

APPLICATION: MA/10/2029 Date: 19 November 2010 Received: 22 November 2010

APPLICANT: Mr & Mrs Charlton, G Charlton and Sons

LOCATION: LAND AT IVY FARM HEADCORN ROAD, LIVERTON HILL, SANDWAY, KENT

PARISH: Boughton Malherbe

PROPOSAL: Erection of a PPS7 house with ancillary energy centre building housing an aerobic digester, including access, ecological enhancements and landscaping including new pond in accordance with plan numbers 1718-4-C-300-1002 and 1718-4-C-300-1001 received on the 19 January 2011, site location plan, T0134/SK001; T0134/SK002; T0134/SK003; 1917/EC04 received on 3 March 2011, 1718-4-P-000-1001; 1718-4-P-200-1012; 1718-4-C-300-1000; 1718-4-L-200-1001; 1718-4-P-200-1010; 1718-4-P-200-1009; 1718-4-P-000-1002; 1718-4-E-200-2004; 1718-4-P0200-1011; 1718-4-S-200-3003; 1718-4-E-200-2003; 1718-4-E-200-2005; 1718-4-S-200-3002; 1718-4-E-200-2001; 1718-4-S-200-3001; landscape statement; visual impact assessment; landscape management strategy; sustainability and energy statement; design and access statement; great crested newt survey; code for sustainable homes pre-assessment; ecological assessment; case of very special circumstance report; and planning statement received on the 19 November 2010.

AGENDA DATE: 11th August 2011

CASE OFFICER: Chris Hawkins

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

- it is contrary to views expressed by the Parish Council
- it is a departure from the Development Plan

1.0 POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34, T13
South East Plan 2009: CC1, CC2, CC4, CC6, H1, T4, NRM1, NRM5, NRM7, NRM10, NRM11, NRM12, NRM15, NRM16, W2, W11, C4, BE6.
Village Design Statement: N/A

Government Policy: PPS1, PPS3, PPS7, PPS9, PPG13

2.0 HISTORY

MA/10/2030 Application for the prior approval of the local planning authority for the formation of a reservoir. Approved.

3.0 CONSULTATIONS

3.1 **The South East Regional Design Panel** were consulted and made the following comments:

'We strongly support the proposed scheme, which in our view successfully fuses architectural innovation with a respect for its very special surroundings. We recognise that care has been taken in selecting the right position for the house, and especially commend the way the environmental strategy has been at the heart of the design.'

The house has been planned to take full advantage of the views, with the principal rooms arranged in an arc from west to east. The ancillary accommodation is confined to the rear and is cut into the slope. We think this partition is logical; the house is not more prominent than it needs to be, but does not hide below ground. The separation of the 'entrance' and 'view' areas is further emphasised by contrasting materials, with the weighty, elemental functionality of the courtyard offset by the lighter, more airy appearance of the 'view' side. We like the way the gradient is used to sweep the landscape over the roof of some of the ancillary buildings.

We commend the imaginative way the particular characteristic of the site – an orchard in rolling Kent countryside – has been used to prompt the form and the appearance of the house. This is most apparent in the espalier-inspired screen, but more importantly in the way the environmental strategy has been harnessed around the re-use of waste fruit, generating energy through a bio-digester. This highly appropriate technology has rarely been used on a domestic scale. Combined with the high building mass, water recycling and other conservation measures, this should enable the project to meet its ambitious Passivhaus and Code for Sustainable Homes (level) 6 targets.

We also support the appropriate use of local materials and techniques, including ragstone and timber framing.'

In addition to supporting the proposal, the Panel made the four following comments:

- Recommend that the screen be modelled to test its size/positioning etc...

- They thought that the entrance to the house should be given greater presence.
- They think that the way the lake affects the setting of the house should be given greater emphasis.
- They suggested that some details about the internal finishes of the house would be beneficial.

3.2 **Southern Water** were consulted and raised no objections to this proposal.

3.3 **Natural England** were consulted and made no comment on this application, however guided the Authority to their standing advice.

3.4 **The Kent Wildlife Trust** were consulted and requested that additional information be submitted. This information has now been submitted.

3.5 **KCC Ecology** were consulted and made the following comments:

'Under the Natural Environment and Rural Communities Act (2006), "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." In order to comply with this 'Biodiversity Duty', planning decisions must ensure that they adequately consider the potential impacts of a proposed development on protected species.

Planning Policy Statement 9: Biodiversity and Geological Conservation states that *"the aim of planning decisions should be to prevent harm to biodiversity"*.

Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that *'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision.'*

Natural England has published Standing Advice on protected species and Ancient Woodland. When determining an application for development that is covered by the Standing Advice, Local Planning Authorities must take into account the Standing Advice. The Standing Advice is a material consideration in the determination of applications in the same way as a letter received from Natural England following consultation.

We are satisfied that the surveys carried out and reports submitted have adequately assessed the potential for impacts on protected species and habitats as a result of the proposed development.

We advise that the recommendations within the *Ecological Assessment* report, summarised in sections 5.6.1 to 5.6.10, along with the *Landscape Management Strategy*, are implemented as a condition of planning permission, if granted. This will limit the potential for impacts on protected species and also provide enhanced opportunities for wildlife on the site.'

3.6 **The Environment Agency** were consulted and raised no objection to this proposal.

3.7 **Boughton Malherbe Parish Council** were notified and wish to object to the proposal. Their objections are summarised below:

- The planning application form is incorrect in that the proposal would be visible from a public vantage point.
- The proposal would be contrary to Policy ENV28 of the Maidstone Borough Wide Local Plan (2000) in that it harms the character and appearance of the locality.
- It is contrary to Policy H31 of the Maidstone Borough Wide Local Plan (2000).
- It is contrary to Policy CS11 and C4 of the South East Plan 2009.
- The area is designated within the Maidstone Borough Wide Landscape Character Assessment as being a Special Landscape Area, where there is a requirement for the Local Authority to give protection to this character of this landscape.
- Government guidance suggests that anaerobic digesters should be located at least 250metres from residential properties.
- Additional studies suggest that they should be located as far away from residential properties as possible.
- The equipment being proposed is 'experimental' and has not been proven on this scale.
- The proposal is not groundbreaking in the use of materials.
- The proposal does not protect or enhance the environment.
- The overwhelming opinion of the development is that it is ugly, and not of the highest standards of contemporary architecture.
- The proposal is not sensitive to the landscape, which is renowned for its beauty.
- The site is not considered to be 'isolated.'
- The needs of the local community have been ignored within the application.
- There has been no/little communication with the Parish Council prior to submission.
- Concerns are raised over the true levels of waste required.
- Concern is raised over the accuracy of the Code for Sustainable Homes pre-assessment.
- Concern is raised over traffic and road safety, in particular to the entrance point on Liverton Hill.

- There have been a number of accidents upon Liverton Hill, this proposal will exacerbate this.
- The application is not credible.
- The house is not tied in any way to the farm.
- There are great crested newts within close proximity of the application site.

3.8 **Maidstone Borough Council Environmental Health Officer** was consulted and raised no objection to the proposal.

4.0 REPRESENTATIONS

4.1 **Councillor Jenny Whittle** has made the following comments on the planning application:

'I have received a number of letters and emails from residents expressing concerns about the above application. As County Councillor for Liverton Hill, I have based my concerns on the impact on the local highways network and a public right of way that intersects through Ivy Farm.

The application states that only two Portagester vehicle trips would be required on a weekly basis, but as I understand it, a considerable amount of waste would need to be generated to power the 18,000 sq ft property for which planning permission is sought. I am advised that the Portagester would probably have to run more than two return trips per week to collect the waste from the farm in Langley that would be needed to power the property.

I drove along part of the route that the Portagester would take where the carriageway is very narrow. The verges are in a poor state and it is evident that lorries and large vehicles have used the banks as passing places. I am concerned that further large scale vehicle movements would lead to continued erosion of the banks, the cost of which would have to be borne by local taxpayers. There is also evidence of hedges having been torn down by lorries mounting the verge on Headcorn Road. It is a very narrow route, with a lack of passing places and damaged verges. One only has to look at Pleasure House Lane in East Sutton where the verges have been severely damaged by lorries accessing a farm there. The Portagester is a particularly large vehicle that would need to do a 15 mile round trip from Langley to deposit the fruit waste that would be required to provide energy for the enormous property that is proposed. This will lead to increased congestion on roads that are already unsuitable for lorries.

I have been involved for the past year in a scheme to slow down traffic and improve signage on Liverton Hill and Liverton Street. I am therefore very concerned by the increased vehicular traffic that would operate here in addition to the large proportion of existing traffic constituted of commercial vehicles.

Liverton Hill is characterised by sharp, blind bends, narrow width and poor lines of sight for oncoming traffic. Ivy Farm is situated at the bend where some downhill traffic tends to travel at dangerous speeds. The original application states that the owners are proposing to work from the property; with 450 employees this would entail business meetings and other visits which could lead to a significant increase in traffic and increased danger on this rural route. The house traffic must be considered as additional traffic to the farm, and not within the category of unrestricted farm use. If the entrance was separate but on the same hill it would be treated as an additional source of traffic and the fact that the farm and house share the same entrance should not be a consideration, as the house is not tied to the farm.'

4.2 **Lenham Parish Council** (neighbouring Parish) made the following comments:

- The development would be unsustainable.
- There would be an impact upon the Greensand Ridge.
- The vehicle activity would be significant and to the detriment of highway safety.

4.3 **Neighbouring properties** were notified and 101 letters of objection have been received. The main concerns raised within these letters are as follows:

- The proposal does not meet the criteria of PPS7;
- The design of the building is not outstanding, or innovative;
- The digester would be unsightly, noisy and would smell;
- The storage of waste would encourage wasps/vermin etc;
- Waste from the digester may enter the watercourses within the application site;
- The proposal does not fully consider the needs of the local community;
- The site is not in an isolated location, as required by PPS7;
- There would be a significant amount of vehicular movements upon an already busy and dangerous road;
- The proposal is more akin to a health spa or hotel;
- There would be light pollution from the windows, which face towards the village;
- The transportation of waste to the site would be noisy and smelly;
- The creation of the lake is unacceptable (subject to a separate application which has been approved);
- Loss of trees within the site;
- There would be a detrimental impact upon the listed buildings within the locality;
- The proposal would result in overshadowing of the neighbouring properties;
- Smells would be produced from the landscape features;
- No agricultural ties are proposed for the occupants;
- It would be out of keeping with the existing properties within the area;

- The land is subject to slippage – this proposal would exacerbate this;
- Too many PPS7 houses have been permitted within the area;
- What happens if the property is sold off – how would the anaerobic digester operate?
- There is no need for a building of this scale;
- The use of local materials does not make 'local' design;
- The proposal would destroy views around the area;
- The digester does not comply with Environment Agency regulations;
- No employment is created by this proposal;
- The technology proposed is unproven;
- The site lies within the Special Landscape Area (SLA), which should be protected.

4.4 In addition, 2 **letters of support** have been received. The main points raised within these letters are summarised below:

- The proposal obviously demonstrates an 'exceptional quality and innovative nature.'
- If the standard of contemporary architecture is to be improved, then exemplars such as this proposal should be promoted (Professor Don Gray – Professor of Architecture, University of Kent).
- The proposal is an outstanding example of contemporary architecture, which will stand apart from the style conscious solutions of many modern day architects.
- The proposal is highly conscious of its own environment and landscape, and responds to it.
- The anaerobic digester is innovative (Sir Terry Farrell, Architect).

4.5 **CPRE England** have made the following representations:

- The proposal would be contrary to Maidstone Borough Wide Local Plan Policies ENV28 and ENV34.
- Any proposal must respond positively to the qualities of the landscape.
- There is no link between the building and the land (i.e. no agricultural occupancy condition is sought).
- The proposal is not of sufficient quality of design to meet the strict criteria of PPS7.
The area is not suited to grand houses of this scale. The farming is characterised by smaller clusters of buildings.
- Concern is raised about the anaerobic digester. Is there sufficient fuel.
- Carbon footprint of lorries bringing waste food into the site would be to detriment of the environment.
- The assumption that the proposal meets level 6 of the Code for Sustainable Homes needs further examination.

5.0 CONSIDERATIONS

5.1 Site Description

- 5.1.1 The application site is located within the open countryside, on the eastern side of Headcorn Road, close to Liverton Hill. The site is served off an existing access point 100m south of a sharp turn in the road, with the road the falling as it runs southwards towards Grafty Green (which lies approximately 500metres from the position of the proposed dwelling). The land is defined as being within a Special Landscape Area and is close to (although would not impact upon) the Conservation Areas of Liverton Street and Elmstone Hole.
- 5.1.2 The applicant has, within the past 18months, replanted the fields within the application site, with an apple orchard. These trees have been planted upon wire framework which is set out within a distinct form. Part of this planting is still to take place, but stakes have been put in place, to easily identify the future location and layout of these trees.
- 5.1.3 The site has a particularly varied topography, with the land generally falling from north to south. The land is particularly undulating however, with the centre of the site having the greatest fall in land levels. The total site area amounts to some 17 hectares.
- 5.1.4 A stream runs from north to south through the application site, although at present this runs partly underground, with a small pond located centrally.
- 5.1.5 To the north of the site is a timber framed residential property, and agricultural barns/outbuildings that sit on the brow of the hill. From this point there are panoramic views to the south, encompassing the farmland and residential properties beyond.
- 5.1.6 To the east of the application site is Church Road, and open land. Beyond Church Road is an area of small woodland and farmed land. To the north east (within Boughton Road) is a small cluster of properties, many of which are converted farm buildings and cottages, and a church. A farm also operates from this location. Again, from this location, there are open views to the south.
- 5.1.7 Immediately to the south of the application site is a residential property known as Stream Farm. This is a two storey property set within a good sized garden that fronts on to Headcorn Road. The northern and western boundary between the application site and this property currently consists of relatively mature tree planting and dense shrub. To the south east of the site are Millpond Cottages. Consisting of a row of four terraced houses, these are positioned on the opposite side of Church Road. There is a low hedge that runs along the boundary of the application site at this point, with views into the orchard from the road.

- 5.1.8 To the west of the application site are open fields that are screened by a large amount of trees and shrubs. Between the site and Headcorn Road is Liverton Hill Farm, which is now a residential property. A high hedge bounds the northern and eastern boundary of this property with the application site.
- 5.1.9 To conclude, the site is rural in character. Sitting on the southern side of the Greensand Ridge, the site is open to the south, with far reaching views. However, due to the existing vegetation, only glimpses of the location of the proposed house can be seen from the public domain. There would however, be medium/long distance views from both Headcorn Road, and Church Road.

5.2 Proposal

- 5.2.1 The application is for the erection of a detached dwelling, to be located on the southern side of the Greensand Ridge. The proposal would consist of a detached dwelling containing a swimming pool at lower ground floor level, living accommodation and garaging at ground floor level, and five bedrooms plus an annex at first floor level.
- 5.2.2 As this is a proposal for a 'PPS7 house,' its form should be unique. The building would effectively have two 'faces,' one to the front (southern elevation) and one to the rear (northern elevation). The southern elevation would have a strong glazed, central element, together with an intricate brise soleil, which would take the form of a geometric pattern across the front elevation. This elevation would rise from either end to a maximum height of 13.5metres (not including the depth of the swimming pool). The glazing within this southern elevation would be three storeys in height, and would cover an area of approximately 140metres². The timber framing, would incorporate balconies at first and second floor – which would be provided with glazed fronts.
- 5.2.3 On either side of the central part of the building the land rises, so that the building becomes two storey, with a maximum height at this point of 10metres (to the west) and 11.5metres (to the east). Towards each end of the building the level of glazing reduces, with the introduction of more ragstone – although the timber detailing continues along the length of the building.
- 5.2.4 To the rear of the property would be garaging, that would be partially 'buried' underground. These garages would be able to contain four vehicles. There would be a courtyard area in front of the garages – also acting as an entry point to the dwelling itself.
- 5.2.5 The proposal also includes the provision of an anaerobic digester, which would be located approximately 170metres east of the access point, and 140metres from Liverton Hill Farm to the south, and 180metres from Ivy Farm House to the

north. This would be located within a cluster of existing farm buildings. Details of how the anaerobic digester would work are explained fully later within the report, however, it would have a maximum height of 6.3metres, a depth of 8metres and a length of 17.7metres. Constructed of brick, with metal cladding the building would have a relatively contemporary, but utilitarian appearance, which would not be out of keeping with the surrounding agricultural buildings (that vary in age and construction). The building would have a loading area, with a roller shutter door, and an area that contains the plant.

- 5.2.6 The applicant has submitted a full appraisal of the sustainable elements of this proposal, which demonstrate that the proposal would achieve level 6 of the Code for Sustainable Homes. Again, this is discussed at some length within the main body of the report, but in summary, the proposal would include the anaerobic digester, PV cells on the roof and elements of passive heating throughout the dwelling.
- 5.2.7 The applicant has submitted a full landscape plan with the proposal and also a management plan that identifies how the site will be maintained in the long term. This long term management plan is intrinsically linked with the work undertaken to address the concerns, and potential benefits to ecology within the application site. Part of the site has already received prior approval for the creation of a reservoir, within the southern portion of the site, construction of this has begun (and this does not form part of the consideration of this planning application).

5.3 Principle of Development

- 5.3.1 The application site lies within the open countryside, and as such the proposal, if approved, would be a departure from the Development Plan. Policy ENV28 of the Maidstone Borough Wide Local Plan (2000) sets out that development will not be permitted within the open countryside that would harm the character and appearance of the locality. There is a general presumption against the provision of new dwellings within the open countryside, as they would generally fail to comply with the above policy, and would also not accord with the principle of sustainable development that underwrites central government policy. In addition, the Council have identified a 5 year land supply for housing within the Borough, and as such, there is no *need* to provide sites such as this for new housing.
- 5.3.2 However, within PPS7 allowance is made for the provision of new dwelling houses within the countryside. This is set out within paragraph 11 of this document, and reads as follows:

'Very occasionally the exceptional quality and innovative nature of the design of a proposed, isolated new house may provide this special justification for granting

planning permission. Such a design should be truly outstanding and ground-breaking, for example, in its use of materials, methods of construction or its contribution to protecting and enhancing the environment, so helping to raise the standards of design more generally in rural areas. The value of such a building will be found in its reflection of the highest standards of contemporary architecture, the significant enhancement of its immediate setting and its sensitivity to the defining characteristics of the local area.'

- 5.3.3 As set out within this paragraph, the key elements are that the development needs to be isolated, the design should be truly outstanding and ground-breaking, and the proposal should be of a contemporary form.

Maidstone has permitted houses in the past, on the basis of this support within Government policy irrespective of housing need. Previous permissions include properties at Merriams Farm within Caring Lane and Ewell Manor near West Farleigh. Whilst each case is determined on its merits, the Authority accepts the principle of allowing exceptionally designed dwelling houses within suitably designed grounds.

- 5.3.4 To my mind, however, the fact that these proposals have been permitted in the past, raises the bar, in terms of innovation, and the quality of any future application that is required to be met, in order to receive a favourable recommendation, and decision. As such, this proposal should be *better*, both in terms of its contemporary design, and its sustainability than those previously permitted. I am therefore satisfied that the principle of development is acceptable, subject to the matters discussed above being addressed, and the building meeting the strict criteria of paragraph 11 of PPS7.

5.4 Architectural Quality

- 5.4.1 As set out above, the architecture of the proposed dwelling is required to be of the highest standard of contemporary design, and to incorporate ground-breaking form of elements of sustainable construction. The development, designed by Peirs Gough CBE, has evolved through a series of pre-application meetings held with officers of the Council, and, following the submission of the application, following a meeting with the South East Regional Design Panel (SERDP).

- 5.4.2 Much effort has been made to ensure that the development sits comfortably within the landscape that surrounds it. Design, by its very nature is a subjective topic, and particularly at its most contemporary, can provoke polarised views. That is certainly the case with this particular proposal, with letters submitted in support, and a larger number received contesting the appropriateness of the design.

- 5.4.3 I think it important in assessing this application to understand what is meant by 'good design' or 'highest standards of contemporary architecture.' It is stated within PPS1 that '*good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.*' In terms of the highest standard of architecture – there is no definitive explanation of this. However, clearly the architecture has to respond to its environment - its context - and should be of a scale and form that means it is neither overly dominant, nor subversive. Its detailing (even if minimal) should be of the highest quality, and must respond to the scale of the building itself.
- 5.4.4 To my mind, a 'PPS7 house' should not just meet the above criteria, but surpass it. Should this be achieved I see no reason that the building should be hidden, or screened from public view, rather, it should work within the landscape in such a way as to contribute positively. Its scale and design should be such that it does not dominate, but rather become *part of* the landscape.
- 5.4.5 Does this proposal therefore meet the strict criteria for a new house within the open countryside? The house is designed in such a way as to rise and fall from the ground at either end, with a ragstone 'spine.' The house would be designed with two distinct façades, with the most prominent being provided with a timber screen which rises and falls along the front elevation. This angular screen provides a contrast to the soft rise and fall of the ragstone wall, and reflects the verticality of the tree planting that surrounds the site. This screen would be constructed of timber, which would re-enforce this relationship.
- 5.4.6 During pre-application discussions, the importance of reflecting the local character, in a contemporary form was emphasised. This can be either through the use of materials, or through the form of the building itself (or preferably both). I am of the opinion that the architect has successfully fused these two elements, with the use of Kentish ragstone, timber, and peg tiles, combined with steep pitched roofs, and curved form, which are very much characteristic of this part of Kent.
- 5.4.7 The building utilises the contours within the landscape, to create additional height within the centre of the building. Irrespective of this, a large building would be created, with the central portion of the building being of a significant mass – it reads as a three storey building at this point, rather than a two storey building with a semi-basement. To soften the impact of this mass, this central element includes a significant amount of glazing, as well as the timber screen, and balconies (supported by heavy duty vertical poles). This would provide a suitable level of (delicate) detailing that a building of this scale demands, as well as layering, with the creation of shadows and form that would provide some relief within this prominent, and sizable elevation. I am satisfied that the vertical

to horizontal proportions of this building are well judged - any higher and the building would have been too vertical, and any lower, and the building would have had an overly dominant horizontal emphasis.

- 5.4.8 The use of this timber screen draws a direct reference from the orchard planting within the fields that surround the building – both in terms of form and material used. I consider this to represent good design, with the building drawing reference from the farming environment that is not only within the application site, but the wider area.
- 5.4.9 The use of a significant level of glazing within the southern elevation will allow for the applicants to maximise the solar gain, and reduce energy consumption. In addition, however, this will result in reflections from the soft landscaping around the development (and the timber screen) upon the windows, providing a further softness to the development.
- 5.4.10 The projection of the outdoor swimming pool reinforces the idea of the house and the landscape being intrinsically linked. There is both an internal and external pool at lower ground floor level, which are linked by a series of patio doors. This use, within the core of the building, and the southern, and open side of the building would again see a strong link between the built form and the surrounding land.
- 5.4.11 The stone wall, or 'spine' that runs through the building provides a defined split in the property. To the rear, the property would be a lot more enclosed, with little fenestration (and what is proposed to be provided would be set well within the walls). This part of the building is a lot more defensive in its design, creating a vastly differing context. I consider that this relates to the contours of the land, with the land to the north of the site rising up, and this, together with the solid wall, creates a sense of enclosure on both sides, reflecting the more private nature of this part of the property. I consider that the contrast in form, responds well to the private/public faces of the building.
- 5.4.12 The use of materials within the building, in particular the timber, stone and clay tiles are very traditional materials, and despite the very contemporary nature of the building, also ensure that the building does not appear as too harsh – the materials give a softness. Whilst a very contemporary design, the use of locally sourced materials ensure that the building does not appear as incongruous within the landscape.
- 5.4.13 The way in which the proposal has utilised the landscape, and also (to a lesser extent) would alter it would respond to the undulating character of the locality. It also would frame the building, with the land falling centrally, to emphasise the height of the core of the dwelling.

5.4.14 Paragraph 11 of PPS7 requires that the development be of the highest standard of contemporary architecture, and should enhance its 'immediate setting and its sensitivity to the defining characteristics of the local area.' I am satisfied that the proposal is of an exceptional design, and the proposal has been comprehensively designed to incorporate itself into the local landscape. Design, clearly, is subjective. However, the proposal put forward would see the erection of a contemporary house of a form that responds positively to the contours of the undulating land, which provides a striking form, yet is also provided with detailing that gives the building a delicacy, that contrasts sharply with the stone 'spine.' I am satisfied that the proposal would meet be of the highest standard of contemporary architecture, and as such would meet this requirement of PPS7.

5.5 Visual Impact

5.5.1 A key consideration in the determination of this application is the impact upon the character and appearance of the locality. Policy ENV28 does not allow for development within the open countryside that would harm the character and appearance of the area (or the amenities of the surrounding occupiers). As such, any built development must have due regard to the character and appearance of the locality, and must either preserve, or enhance it.

5.5.2 In order to assess the harm, one has to firstly assess what exactly the character of the locality is at present. It is a rolling landscape, consisting of farmland, with sporadic housing within. The field patterns are generally informal, with clusters of tree planting both to the east and the west of Headcorn Road. The site does lie within the southern side of the slope that runs down from Liverton Street, before rising again to the north of Grafty Green. However, to the south-east of the application site, the land continues to fall, with far reaching views from the ridge.

5.5.3 In terms of the wider visual impact, the building would not be hidden from view. However, having viewed the application site from various vantage points, both adjacent to the site and from further away – particularly from the south, I do not consider that the proposal would be overly prominent within the landscape.

5.5.4 Views of the property from the north would be screened by existing buildings (Ivy Farm House and associated out buildings) and by the substantial woodland atop of the ridge. As one moves down the hill (to the west of the site), views in are restricted by the high verge, hedge line and the planting of the re-planting of the orchard that has now taken place. The dwelling would be visible when stood slightly to the south of the access road, however, this would be a 'side on' view of the property, which is at its narrowest point.

5.5.5 From further south, close to Liverton Hill Farm, views of the building would be further restricted from the public domain (although there is a public footpath

that enters the applicants land at this point) by the existing hedge and tree planting (both within the field, and along the boundary). In addition, the topography of the land is such that there is a slight crest in the land that prevents long distance views beyond.

- 5.5.6 From further south, at the bottom of the dip by Stream Farm views into the site are restricted by the existing soft landscaping. During the winter periods, there may well be obscured views of the property from the public vantage point. As one moves up towards Grafty Green, I do not consider that there would be any views of the property from the public domain.
- 5.5.7 From the east, and in particular, from Church Road, views into the site are less restricted. The hedge is much lower, and the topography of the land is such that it rises more gently northwards. However, due to the nature of the tree planting within the fields, the impact of the house upon the landscape would be limited. Yes, there would be views of the property, particularly during the winter months, but by virtue of the distances involved (the dwelling would be approximately 210m from the road at its nearest point), and the undulating land, these would be limited. It should also be noted that additional tree planting is proposed along Church Road, with a 'planted walk' running in a north-westerly direction from the highway. This planted walk would provide a view of the property, which would effectively be 'framed,' when viewed from Church Road.
- 5.5.8 The building would be visible from short, medium and longer distance views. However, there would only be *glimpses*, or partial views of this building from each. To my mind, buildings that are considered to be of such architectural quality that warrant an approval (under paragraph 11 of PPS7) should not need to be hidden away. It would not dominate its surroundings, but would sit comfortably within the landscape, without detracting from it. I am satisfied that the proposal would respect the surroundings, and as such would not detract from the significant quality of this part of the Kent countryside.

5.6 Residential Amenity

- 5.6.1 Concern has been raised by neighbouring occupiers with regards (in particular) to the use of the energy centre, and the deliveries required, enabling it to operate to its optimum. Concern has also been raised with regards to smell, and the storage of waste materials on site prior to being placed within the anaerobic digester.
- 5.6.2 It is noted that the anaerobic digester is closer to neighbouring residential properties than the proposed dwelling would be. However, it would also be located close to the existing farm buildings within the site. Whilst the concern with regards to the storage of waste products is understood, it is also acknowledged that the storage of crops, and waste crops is a fundamental part

of any farming operation, and could occur within the site without any control of this Authority. As this planning application has been submitted however, I am of the opinion that it enables the Authority to maintain an element of control over this practice, and to ensure that the storage of waste materials is contained in a suitable manner, so that a nuisance does not occur to neighbours through smell or the proliferation of pests (flies/rats etc). I would therefore suggest it appropriate to impose a condition requiring no external storage of waste matter within the application site.

- 5.6.3 With regards to other matters such as overlooking, or the creation of a sense of enclosure, the distance between the proposed property and any neighbouring property would be sufficient to ensure that this neither would occur to the detriment of the neighbouring occupiers.
- 5.6.4 With regards to additional noise and disturbance, as previously stated, this is a farm, with machinery able to be operated without restriction. I do not consider that the delivery of waste fruit, or the additional noise and disturbance from a single dwelling would be sufficient to warrant a refusal of this planning application, irrespective of the significant distances between the properties. With regards to the anaerobic digester, and the noise it would be likely to generate, I have spoken with the applicants agent, and have agreed that a condition requiring it to be no louder than a prescribed level (at the boundary with the nearest neighbour) would be appropriate, to ensure that there is no harm to their amenity. Likewise, the matter of light spill would not be significant (and I would suggest a condition requiring the details of lighting to be submitted).

5.7 Highways

- 5.7.1 Kent Highway Services were consulted on this application and raised no objections to the proposal. Concern was initially raised by the Officer, to the point of access into the site, and to the amount of vehicular movements into and out of the application site.
- 5.7.2 Concern has also been raised by neighbouring occupiers about the level of traffic movements that would be generated by the requirements of the anaerobic digester, and the access point into the site having poor visibility, and in close proximity to a sharp bend in the road.
- 5.7.3 The Highways officer has fully considered these matters. Whilst an anaerobic digester would generate some traffic movement, likely to be approximately one truck a week, weight has to also be given to the amount of vehicular movements that a working farm could also generate. In this instance, it is not considered that the vehicular movements generated by the anaerobic digester would not be in excess of what one would normally associate with a fully operational farm. In addition, the applicant has provided tracking diagrams that demonstrate that the

vehicle delivering the waste produce would be able to enter and leave the site in a forward gear.

- 5.7.4 There are no changes proposed to be made to the point of access from Liverton Hill. As stated, as this access could already be used for a large quantity of farm traffic without alteration, I do not consider it reasonable to request that amendments be made, or objections be raised to its use for residential purposes as well as commercial, as this would not generate a significant increase in traffic movements.
- 5.7.5 I am therefore satisfied that the access into and out of the application site is acceptable, and that the proposed use of the site would not generate a significant increase in vehicular movements. As such, I see no reason to refuse this application on highway safety grounds.

5.8 Landscaping

- 5.8.1 The site has particular characteristics that have already been (in part) altered, by virtue of the re-alignment of the orchards within the fields. As part of the application, a landscape management plan has been submitted, which addresses both the visual appearance of the development, and also the ecological enhancements that it would bring about.
- 5.8.2 A landscape overview has been provided, demonstrating the broad concept of the proposal. Further detail is then provided within the landscape management plan, and the landscape assessment. The site covers a large area of land – approximately 17hectares – much of which will be intensively farmed. However, with a site of this scale, there are opportunities to seek significant improvements to the landscape of the locality, and to ensure that the building would suitable assimilate itself into its surroundings.
- 5.8.3 To the north of the site is an existing woodland. This is proposed to be extended southwards, towards the rear of the property. This would have a dual effect, of providing a buffer to the land to the rear, as well as providing additional habitat for badgers, which are known to use to the land to the north. Native species are proposed, including apple trees (although these are to be planted in a more informal manner than those to the south of the property). I consider the further enhancement of this woodland to be a significantly positive benefit to the area, both in terms of its character, and biodiversity.
- 5.8.4 To the north-east and south-west of the property, a significant area will be given over to meadow grass. A proposed pond would be located to the south of one of these areas, and as such, providing long meadow grass (with a relaxed mowing regime) would potentially provide enhanced reptile habitat. In addition, new hedgerow planting would provide wildlife corridors alongside these meadow

areas. Visually, this would respond positively to the character of the area – there are hedgerows and fields of long grass within the locality. This would also provide a soft and natural edge to the property, rather than having a hard, manicured garden, that would appear more incongruous within the rural landscape, particularly as the site would be visible from the public domain.

- 5.8.5 Alongside the access track into the site, and to the south of the 'energy centre,' would be a new hedgerow.
- 5.8.6 The majority of the site would be provided with apple tree planting. These have already been planted (as part of the operation of the farm) and have been set out within a formal pattern. The western portion of the field sees the trees running in a north-east/south-west axis, the central field sees the trees running in a north/south axis, and the easternmost field is planted in a north-east/south-west axis. This has been arranged to not only enable the crop to be harvested in an economical manner, but also to provide views through to the property from the south, and to restrict views from other directions – creating glimpses of the building, rather than 'framing' it.
- 5.8.7 Alongside the ditch that runs from north to south through the site, additional planting is proposed to be provided. Species to be planted include Hazel, Hawthorn, and Blackthorn. This enhanced hedgerow would be directly linked to the bolstered woodland to the north of the site, and would provide an enhanced wildlife corridor through the application site.
- 5.8.8 A ten year management plan has been drawn up to ensure that the site is suitably maintained within the important formative years. I am satisfied that the approach suggested within the management plan would be appropriate, and would ensure that the soft landscaping takes and grows as proposed. I am satisfied that the landscaping proposed would result in an enhancement of the character and appearance of the locality, and would provide an appropriate soft edge to the proposed dwelling. I therefore conclude that this proposal would be of a suitable standard to give a building of this nature an appropriate setting, and also provide long term enhancement to the character of the area.

5.9 Ecology

- 5.9.1 The application includes an ecological assessment, and also includes a landscape management plan that addresses ecology. The ecology assessment shows a good understanding of the application site, and is thorough in its approach to proposing mitigation measures. The survey comprises of a desk study of the site, and wider area. Information for this desk study was obtained from the Kent and Medway Biological Records Centre (KMBRC), the National Biodiversity Network, and the online Multi-agency Geographic Information for the Countryside (MAGIC) Agency.

- 5.9.2 In addition to the desk study, a habitat survey was carried out in May 2009 in order to ascertain the general ecological value of the application site, and to identify the main habitats within the study area. The area was studied in accordance with the recommendations of Natural England, whereby the habitat types are identified and mapped, together with an assessment of the species composition of each habitat.
- 5.9.3 General faunal activity, such as birds or mammals observed visually or by call during the course of the surveys was also recorded. This looked, in particular for badgers, bats, and great crested newts within the site.
- 5.9.4 The faunal study did not identify any badger activity within the application site, however did note that there were holes dug within an area of woodland to the north of the application that may be suitable for badger setts. This is backed up by information provided by the KMBRC which has identified badger activity within a one mile radius both to the north and the east of the site. It is therefore acknowledged that the application site may be used for commuting or foraging by badgers, and as such, a series of recommendations have been put forward by the applicant. These include:
- Trenches to be left open overnight with a means of escape should a badger enter;
 - Trenches/pits to be inspected each morning to ensure no badgers have become trapped overnight;
 - The storage of soil or other soft building material to be carefully considered to prevent badgers making them into setts;
 - The storage of chemicals on site to be contained in such a way to ensure that the badgers do not come into contact with them;
 - Fires to be lit in secure compounds.
- 5.9.5 The study did not record any findings of bats within the application site, however there is one building on site (brick built barn), and woodland that could potentially offer opportunities to roosting bats. It is also considered that the extensive hedgerows would be likely to provide good navigational and foraging opportunities for bats. However, this is set away from where the building is proposed, and would be unlikely to be affected by the proposal. Nevertheless, it is recommended that any lighting be designed in such a way as to minimise light spill, to reduce the impact upon foraging/commuting.
- 5.9.6 Both the woodland to the north and the extensive hedgerows would provide a suitable habitat for dormouse. Again, the proposed dwelling would be set away from these areas, and as such, I do not consider that the proposal would be likely to impact upon these habitats.

5.9.7 No reptiles were noted during the study work within the application site. In addition, there were no specific records of reptiles within the study area from the data searches undertaken. However, the single pond within the site could provide potentially suitable breeding habitat for the great crested newt, although this is limited due to the wildfowl that utilise the site, and the pesticides that may work into the watercourse. Given the above, and noting that no examples were found on site during the study, the assessment concludes that it is highly unlikely that any Great Crested Newts are present within the site, and as such, it follows that the proposal would not impact upon their population.

5.9.8 As a proposal of this nature should only be permitted in exceptional circumstances, to my mind, it is important that the built form relates to the land, and in addition, the land is enhanced by the proposal. In enhancing the landscape, a strong consideration is how additional biodiversity can be introduced. The ecological assessment suggests a number of ways in which the land can be enhanced:

- Native tree/shrub planting;
- New pond creation – this is proposed to the north of the existing pond (0.14km) and will be designed with shallow sloping edges;
- Meadow creation – a new area of meadow is to be created adjacent to the dwelling;
- Bat boxes – the provision of three bat boxes per tree on the woodland edge are to be provided;
- Dormouse boxes – to be provided within the woodland area;
- Bird boxes – to be provided on trees within the application site;
- Strimming of vegetation to take place prior to any works on site to allow for maximum protection of reptiles;
- Cordwood – cut and fallen wood to be left on the ground in both sunny and shaded areas.

These measures seek to ensure that the ecological value of the site is enhanced where possible. The use of the land for agricultural purposes is unrestricted, and as such, this application would ensure that greater protection be given to ecology should permission be granted. I am of the opinion that this accords with the objectives of PPS9, insofar as it would allow for not only mitigation, but enhancements to the current situation and their long term maintenance.

5.9.9 The proposals for mitigation and enhancement have been thought through following the surveys undertaken – there is a logic to them. They would result in enhancements to the ecological value of the site, and would ensure that any protected species within the site can remain, and thrive. I am therefore satisfied that the applicant has demonstrated that the proposal accords with PPS9, and gives full consideration to the ecological value and enhancement of the site.

5.10 Sustainability

- 5.10.1 The application is accompanied by a sustainability appraisal that sets out the methods by which this dwelling would be constructed, and run, in a sustainable manner. The applicant has also submitted a code for sustainable homes pre-assessment for this property which demonstrates that the property would achieve level six (of the CSH), and as such would be carbon neutral.
- 5.10.2 A significant element of this proposal would see the applicant using waste fruit from his farm (both on site and outside of the application site) within an anaerobic digestion chamber. Anaerobic digestion is the process where plant and animal material (biomass) is converted into useful products by micro-organisms in the absence of air. The biomass is placed into the sealed tanks and naturally occurring microbes digest it, releasing methane that can be burnt either within a boiler of a combined heat and power unit (CHP) to provide heat and power. The applicants state that this process is rarely used on a domestic scale (due to the volume of waste products required). However, due to the special circumstances of the applicant, it is considered a viable proposition in this instance.
- 5.10.3 Concern has been raised by neighbouring occupiers with regards to the volume of fruit needed to operate such a anaerobic digestion plant. The information submitted indicates that approximately 16-20 tonnes of waste fruit would be required each week to operate the plant efficiently. It is considered that this would be sufficient to heat the house, including the indoor swimming pool without the need for any additional external heating.
- 5.10.4 Due to the fact that it is not commonplace for residential properties to utilise this form of digester as a heating source, and that the applicant is utilising waste products from his own farm, I am satisfied that this would represent both an innovative, and sustainable way to heat the property.
- 5.10.5 In addition to the anaerobic digester, the dwelling has been designed in such a way as to include a number of passive design measures. The majority of the glazing of the property is south facing, which together with the solar shading integrated within the design (the timber brise soleil) would allow for maximum solar gain within the winter months, whilst also providing shade during the summer months when the sun is higher within the sky. In addition, the building would have natural ventilation in all areas (aside from the indoor swimming pool area), and this would also allow for heat movement through the building. Through this design, there would not be the requirement for long term maintenance, or concern that the technology will become obsolete – it is intrinsic to the design of the house. There would however, be a small photo-voltaic array provided upon the southern roof slope of the building.

- 5.10.6 Other 'bolt-on' technologies have been considered, but are not proposed to be incorporated within the design of the building. These include wind power (the average wind speed at the site being too low) and hydroelectricity (the flow rate within the streams is not significant enough). I consider that the applicant has taken a very thorough approach to fully assessing the potential sustainable construction techniques, as part of this planning application.
- 5.10.7 The materials used within the building of a property can also have a significant impact upon its 'carbon footprint.' At pre-application stage the applicant was encouraged to look at sourcing local materials, and using local construction techniques. The applicant is proposing to source all wood for the structure locally, and to use rammed earth within the construction (as this can come from the earth excavated on site). Ragstone for the main wall will be sourced locally. Likewise the Kent peg tiles and the chestnut coppice would be sourced locally.
- 5.10.8 To achieve level 6 of the code for sustainable homes, water use must be limited to 80 litres per person, per day. This is to be achieved through the fitting of low flow fittings throughout, with rainwater collected for WC and washing machine use. The property would have a large roof area, and as such provides significant opportunities for the capturing, storing and re-use of rainwater. This would also help to ensure that run off is not exacerbated by this proposal.
- 5.10.9 With regards to waste water, the design incorporates a small pond near to the house, and two larger ponds further to the south (at a lower level). Domestic sanitation waste would be processed on site within a wastewater treatment unit, and then through a reed bed within one of the ponds. Should there be any overflow from the top ponds, this would be captured within the lower pond and used for irrigation of the orchard.
- 5.10.10 Concern has been raised by the Parish that the development would not be able to meet the strict criteria of level 6 of the Code for Sustainable Homes. However, a condition would be imposed that would require the applicant to meet this requirement, with an independent assessor ensuring delivery.
- 5.10.11 To meet the strict criteria of paragraph 11 of PPS7, any proposal needs to demonstrate innovation, both in the terms of architectural form, and sustainability. I am satisfied that this proposal does push the boundaries in terms of sustainable construction and would be at the forefront of such development. This element of the proposal has also been assessed by the South East Regional Design Panel, who concur with my view that this represents an innovative form of powering the property. As such, I consider that this proposal would meet this very strict criteria for being of a ground breaking form of sustainable development, and as such would, in part, comply with the requirements of PPS7.

5.11 Other Matters

5.11.1 Concern has been raised about the possibility of Great Crested Newts being located within the vicinity of the application site. The applicant has however completed a survey, which has been viewed by the Council's Ecological Officer who concurs with the view. In any event, I am satisfied that the development, including the ecological enhancements proposed would not have a detrimental impact upon any habitat, and as such, I see no reason for additional work to be carried out.

5.11.2 I do not consider that the proposal would have a detrimental impact upon the nearby Conservation Area nor any listed buildings within the vicinity due to the degree of separation between this proposal and these designations.

6. CONCLUSION

6.1 The erection of a new dwelling within the countryside is contrary to the Development Plan. However, in exceptional circumstances new dwellings can be provided, should they meet the strict criteria of paragraph 11 of PPS7. I consider that this scheme has much to commend it. The dwelling is of an outstanding contemporary (and ground breaking) design; the proposal has been designed to ensure that it is sustainable, not only within its construction, but its continued use, and there would be significant enhancements to the biodiversity and ecology of the locality. Yes, the building would not be hidden away, but because of its high quality contemporary design, and the enhancements planned to the surrounding countryside, I consider that it would respond to the locality, and enhance. I am therefore satisfied that the strict criteria of paragraph 11 of PPS7 have been met, and that planning permission should be granted in this instance.

7. 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 Council will expect the development hereby permitted to be carried out in accordance with the approved plans, any subsequent changes which are not trivial will require the submission of a new planning application;

Reason: The quality of the detailed design has been the key factor in permitting this application and in accordance with PPS1 and PPS7.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Class(es) A, B, C, D, E, F, G and H 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 property and the surrounding area, and in acknowledgement of the special circumstances of permitting this development, pursuant to policy ENV28 of the Maidstone Borough-Wide Local Plan 2000, PPS1 and PPS7.

4. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted, which shall include ragstone, brick and timber cladding 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 PPS7.

5. The development hereby permitted shall be carried out in accordance with the ecology survey and mitigation plan submitted on the 19 November 2011 No occupation of the development shall take place until the mitigation proposed within the ecological report has been fully implemented.

Reason: To ensure enhancements to the biodiversity of the area, in accordance with PPS9 and to ensure that the development as a whole is of a high standard of (landscape) design in accordance with PPS7.

6. 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 buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of ten 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 high quality setting and external appearance to the development pursuant to policies ENV16 and ENV28 of the Maidstone Borough-wide Local Plan 2000 and PPS7.

7. 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 (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.

8. Prior to the commencement of the development, details of all fencing, walling and other boundary treatments shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

Reason: To ensure a high quality appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers pursuant to PPS7 and policy ENV28 of the Maidstone Borough-wide Local Plan 2000.

9. The development hereby permitted shall not commence until a scheme for the disposal of foul and surface waters has been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To prevent pollution of the water environment and to ensure a satisfactory means of drainage to the site pursuant to PPS23.

10. No development shall take place until precise details of the fenestration (including the details of recesses/projections have been submitted to and approved in writing by the Local Planning Authority. Such details as are approved shall be provided, and thereafter maintained within the development hereby permitted.

Reason: To ensure an exceptional level of design, in accordance with PPS7.

11. No external meter cupboards, vents, flues or extract grilles shall be installed on any external elevation without the prior agreement in writing of the Local Planning Authority.

Reason: To secure a high standard of design in accordance with PPS7.

12. The development shall not commence until, details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed

strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site in accordance with PPS1.

13. No development shall take place until an independently verified report has been submitted to and approved in writing by the Local Planning Authority showing that the development achieves a minimum score of Level 6 or better for each residential unit under 'The Code for Sustainable Homes'. The residential unit shall be provided strictly in accordance with the approved report before it is occupied.

Reason: To ensure a high quality of sustainable design, in accordance with PPS7.

14. No development shall take place until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution. 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.

15. No structure, plant, equipment or machinery shall be placed, erected, or installed on or above the roof or on external walls of any building without the prior approval in writing of the local planning authority;

Reason: To preserve the integrity of the design of the development pursuant to PPS1 and PPS7.

16. No development shall take place until details of the proposed foul and surface water drainage works including details of the waste water goods (which shall be of cast iron or aluminium), and measures to safeguard the existing public foul sewer within the site during the course of development have been submitted to and approved in writing by the local planning authority and these works shall be completed in accordance with the approved details before the first occupation of any of the dwellings.

Reason: To ensure adequate drainage arrangements pursuant to PPS25 and to ensure a high quality finish to the development in accordance with PPS7.

17. 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 high quality setting and external appearance to the development in accordance with PPS1 and PPS7.

18. No development shall take place until a sample panel of the ragstone wall, and brickwork has been constructed on site, and agreed in writing by the Local Planning Authority. Such details as are approved shall be fully implemented on site.

Reason: To ensure a high quality design, in accordance with PPS7.

19. There shall be no storage of waste materials outside of the anaerobic digester. Any waste materials shall be stored internally prior to their use.

Reason: In the interests of residential amenity and the character and appearance of the countryside in accordance with PPS3 and PPS7, and Policy ENV28 of the Maidstone Borough Wide Local Plan (2000).

20. Noise emitted from the site shall not exceed 41.0 +5dB(A) expressed as a 30 minute L90 as measured at any boundary of the application site.

Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers in accordance with policy NRM10 of The South East Plan 2009 and policy ENV44 of the Maidstone Borough-Wide Local 2000.

21. The development hereby permitted shall be carried out in accordance with the landscape management strategy, and landscape statement submitted on the 19 November 2010, together with the proposed site plan received on the 3 March 2011.

Reason: In the interests of ensuring a high quality standard of design and landscape, in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan (2000) and PPS7.

Informatives set out below

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

The developer shall implement a scheme for the use of wheel cleaning, dust laying and road sweeping, to ensure that vehicles do not deposit mud and other materials on the public highway in the vicinity of the site or create a dust nuisance.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside of the normal working hours is advisable.

No vehicles may arrive, depart, be loaded or unloaded within the general site, and plant and machinery shall not be operated, that would generate noise beyond and boundary of the site, except between the hours of 0800 hours and 1800 Mondays to Fridays and 0800 and 1300 hours on Saturdays (and at no time on Sundays or Bank or Public Holidays).

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.

The proposed development is considered to be an example of ground breaking contemporary architecture in accordance with the advice in paragraph 11 of Planning Policy Statement 7, this together with the other benefits of the scheme in securing improvements to the character and appearance of the surrounding land and the wider landscape are such that they are considered to override the normal presumption against new residential development in the countryside contained in the Development Plan (Maidstone Borough-wide Local Plan 2000 and South East Plan 2009).