with a brick plinth, with timber boarding above (it was negotiated that real timber boarding be provided on these units, to reflect the rural character of the area).

Features such as exposed rafter feet, and overhanging eaves would also to be provided, as well as a chimney. I consider these buildings to be relatively well designed.

5.4.9 I consider that the set back, with an area of landscaping provided, would ensure that the development would be softened, although not hidden. The character of the area would change, and there would be an erosion of the openness of the area, however, I consider the proposal to be designed in such a way as to retain a soft edge, both in terms of the landscaping proposed, and the materials used within the building.

5.4.10 As one follows the access into the site, it is to be constructed of brick pavers, creating a shared surface throughout. Negotiations have taken place to reduce the amount of hardstanding within the site, and also to increase the permeability of the hard surfaces. Properties line the access road at this point, with plots 2, 3, 4 and 5 on the southern side, and 10 and 11 to the north. A landscaped buffer is provided to the front of these properties to soften the development. The access roads throughout the application site would be approximately 4.8metres in width, which allows for refuse vehicles/fire appliances to enter and leave the site in a forward gear – important bearing in mind the level of use of the A274. However, as there are no pedestrian footpaths provided within the development I am not of the opinion that the layout becomes road dominated. The initial proposal saw each property provided with a large driveway. These were requested to be removed, to allow for more soft landscaping provision to the front and side of the proposed properties. In their place, pergolas are proposed with car parking underneath. I propose a condition that seeks for climbing plants to be provided over these pergolas, to further integrate them into the surroundings.

5.4.11 Within the centre of the application site, the road splits, with plots 6, 7, 8 and 9 splayed in such a way as to address the road frontage. A small area of open space is also proposed adjacent to this junction, to allow for some internal tree planting. I consider that this layout provides a relatively spacious character to the development, ensuring that it does not appear as cramped, which would be somewhat at odds with the character and appearance of the remainder of North Street, within this locality.

5.4.12 It is acknowledged that there is a significant demand for affordable properties within Sutton Valence, and that the provision of 12 dwellings will not meet this target. However, a significant amount of negotiation has taken place between the applicant, MBC and the Parish to ensure the balance between providing such homes, and the impact upon the character of the area. Initially the proposal was for 16 units, which was considered too dense for the locality, and as such has been reduced. This not only reduces the massing of the buildings, but also

enables greater area to be set aside for soft landscaping, and ecological mitigation measures.

5.4.13 Whilst the loss of the field would inevitably have an impact upon the character of the area, changing it from rural to developed, this has to be balanced with the need to provide affordable housing for local people. The applicant has made a number of steps to ensure that the development is integrated into the landscape as best it can be, and as can be seen from the above, it is not considered that long distance views of the area would be compromised. The buildings are relatively well designed, and reflect the semi-rural character of the area. I am therefore satisfied that the development would not have a significantly adverse impact upon the character and appearance of the locality.

## **5.5 Landscaping**

5.5.1 Significant negotiations have taken place to ensure that a suitable level of landscaping provision is made, not only to ensure that the development does not appear as incongruous, but also to enhance biodiversity. Whilst the landscaping throughout the site has been carefully considered, significant emphasis was placed upon the medium to long distance views across the application site, and how these could be protected.

5.5.2 The existing hedge along the western boundary of the development (although set in from the 'red line' boundary) is now to be replaced with an indigenous species. This hedge, which is a mix of willow and other self seeded trees, has a low ecological value, and the applicant is seeking to improve this with indigenous planting, together with a bat fence. This would provide both a more substantial screen, but also assist with the ecological value of the site.

5.5.3 A triangular area of land within the north-west corner of the site (15m x 15m) is proposed to be fully planted with trees. These shall be of an indigenous species. This area would again, soften the development from long distance views, and potentially enhance biodiversity.

5.5.4 The layout plan submitted identifies the areas set aside for landscaping, however, no precise details have been provided. As such, I would recommend that the landscaping condition should ensure that the following elements be delivered to provide a suitable quality of planting provision:

- A minimum of six native trees (of a heavy duty standard) to be planted within the landscaped area along the A274 frontage, prior to occupation;
- A double staggered hedge to be provided along the northern and southern boundary, interspersed with tree planting;
- The hedge to be brought round to the road frontage of plots 1 and 12, replacing the proposed fencing;

- Climbing plants shall be provided to the rear of the pergolas provided for car parking;
- The open area located within the centre of the site, shall be planted with a wildflower mix;
- Cordwood from the existing site to be retained within the wildlife enhancement area.

I consider it important that tree planting be provided within the proposed hedges, as this would provide a more semi-natural feature that one would expect to see within this location. Likewise, I acknowledge that the landscaping strip to the front is not representative of the amount of landscaping provision to the south of the site, and as such substantial trees are required from the outset, to respond to this character.

5.5.5 Should these matters be provided within any detailed landscaping plan, I am satisfied that the development would be integrated within the locality appropriately.

## **5.6 Ecology**

5.6.1 The applicant has submitted a biodiversity statement as part of the application, which reflects the amended plans sought, and now submitted. As the application site is within the open countryside, and is bound by hedgerow, it was considered important to fully assess the implication of this proposal upon the ecology of the site, and wider locality.

5.6.2 PPS9: Biodiversity states that in determining planning applications, Local Authorities should aim to 'maintain, and enhance, restore or add to biodiversity and geological conservation interests.' Whilst this site is not designated as being of significant importance in terms of protected species, or indeed the habitat provided it is, nonetheless, likely to provide some form of habitat, foraging or commuting for species which are identified for protection.

5.6.3 In the first instance I shall summarise the ecological value of the site at present, and then assess whether the mitigation measures proposed would ensure that the proposal enhances the biodiversity of the application site.

5.6.4 The biodiversity statement submitted carried out the following studies within the application site:

- Habitat Survey (Phase 1);
- Herpetofauna Survey; and
- Bat Survey

The findings of each of these are set out, with recommended mitigation measures proposed.

- 5.6.5 The habitat survey was undertaken in late July this year (2010) and followed the standard methodology as set out by the Joint Nature Conservation Committee (JNCC, 1993). It is considered that the timing of the survey was adequate to characterise the habitats present on site, however, as it was mid-season, it may be that not all species were necessarily noted. Following this survey, the site was identified as being broken up into four distinct parts – arable (72% of area); improved neutral grassland (21%); plum hedgerow (3%) and willow 'hedgerows' (4%). Within the site it was noted that there was not any UK Biodiversity Action Plan Priority Habitats, and no plant species that are fully protected under Schedule 8 of the Wildlife and Countryside Act 1981. Furthermore, no UK or Kent (regional) Biodiversity Action Plan vascular plant species were recorded during the survey. There was also no indication of badgers within the application site. There was however, sightings of starling, house sparrow and song thrush within the site – with the house sparrow being a Kent Biodiversity Action Plan priority species.
- 5.6.6 A herpetofauna survey was carried out slightly earlier in the year (May 2010), with warm, dry and slightly cloudy conditions. Refugia (sections of roofing felt) were set out extensively throughout the application site to attract basking reptiles and amphibians. Following the acclimatisation period, 16 site visits took place during suitable conditions, to check the refugia. During this period, no reptiles or amphibians were found basking under the refugia or within the application site.
- 5.6.7 The bat survey was carried out on three separate occasions, during late June and early July this year (2010). These were carried out during the evening hours when bats are most likely to be seen. During these surveys, common pipistrelle bats were detected foraging within the application site. No roosts were detected however.
- 5.6.8 Following these surveys, it was suggested that a number of mitigation measures be proposed, as well as the inclusion of features that would further improve biodiversity within the application site. These are set out as follows:
- Tubes and/or bat boxes in the south facing aspects of the roof spaces of the properties;
  - Inclusion of bird boxes/bricks for swift, house martins, house sparrows or starlings;
  - Fencing that divides the gardens should have a space above ground level to allow free movement of wildlife;
  - The fencing should not divide the boarding hedgerow;
  - Garden designs should include native species;

- Micro habitats should be included in each garden;
- Compost areas should be provided;
- The provision of a wildlife sanctuary to provide a number of features, including:
  - A wetland feature;
  - Grassland/wildflower meadow creation;
  - Deadwood piles and rockery.

It is considered that should these elements be provided throughout the development, there would be the possibility to see an overall improvement to the biodiversity of the site, and possibly the wider area. The inclusion of bat boxes/tubes would provide for the possibility of the creation of roosts upon the land, which don't currently exist. Likewise, the existing hedgerows are of limited quality with regards to providing habitat and foraging for the biodiversity within the site. To improve the hedgerow, both in qualitative and quantitative terms, would not only have an aesthetic enhancement, but also provide an opportunity for more shelter, and foraging.

5.6.9 A specific area has been identified within the site (approximately 160sqm) for ecological enhancement. Within this area, it is proposed that a wetland feature be introduced, which would encourage the use by invertebrates, of which there are none on the site at present. Likewise, deadwood piles, shall be provided within this area. I consider this to be an enhancement to the existing situation. The remainder of this area, should be set aside as grassland, and wildflower meadow creation. This area would be managed by the applicants, to ensure it is long term survival.

5.6.10 As can be seen from the above, at present there is not significant biodiversity within the application site. Certain species have been identified within the application site however, I am not of the opinion that the development of this site would preclude any of these species utilising this site. Indeed, the provision of the features suggested would provide additional habitat opportunities for not only the species currently on site (i.e. bats, sparrows etc), but also those that are not currently on site (i.e. newts, invertebrates). I am therefore satisfied that this proposal complies with the objectives of PPS9, in that the proposal has looked at the qualitative improvement of the biodiversity. As such, although the development is located upon previously undeveloped land, I consider that the matter of ecology and biodiversity has been fully considered and that the application is acceptable in this respect.

## **5.7 Residential Amenity**

5.7.1 Whilst the development is located within the open countryside, it does lie to the north of the adjacent residential property, 'Brae House.' This property, a two storey detached dwelling, has a number of side facing windows that overlook the



application site. These windows serve a kitchen and a study at ground floor level (as well as an attached garage) and a bedroom at first floor level. It should also be noted that due to the topography of the land, Brae House sits approximately 500mm lower than the adjoining land to the north.

- 5.7.2 The proposed buildings that would be located closest to Brae House have been designed in such a way as to reduce the impact that they would have upon this property. These houses would have no windows at first floor level that would face towards this property, with the first floor rooms being provided with rooflights. This, together with the separation distance of some 18.6metres, would ensure that there would be no significant overlooking of the existing windows/rooms of Brae House from these properties.
- 5.7.3 Plots 1, 2, and 3 would have first floor windows within the rear elevation, however, these would overlook the front garden of the neighbouring property, which is not used as private amenity space. Furthermore, at this point the neighbouring property does have a significant level of tree planting which would be enhanced by the proposed 1.5metre planting zone provided, to provide a soft buffer between the development and the amenity space.
- 5.7.4 There are no residential properties proposed immediately to the rear of Brae House. Negotiations have taken place to ensure that these units are removed, to retain the privacy experienced by the owners of this property. Plot 6 does face towards this private garden, but at a distance of 32 metres from the boundary, I do not consider that this would result in any overlooking, or the creation of a sense of enclosure to the occupiers of this property.
- 5.7.5 A footpath runs to the side of the application site, which provides pedestrian access to the land to the rear. This proposal would not impact upon this access.
- 5.7.6 There are no residential properties immediately to the north or west of the application site that would be impacted by this proposal. Likewise immediately opposite the application site (to the east) there are no residential properties that this proposal would impact upon.
- 5.7.7 I am therefore of the opinion that this proposal has been designed in such a way as to minimise the impact that it has upon the amenities of the neighbouring occupiers. I consider that the proposal would not have a detrimental impact in terms of overlooking, overshadowing, or the creation of a sense of enclosure, and as such, I consider it to be acceptable in this respect.

## **5.8 Highways**

- 5.8.1 Kent County Council Highways Services were consulted and have raised no objections to this proposal. They have fully considered the proposal in terms of

the parking numbers, the access into the site, and the provision of a pedestrian crossing point to the south of the application site. Whilst the site is located on an edge of village location, I consider it to be a relatively sustainable location, in that those without a car, would be able to access essential facilities, which are either provided within the village itself, or by travelling by bus to Maidstone, Headcorn or Tenterden.

- 5.8.2 The access point has been fully considered, and the Highways Officer confirms that there are suitable visibility splays on either side of the access. These are to be provided at 2.4m x 59m on either side. It is acknowledged that the access would be on a slight bend in the road, and that the road falls to the south, towards the village. However, as these visibility splays can be provided, the Highways Officer is satisfied that this would not give rise to any highway safety issues.
- 5.8.3 The site is close to the village boundary, and within a short walk of the village centre. However, the village does not have a wide range of facilities, and travel by car or public transport will be required for some essential services. With regards to the level of parking proposed within the development, at 2 spaces per unit, I consider this to be acceptable. This level of provision should ensure that there would be no overspill in to neighbouring roads. It would also be possible for residents or visitors to park on the access roads within the development without any detrimental impact to highway safety. Residents would not be likely to park any vehicles upon the A274.
- 5.8.4 The application proposes a pedestrian crossing to the south of the application site, to link in with the existing pathway along the eastern side of North Street. This is a dropped kerb crossing with tactile paving. Again, the Highways Officer is satisfied that this is a suitable location for such a crossing, and that it will not give rise to any safety concerns for pedestrians that utilise it. I consider that this pedestrian link is necessary to allow for safe movement of the future residents into and out of the village, and to enable them to safely use the village facilities.
- 5.8.5 I am therefore satisfied that the proposal would not give rise to any highway safety concerns, and as such, I see no reason to object to this proposal on this basis. Likewise, the site is edge of village, with its centre within walking distance of the site (approximately 300m) and bus stops (again, 300m). I do not consider therefore that the development would give rise to an over-reliance upon the private car. I am satisfied that there are no grounds to object to this application on Highways safety, or sustainability grounds.

## **5.9 Other Matters**

- 5.9.1 Initially the proposal was to achieve level 3, however, following negotiations with the applicant it was agreed (in writing) to raise this to level 4. This results in a

development that would produce 44% less CO<sup>2</sup> emissions than properties that would have been built to the standard building regulations. Bearing in mind that this would see the loss of Greenfield (and unallocated) land, I consider it important that every effort be made to ensure that the development be as sustainable as possible, and achieving level 4 would make a significant contribution towards this aim.

5.9.2 With regards to contributions to be made, both Kent County Council and the Primary Care Trust have agreed not to request any contributions for this application, due to the fact that it is to be provided as a rural exceptions site. This is consistent with the approach taken with the most recent similar application approved at Grigg Lane, Headcorn.

## **6.0 CONCLUSION**

6.1 I therefore conclude that the proposal would provide a needed development, for local housing for the residents of the Parish of Sutton Valence. It is accepted that the development would result in the loss of an open field, and as such would erode the openness of the countryside. However, the properties are well designed, and the layout is acceptable. Likewise, the landscaping proposed would soften the development from external views.

6.2 Whilst a departure from the Development Plan, which has been advertised as such, it is not necessary to formally refer the development to GOSE, as the development does not fall within any of the criteria set out in the Town and Country Planning (Consultation) (England) Direction 2009.

6.3 I therefore consider that this proposal would meet a defined need within the locality, and would not have a significantly adverse impact upon the character and appearance of the locality. I therefore recommend that the application be given favourable consideration, and Members give delegated powers to approved subject to the submission of a suitable S106 legal agreement, and the imposition of the conditions set out below.

## **7.0 RECOMMENDATION**

SUBJECT TO the prior completion of a S106 agreement confirming:

- a) The development as 100% affordable housing;
- b) The occupation of the development by persons meeting local connections criteria; and
- c) The provision of a 160sqm wildlife area with appropriate management regimes in the land to the south-west of the application site, as shown on plan number 5425 01 Rev C.

The Head of Development Management BE DELEGATED POWERS TO APPROVE subject to the conditions and informatives set out below:

### **REASON FOR APPROVAL**

The proposed development is not in accordance with the policies of the Maidstone Borough-Wide Local Plan 2000. However, the development does comply subject to the conditions stated, with the advice in PPS3: Housing. It is also considered to comply with recent Government guidance contained within PPS4: Planning for Sustainable Economic Growth, which is considered to represent circumstances that outweigh the existing policies in the Development Plan and there are no overriding material considerations to indicate a refusal of planning consent.

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

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

2. The development shall not commence until, written details and samples of the materials (which shall include timber boarding on plots 1 and 12) to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a high quality appearance to the development in accordance with PPS1.

3. No development shall take place until the applicant has secured and had implemented 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 enable the recording of any items of historical or archaeological interest pursuant to PPS5.

4. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (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 pursuant to policy T13 of the Maidstone Borough-wide Local Plan 2000.

5. The development shall not commence until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design, have been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a high quality external appearance to the development pursuant to PPS1.

6. The development shall not commence until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To prevent light pollution in the interests of the character and amenity of the area in general pursuant to Policy ENV49 of the Maidstone-Wide Local Plan 2000.

7. No development shall take place until details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority;

- i) Details of the roof overhangs and eaves.
- ii) Details of windows and doors and recesses/reveals (which shall be a minimum of 70mm).
- iii) Details of the soldier courses.

The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a satisfactory external appearance to the development in the interests of the visual amenity and character of the surrounding area in accordance with PPS1.

8. The development shall not commence until details of foul and surface water drainage have been submitted to and approved by the local planning authority. The submitted details shall incorporate inter-alia wildlife friendly drainage gullies and design features. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of pollution and flood prevention pursuant to PPS23.

9. Prior to the commencement of any works which may affect reptiles or their habitat, a detailed mitigation strategy (which shall accord with the ecological report submitted on 3 August 2010) shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy unless any amendments are agreed in writing by the local planning authority.

Reason: In the interests of ecology and biodiversity pursuant to PPS9.

10. The development shall not commence until details of cycle parking spaces have been submitted to and approved by the local planning authority. The subsequently approved spaces shall be provided prior to the first use of the building(s) they serve and shall be maintained thereafter.

Reason: In the interests of sustainability and to reduce reliance on the use of the private car pursuant to the advice in PPG13.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A, B, C, D, E, F and G and Part 2 Class A to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character, appearance and functioning of the surrounding area pursuant to the advice in PPS1.

12. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. The submitted scheme shall include the following;

- i) details of all existing trees and hedgerows on the site clearly indicating those to be removed and those to be retained;;

- ii) details of the retention and location within the site of a proportion of the cordwood arising from the felling of any trees;
- iii) details of the planting specification and long term management of the meadow areas within the site in the interests of ecology and biodiversity;
- iv) details of the proposed hibernacula and compost areas;
- v) details of the species, size, density and location of all new planting within the site;
- vii) a minimum of six native trees (of a heavy duty standard) to be planted within the landscaped area along the A274 frontage, prior to occupation;
- viii) a double staggered hedge to be provided along the northern and southern boundary, interspersed with tree planting;
- ix) the hedge to be brought round to the road frontage of plots 1 and 12, replacing the proposed fencing;
- x) climbing plants shall be provided to the rear of the pergolas provided for car parking;
- xi) the open area located within the centre of the site, shall be planted with a wildflower mix;
- xii) details of the provision of bird and bat boxes and the provision of bat and swift bricks within the development.

Reason: No such details have been submitted and to ensure a satisfactory visual appearance to the development pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000 and in the interests of biodiversity and ecology pursuant to PPS9.

13. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five 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, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000.

14. All 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'. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. 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 satisfactory setting and external appearance to the development pursuant to PPS1 and PPS9.

15. The dwellings shall achieve a minimum of Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that a minimum of Code Level 4 has been achieved.

Reason: to ensure a sustainable and energy efficient form of development in accordance with Kent Design 2000 and PPS1.

16. No occupation of the development hereby permitted shall take place until the proposed footway construction and formal crossing facility linking the eastern side of the A274 to the western side as shown on drawing 5425 01 Rev C, is provided.

Reason: In the interests of pedestrian safety in accordance with PPS1.

17. No occupation of the development hereby permitted shall take place until the visibility splays of 2.4metres x 59metres as shown on the submitted plans numbered 5425 01 Rev C, have been provided. These visibility splays shall be provided and thereafter maintained with no obstruction to visibility above a height of 600mm.

Reason: In the interests of highway safety in accordance with PPG13.

18. No development shall take place until full details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the local planning authority;

- i) Details of windows and doors and recesses/reveals (which shall be a minimum of 100mm);
- ii) Details of the exposed rafter feet;
- iii) Details of the brick plinths;

The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a satisfactory external appearance to the building in the interests of the visual amenity and character of the surrounding area in accordance with PPS1.



19. The development shall be carried out in accordance with the plans numbered 5425 01 Rev D; 5425 15 Rev A, 5425 14 Rev A; 5426 16; 5425 13 and 5425 12 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a high standard of development in accordance with PPS1.

### **Informatives set out below**

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

Clearance and subsequent burning of existing woodland or rubbish must be carried out without nuisance from smoke, etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

No vehicles may arrive, depart, be loaded or unloaded within the general site except between the hours of 0800 and 1900 Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.

You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at [www.considerateconstructorsscheme.org.uk](http://www.considerateconstructorsscheme.org.uk)

No development shall commence until a scheme for the use of wheel cleaning, dust laying and road sweeping equipment, have been submitted to and the scheme approved in writing by the local planning authority. The approved scheme shall be implemented in its entirety once development has commenced, for the duration of demolition/construction works at the site.

The developers shall provide adequate space within the application site for the parking/turning/unloading of contractors vehicles before any works commence on site. Such space shall thereafter be maintained during the construction process where practicable.

It should be noted that plots 1 and 12 of the development hereby permitted shall be constructed of timber (not imitation timber) cladding, and thereafter maintained as

such. This has been required in order to respond to the rural character and appearance of the locality.

The proposed development is not in accordance with the policies of the Maidstone Borough-Wide Local Plan 2000. However, the development does comply subject to the conditions stated, with the advice in PPS3: Housing. It is also considered to comply with recent Government guidance contained within PPS4: Planning for Sustainable Economic Growth, which is considered to represent circumstances that outweigh the existing policies in the Development Plan and there are no overriding material considerations to indicate a refusal of planning consent.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.