

APPLICATION: MA/11/0592 Date: 14 April 2011 Received: 15 April 2011

APPLICANT: Crest Nicholson Eastern

LOCATION: LAND AT WEST STREET AND, HOOK LANE, HARRIETSHAM, KENT

PARISH: Harrietsham

PROPOSAL: Erection of 80 dwellings (including 40% affordable homes), area of public open space, provision of children's play area and associated landscaping, together with the provision of a new access from West Street in accordance with the renewable energy statement; Code for Sustainable Homes pre-assessment; Highways, Traffic and Accessibility Statement; planning statement; ecological report; arboricultural report; residential travel plan; statement of community involvement; accommodation schedule; draft heads of terms; archaeological desk based assessment; design and access statement; Air Quality Assessment Report; PPS25 Flood Risk Assessment; Phase I Geo-Environmental Assessment; Landscape Character and Visual Impact Assessment; Noise Assessment received on the 15 April 2011 and plans numbered CN37-301 Rev K; CN037 302 C; CN037 303 C; CN037 304 C; CN307 305 C; 2609/ATR/004 A; 2609/ATR/004 B (1 August 2011); 2609/SK/023 E; 2609/SK/001 F; 2609/SK/003 D; CN37 301 J (1 August 2011); CN037 307 C; CN037 308 C; CN037 309 C received on the 28 July 2011; the Landscape Strategy plan; CN037 CP 12 00; CN037 CP 11 00; CP037 CP 10 00; CP037 CP 09 00; CP037 CP 08 00; CP037 CP 07 00; CP037 CP 06 00; CP037 CP 05 00; CP037 CP 04 00; CP037 CP 03 00; CP037 CP 02 00; CP037 CP 01 A; CN037 CHE 01A; CN037 CB 01 A; CN037 APA 04 00; CN037 APA 03 00; CN037 APA 02 A; CN037 APA 01 A; CN037 4BHa 04 00; CN037 4BHa 03 00; CN037 4BHa 02 00; CN037 4BHa 01 00; CN037 3BHB 02 00; CN037 3BHB 01 00; CN037 3BHA 02 00; Cn037 3BHA 01 00; CN037 KTA 02 00; CN037 KTA 01 00; CN037 KEN 03 00; CN037 KEN 02 00; CN037 KEN 01 00; CN037 HAD 01 A; CN037 KTA 03 00; CN037 KTA 02 00; CN037 KTA 01 00; CN037 WAL 01 00; CN037 SUS 03 A; CN037 SUS 02 A; CN037 SUS 01 A; CN037 STO 02 00; Cn037 STO 01 00; Open Space Plan; Site Location Plan; and CN037 2Bab 0100 received on 15 April 2011.

AGENDA DATE: 26th January 2012

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
- Councillor Barned and Councillor Sams have requested it be reported for the reason set out within the report.

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: H1, H11, ENV6, ENV22, ENV27, ENV34, T1, T13, T21, T23
South East Plan 2009: CC1, CC6, CC8, H1, H5, T4, T7, NRM4, NRM11, AORS6, AORS7, BE1, BE4,
Government Policy: PPS1, PPS3, PPS9, PPG13, PPG17, PPG24, PPS25, Draft National Planning Policy Framework, 'Planning for Growth' letter.

2. HISTORY

MA/01/0068 - Land at Hook Lane, Harrietsham. Outline Planning permission for residential redevelopment of the site. Refused.

The application was refused on 11 February 2003, on the following grounds:

- 1. The proposal involves the development of a Greenfield site for housing. Maidstone Borough Council has, by an Urban Capacity Study, demonstrated that there is sufficient previously developed land within the Borough to meet Structure Plan requirements for the period 2001 – 2006. There is no need for further release of Greenfield sites before this time, and in the absence of any demonstrated need to develop this site for housing, the proposal would be contrary to the advice contained in Planning Policy Guidance Note 3 – Housing.*
- 2. In the absence of any other overriding material considerations, the proposal would result in an unjustified extension to the built-up area of Harrietsham into the open countryside detrimental to the rural character and appearance of the settlement and its surrounds and contrary to the provisions of Policy ENV1 of the Kent Structure Plan 1996 and Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000.*

- 2.1 The site has been allocated for residential development by virtue of Policy H11 of the Maidstone Borough Wide Local Plan 2000. However, following the publication of Planning Policy Guidance Note 3 – Housing (PPG3) in 2000, a much stronger emphasis was placed upon the need to develop existing urban, and Brownfield sites. This introduced a sequential test that placed sustainable urban sites first, then periphery urban sites and then Greenfield sites. In order

to assess the availability of such land, the Council undertook an Urban Capacity Study (UCS), which identified a five year supply of Brownfield sites within the urban area. This study identified that there was in excess of 5 years of housing land within the Borough, and as such the Council took the view that the allocated sites did not need to come forward at that point in time, to ensure the regeneration of the 'brownfield' sites within the Borough.

3. CONSULTATIONS

3.1 Maidstone Borough Council Parks and Open Space Officer was consulted (on 28 April 2011 and 3 August 2011) and made the following comments:

3.1.1 'The development proposes to provide public open space, children's play area and associated landscaping

3.1.2 The Parks and Leisure team would not want to adopt any of this associated land upon completion and would note that we have concerns over the planting regimes and play area provision. There is also concern regarding the relocation of the wild orchids as listed in the scheme.'

3.1.3 No contributions are sought as a play space and open space is to be provided within the application site which is to adoptable standards. This site will not however, be adopted by the Authority, and will remain the responsibility of the applicant, unless the Parish Council adopt at a later date.

3.2 Maidstone Borough Council Environmental Health Officer was consulted (on 28 April 2011 and 3 August 2011) and raised no objections subject to the imposition of safeguarding conditions that address the matters of noise from the A20, M20 and Channel Tunnel Rail Line (CTRL), contamination and air quality. These conditions are set out at the end of this report.

3.3 Maidstone Borough Council Housing Officer was consulted (on 28 April 2011 and 3 August 2011) and have raised no objections to the proposal.

3.4 Maidstone Borough Council Landscape Officer was consulted (on 28 April 2011 and 3 August 2011) and made the following comments:

3.4.1 'I have visited the site and looked at the submitted plans and documents.

3.4.2 The Archaeological Desk Based Assessment makes little reference to the vegetation on the site. However, it should be noted that the northern boundary and also the hedgerows within the site are probably quite old, as they are shown as field boundaries on the old OS map records. This indicates that they may be of some historical importance, although I find no reference to this in the correspondence included within the archaeological report.

- 3.4.3 Removal of hedgerows such as those on this site would normally require notice under the hedgerow regulations (planning consent overrides this requirement) and if a hedgerow is found to be 'important' following receipt of a hedgerow removal notice, the Council *may* issue a Hedgerow retention notice, preventing its removal. As some of the criteria determining the 'importance' of a hedgerow are if it marks a pre-1850 parish or township boundary, or incorporates an archaeological feature, or is part of/associated with an archaeological site, or marks the boundary of/is associated with a pre-1600 estate or Manor, the Council would normally seek the view of the county archaeologist before determining a hedgerow removal notice.
- 3.4.4 Similarly, the hedgerow regulations determine 'importance' based on the species found within and associated with the hedge, including certain species of birds, animals or plants, an ecological view is also usually sought before determining a hedgerow removal notice. The submitted ecology report includes such an assessment (at 4.7) and suggests (in ecological terms) that at least one of the hedges present is likely to be considered 'important'. Note that those classed as possibly or unlikely to be important in ecological terms may still be considered important for other reasons.
- 3.4.5 It is therefore disappointing to see that the scheme proposed has developed from retaining the internal hedgerows virtually intact, to a scheme where they are only partially retained, significantly fragmented and in a lesser form than exists currently. However, their visual importance is not that great when viewed from outside of the site and the hedge around the proposed public open space is largely retained intact, albeit in a reduced, more 'managed' form. Bringing the hedgerows back into management as a hedge is generally encouraged in ecological/biodiversity terms, but has obvious landscape character implications, due to the visual loss of what has become a line of trees. However, if the ecological and archaeological/historic views do not raise objections to the proposal in respect of the hedgerows, I do not consider that refusal of the application on the grounds of the impact on the internal hedgerows would be appropriate.
- 3.4.6 The scheme clearly seeks to retain mature trees where possible. These are located mainly on the site boundaries, particularly the northern boundary. In most cases, the large trees present are probably former hedgerow trees and are generally of lesser quality as a result. There are a few that achieve a B grading under the BS5837 classification, and I have looked more closely at the relationship of these to the proposed dwellings. I have some concerns that there is potential for some future pressure for inappropriate work or felling, resulting from the proximity of some of the proposed dwellings to large trees. In particular, the relationship between T44 and plot 71 and T49 to plots 7 and 8. Scaling the site layout plans, I estimate that the main stem of T44 Oak is

growing approximately 6m from the proposed dwelling at plot 71, so there is potential for physical conflict with the new building as well as indirect, 'perceived' conflict, litter and loss of light issues. Plots 7 and 8 have a better separation distance from T49 Ash, at 9–10m, but I note that the crown of that tree is significantly biased to the site side, so there is still potential for physical conflict with plot 8 as well as the indirect issues relating to both plots 7 and 8.

- 3.4.7 In general terms, the scheme is of a density that allows a good spatial relationship between trees and buildings, which reduces the future occupants' perception of the impact of trees on their property. The properties are well spaced, allowing for good sized gardens and a high level of landscaping opportunities around properties.
- 3.4.8 The Landscape Character and Visual Impact Assessment document appears to be thorough and has been completed in accordance with current guidance, and raises no significant issues. The views from the south have clearly been carefully considered and a significant depth of 'green' visual buffer is proposed on the south and west parts of the site.
- 3.4.9 On balance, the scheme is acceptable in landscape and arboricultural grounds and I therefore raise no objection, subject to conditions as detailed below.'

3.5 Maidstone Borough Council Spatial Policy Department were consulted (on 28 April 2011 and 3 August 2011) and made the following comments on 24 November 2011:

3.5.1 Relevant Policies

The application site is subject to the following specific saved policies in the Maidstone Borough-Wide Local Plan 2000 (MBWLP):

Policy H1(xvi) allocates the application site for housing along with the former garage site to the south east.

Policy H11 sets out specific requirements for the development of the site relating to the retention and enhancement of hedgerows and trees, on and off-site highways works and access and pedestrian/cycle links.

Policy H28 identifies the site as a location where new residential development will be permitted. The application site falls wholly within the village boundary for Harrietsham as shown on the Proposals Map.

These policies establish that residential development on the application site is acceptable in principle.

- 3.5.2 The Council reconfirmed its moratorium on the release of the greenfield housing sites allocated under Policy H1, of which the application site is one, at its meeting on 27th February 2008. By virtue of this decision there is a presumption against the release of this greenfield site. As at 1 April 2011, the Council can demonstrate it has 6.2 years of housing land so there is no overriding need at this point that would necessitate the release of the application site.
- 3.5.3 The provisions of the Affordable Housing Development Plan Document (2006) also apply to this application. Developments of 15+ houses are required to deliver at least 40% affordable housing. At least 24% of the total provision should be affordable rent with the balance to be shared ownership, shared equity or discounted market rent properties. The application submission indicates that of the 80 dwellings proposed, 32 (40%) will be affordable which accords with the policy requirement. In terms of tenure the Section 106 Heads of Terms propose that 25% (20 dwellings) will be a mixture of affordable rent and shared ownership units. 15% will be equity percentage units. As it stands the proposals would provide for a lesser amount of affordable rented units than the Council's adopted policy requires.
- 3.5.4 The Open Space DPD (2006) seeks the provision of on-site open space on residential development of 10+ dwellings. The submission indicates that the scheme will provide some 0.92ha of landscaped open space and 0.3ha of equipped play space.
- 3.5.5 The government is currently consulting on the environmental effects of laying an order to revoke regional spatial strategies (RSS) under the Localism Act, so the South East Plan still forms part of the Development Plan. However, the government's intention to revoke RSS can be taken into account in establishing the weight to be afforded to RSS policies in the determination of planning applications.
- 3.5.6 Policy H2 of the South East Plan directs Local Planning Authorities to take account of a number of considerations in planning for housing delivery, one of which is 'vi) providing a sufficient quantity and mix of housing including affordable housing in rural areas to ensure the long term sustainability of rural communities'.
- 3.5.7 I note there is an outstanding objection from Harrietsham Parish Council on the point of access to the application site.

Local Need at Rural Service Centres

- 3.5.8 Harrietsham village is defined as a rural settlement with potential for new residential development under the saved policies of the Maidstone Borough-

Wide Local Plan 2000, and designated a Rural Service Centre in the public participation draft of the Core Strategy 2011. The Council has received representations on the Core Strategy that both support and object to this designated status, which will be considered in due course.

- 3.5.9 On 9 February 2011, Cabinet received a report on the Council's emerging Core Strategy that sought decisions on local housing and employment targets as well as the revised programme for producing the Core Strategy. Paragraph 1.2.7 of the report formed part of the reasoning for the recommendation:
- 3.5.10 *"However, the Core Strategy will need to be flexible and deliverable. The majority of development in recent years has been located on brownfield sites within the urban area, so it is important to focus a proportion of development at Rural Service Centres to support the continuing viability aspirations of these settlements. Therefore, where there is firm evidence to demonstrate a local need at a Rural Service Centre that cannot be met through a local needs housing site, a proportion of suitable greenfield housing development may be permitted before 2014, in advance of allocating specific sites in site allocations documents that will follow the Core Strategy. Any such proposals will need to cater for the physical and social infrastructure needed in the Rural Service Centre area."*
- 3.5.11 The local housing target was agreed by Cabinet as the basis for the initial consultation on the Core Strategy. Although paragraph 1.2.7 did not form part of the formal recommendation, Cabinet accepted this as part of the justification for the local housing target and did not single out the paragraph as being unacceptable. The paragraph was not included in the public participation consultation draft of the Core Strategy because it was considered to be too detailed for a strategic document. The Council has received representations on this issue, which will be formally considered in due course.
- 3.5.12 Statistical analysis of 2009/10 housing data demonstrates that of all dwellings completed between 2006 and 2010, 19% were in the rural area, and 12% of dwellings in the pipeline were on rural sites (averaging 15%). The emerging Core Strategy seeks to redress this balance by directing 20% of all development over the plan period (2006 to 2026) to the rural area, and land allocation documents that follow the Core Strategy will be a means of achieving this. It is acknowledged that at this point the target has not been met.
- 3.5.13 The Strategic Housing Market Assessment 2010 (SHMA) recommends that **74.9%** of all new market housing in the rural area should provide for 3 or 4 bedroom dwellings (paragraph A4.14). Data for 2009/10 demonstrates that, of the pipeline supply of new dwellings on rural sites (i.e. outstanding planning permissions and dwellings under construction), **43%** are 3/4 bedroom

properties (i.e. 166 3/4 bed properties out of a total of 387). The market housing element of the planning application proposes almost **100%** 3 and 4 bedroom houses.

- 3.5.14 Since 2006, only **8%** of affordable homes that have been completed or are in the pipeline are located in the rural area (i.e. 123 dwellings out of a total of 1605 affordable units).
- 3.5.15 The SHMA explains that the affordable requirement in rural areas is substantially different from market housing, and that **92.1%** of new dwellings should provide 2 or 3 bedroom properties (paragraph A4.15). Of the 32 affordable dwellings proposed on the application site, **78%** are 2/3 bedroom properties.
- 3.5.16 The proposal therefore provides much needed affordable housing in the rural area and also assists in meeting the recommended distribution of both market and affordable housing set out in the SHMA.

Recommendation

- 3.5.17 The principle of residential development on the application site is acceptable, but the moratorium on the release of greenfield allocations from saved local plan policies remains and there is no overriding need to release additional housing land at this time.
- 3.5.18 However, although not part of the formal recommendation on 9 February 2011, Cabinet did not reject the reasoning in the report that set the draft housing target for the Core Strategy consultation. It is therefore reasonable to accept that a proportion of suitable greenfield housing development can be permitted in advance of LDF land allocations documents at Rural Service Centres where a local need can be proven. The Council's current balance of rural housing land supply does not meet the recommendations contained in the SHMA and the proposal would assist in redressing the imbalance.
- 3.5.19 Subject to the resolution of access and affordable housing tenure, I raise no objection to the proposal or to the release of the application site for housing development.

3.6 Natural England were consulted (on 28 April 2011 and 3 August 2011) and their comments are summarised below:

- 3.6.1 Bats: According to the application the majority of trees will be retained and that it will only be necessary to remove smaller areas of scrub. As such, Natural England is satisfied that no bats will be impacted upon as a result of the development due to loss of foraging habitat.

- 3.6.2 Great Crested Newts: Natural England is satisfied that the survey results show that it is unlikely that great crested newts (GCN) are using the site, however there is still the possibility that they may be found on the site and therefore, should the Council be minded to grant permission for this application, Natural England would request that an informative be placed upon any consent which would require the developer to stop works should any be found.
- 3.6.3 Dormice: Natural England is satisfied that the survey information provided by the applicants demonstrates that no dormice are found within the application site.
- 3.6.4 Widespread Reptiles and Badgers: Natural England refers the Council to their standing advice on this matter.*
- 3.6.5 * On this matter, the Council has sought the specialist advice of Kent County Council Ecology, whose comments are set out below.

3.7 Kent County Council Highway Services were consulted (on 28 April 2011 and 3 August 2011) and have not objected to the proposal. They have made the following observations on the planning application:

- 3.7.1 'Whilst Kent County Council, as local highway authority, does not object to the application as amended, it is considered likely that on-street parking problems will occur at certain locations within the site, especially on the main access of West Street. This is because of the way that the parking spaces are to be provided (i.e. tandem spaces), along with morning and afternoon waiting associated with the school.
- 3.7.2 The likelihood of such problems occurring could be reduced through the provision of additional on-street parking in the form of bays clear of the main traffic route.
- 3.7.3 The applicant has indicated that controls would be imposed to prevent on-street parking that might hinder moving traffic. Even if such controls are introduced while streets remain private, it is not clear how these would be carried forward if or when the streets become highways.' It is proposed that the roads would be formally adopted by Kent County Council.
- 3.7.4 A number of conditions are then suggested to be imposed. These are summarised below:
- A section 278 agreement to secure street lighting along the A20;
 - Traffic islands are required at the junction of A20/West Street;
 - Traffic calming along West Street as indicated on the submitted plans;

- The applicant is required to make best endeavours to prepare and implement a traffic Regulation Order (TRO) to provide parking restrictions along West Street, each side of the junction with the new site access, and within the site access;
- A travel plan is required to be provided, with £5000 to cover the costs associated with monitoring the travel plan;
- Removal of pd rights to place garage doors on the car barns;
- A plan showing the phasing of the development would be required;
- Details of parking for personnel/operatives/visitors during construction;
- Provision shall be made for the suitable disposal of surface water;
- Precautions shall be made to prevent the spread of mud onto the road during construction;
- There shall be no pd rights to change the parking arrangements;
- Cycle storage to be provided;
- Details shall be provided of the estate roads;
- The streets shall be fully completed prior to the occupation of units;
- Suitable visibility splays shall be provided at the point of access;

3.8 Kent County Council Ecology were consulted (on 28 April 2011 and 3 August 2011) and have made the following comments:

- 3.8.1 'We are satisfied that the revised reptile mitigation strategy incorporates information that addresses our previous concerns and is sufficient to enable Maidstone BC to determine the application.
- 3.8.2 We are satisfied with the principles of the translocation methodology, but have recommended to the ecologist that the timing of receptor site enhancements as it affects the suitability of a site for receiving animals could also be included at this stage to ensure there is clarity for the applicant and the Council. We recommend that the submission and implementation of a detailed mitigation strategy is required as a condition of planning permission, if granted.
- 3.8.3 We have advised the ecologist that paragraph 4.4.1 needs revising to reflect the survey results from Isles Quarry, in particular the change in the viviparous lizard population estimate.
- 3.8.4 We recommend that, if the Isles Quarry site is required as a receptor area, it will be necessary to liaise with Tonbridge and Malling Council over the potential for overlapping planning requirements. The implementation of long-term management will need to be assured through a section 106 agreement.'
- 3.8.5 No objections are therefore raised to this proposal with regards to ecology, as the applicant has demonstrated that adequate mitigation can now be provided, within the Borough.

3.9 Kent County Council Archaeology were consulted and have made the following comments:

3.9.1 No objections subject to the imposition of a suitable condition requiring a watching brief to be undertaken.

3.10 The West Kent Primary Care Trust (PCT) were consulted on this application (on 28 April 2011 and 3 August 2011) and raised no objections subject to a contribution of £54,396.00 being sought to address the additional demand placed upon the existing surgery within Harrietsham by this development. It has been requested that the money be spent on enhancements to the existing surgery within Harrietsham either through physical improvements, or additional staff (or if all new additional patients cannot be accommodated here – as there may be limited scope to extend due to the limitations of the building – money would be re-directed to the nearest other surgery to accommodate the patients).

3.11 The Environment Agency were consulted (on 28 April 2011 and 3 August 2011) and raised no objections to the proposal subject to the imposition of suitable safeguarding conditions which address the matter of drainage and contamination.

3.12 Southern Water were consulted (on 28 April 2011 and 3 August 2011) and raised no objection to the proposal subject to the imposition of safeguarding conditions that secure the provision of suitable drainage.

3.13 EDF Energy were consulted (on 28 April 2011 and 3 August 2011) and raised no objection to this proposal.

3.14 Southern Gas Networks were consulted (on 28 April 2011 and 3 August 2011) and raised no objections to this proposal.

3.15 Harrietsham Parish Council were consulted and their comments are summarised below:

- The Parish Council have no objection in principle to the residential development of the application site;
- They raise concern with regards to the position of the access road into the development;
- The plans previously submitted (and used as part of the public consultation) were misleading in terms of the location of the access road;
- The Parish Council would prefer to see the access road formed from the A20, as they consider this the most suitable location for such an access;

- It is solely the Borough Council that wish to see the access point opposite the primary school;
- The proposal would be contrary to Policy H11 insofar as it would result in the loss of some hedgerow;
- The proposal would be contrary to Policy T23 of the Maidstone Borough Wide Local Plan (2000);
- There is a lack of mechanism to ensure that the provision of the affordable housing would be for local needs housing;
- The Parish Council wish for the affordable housing to be set aside for local needs first;
- There are concerns with the details of the S106 agreement, in particular the trigger point for much of the off-site works to commence;
- The Parish Council wish to ensure that the play areas are available for all, not just the residents of the development;
- The Parish are concerned about the lack of contributions for community facilities within the village that would be placed under greater strain as a result of this development;
- There is a shortfall of parking spaces within the development;
- The parking spaces are in tandem which would necessitate owners reversing into roads to allow other cars to move;
- There could be car parking taking place on the A20, Hook Lane and West Street by virtue of this shortfall;
- There is only one access in and out of the site, leading to 'tortuous' journeys from each end of the site;
- Parents picking up/dropping off children are likely to park within the development, to the detriment of highway safety;
- It is unclear whether there is adequate cycle parking within the development;
- At present no cycleway links have been provided;
- The impact upon sewers and drainage needs to be fully considered;
- The proposal would be premature, and 'jump the queue' ahead of other developments within the rural area.

Following on from these, a further round of consultation has taken place due to the submission of amended plans, and the following comments have now been received:

- The Parish still would prefer the access to be sited away from the school, and notes that it has been agreed that the construction traffic would be entering and leaving the site from the A20;
- There is still insufficient parking within the development;
- The proposed traffic calming would have a detrimental impact upon the parents who currently park along this road;
- The existing footway should be converted into a path and cycle path;

- PD rights should be removed, preventing garage doors being fitted to the car barns if permission is granted.

Following on from these comments, the Parish have written in once more, and made the following comment:

- Following discussions with the applicant, the Parish Council are requesting contributions for youth and community facilities. They are requesting £36,690 for the provision of enhances youth and in particular teenage facilities within the village.

The Parish Council continue to maintain their objection to the proposal on the grounds given above, irrespective of the latest set of comments received.

3.16 Kent Police were consulted and requested that contributions be made to assist with the additional strains placed upon the police force by virtue of this application.

4. REPRESENTATIONS

4.1 Cllr Sams was notified of the application and commented that:

4.1.1 The access is in the wrong location, and that there are two other, more suitable access options (which are unspecified).

4.2 **Neighbouring occupiers** were consulted and to date 23 letters of objection have been received. The concerns raised within these letters are summarised below:

- The impact upon highway safety – an additional 80 houses would result in a significant increase in vehicular movements;
- The loss of the open field would be to the detriment of the character of the area;
- The impact upon the existing school from the proposed access would be unacceptable;
- Vehicular access should be off the A20;
- The traffic assessment is flawed;
- The development is too large for the village of Harrietsham;
- The development would be premature, particularly when considering the policy 'situation' at present, and the lack of a Core Strategy, and an allocations DPD;
- The development would have severe implications upon biodiversity/ecology;
- Greenfield land should come forward after 2015/2016;
- There is a lack of a footpath to the front of the site;

- There should be greater contributions made to help accommodate the development within the local community;
- There is a need for affordable housing for local people;
- The risk of the bus service being re-routed along the A20 out of the village centre;
- The hedges should be retained rather than removed;
- The school is over subscribed, and this will make the situation worse;
- Concerned about the affordable housing – particularly if 100% social rented;
- The development will re-classify Harrietsham from a village to a town;
- The development will make the noise situation worse;
- Insufficient facilities to cope with additional housing;
- The 'landmark' building is out of character with the village;
- Loss of privacy due to proximity of properties to those in Hook Lane;
- Insufficient parking within the site;
- What is planned to stop the foxes raiding the bins of existing residents;
- The proposal is too dense.

4.3 Stagecoach have made the following representation on this planning application:

- 4.3.1 'Stagecoach welcomes the Developer's proposals set out in Paragraphs 6.1.37 and 6.1.38 of the Traffic, Transportation and Accessibility Statement to provide two new bus stops with shelters and carriageway markings as part of the proposed development (6.1.37) and that the exact location of the stops will be agreed with the Highway Authority and bus operator and will be implemented before the first occupation of the new dwellings (6.1.38). The delivery of the new bus stops before first occupation is essential in order to discourage car use in the early stages of the development (and subsequently by those who will have become used to using a car in preference to public transport during any absence of proper access to the bus service). *We therefore wish to see the provisions of these statements enshrined in an enforceable condition of any planning permission granted. The carriageway markings referred to 6.1.37 need to be adequate length to allow a full size bus to pull in around any parked vehicle, stop close to, straight and parallel to the kerb, and to be able to pull round any parked vehicle on the exit. Bus stop clearways 31 metres long are required to achieve this.*
- 4.3.2 The existing bus stops in Harrietsham Village Centre (Adjacent to The Roebuck Public House, and adjacent to the Post Office) are of poor quality. Neither stop is DDA compliant given the low kerbs. The lack of enforceable Bus Stop Clearways at these stops results in them often being obstructed by parked vehicles. Whilst there is a shelter at the Maidstone-bound stop, there is not one at the Ashford-bound stop. The bus stop poles are also of poor quality (The stop flag on the Maidstone-bound stop is actually fitted to a speed limit

signpost). *Stagecoach therefore considers that these stops should also be upgraded to full DDA standards, with shelters and with full length (31 metre) bus stop clearways. We consider that these improvements can be justified in order to encourage bus use and to mitigate the impact of extra traffic from the development using Section 106 funds.'*

4.4 **CPRE** have made the following comments (summarised):

- Recognise that the site is allocated within the Local Plan;
- Would add a further 10% on to Harrietsham's population;
- The S106 contributions should stretch further – improve other facilities;
- The landscaping of the site is important;
- Should respond to the natural surroundings;
- Impact upon the school by virtue of the proposed access needs full consideration;
- The proposal will need to address the noise issues;
- Supports the principle of development but wishes to see the Parish Council involved in discussions throughout the application process.

5 CONSIDERATIONS

5.1 Site Description and Background

5.1.1 The application site is located at the western end of Harrietsham, sited within an irregular triangle of land positioned between the A20 (Ashford Road), Hook Lane, and West Street. The site is 3.36 hectares in size, and is 'allocated' within the Maidstone Borough Wide Local Plan (2000) for housing provision by virtue of policies H1 and H11. Policy H11 (the site specific policy) states that:

Housing development will be permitted on land at Hook Lane, Harrietsham, as shown on the proposals map, provided that the following requirements are satisfied:

- (1) *The hedgerow and tree screen along the site's northern boundary is retained and reinforced where appropriate. It is important that no new breaches are created in the line of this hedge where none currently exist. Consideration should also be given to the retention and enhancement of other hedgerow features within and around the boundaries of the allocated site; and*
- (2) *Proposals for vehicular access, together with off site improvements involving road widening and the provision of footways and lighting, will be determined in the light of detailed landscape and highway safety considerations; and*

- (3) *The provision of pedestrian/cycle links to both West Street and Ashford Road; and*
- (4) *Off site highway improvements at the junctions of Hook Lane/Ashford Road and Ashford Road/West Street.*

- 5.1.2 This policy was 'saved' in 2007 by the Secretary of State and as such the allocation remains.
- 5.1.3 The site is 'Greenfield' land, with a significant level of open vegetation within the core, and hedges, and trees along the northern and eastern boundary. There are two internal strips of hedging that dissect the site, which have now grown to a significant height (approximately 6 – 8 metres). There is sporadic tree planting along the southern boundary, although much of this planting lies upon highway land, outside of the applicant's control.
- 5.1.4 There is a development currently under construction on adjoining land, which was permitted under planning permission MA/06/2057 which is for the erection of ten dwellings, and associated highway and landscape works. These dwellings are laid out within two terraces set at 90° to one another, and an area of car parking located centrally. It should be noted that this development has not been built in accordance with the approved plans, and a fresh application has been submitted to address this inconsistency (MA/11/2154). As part of the previous application relating to this site a Grampian condition was imposed, requiring tree planting to be provided within the road verge (highway land).
- 5.1.5 To the south of the site, and beyond the A20 is the Channel Tunnel Rail Link (CTRL) which at this point is covered with a concrete structure. Beyond this, the M20 motorway, which at this point is 6 lanes, running from Folkestone to London. This motorway generates a significant level of noise, 24 hours a day. Beyond the M20, there is sporadic development, mainly agricultural and residential, as the land opens out into open countryside. The land immediately to the south of the site is designated as being of Special Landscape Importance (SLA) to the south of the North Downs, within the Local Plan.
- 5.1.6 To the west of the application site is open countryside, with again, sporadic residential development, woodland and open fields, designated as a SLA.
- 5.1.7 To the north of the application site is part open countryside (to the north of the western end of the development) and Harrietsham primary school, and its grounds. This two form entry primary school is approximately 40 metres back from the edge of the highway, with an access road that rises from West Street, to a parking area to the front. The school has a wildlife area and grasslands to the rear and to the east of the main building. This land is also designated as being within an SLA. Approximately 150metres to the north of the site is the London to Ashford mainline, which acts as the delineation of the southern most

point of the nationally designated Kent Downs Area of Outstanding Natural Beauty (AONB)

- 5.1.8 The village of Harrietsham is to the east of the application site, with residential properties located upon the eastern side of Hook Lane – a highway with further residential streets running off it. Nevertheless, Hook Lane does maintain a relatively rural character, with the large hedgerows located upon its western side.
- 5.1.9 Harrietsham is a village with a population of approximately 1,500 residents (2001 census). As stated, the village has a primary school, and also a doctor’s surgery, small shop, public house, restaurant, Church and train station that serves the Ashford to London mainline. Bus services also serve the village, and currently run along West Street to the north of the application site, and these run approximately every 1 hour during the day, between Ashford and Maidstone. It takes approximately 40 minutes to get from Harrietsham to Maidstone by bus and approximately 15 minutes by train.

5.2 Proposal

- 5.2.1 This is a full planning application for the erection of 80 houses together with associated open space, on land to the west of the village of Harrietsham. The development would have a density of approximately 24 dwellings per hectare. The units proposed are broken down as follows:

Private Sale	No.
1 Bed Flats	0
2 Bed Flats	0
2 Bed Houses	1
3 Bed Houses	22
4 Bed Houses	25
Affordable Units	
1 Bed Flats	3
2 Bed Flats	5
2 Bed Houses	1
3 Bed Houses	19
4 Bed Houses	4

- 5.2.2 As can be seen from the above, a total of 32 affordable units are proposed to be provided within the development, constituting 40% of the units, in

accordance with the Council's adopted Development Plan Document minimum requirement of 40%. The affordable housing would be split in 25% affordable rents and shared ownership units (being 3 x 1 bedroom apartments, 3 x 2 bedroom apartments, 2 x coach houses, 8 x 3 bedroom houses, and 4 x 4 bedroom houses), with 15% equity percentage units (being 2 x 2 bedroom houses and 10 x 3 bedroom houses) - totalling 40% of all units.

- 5.2.3 The proposal would see a new access created on to West Street, close to the existing access with the school. There is an existing break in the hedging at this point, which would be utilised, however, there would still be some hedge that would be required to be removed as a result of this puncture into the application site.
- 5.2.4 It is proposed that a raised table be provided at the point of access, which would stretch down to, and incorporate the access of the school. This raised table (constructed of brick pavers) would be approximately 48metres in length, and would incorporate the access of the site, and the access of the school opposite. A new footpath is also proposed at this point linking the development to the footpath into the primary school opposite.
- 5.2.5 On entering the application site, a 'tree lined avenue' is proposed to be created along the West Street entrance, with the dwellings set back approximately 6metres from the highway, with a grass verge to the front. A traffic calming table is also proposed at the mid-point within the highway.
- 5.2.6 A T-junction ends this access road, and runs off to the east and west of the application site. At the point of the junction, there would be an open space, with tree planting provided that would provide a visual 'end-stop.' Properties to the rear of this small area of open space would be provided with a private drive to the front that would be constructed of block paving. These properties would be predominantly detached and would all have an independent garage, some linking the properties centrally.
- 5.2.7 Heading eastwards, the road is constructed of permeable paving, with predominantly detached properties upon either side. Soft landscaping is proposed to the front of each property, although each property would be set back a varying amount from the highway. At this point, the path would only be provided upon the northern side of the highway, and would subsequently link in to the proposed pedestrian links to the surrounding area. An area of informal open space is proposed within the north-eastern corner of the application site, which would be approximately 600m² in size. At present, this land raises up, and is higher than the road on either side – and this topography would be retained. Two pedestrian paths are proposed at this point, one which would run northwards to West Lane, and the other (which can also

accommodate cyclists) running south into Hook Lane. Unfortunately there is no cycle network for this link to connect into at present.

- 5.2.8 All of the properties along the south-eastern boundary (with Hook Lane) turn their back upon this highway, with the high hedge line to the rear of the properties maintained.
- 5.2.9 Moving westwards within the site, the central spine road would spur off both to the north and the south, providing small cul-de-sacs upon either side. The majority of the properties within these cul-de-sacs are detached, and provided with detached or linked garages. Again, landscaping is proposed to the front of each property.
- 5.2.10 The spine road runs to the north of the large open space proposed, which itself would be located immediately north of the A20. This area would seek to provide a gully, which would run to the south of the hedge, that is proposed to be retained. This gully would run beneath a cul-de-sac running towards the A20. The open space would be approximately 3500m² in size, and would contain a children's play area, located centrally within the site. There would however, be no direct link from the A20 to the play area – this was removed from the scheme to improve safety. Tree planting and visitor parking spaces are proposed to the north of the open space.
- 5.2.11 Further westwards, the development has a higher density, with the majority of the affordable units located within this segment of the site. Here, a number of semi-detached properties front on to the A20, with properties to their rear facing on to the spine road. A turning head would be provided within this area, that would enable the safe turning of refuse vehicles and fire appliances. At the further point to the west a three storey block of flats is proposed (that would accommodate 6units) and be of a fairly traditional design – being constructed of brick at ground floor with weatherboarding above. This property is set back from the corner by approximately 35-40metres, and from the A20 by 20metres – enabling some landscaped grounds to be provided, and for the exiting, large trees on the junction of the A20 and West Street to be protected.
- 5.2.12 The house types proposed are relatively traditional in form, with materials of brick, timber effect cladding, and tile hanging proposed. Roof materials are proposed to be clay effect tiles, and slate. Surfaces for the highways will vary and include tarmac, and block paving.
- 5.2.13 The applicant has demonstrated that the majority of the hedge along West Street, and all of the hedge along Hook Lane can be maintained by virtue of the design of the layout. In addition, the trees planted along the highway verge adjacent to the A20 can also be maintained.

- 5.2.14 In terms of affordable housing, the applicant is proposing that 40% of the units be 'affordable,' with the majority located within the southern part of the application site. The breakdown of affordable units is given above, but this shows that the majority of these (24) would be dwellings. 20 of the affordable units are proposed to be shared ownership and rented affordable housing, with 12 units being proposed as shared equity.
- 5.2.15 In terms of the code for sustainable homes, the applicant has agreed that all units would be constructed to level 4 of the code for sustainable homes. Full details of the method of construction, and the sustainable methods incorporated is addressed later within the report.
- 5.2.16 The site is currently rich in ecology, and as such, a number of measures have been proposed, both within the application site, and certain receptor sites within the Borough. Within the site, this includes the provision of water features, and a management plan to see the retention of long/meadow grasslands, as well as the provision of cordwood piles, and wildlife friendly corridors. Again, this matter is addressed fully, later within the report.
- 5.2.17 In terms of contributions being sought, the applicant is proposing to make a contribution of £350,000 to Kent County Council, to enable the enlargement of the local primary school, to address the impact that this proposal would have upon the demand on places within this school. The applicant has also agreed to make contributions towards other Kent County Council departments, Primary Health Care, and for highway improvements, that include additional street lighting, new traffic islands, bus stops and traffic calming measures. A full breakdown of the contributions sought is set out later within the report. Whilst the draft Core Strategy refers to development requiring developers to make contributions towards off site gypsy provision, by virtue of the level of contributions being provided by the developer, and the emerging nature of the policy, it was not considered appropriate to request such a payment at this point in time.
- 5.2.18 The applicant has confirmed that the site will be provided with a sustainable urban drainage scheme (SUDs), as part of the flood risk assessment that was undertaken due to the site falling within Flood Zone 1. Details of the SUDs will be required to be submitted by condition.
- 5.2.19 An illustrative landscaping plan has been submitted with the application that shows that the highways within the development would have a good level of tree planting, and that where possible grass verges would be provided. In addition, the existing hedge within the development is sought, where possible, to be retained, although reduced in scale significantly. Areas of open space, with wildflower planting are proposed, as well as areas suitable for the retention of some of the ecology within the site.

5.2.20 Within the scheme, car parking provision is providing for each residential dwelling, at a ratio of approximately 1.8 spaces per dwelling – with the larger properties (i.e. those of three bedrooms or more) being provided with a minimum of two spaces each. Whilst much of the car parking is tandem, and does take into account the use of the car barns, I do not consider that this is an unacceptable approach.

5.3 Principle of Development

5.3.1 The site is allocated within Policies H1, H11 and H28 of the Maidstone Borough Wide Local Plan 2000 for housing development. Policy H1 is the quantitative housing policy that allocates the sites within the Local Plan and provides an indicative level of provision within each site (a notional figure of 70 is given for this site based on a density of approximately 21 dwellings per hectare).

5.3.2 Policy H11 is a site specific policy (and policy H28 refers to this allocation) and reads:

'Housing development will be permitted on land at Hook Lane, Harrietsham, as shown on the proposals map, provided that the following requirements are satisfied:

(1) The hedgerow and tree screen along the site's northern boundary is retained and reinforced where appropriate. It is important that no new breaches are created in the line of this hedge where none currently exist. Consideration should also be given to the retention and enhancement of other hedgerow features within and around the boundaries of the allocated site; and

(2) Proposals for vehicular access, together with off-site improvements involving road widening and the provision of footways and lighting, will be determined in the light of detailed landscape and highway safety considerations; and

(3) The provision of pedestrian/cycle links to both West Street and Ashford Road; and

(4) Off-Site Highway Improvements at the junctions of Hook Lane/Ashford Road and Ashford Road/West Street.'

5.3.3 In addition to the policy, I consider that much of the explanatory text to be of significance. The text is summarised below, and appended in full to this report.

- Landscaping is a key consideration in the determination of this application;

- The hedgerows along the northern and eastern boundaries of the application site are an important feature of the locality;
- The northern boundary should be retained, and where possible, enhanced;
- The central hawthorn/blackthorn hedge is also an important feature that should to be retained;
- The hedgerow along Hook Lane is of lesser importance, but nonetheless could provide a good buffer between development and existing residential properties;
- The development will need to provide suitable noise mitigation from the CTRL and A20/M20.

5.3.4 Policy H24 which related to the provision of affordable housing *was* also relevant to this site however, this policy was not 'saved' and as such no longer forms part of the Development Plan. However, the Council's development plan document (DPD) regarding affordable housing does seek a minimum provision of 40% affordable housing within application sites of more than 14 units.

5.3.5 The explanatory text to Policy H11 outlines that Harrietsham is a sustainable village hence the allocation of land at Hook Lane for further housing in the Local Plan. The village has the population to support key services with employment, shops, education, community and healthcare facilities. Importantly it has excellent public transport links connecting the village with Maidstone and other retail and employment centres.

5.3.6 However, in 2000, following the publication of 'PPG3: Housing' (now 'PPS3: Housing') which was a step change in the choice of location for new housing development by introducing a sequential test, the Council agreed that there should be a 'freeze' on all allocated Greenfield sites, as government guidance placed greater emphasis upon the redevelopment of brownfield sites, within urban areas, as part of the *urban renaissance* that formed their policy landscape at that time. This sequential test required all previously developed land (PDL) sites to be developed before 'Greenfield' sites provided that they were in more sustainable locations. This required PDL sites within the town centre to be looked at first, then PDL on the periphery, and only then were Greenfield sites considered. As a result of this, in order to demonstrate Brownfield capacity within the Borough, the Urban Capacity Study was produced and found that Maidstone's housing supply for a 5 year period could be accommodated within the urban area together with the larger villages within the Borough. This Urban Capacity Study was tested at appeal following the refusal of an application by Croudace PLC for residential development on land at the east of Hermatige Lane, Allington (a 'Greenfield' housing allocation within the Local Plan). The appeal was dismissed by the Secretary of State in 2002 finding that the Urban Capacity Study was 'robust.'

- 5.3.7 Following this moratorium to 'freeze' all allocated Greenfield sites (the majority of allocated sites being of this status) within the Borough, applications have been submitted and all either refused, or withdrawn prior to determination (with the exception of the Furfield Quarry site, where there was considered to be overriding justification to approve the development). There have been no applications on Greenfield sites within the recent past (within the past 5 years) due in part to the downturn in economic activity and also the moratorium. There has, however, been no update to the Urban Capacity Study since it lapsed in 2008, with the Council relying upon the Annual Monitoring Report to confirm the required 5 year housing supply. This 5 year supply is made up of granted planning permissions, and developments currently under construction. It should also be noted that PPS3 does require a 6-11 year housing supply to be identified by the Local Authority. However, at this stage, this Authority has not identified such sites (beyond the 6.2years).
- 5.3.8 Through the development of the emerging Core Strategy, it was acknowledged within a Maidstone Borough Council Cabinet Report on the 9 February 2011, that there has been a shortfall in development within the rural service centres, and in particular for affordable housing (as any infill development at these sites has generally been minor and therefore not reached the necessary threshold). The Core Strategy has chosen a 'dispersed' model for housing provision, with the rural service centres expected to take 1,130 units – split five ways this would mean Harrietsham taking 260 units. Only 25 units were completed in Harrietsham in the past five years. If there is likely to be a requirement to deliver this number of houses in 2015, the question would be 'why wait?' particularly as this development would not be likely to be completed prior to 2014. This may be especially prevalent given that the emerging National Planning Policy Framework is very much about delivery and offering a range of housing.
- 5.3.9 This Cabinet report confirmed that there was an adequate housing supply within the Borough to see allocated sites (or new sites not yet identified) not to be brought forward for development until at least 2014. However, within this report it was noted that:

'However, the Core Strategy will need to be flexible and deliverable. The majority of development in recent years has been located on brownfield sites within the urban area, so it is important to focus a proportion of development at Rural Service Centres to support the continuing viability aspirations of these settlements. Therefore, where there is firm evidence to demonstrate a local need at a Rural Service Centre that cannot be met through a local needs housing site, a proportion of Greenfield housing development may be permitted before 2014, in advance of allocating specific sites in site allocations documents that follow the Core Strategy.' (para.1.2.7)

5.3.10 This report was agreed by the Cabinet Members, with this paragraph quoted within the printed decision.

5.3.11 Whilst the applicants had been undertaking pre-application discussions for a significant period of time prior to this meeting, following the formal approval of the report, the applicants submitted the planning application, with an understanding that the Council had acknowledged (through this decision) that there had been, within the recent past, a shortfall in housing provision within the rural areas, and in particular affordable housing within the RSCs.

5.3.12 Subsequent to this decision being made, further work was undertaken upon the draft Core Strategy (CS) with the public consultation draft released on 2 September 2011. Clearly some weight must be given to the emerging Core Strategy, as this sets out the Council's objections for the next 15 years (although the weight should be limited due to its current status) which indicates the direction of the Council in respect of housing dispersal in the Borough. One of the 'Spatial Objectives' of the Council (page 24) is to achieve:

"80% of new housing built within and adjacent to the urban area of Maidstone with appropriate sustainable greenfield development being well located in relation to existing services in the urban area."

5.3.13 The Spatial Policy section have confirmed in their comments that the emerging Core Strategy therefore seeks to direct 20% of all housing development over the plan period to the rural area. This is because most housing completions have been focussed on the urban area. Draft policy CS1 (Borough Wide Strategy) outlines that,

"Appropriate Greenfield sites will be located at the edges of Rural Service Centres of Harrietsham, Headcorn, Lenham, Marden and Staplehurst"

5.3.14 Furthermore, the CS identifies Harrietsham as a 'Rural Service Centre' (RSC) and within the 'Spatial Distribution' section of the document (page 29) outlines that these centres,

"provide an appropriate level of services to serve the surrounding villages and rural hinterland. It is important that these centres are allowed to continue to serve their local area by retaining vital services thereby reducing the need to travel. Provision for some limited development which supports the role of the RSCs to provide for a choice of deliverable housing location should be made."

5.3.15 Whilst this is an emerging document and may be subject to change, it indicates the Council's direction, which is to seek 20% of all housing development in the rural area, identify Harrietsham as a 'Rural Service Centre' and allow

appropriate housing development at such centres. However, the reference to allowing the release of these sites early (i.e. before 2014) does not form part of the Core Strategy in its current guise. The explanation for it not forming part of this consultation draft is that it would be 'too site specific' for an overarching document of this type, and not that there has been a shift in policy of this Authority to the early release of such sites adjacent to RSCs.

5.3.16 A number of figures are set out below, that show the level of planning approvals/housing completions within the Borough since April 2006 until April 2011. These figures show a clear imbalance in the granting of planning permission, and the completion of development to the urban area and the urban fringe. A total of 532 houses have been completed within the rural area, compared with 2,649 within the urban area.

Planning permissions for housing granted since April 2006 until April 2011:

	Houses	Flats	Total Units
Urban & Urban Fringe Areas	1381	1517	2898
Rural Areas	418	87	505

Completed permissions for housing since April 2006:

	Houses	Flats	Total Units
Urban & Urban Fringe Areas	1037	1612	2649
Rural Areas	452	80	532

5.3.17 This data shows that 14.8% of permissions have been in the rural area and 16.7% of completions. It should be noted that a significant number of these completions within the 'rural area' were within the former Linton hospital site within Coxheath. Whilst this is classified as a rural area, due to the fact it is not adjacent to the urban boundary of Maidstone, it should be noted that one of the key considerations for not allocating Coxheath as a Rural Service Centre was its proximity to the services within the urban area.

5.3.18 In addition to this information, data has been provided that sets out the number of planning permissions and completions within the individual service centres. This information identifies that Harrietsham has had the lowest number of completions within the past 5 years of all RSCs, with none of these

developments providing any affordable housing, as the threshold has been too low for each (the largest development being for 10 houses).

Planning permissions for housing granted since April 2006:

	No. of Residential Units
Harrietsham	51
Lenham	28
Staplehurst	40
Headcorn	107
Marden	12

Completed permissions for housing since April 2006:

	No. of Residential Units
Harrietsham	25
Lenham	35
Staplehurst	37
Headcorn	39
Marden	34

- 5.3.19 I am satisfied that this information demonstrates that there has not be significant growth, or the provision of affordable housing within rural service centre, and in particular Harrietsham. This is consistent with the advice provided by Officers within the Cabinet report of the 9 February 2011.
- 5.3.20 The Strategic Housing Market Assessment 2010 (SHMA) recommends that **74.9%** of all new market housing in the rural area should provide for 3 or 4 bedroom dwellings. Data for 2009/10 demonstrates that, of the pipeline supply of new dwellings on rural sites (i.e. outstanding planning permissions and dwellings under construction), **43%** are 3/4 bedroom properties. The market housing element of this application proposes almost **100%** 3 and 4 bedroom houses. Also of note is that since 2006, only **8%** of affordable homes that have been completed or are in the pipeline are located in the rural area. This proposal would see the majority of the affordable units providing family accommodation (2, 3 and 4 bedroom dwellings). The proposal therefore provides much needed affordable housing in the rural area and also assists in

meeting the recommended distribution of both market and affordable housing set out in the SHMA.

5.3.21 To summarise, in a balancing exercise, to my mind the factors that are against the principle of development of this site, at this point in time are:

- It is not needed to meet the five year housing supply;
- It is a Greenfield site;
- It is not specifically allocated within an emerging DPD;
- The Core Strategy is in line to identify strategic sites – however the allocations document is unlikely to be completed and adopted within the next two/three years.

5.3.22 However, broad factors in favour are:

- The site is allocated for housing in the Local Plan under policy H11.
- The emerging Core Strategy indicates the direction of the Council in providing 20% of housing development in rural areas and recognising Harrietsham as a Rural Service Centre that should be maintained with the potential for appropriate housing development. Currently permissions and completions in the rural areas and RSC's are below this target.
- Harrietsham is a sustainable village with appropriate facilities and the proposals would contribute to providing rural housing.
- The application would provide family size and affordable housing units for Harrietsham.

5.3.23 I will return to the balancing of these factors and all other material considerations in the overall Conclusion following my full assessment of the all other issues below.

5.3.24 Whether the Proposal Would Prejudice the DPD or Strategic Housing Policy Objectives

5.3.25 There is a key question set out in paragraph 70 of PPS3: to what extent would it undermine the policy framework by being premature? "*The Planning System: General Principles*" indicates that in some circumstances it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared. Those circumstances are:

- Where the proposal is so large on its own or would have cumulative effects that granting it would prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which is being addressed in the DPD.

5.3.26 Counsel's advice has been sought on whether the proposal would have an adverse impact upon the Council's strategic housing policy, and it is advised that there is not a strong case to object to the proposal on these grounds. I summarise the reasons for this as follows –

- The scale of the development is not considered to be so great, and the fact that it would be in a Rural Service Centre is not considered to prejudice policy objectives.
- One objective of the Core Strategy is to have a housing supply which encourages, as a priority, housing on brownfield sites. However, looking at the objectives of the Core Strategy as a whole, the view is that the prejudice would not be severe and there is nothing to prevent those brownfield sites coming forward.
- The draft National Planning Policy Framework is currently suggesting two changes in national policy that would dilute any prejudice. First, it is suggesting removal of the brownfield target for housing development which is currently 60% of completions. The second factor is the additional frontloading of the 5 year supply whereby in the first five years, local councils should identify sites to meet at least 120% of the annual housing requirement. This is not land over and above the local authorities' housing target or 15 year supply of developable sites or broad locations but rather a frontloading of supply, i.e the trajectory changes but not the overall total.
- It is not considered that there is any supportable argument that the preparation of the Land Allocations DPD (or similar) would be prejudiced by the grant of permission on the Hook Lane site. This DPD is not yet in any draft form and PPS1 paragraphs 17-19 envisage a DPD being in, at least, consultation draft form.

5.3.27 To conclude, I consider that the lack of new housing, and in particular affordable housing delivered within the rural areas, (and the Council has agreed that there is a shortfall in this respect), the fact that the site remains allocated, and the fact that the proposal is of such a scale that would not result in a precedent for future development elsewhere within the Borough (and in particular around the urban fringe), I consider there to be grounds to recommend this application for approval, subject to all material planning considerations being met. This is, however, a balanced decision, and as such, all further matters need to be fully considered, and given appropriate weight within the determination of the proposal.

5.4 Layout

- 5.4.1 The internal layout of the development has been subject to much negotiation, both at pre-application stage, and after the application was submitted. This is a site at the edge of a village, and as such the form of the development was sought to reflect this, and to retain its soft edge where possible. Policy H11 provides a framework for development within the site, in particular emphasising the need for retaining the hedges that bound the site, and that run within it.
- 5.4.2 Of particular concern throughout the application process has been the siting of the point of access opposite the primary school access within West Street. This site was chosen as at present there is a significant gap within the vegetation at this point, and its location here would ensure that there would be suitable visibility on either side of the access road. However, the concern has been noted and an amended plan has been submitted that shows the provision of a raised table at the point of access, together with additional traffic calming measures along West Street (consisting of two build outs, to be provided with 'village gateways' with give way signs provided on each). The raised surface would stretch from the point of access into the site to approximately 30metres westwards (incorporating the main access of the school), and approximately 7metres eastwards. It would be constructed of brick pavers, to assist with traffic calming.
- 5.4.3 As one enters the site from West Street, the main access road has been designed to be a tree lined 'avenue' with detached properties located within a formal manner on each side. A grass verge, with footpath behind, is to be provided on either side, preventing car parking taking place (with cars 'bumped up' onto the kerb) and providing a soft entrance point to the development. Four trees are proposed to be planted on either side of the street within this access point. The end properties to the north and south of the avenue have been designed to have double frontages, to ensure that an active frontage is provided on either side of the building.
- 5.4.4 At the end of this access road the development opens up with an area of open space provided approximately 600m² in size, with tree planting, and long grass, wild flowers at low level. This area would provide a soft visual end stop to the development, and would respond to the rural character of the locality, in that the first view of the application site would be of tree and low level planting, rather than of housing built up to the edge of the pavement.
- 5.4.5 The buildings that back on to Hook Lane would be positioned within a relatively informal building line, and would be a mixture of property types. I am of the opinion that this reinforces the informal nature of the layout, and addresses the character of the locality. The use of differing materials within the highway

will also assist in breaking down the hard surfaces, providing a softer character.

- 5.4.6 The development is relatively linear in form, with the majority of the houses along the northern section of the application site, and a large area given over to public open space to the south. Approximately 3500m² (0.35 hectares) in size, the open space gives a useable area for recreation, as well as providing a visual break in the development from the A20 to the south. This open space would be provided with a good level of soft landscaping (this is addressed later in the report) which would provide a visual break in the development as one moves along the A20, and also, as one moves through the application site.
- 5.4.7 From this point, the development becomes slightly more dense in character, with the provision of more linked, and semi-detached properties (these would form part of the affordable housing provision). This subtle change in character would not detract from the overall character of the locality, or from the appearance of the development itself. The properties would still be well designed, and there would be sufficient space for suitable landscaping, and amenity space around the properties.
- 5.4.8 An important part of the application site, and the proposal, is the impact upon the hedges that both surround the site, and intersect it. This is highlighted within the site specific policy H11. This proposal would see the retention of the majority of the hedges that surround the site (with the exception of allowing for suitable visibility splays on either side of the access). The applicant has also indicated that the existing hedges within the site could be, in part, retained, although reduced significantly in scale.
- 5.4.9 At the western end of the application site, there would be a number of residential properties fronting on to the A20 that would have pedestrian access only to their front. It is noted that many of the properties along the A20 (outside of the application site) turn their backs to the highway, with high walls/fences creating a rather unpleasant streetscape at this point. I consider that fronting the dwellings onto the highway is a more appropriate way to address this well used thoroughfare. The fronting of the dwellings (behind tree planting) would create a positive entry point into the village, which currently has more of a 'tunnel effect' at its western end (due to the high walls/fences). I consider this an enhancement to the character of the village.
- 5.4.10 I consider the layout of the proposal to be well designed, and to respond positively to the features of importance in and around the site. The hedges are retained around the edges, with a feature created of the internal hedge that dissects the site. The density of the site, at 24 dwellings per hectare responds to the character of the village, and the fact that it sits to the edge of the village. The buildings are of varying scale within the site, again responding to

its surroundings, with the density falling away to the edge of the site. I therefore consider the proposed layout to be of a high quality, that responds positively to the characteristics of the locality.

5.5 House Design

- 5.5.1 The applicant has demonstrated that there would be a number of differing house designs within the development. Again, through the pre-application discussions that have taken place, significant emphasis has been placed upon ensuring that the character of Harrietsham is reflected within the proposed houses, and that there is enough variation to ensure that the development would not appear as rather monotonous. This variation was sought through the design of the properties, and also within the materials used. As there is significant variation in terms of building type, I will not analyse each property, but rather discuss the key buildings, and provide an overview of the other properties proposed.
- 5.5.2 One of the more prominent buildings within the application site would be the block of flats within the western tip of the site. This would consist of six flats and would have a maximum width of 19metres, a depth of 10metres, and a maximum height (to ridge) of 12.4metres. This block would be constructed of brick at the ground floor level (with a plinth) and weatherboarding at first and second floor level. There would also be projecting square bay windows provided at first and second floor level, with an overhanging roof (projecting approximately 500mm) with exposed rafter feet above. The roof would be constructed of tile, with a relatively steep (approximately 45°) pitch. Whilst the building would be 19metres in width, this elevation would be broken in three key parts, two projecting and a recessed element. This would ensure that there would be a suitable level of articulation, and that the building would not appear as monolithic. Nonetheless, I consider it important at the building at this point have some scale, to create somewhat of a focal point, and strong entrance to the development – albeit one set back from the junction due to the landscaping provision. I consider the design of the building, and the materials proposed would be of a high standard and would respond positively to the character and the context of the locality, and would therefore be acceptable.
- 5.5.3 The other buildings that would be highly visible from the A20 are those that front immediately on to it. This would be a series of semi-detached properties that would again be of brick construction at ground floor level, but with tile hanging at first floor. Again the dwellings would be provided with a good level of detailing, with brick plinths and exposed rafter feet provided, as well as chimneys on each dwelling (which aids with providing a 'rhythm' along the road frontage. These buildings, with a height of approximately 8.4metres would not appear too dominant from the highway, which would be aided by the set back of approximately 16metres from the highway edge. Again, I consider

that these buildings would be of a suitable standard of design, and would respond positively to the local character.

- 5.5.4 The only other properties that would be highly visible from the A20 are those that run at 90° to the highway, and face onto the open space. These properties would be part two and part three storey (within the three storey element within a gable projection), and would be predominantly of brick construction. Again, the detailing of the properties would be of a high standard that would respond positively to the character of the area.
- 5.5.5 The other prominent dwellings would be those sited on either side of the access road into the application site. A number of these properties would be double fronted, and again, with a mixture of brick construction and tile hanging, together with weatherboarding to the rear projections. Whilst these buildings would be of a significant width (approximately 10.3metres), I do not consider that these would appear as unduly bulky, or of a scale that would appear as overtly dominant. This is assisted, in part by the set back from the highway of approximately 6metres, the landscaping in front and the layering within the front façade of the buildings, i.e. the provision of a porch, recessed windows, and roof overhang.
- 5.5.6 At pre-application stage, it was agreed that it would be necessary for the dwellings to have a variety of height within the properties to create a more interesting roofscape. The applicants have provided plans that show properties with some variation in the roofs, both in terms of height and pitch. Due to the topography of the site, this height and pitch variation would result in a more interesting roofscape, that would assist in generating a character within the application site. Likewise the pallet of materials was requested to be varied but to draw reference from the local vernacular , which is consider has been taken on board, and has been brought forward through the detailed design.
- 5.5.7 All properties would be constructed to level 4 of the code for sustainable homes. This matter is covered in greater detail later within the report.
- 5.5.8 I am satisfied that the design of the dwellings/buildings within the application site would be of a high standard of design, that would respond positively to the character and appearance of the locality, and would draw reference from some of the more historic and high quality buildings from within the centre of the village. I do not consider the buildings to be 'standard boxes,' but rather designed in such a way to draw reference to the semi-rural nature of much of the sites surroundings. I therefore consider that the proposal accords with the requirements of PPS1, and policy BE5 of the South East Plan.

5.6 Highways

- 5.6.1 Significant discussions have taken place between the applicant, the Council and Kent Highway Services with regards to the access into and out of the application site. Concern has been raised by the headmaster of the school and local residents with regards to the proximity of the site access to that of the school, and the implications that this would have upon highway safety, and the safety of the children of the school, due to its proximity to the existing access and where parents park when collecting/dropping off children. However, Kent County Council Highways Services have fully considered the submitted plans, and the stage 1 safety audit of the proposal, and are satisfied that the proposed access is safe, and complies with Manual for Streets.
- 5.6.2 In addition, policy H11 of the Local Plan requires that no new breaches be made in the hedgerow to gain access to the site – this is one of the few locations that would comply with this policy.
- 5.6.3 Significant work has subsequently been undertaken by the Highways Authority to assess the safety concerns of Members and residents, with alternative access points assessed. These include accesses further to the west of the site (but still within West Street), and from Hook Lane. However, following a full assessment upon these locations, it was acknowledged that they would have had a significant impact upon the hedgerows within the site, and this, together with the fact that there are no highway safety objections to the proposed access point, as it is considered a safe location, there would be an overall detrimental impact to re-position it.
- 5.6.4 The applicant has submitted a traffic and accessibility statement that includes data from a traffic study undertaken. This demonstrates that at peak hours (AM and PM) there was a traffic flow of 99 vehicles within the morning, and 103 within the evening. This is not considered to be close to the capacity of the highway, and as such it is suggested that the additional vehicles that the proposal would generate would not be to the detriment of highway safety.
- 5.6.5 The negotiations that have taken place have seen the introduction of a raised table at the point of access that would stretch a total of 48metres within West Street, and incorporate the access into the school. The raised table would project approximately 7metres into the application site, and 8metres into the school site. The existing parking restrictions would be maintained across this surface. Visibility splays on either side of the access are considered acceptable.
- 5.6.6 This feature was proposed in order to address the concerns of the school, the Parish Council and a number of the neighbouring residents, who felt that an access at this point would be to the detriment of the safety of school children. This measure would emphasis the point of access (both of the site and of the school) visually, and would also reduce the speeds of traffic travelling along West Street. I consider that this surface treatment would be an appropriate

form of traffic calming at this point, and would also provide a high quality entrance to the development – rather than the continuation of tarmac into the site. I note that concerns are still raised irrespective of this provision, however, it is noted that the highway engineer from Kent County Council has been involved in the negotiation process that has seen the formulation of this ‘solution,’ and is satisfied that this proposal would not be to the detriment of highway safety.

- 5.6.7 In addition to the raised table, two ‘village gateway’ features (built outs within the highway with sign posts, and timber gates) are proposed to be provided to either side of the access. One, approximately 95 metres to the west of the access, with the other approximately 75 metres to the east. These would act as further traffic calming measures, that would reduce the width of the road to approximately 3.2 metres, creating two pinch points (with the right of way given to those leaving the school/application site. This should also reduce the speed of traffic travelling along this stretch of highway. I am satisfied that these measures are of a suitable form, and would be appropriate within this location – again, the Kent Highway Services concur with this view.
- 5.6.8 Whilst Kent Highway Services do not object to the proposal, they do express concern that the location of the access might result in parents from the school parking within the main access road into the site, and have suggested that the provision of parking bays along this stretch might alleviate this concern. However, whilst this concern is understood, I am of the opinion that the provision of parking bays along this stretch of highway, would result in an unacceptable level of hardstanding, that would compromise the quality of the development. In addition, the provision of parking bays would also, I consider, encourage parents to enter the site, and use these spaces – if they are full, they would be more likely to park elsewhere within the development. At present the majority of parents either park within the school car park, or along the highway (West Street), which appears to generate no highway safety issues (indeed there is no indication that there is a significant record of accidents at this point). As such, I am of the opinion that parents should in fact be encouraged to maintain the ‘*status quo*’ where possible. As such, I have not requested that these bays be provided.
- 5.6.9 Kent Highway Services have requested that further works be carried out to the highways, in particular the provision of additional street lighting along the A20 to the point of the junction with West Lane (the lights currently end approximately halfway along the site frontage), as well as the provision of additional traffic islands within the A20 to compliment the works currently underway. The applicant has agreed that these be subject to a S278 agreement; secured by condition. Kent Highway Services are happy with this approach. It should also be noted that highway improvements are required within policy H11 of the Local Plan.

- 5.6.10 With regards to the parking provision within the site, each property would be provided with a minimum of 1 space per unit (with an average of 1.8 spaces per unit), with the majority of the properties being provided with two spaces – all 'family homes' (i.e. those of three bedrooms or more) are to be provided with a minimum of two spaces. I consider that this provision would be at a suitable level, and would ensure that there would be no necessity for the future occupiers to park elsewhere within the vicinity that might have an adverse impact upon highway safety – along the A20 for example. As such, I raise no objection to the level of parking provision within the development. In any event, should parking 'spill' out on to the surrounding road network, I consider it more likely that residents would park within West Street rather than along the A20, which would be unlikely to give rise to a highway safety concern.
- 5.6.11 Internally, tracking diagrams have been submitted to demonstrate that refuse trucks and fire appliances would be able to access all necessary parts of the application site.
- 5.6.12 An emergency access point has been positioned upon the southern side of the application site, that would be served from the A20. As this would be for emergency vehicles only (and cycles/pedestrians at other times), I do not consider that this would have a significantly detrimental impact upon highway safety.
- 5.6.13 Kent Highway Services have requested a number of conditions and informatives be imposed upon any permission granted. One such condition requires the provision of suitable cycle storage facilities to be provided, which I consider to be necessary, in order to promote more sustainable modes of transport into and out of the site, and reduce the reliance upon the private motor car.
- 5.6.14 It is proposed that two additional 'real time' bus stops (with electronic bus times) be provided to the north of the application site. This would ensure that the future residents of the development would have ready access to public transport, with the bus service running between Maidstone and Ashford able to utilise these stops. In addition, as stated previously, the site is within walking distance of the train station.
- 5.6.15 With regards to the other conditions requested, many are not considered to meet the tests of Circular 11/95, insofar as they are covered by other legislation, for example, mud being deposited upon the highway. I therefore recommend that these be imposed as informatives rather than conditions.
- 5.6.16 To conclude, I am satisfied that the proposal has been designed in such a way as to ensure that there would be no detrimental impact upon highway safety,

either in terms of the future residents, or those that would utilise the highway. The traffic calming measures proposed to West Street would ensure that speeds are reduced around the site access, and that of the school. I don't consider that the point of access would therefore create a highway safety problem – and Kent Highway Services concur with this view. Internally, the site would provide a suitable level of car parking provision, and turning facilities, and as such, I see no reason to object to this proposal on highway safety grounds.

5.7 Ecology

- 5.7.1 The applicants have submitted a full ecological assessment of the application site, and have also suggested mitigation to address the loss of habitat from this proposal. These matters have been fully appraised by Kent County Council Ecology, who are satisfied with the findings and the recommendations within the submitted reports.
- 5.7.2 The site itself is basically an 'island,' with roads on all sides that separate it from the surrounding countryside (indeed to the south there is the A20, CTRL and M20 that separate it from the open countryside). As such its impact upon biodiversity outside of the site, particularly for non-airborne wildlife would be limited. Nonetheless, the report does address the context of the application site fully. To this effect it is noted that there are ponds within 140metres of the application site, which would be likely to support Great Crested Newts (GCN). Natural England has generic advice as to how to assess the likely impact of development upon such ponds. Taking into account this advice, it is considered unlikely that GCN would utilise the application site.
- 5.7.3 The site has been identified as having a relatively high concentration of slow worms, many of which, due to the high concentration, would have to be re-located to other sites around the Borough. It is noted however, that habitat will be created within the application site for a number of the slow worms and reptiles to be retained within. Two sites have been identified within the Borough that are suitable to trans-locate - a site within Boxley for the reptiles, and the River Len Nature Reserve for slow worms. The site within Boxley is of a significant scale, and would be able to accommodate a significant number of the reptiles, which would therefore see their retention within the Borough. It has also been agreed that the applicants will made commuted payments to allow for qualitative improvements of the nature reserve, to address the additional ecology that would be contained within the site. These payments would allow for the enhancement of habitat, and to ensure their management. The River Len Nature Reserve is also considered to be an adequate site to trans-locate the slow worms. A detailed methodology for this trans-location would be provided prior to the works taking part.

- 5.7.4 Grass Snakes were found within the site, although in relatively small numbers. However, this species are know to travel significant distances, and due to the small numbers, it is not considered that they are likely to be significantly impacted by the proposal, and need to be trans-located.
- 5.7.5 Due to the overgrown nature of the site, and the large amount of hedgerow, it is considered that much of the site would be suitable for bird nesting and foraging. It should be noted however, that the majority of hedgerows upon the boundary are to be retained, and there would be a significant amount of tree planting introduced within the site should permission be granted. This tree planting would consist of native species together with Willow trees, and Buckthorn. I consider this, together with the provision of bird boxes within the site, to be adequate mitigation.
- 5.7.6 The proposal will also incorporate bat boxes/bricks/tiles within the development. A plan has been submitted showing the locations of these features, which would see them predominantly upon garages, bin stores or within the substations, to reduce the conflict with residents. It is also proposed that both bird boxes and swift bricks are incorporated within the development, to aid with nesting.
- 5.7.7 A pond is proposed to be created within the application site, providing opportunities for a range of wildlife including beetles, dragonflies and amphibians. The pond would be required to be designed to incorporate microhabitats, including shallows and shelves that would warm up quickly in the morning, as well as deeper 'cooler' areas of water within the pond centre. It is recommended within the ecological report that this pond be provided with native species. In addition to this a swale is proposed running broadly east-west through the site. It is noted that the site currently appears to have a (dry) ditch that runs up to the A20. It is proposed that the swale be planted with species such as sweet-grass, creeping bent, soft rush, hard rush and other suitable species. Consideration was given to extending this swale to the proposed pond, however, due to the topography of the site this was unfortunately, not possible.
- 5.7.8 Within parts of the open space, it is proposed to incorporate wildflower planting. A suggested mixture of species has been provided by the applicant which is considered acceptable by Kent County Council Ecology.
- 5.7.9 I consider that the applicant has identified the protected species within the site, and have demonstrated that suitable mitigation can be provided. It is acknowledged that some of the existing wildlife will need to be removed from the site to alternative locations, which is regrettable, but that suitable alternatives how now been found. It is also acknowledged that there will be a number of ecological mitigation measures incorporated within the development

that would see the retention of existing biodiversity, and possibly, in some instances an enhancement. I therefore consider that the proposal does comply with the requirements of PPS9, insofar as the opportunities for maximising ecological enhancement measures have been considered, and where possible proposed. I therefore raise no objections to the proposal on ecological grounds.

5.8 Landscaping

- 5.8.1 The applicant has submitted a landscaping plan of the application site, which demonstrates that a good level of landscaping is to be provided. The landscape officer has commented upon the application, and has raised no objection to the proposal, although has raised concern about the impact upon the hedges within the application site.
- 5.8.2 As set out above, the application site lies to the south of the Kent Downs Area of Outstanding Natural Duty, and is surrounded by land designated as being of special landscape quality. As such, the landscape surrounding the site, and how this proposal *responds* to it, is of the utmost importance. The applicants have submitted a landscape character and visual impact assessment that looks at key views to, and across the site. Views have been assessed from close to the site, from the A20, the school, Fairbourne Lane bridge (that spans the M20) and from within West Street and Hook Lane. In addition, the views from the North Downs have been assessed and submitted.
- 5.8.3 The site lies within an area identified as the 'Leeds Transport Corridor' within the adopted Landscape Character Assessment and Landscape Guidelines (adopted in 2000) which has the key characteristics of undulating land, mixed farmland with a few orchards, scattered settlements and farmsteads, historic parkland, views of the North Downs. The guidelines also highlight that the character of the area has been significantly altered by the M20, A20 and CTRL that run through it.
- 5.8.3 I have also viewed the application site from long and medium distance views – from upon the North Downs and from the south of the M20. Whilst clearly, built development upon this land would change the character of the land, I do not consider that the proposal would have a significant impact upon the wider, rural character of the area.
- 5.8.4 Much of the site is surrounded by high hedges, and tree planting. Policy H11 of the Local Plan requires that the hedges that surround the site are maintained as these form a fundamental part of the character of the locality. These hedges are sought to be retained within the development, with no houses proposed to be located within such close proximity that they might not survive the construction of the properties, or have future pressure to remove once occupied. These hedges have not only a visual benefit to the locality, but are

also likely to have a strong ecological interest, and as such, their retention is considered to be of the utmost importance. Likewise a number of the trees within the hedgerow, and adjacent to the application site are considered to contribute significantly to the character of the locality. A full arboricultural report has been submitted with the application that identifies that only one tree would need to be removed as a result of this proposal (a 'Whitebeam' located adjacent to the boundary along the A20).

- 5.8.5 Within the site, there are two banks of hedging that converge within a relatively central point. These hedges contain a mixture of hazel with an occasional field maple and blackthorn. These hedges are now of a significant height, and create a strong barrier through the centre of the site. As set out within the Landscape Officer's comments, the loss of this hedge is regrettable insofar as it would change the character, but a more managed approach to the retention of this hedge is encouraged, for biodiversity reasons. Nonetheless, concern is raised at the amount of the hedgerow lost as a result of this development. This matter was fully discussed through the evolution of this scheme at pre-application stage. Whilst mindful of the wording of Policy H11 (which seeks the hedgerow's retention), officers were also mindful of the physical barrier that the retention of a hedge of this height would create within what would otherwise be a permeable development. In particular, as the hedge would have separated the dwellings from the play area, it was considered particularly important to have good visibility to this area, and as such, it would be necessary to reduce the hedge to achieve this.
- 5.8.6 In order to mitigate the pruning of this hedge, a significant level of additional planting has been proposed. This includes a significant number of street trees, as well as tree planting within the rear gardens of properties. It is also proposed to extend the hedge to the front of the properties facing the A20, which would create a habitat corridor between the existing hedge and the grassed area and pond.
- 5.8.7 Areas of flower rich grassland are also proposed within the site, which would see the inclusion of crested dogstail, common knapweed, common bent, slender creeping red-fenscue, meadow buttercup, oxeye daisy amongst others.
- 5.8.8 A plan has been submitted showing the tree planting proposed within the development. This would see the creation of a tree lined avenue at the access point, with the main link through the site being lined (albeit more sporadically) with tree planting. Species proposed include silver birch, hawthorn, rowan, cherry, lime, and maple. A number of these are suggested species within the landscape guidelines, whilst others, including lime and silver birch, are seen regularly within other village, and urban developments. I therefore raise no objection to the species proposed within the development.

- 5.8.9 It is proposed that approximately 100 new trees would be planted within the application site, with approximately 40 of these adjacent to the highways proposed – the remainder being within the rear gardens, or the public open space.
- 5.8.10 I am therefore satisfied that the landscaping scheme shown would result in a development that would positively respond, not only to the rural character of the area, but the village to which is would be adjoined. I consider that the landscaping would be of a high quality, and as such it would comply with the policies of the Development Plan.

5.9 Noise

- 5.9.1 The application site is located in close proximity to the A20, the Channel Tunnel Rail Link (CTRL) and the M20 motorway. As such, the applicant site is within an area subject to significant levels of noise, 24 hours a day. The applicant has therefore submitted an acoustic assessment within the application. This report demonstrates that the houses closest to the A20 would fall within Category C, (as set out within PPG24: Noise) but the majority of the application site falling within Category B. Category C is defined within PPG24 as being where 'planning permission should not normally be granted. Where it is considered that permission should be given, for example because no quieter sites are available, conditions should be imposed to ensure a commensurate level of protection against noise.
- 5.9.2 During pre-application discussions, it was agreed that it would not be acceptable to provide a physical acoustic barrier along the A20, as the fences and walls seen further into the village are a demonstration of how unattractive this feature can provide to be. It was also explained that in terms of providing 'good design,' it would be important for some of the properties to front on to the highway, to generate a sense of place, and to signify the entrance into the village (it was also hoped that this would help reduce speeds at this point, as the character of the highway and surroundings would change). As such, at this point, it was accepted that a small number of properties would be located within Category C, however, these would be in the mid point of this category. We accepted at this stage, that subject to appropriate house design, i.e. the majority of the habitable rooms located to the rear, and mechanical ventilation, it would be acceptable to locate properties at this point within the development.
- 5.9.3 Further to the submission of the application, the Council's Environmental Health Officer has reviewed the information, and has agreed that this is an acceptable stance, and as such, he raises no objections to the proposal on noise grounds.

5.9.4 It is accepted that this is a site that is subjected to a significant level of noise, generated in the main by the A20, although exacerbated by the CTRL and M20 motorway. However, the applicant has demonstrated that suitable mitigation can be achieved, through the design of the properties, and the ventilation proposed, and as such, I do not consider that the proposal would prove contrary to the requirements of PPG24. I therefore do not consider that there are grounds to object to the proposal on the basis of noise and disturbance to future occupiers.

5.10 Planning Obligations

5.10.1 For a scheme of this scale, it is important to ensure that the development can be assimilated within the local community without any adverse impact upon the existing services, and facilities within the village and wider area. As such,

5.10.2 Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Act. This has strict criterion that sets out that any obligation must meet the following requirements: -

It is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

5.10.3 The applicants have submitted draft heads of terms with the application that sets out that they are proposing to make the following contributions:

- Open Space provision and maintenance on site.
- The provision of 40% affordable residential units within the application site.
- A contribution of £350,000 towards improvements to Harrietsham Primary School – which will be spent upon additional classroom space and teaching facilities (to be made to KCC).
- A contribution of £227 per dwelling as a contribution to improving the library book stock for the local community (to be made to KCC).
- A contribution of £827 per house and £206 per flat for youth services (to be made to KCC).
- A contribution of £1,201 per dwelling for adult social services (to be made to KCC).
- A contribution of £54,396.00 for the Primary Care Trust towards the improvements of the existing healthcare facilities within the locality.
- The provision of a pedestrian crossing within West Street prior to the occupation of the first dwelling.*
- A traffic island to be incorporated as part of the proposal for works of a new ghost lane at the junction of the A20 and West Street.*

- The street lighting along the A2-0 to be extended to the junction of the A20 and West Street. *
- The provision of two new bus shelters (with real time bus information) within West Street.

*It is now proposed that these matters be provided through a Grampian planning conditions rather than through a legal agreement.

5.10.4 The Council's adopted Development Plan Document (DPD) that relates to affordable housing requires that developers provide 40% of affordable housing within sites of 15 or more units. This DPD was adopted in 2007, and remains in force. Whilst Government guidance requires a minimum of 30% affordable housing within such proposals, due to the high housing costs, and relatively low incomes (by south east standards) of many of the residents of Maidstone, there was an identified requirement to set the threshold at a higher figure. As previously set out within the report, the Council acknowledges that there is a shortfall of affordable housing that has recently been provided within the rural areas, and within Rural Service Centres. The provision of 40% of affordable housing within this location, is therefore an important consideration in the determination of the planning application. The affordable housing would be split in 25% affordable rents and shared ownership units (being 3 x 1 bedroom apartments, 3 x 2 bedroom apartments, 2 x coach houses, 8 x 3 bedroom houses, and 4 x 4 bedroom houses), with 15% equity percentage units (being 2 x 2 bedroom houses and 10 x 3 bedroom houses) - totalling 40% of all units. I consider that the provision of this level of affordable housing to be necessary to make the development acceptable. I also consider it of an appropriate level, and directly related to the development itself. I therefore consider that it complies with the three tests as set out above.

5.10.5 The contribution of £350,000 towards the improvement of the existing school facilities opposite the site, has been requested by Kent County Council. It is acknowledged that the existing school is at capacity, and the erection of 80 additional dwellings would lead to further pressure upon school places at this location (and due to the proximity of the site, it is likely that residents living there would receive favourable consideration when applying for the school). This additional pressure on school places may result in those further from the site no longer being able to place their children at this local school, and as such, I consider that there is a demonstrable need to enhance the existing facilities at this school, and as such the contribution sought is necessary to make this application acceptable. Likewise, the contribution is directly linked with the development, being directly opposite the application site, and the proposal comprising of 'family' housing. I consider that the contribution sought would be reasonable, in that it would address the funding gap to provide the additional classroom space that would be required by virtue of this proposal.

- 5.10.6 The contributions towards library book-stock has been requested in order to ensure that the additional strain placed upon local facilities (the nearest library being in Lenham) can be accommodated by the additional residents from within this development. I consider that the request is necessary to ensure that existing occupiers are not adversely impacted by this proposal, and it is related to the development. I also consider that the proposal is of a level that would be of a scale unrelated to the scale of the development. I therefore consider this request to be acceptable, and note that the applicant has agreed to provide this contribution.
- 5.10.7 The request for youth and community contributions has been fully justified by Kent County Council. This would ensure that the family housing provided within the development would be provided with suitable facilities, to ensure that the additional strain placed upon the existing infrastructure would be accommodated by this proposal.
- 5.10.8 With regards to the contribution towards the Primary Care Trust (PCT), it has been requested that £54,396 be provided to see the expansion of the existing facilities within the village. Again, I consider that this request meets the tests set out above, insofar as they are necessary to make the development acceptable, as the addition of 80 additional families within the village would place an additional strain upon the existing facilities (and it should be borne in mind that the existing surgery serves existing patients within rural areas that would be further from the surgery than these new houses). The request for contributions is considered to be fair, and directly related to the development, and as such, I recommend that the contributions be made should planning permission be granted.
- 5.10.9 The highway improvements as set out above, have been fully considered within the 'highways' section of this report. I consider that these improvements are necessary to make the development acceptable, however, I am satisfied that these are able to be dealt with as Grampian conditions to any permission granted. I am satisfied that these requirements meet the tests as set out within Circular 11/95.
- 5.10.10 Within the draft Core Strategy, which has limited weight, Policy CS10 would require developers to provide a financial contribution (rate yet to be confirmed) towards the provision of affordable pitches for gypsies and travellers. The developer is not proposing to provide such a contribution, and whilst this is only a draft policy, as weight has been given to the emerging Core Strategy in the determination of this application, consideration should be given as to whether such contributions would be appropriate in this instance. Whilst there is a significant demand for affordable pitches to be provided within the Borough, due to the level of contributions being paid by the applicant towards improvements to the school, the level of affordable housing provided on site,

and the fact that the properties are achieving level 4 of the Code for Sustainable Homes, together with fact that this is an emerging policy has resulted in no contributions of this nature being sought.

5.10.11 Whilst concern has been raised with regards to the lack of traffic regulations at the point of access into the site, these would be subject to a separate consultation process prior to being fully adopted. In any event, with the raised table proposed, and the driveways proposed within the access road, I do not consider these necessary, and the request does not therefore comply with the S106 tests as set out above.

5.10.12 A contribution of £1,500 for qualitative enhancements to, and future management of, any receptor site for wildlife trans-located from the application site is also requested. I consider that it is appropriate to request this sum, on the basis that qualitative enhancements would be required to 'accommodate' additional wildlife once translocation takes place. Whilst both the sites within the Borough are considered acceptable receptor sites, such enhancements would be required to ensure that the existing biodiversity within the locality is not adversely impacted. I consider the sum reasonable and directly linked with the proposed development, and as such the contribution should be sought.

5.10.13 I consider that this proposal would provide a significant level of contributions, as well as providing a high level of affordable housing. Whilst these contributions are *necessary* to make the development acceptable, it should also be noted that many of the recently permitted schemes have demonstrated a lack of 'viability' if all contributions are paid alongside the provision of 40% affordable housing. As such, I consider the provision of these S106 contributions to be a positive factor in the balancing of this planning application, at this time.

5.11 Residential Amenity

5.11.1 The application site is relatively self-contained with no residential properties to immediately to the north, west, or south of the application site. There are new residential properties currently under construction to the south-east of the application site (which are not occupied at present). The only occupied properties within close proximity to the site are to the east, however, these are all on the eastern side of Hook Lane, with a large hedge provided along this lane (upon its western side).

5.11.2 The properties within the eastern most part of the application would back on to Hook Lane, which has a large, mature hedge running its full length. This hedge, together with the separation distances (of approximately 20-25metres), would ensure that there would be no significant overlooking of the neighbouring properties. In addition, the public domain of Hook Lane runs

between these properties, affording greater views into the existing properties that those proposed within the application site.

- 5.11.3 With regards to the potential for noise and disturbance to be generated, clearly, the use of the land for housing would be more noisy than the existing use, however, I don't consider that it is likely to be to an unacceptable level.
- 5.11.4 The site does front on to the A20, with both the M20 and the CTRL in close proximity to the application site. As such, there were considerable concerns raised with regards to the noise experienced by any future residents of the application site.
- 5.11.5 The applicants have submitted a full acoustic assessment that demonstrates that the properties that would front on to the A20 would fall within category C, which is defined within Annex A of PPG24 as being an area where planning permission should not normally be granted, unless a commensurate level of protection can be provided against the noise.
- 5.11.6 The acoustic report submitted followed significant negotiation with both Planning and Environmental Health Officers. This discussion set out that the Council would not consider it appropriate to place acoustic fencing or any other barrier along the A20 frontage, as this would have a significant impact upon the character and appearance of the locality (indeed, it is considered that the boundary treatments that are currently in situ along the A20 do little to enhance the area's character).
- 5.11.7 Following this advice it was agreed that it would be acceptable to have the houses located within the area that fell within the lower half of category C, as long as the garden areas were shielded from the noise.
- 5.11.8 The scheme has been designed in such a way so that the habitable rooms within the proposed dwellings closest to the A20 would be to the rear with, where possible, the bathrooms and kitchens to the front. These properties would also be fitted with mechanical forms of ventilation, so that the owners/occupiers would have the option of not opening doors windows for fresh/cooling air to enter the building. It is considered that the measures suggested within the WSP report would ensure that a suitable level of mitigation would be provided, and that there would be no detrimental impact upon the future residents of these properties by virtue of road and rail noise.

5.12 Sustainability

- 5.12.1 The applicants have submitted a Code for Sustainable Homes (CSH) pre-assessment that identifies that all properties within the development will achieve a minimum rating of level 4 of this code. For a development of this

scale this would be the first time that this has been achieved within the Borough. Sustainable construction is a fundamental part of good design, and I consider this level of sustainable construction to represent a high standard of design at this point in time.

5.12.2 Within the pre-assessment the applicants have indicated that the following features are suitable to be incorporated within the development:

- PV Cells to be used within the roofslopes;
- Solar thermal cells to be used within the roofslopes;
- Ground source heat pumps and ground cooling;
- Air source heat pumps;
- Improved thermal insulation.

5.12.3 Other features considered, but subsequently dismissed are:

- Biomass boilers;
- Biomass CHP;
- Wind turbines (small or large)

5.12.4 I consider that these features proposed within the development, would ensure that it would be delivered to a high standard, and would ensure that the proposal would be constructed, and thereafter operated as sustainable dwellings. The proposal would therefore comply with the requirements of PPS1: Design.

5.12.5 In addition to the sustainable construction methods proposed, the location of the site is considered to be relatively sustainable. Whilst on the edge of the village, it is relatively well served by public transport, with bus stops proposed to the north of the site, and the railway station within a short walk from the site. Furthermore, there is a small shop, and other facilities within the village, as well as a school opposite the application site.

5.12.6 Whilst the National Planning Policy Framework (NPPF) is currently only in a consultation draft, nonetheless, it signals the intention of central government, and on a development of this scale, should be given some weight in the determination of this planning application. Within the NPPF, there is a clear and consistent steer towards the delivery of sustainable development, and whilst no definition of 'sustainable' has been provided within this document, to my mind its location, and the manner in which it is constructed, and thereafter maintained, forms a crucial part of this consideration. I therefore consider this proposal to comply with the objectives of this document, for the reasons set out above. Similarly, the Ministerial Statement 'Planning for Growth' of 23 March 2011 indicates that an application should be given favourable weight if it does not compromise key sustainable development principles set out in

national policy. My view is that it does not and therefore it attracts further favourable weight in bringing positive investment and growth to Harrietsham.

5.13 Other Matters

- 5.13.1 The proposal is also to include the provision of electrical charging points for cars powered by electricity. Whilst it has not been confirmed the precise location of these, the applicant has agreed to the imposition of a suitable condition to ensure the delivery of such a facility.
- 5.13.2 The applicant has also agreed to seek to incorporate high speed broadband within the development. Discussions are ongoing with broadband providers, to assess the possibility to providing high speed broadband to every dwelling within the development.

6. CONCLUSION

- 6.1 There are a number of factors to bear in mind, that need to be balanced against one another. Looking at the strategic picture, there are clear disadvantages with this proposal, namely, that it is a 'greenfield' site for which there is no need to release at this point in time, given that there is a 6.2year housing supply (untested). Balanced against this is the likelihood that the site will be needed in 2015 and if it was granted planning permission in 2012, it would probably be completed not too long before 2015 in any event. The key question is whether or not this Council should wait for this Greenfield site to be developed in 2015 or after, in circumstances where the scheme can be delivered beforehand with the following factors weighing in its favour:
- i) The site is within the adopted Local Plan as a housing site. Furthermore these policies (H1 and H11) were 'saved' in 2007.
 - ii) Harrietsham is a designated Rural Service Centre in the draft Core Strategy, but was classified as a rural settlement capable of accommodating growth, within the Local Plan and Urban Capacity Study.
 - iii) It is an acceptable SHLAA site with high development potential.
 - iv) The application complies with the policy criteria set out within Local Plan Policy H11.
 - v) 40% affordable housing is proposed.
 - vi) The pipeline supply of new dwellings on rural sites that are 3/4 bedroom properties has been lagging behind the recommendation in the SHMA. The market housing element of this application proposes almost 100% 3/4 bedroom houses, helping to redress that imbalance.
 - vii) The percentage of affordable homes completed (or in the pipeline) that are in the rural area is very low. This proposal would see the majority of the affordable units providing family accommodation(2/3/4 bedroom

dwelling) and it would help address the acute need for affordable housing in the rural area.

- viii) It would be a development within a sustainable location that would bring investment and growth, particularly needed at this point in time.
- ix) It would help maintain the viability of the rural settlement of Harrietsham. The lion's share of new housing development has been granted within the urban area, particularly in the form of flatted development, and the urban area does not need the release of greenfield sites on its edge to support it at this time.

- 6.2 I consider that the balance, of this specific application, favours the early release of this site. The early release of RSC sites was favourably considered in the 9 February 2011 Cabinet report upon the draft Core Strategy.
- 6.3 I am also conscious of the lack of major housing scheme 'starting' over the past 12 months and the lack of permitted schemes with a S106 contributions deficit. The vast majority of housing completions in the period 2006-2010 have been within the urban area (with over two thirds having been apartments). The RSCs have clearly been 'missing out' on a 20% proportion of these completions.
- 6.4 Lastly, there is concern that a precedent would be set with the approval of this planning application and that the 'floodgates' would open on other 'greenfield' housing allocations. The scale of the proposal (being for 80 houses) is not great enough for it to create a precedent to change the alignment of the Core Strategy. Secondly, each case has to be considered and determined on its own planning merits and on the basis of the planning considerations pertaining at that particular time. There are a number of current factors which, when viewed in combination, tip the scales towards the grant of planning permission in this case. One particular factor at this point in time is the distinction that can be made between the urban fringe locations, and those within the emerging Rural Service Centres.
- 6.5 As such, given the particular circumstances of this planning application, and the lack, overall, of unacceptable harm to any local planning interests, I recommend that Members give favourable consideration to the proposal, and give delegated powers to the Head of Planning and approve the application, subject to the receipt of an appropriate S106 legal agreement and the imposition of the conditions set out below.

7. RECOMMENDATION

Subject to the prior completion of a legal agreement, in such terms as the Borough Solicitor may advise, to provide the following;

- The provision of 40% affordable residential units within the application site.
- A contribution of £350,000 towards improvements to Harrietsham Primary School – which will be spent upon additional classroom space and teaching facilities (to be made to KCC).
- A contribution of £227 per dwelling as a contribution to improving the library book stock for the local community (to be made to KCC).
- A contribution of £827 per house and £206 per flat for youth services (to be made to KCC).
- A contribution of £1,201 per dwelling for adult social services (to be made to KCC).
- A contribution of £54,396.00 for the Primary Care Trust towards the improvements of the existing healthcare facilities within the locality.
- The provision of two new bus shelters (with real time bus information) within West Street.
- A contribution of £1,500 for the management of the receptor sites for any translocation of wildlife from the application site.

The Head of Planning BE DELEGATED POWERS TO GRANT subject to the imposition of the conditions set out below.

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. No development shall take place 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.

3. The dwellings shall achieve at least 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 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.

4. The development shall not commence until, written details and samples of the materials, which shall include stock brick, clay tiles, render, and timber effect weatherboarding 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 satisfactory appearance to the development in accordance with PPS1 and Policy BE1 of the South East Plan 2009.

5. The development shall not commence until, details of the colour of the render to be used upon the buildings have been submitted to and approved in writing by the Local Planning Authority. The approved colour scheme shall be fully implemented before the first occupation of the buildings and thereafter maintained;

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

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.
- iv) Details of the balcony railings.

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.

11. 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.

12. 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.

13. 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.

14. No development shall take place until details of the location and design of the external electrical charging points have been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of delivering a sustainable form of development in accordance with PPS1.

15. No development shall take place until precise details of the proposed pond have been submitted to and approved in writing by the Local Planning Authority. The details shall include the provision of shallow areas, and deeper, cooler areas, as well as the planting regime for the pond.

Reason: In the interests of biodiversity in accordance with PPS9.

16. No development shall take place until precise details of the SUDs system has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable design, in accordance with PPS1.

17. The development shall not commence until, details of all fencing, walling and other boundary treatments (which shall include the erection of a dwarf ragstone wall along the western part of the A20 frontage) have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the buildings or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers in accordance with PPS1.

18. No development shall take place until a scheme of landscaping using indigenous species has been submitted. This scheme shall include indications of all existing trees and hedgerows on the land, and details of any to be retained. The development shall also include:-

- i) The extension of the existing hedge along the A20 frontage;
- ii) The provision of suitable tree planting as shown on plan number CN37-301 revj;
- iii) The retention of the trees shown within the arboricultural report (unless otherwise agreed in writing).
- iv) The provision of a wildflower grassland (with a mix as set out within the submitted report)

Details of the measures for their protection in the course of development, together with and a programme for the scheme's implementation and long term management shall also be submitted. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted and in the interests of visual amenity in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan (2000) and PPS1.

19. Prior to the commencement of the development, details of the proposed slab levels of the buildings and the existing site levels shall be 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.

20. 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 in accordance with PPG13.

21. No development shall take place until details of the method of construction and external surfacing of the proposed emergency access route to the A20 has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with these approved details.

Reason: To ensure that the development positively responds to the character and appearance of the locality, in accordance with PPS1.

22. Prior to the commencement of the development hereby permitted, details of the proposed materials to be used in the surfacing of all access road, parking, turning areas, and pathways within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter undertaken in accordance with the subsequently approved details.

Reason: To ensure that the development positively responds to the character and appearance of the locality, in accordance with PPS1.

23. The development hereby permitted shall be carried out in accordance with the noise assessment submitted with the application on the 15 April 2011.

Reason: In order to safeguard the amenity of the future occupiers of the dwellings hereby permitted in accordance with PPS1 and PPS3.

24. The details of the landscaping of the site required to be submitted by Condition 6 shall include details of a scheme for the preparation, laying out and equipping of a play/amenity area and the land shall be laid out in accordance with the approved details.

Reason: To ensure a satisfactory external appearance to the development and the provision of adequate facilities to meet the recreational needs of prospective occupiers in accordance with Policy OS1 of the Development Plan.

25. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development for its permitted use and the landscape management shall be carried out in accordance with the approved plan over the period specified;

Reason: To ensure satisfactory maintenance and management of the landscaped area in accordance with Policy ENV6 of the Maidstone-Wide Local Plan 2000.

26. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reasons: To protect vulnerable groundwater resources and ensure compliance with Planning Policy Statement 23.

27. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reasons: To protect vulnerable groundwater resources and ensure compliance with Planning Policy Statement 23.

28. There shall be no occupation of the development hereby permitted until the provision of a pedestrian crossing within West Street has been made. Full details of the proposed crossing shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of pedestrian permeability, and sustainable design, in accordance with PPS1 and PPG13.

29. There shall be no occupation of the development hereby permitted until the provision of a new traffic island to be incorporated as part of the proposal of works for a new ghost lane at the junction of the A20 and West Street has been made. Full details of the proposed traffic island shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of pedestrian permeability, and sustainable design, in accordance with PPS1 and PPG13.

30. There shall be no occupation of the development hereby permitted until the provision of additional street lighting along the A20 to the junction of West Street and the A20 has been made. Full details of the proposed lighting shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and good design, in accordance with PPS1 and PPG13.

31. The development shall be carried out in accordance with the ecological report submitted on the 15 April 2011.

Reason: To ensure that suitable mitigation is provided for the ecology within the application site, in accordance with PPS9.

32. No occupation of the development hereby permitted shall take place until the raised table at the point of access has been provided. The raised table shall be designed and constructed to a specification approved by the Highways Authority.

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

33. No development shall take place until a detailed mitigation strategy for the translocation of any animals (wildlife) within the site has been submitted to and approved in writing by the Local Planning Authority. Such details as are agreed shall be fully implemented before development takes place.

Reason: In order to secure a satisfactory treatment of wildlife within the application site in accordance with PPS9.

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.

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.

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.

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

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 the 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).

Removal of existing trees or hedgerows containing nesting birds shall take place outside of the bird-breeding season (generally March to August).

Where it is proposed to store more than 200 litres (45 gallon drum = 205 litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (Oil Storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials are stored (for example in bunded areas secured from public access) so as to prevent accidental/ unauthorised discharge to ground. The area's for storage should not drain to any surface water system.

The Phase 1 Geo-Environmental Assessment, dated March 2011, has identified that the site poses a low risk to the underlying groundwater environment. However, due to the sensitive nature of the groundwater in this area it is necessary to ensure that any contamination which may be encountered will still be investigated properly.

The site is underlain by a principal aquifer and is within a Source Protection Zone 3 for a nearby public water supply. As such, whilst there is no objection in principle to the proposed surface water drainage scheme, the following will need to be adhered to in order to protect the groundwater environment:

- a) only clean, uncontaminated surface water should be discharged to ground.
- b) run-off from access roads and parking areas will need to discharge via appropriate pollution prevention measures, such as interceptors and trapped gullies.
- c) there must be no direct discharge to groundwater.
- d) there must be no discharge to land impacted by contamination.

REASON FOR APPROVAL

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 South East Plan 2009) and there are no overriding material consideration to indicate a refusal of planning consent. Whilst the proposal would see the release of a 'greenfield' site at a time when the Council continues to have an agreement to freeze such sites, it is considered that there is overriding justification to see this site brought

forward at this point in time, due in part, to the lack of development within the rural area within the recent past.