

REPORT SUMMARY

REFERENCE NO - 14/0539			
APPLICATION PROPOSAL Erection of three 4 bedroom detached houses with integral garages and two parking spaces externally			
ADDRESS Eastwells, Kenward Road, Yalding, Maidstone, Kent, ME18 6JP			
REASON FOR REFERRAL TO COMMITTEE The application is being reported to the planning committee as: <ul style="list-style-type: none"> • the recommendation is contrary to the views of Yalding Parish Council; • it is a departure from the Development Plan. 			
WARD Marden And Yalding Ward	PARISH/TOWN COUNCIL Yalding	APPLICANT Mr Donald Vaughan AGENT Dray	
DECISION DUE DATE 26/05/14	PUBLICITY EXPIRY DATE 26/05/14	OFFICER SITE VISIT DATE Various	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
MK3/62/299	Pair of cottages for agricultural workers	Approved	19/11/62
83/1481	Double garage	Approved	03/01/84
93/0338	Rear conservatory extension	Approved	17/03/93
95/0792	Demolition of existing rear addition, erection of single storey rear and front porch extensions and formation of a bay window to front elevation.	Approved	29/06/95
01/0689	Certificate of lawfulness application for (1) use of the property as a dwelling without complying with the agricultural occupancy condition (iii) of MK3/62/299 and (2) use of land shown hatched as domestic garden	Approved	29/06/01
10/1933	Erection of a ground floor front/side extension and a first floor side extension	Approved	20/12/10

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 Eastwells is a substantial semi detached dwelling situated in a large residential curtilage amounting to some 0.22 hectares in total. The application site measures 0.13 hectares is triangular shaped and has a frontage of some 65m with Kenward Road. This frontage comprises a 2.5 to 3m high beech hedge. The site is used and laid out as domestic garden land with vegetable gardens, lawns and flower beds together with sheds and outbuildings.
- 1.2 Land to the north of the site is in agricultural use and residential development extends to the south along Kenward Road towards its junction with the High Street, Yalding some 300m to the south east.
- 1.3 Whilst Eastwells itself is within the defined settlement of Yalding as defined in the Maidstone Borough Wide Local Plan 2000 Proposals Map, the application site is outwith the defined built up area. It is, therefore in the countryside for planning purposes. The site has no specific landscape or other designation.

2.0 PROPOSAL

- 2.1 This application seeks consent for the erection of three detached dwellings fronting onto Kenward Road.
- 2.2 Each dwelling would have direct vehicular access from Kenward Road and would be set back from the edge of the highway to provide two parking spaces. The Beech hedge fronting Kenward Road would be removed to ensure adequate sight lines for each dwelling could be provided. Each property would benefit from private amenity space to the rear and/or side and would be separated from the adjoining properties by 1.8m high close boarded fencing.
- 2.3 Whilst each of the proposed dwellings is unique, they share a common theme in terms of design and pallet of materials (brick and tile hanging to upper storeys with feature elements of oak timbers and render). Each of the dwellings would be substantial family dwellings.
- 2.4 The nearest property to Eastwells would sit within a plot measuring approximately 660sqm and would have a living room, kitchen/breakfast room, dining room, study, cloakroom and integral garage to the ground floor and four bedrooms (two with ensembles) and a family bathroom to the first floor.
- 2.4 The central property of the three proposed would again have four bedrooms (one ensuite) with family bathroom to the first floor, but would have a living room, kitchen/family room, cloakroom and integral garage on the ground floor. It would sit on a plot of approximately 580sqm.
- 2.5 The last property (furthest from Eastwells) would sit within a triangular plot measuring approximately 512sqm. It would have a living room, kitchen, utility room, cloakroom and integral garage to the ground floor with four bedrooms (2 ensuite) and family bathroom to its first floor.
- 2.6 The agent advises that the proposed dwellings would be built to satisfy the criteria for Level 3 of the Code for sustainable Homes, space would be provided for refuse bin storage and

bicycle parking (for a minimum of 2 bicycles) within each of the integral garages. They also advise that they recognise that some of the existing landscaping will be lost, but would provide additional landscaping for the proposed development.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) 2012: Chapters 3, 4, 6, 7, 11
National Planning Practice Guidance (NPPG) 2014
Maidstone Borough Wide Local Plan 2000: ENV6, ENV28, T13

4.0 LOCAL REPRESENTATIONS

No comments have been received from local residents on this application.

5.0 CONSULTATIONS

5.1 **Parish Council (7th May 2014):** *“Councillors have no objection, in principle, to development on this site as it is within the village boundary provided adequate sight lines can be achieved. Councillors are, however, disappointed that more four bedroom homes are being proposed when it is smaller two and three bedroom properties that are required in the village. They would prefer to see a greater density of smaller homes.”*

5.2 **Parish Council (5th June 2014):** *“Yalding Parish Council objects to this planning application as the development is outside the village envelope/boundary in open countryside.”*

5.3 **Environmental Health (11th April 2014):** No objections to the application subject to the imposition of informatives relating to considerate construction.

5.4 **UK Power Networks (11th April 2014):** No objections to the proposed works.

5.5 **Environment Agency (23rd April 2014):** Have assessed this application as having a low environmental risk. Therefore have no comments to make.

5.6 **Southern Water (25th April 2014):** Southern Water require a formal application for a connection to the foul sewer to be made by the applicant or developer. Should this application receive planning approval request that an informative to this effect is attached to the consent.

Initial investigations indicate that there are no public surface water sewers in the immediate vicinity to serve this development. Alternative means of draining surface water from the development is required. This should not involve disposal to a public foul sewer.

5.7 **Southern Water (9th July 2014):** The comments in our previous response remain valid.

5.8 **KCC Ecology (22nd July 2014):** *“The Preliminary Ecological Appraisal report has been submitted in support of this application. We advise that no further surveys are required to*

inform the determination at this time. Recommendations to minimise the potential for ecological impacts to any reptiles, breeding birds and hedgehogs present on the site are provided in the report and we advise that these are implemented. These should be secured by condition, if planning permission is granted.

One of the principles of the National Planning Policy Framework is that opportunities to incorporate biodiversity in and around developments should be encouraged. We advise that the inclusion of ecological enhancement measures would support Maidstone BC in meeting the aims of the NPPF to deliver gains for biodiversity. The Preliminary Ecological Appraisal report includes ecological enhancement recommendations and the implementation of at least some of these should be secured by condition, if planning permission is granted.”

5.9 Landscaping (6th October 2014): *“The tree survey and proposal drawings identify that the Beech Hedge on the Kenward Road frontage would be removed to achieve sight lines.*

Of the 27 trees surveyed, two were graded A in the survey. One of these (T10 Lime) is shown to be removed due to direct conflict with one of the proposed dwellings. The other (T14 Turkish Hazel) is shown to be retained, but is successful retention in the long term is questionable. BS5837 indicates that structures should, by default, be located outside of root protection areas (RPAs) and that if any new permanent development within RPAs is unavoidable, they should not exceed 20% of the existing unsurfaced area. I estimate that 50% of the RPA of T14 would be new hard surfacing and therefore even if this were to be of no dig and permeable construction, it would be likely to result in the long term loss of the tree.

The five B graded trees are on the northern and western edges of the site and could be successfully retained in the context of the proposal, one of these in the garden retained by the existing property.

Of the remaining twenty C graded trees it appears that six are shown to be retained. One of these (T1 Norway Maple) will be in the garden of the existing property. Three (T7, T8 and T11) are described as being of poor/declining condition and one (T18 Lime) is a young tree that is undesirable to be retained in close proximity to the proposed adjacent house. T22 Thorn in the northwest corner is grouped with two of the B graded trees and unlikely to be affected by the proposal. As such only one of the C graded trees is likely to be retained on the proposed development plots.

In summary, this proposal is likely to result in the immediate or long term loss of the frontage hedge, both A graded trees and all but one of the C graded trees. Only four B graded trees and one C graded tree are likely to be successfully retained in the long term on the proposed development plots. There is some opportunity to provide some replacement planting on the Kenward Road, but this will be limited by the area available, sight lines, future conflict with structures and light obstruction to windows of the new properties.”

5.10 KCC(Highways)(8th October 2014): *“Kenward Road is a classified road requiring appropriate visibility standards. The site is not helped by being on the inside of a bend. It is important, therefore, that inter- visibility between emerging traffic on the driveways and through traffic on*

Kenward Road is achieved. The 10.5m vision splay noted on the Rev A plan submitted on 30th June is not of a scale or degree that would be appropriate.

I am grateful for the 1.2m safety margin proposed for any pedestrians walking along Kenward Road which will also assist inter-visibility and specification of this feature should be included in any approval notice. I am also grateful for the acknowledgement in the applicants' Statement of Transport issues that removal of frontage vegetation at the corner of Eastwells (within the blue line) is required. For this authority to find this application acceptable it is important that a strong condition is applied regarding the extent and maintenance of inter-visibility area on and adjacent to the site. I would recommend that words to the effect of the following are included in any approval notice: -

That at least the first 3.5m of garden frontage is maintained clear of obstruction (apart from occasional slender objects) exceeding 0.9m in height. This is to include:

- Any frontage boundary;*
- Any boundary fences or treatments between properties;*
- The boundary between the site and Eastwells (this will also be of road safety benefit to vehicles emerging from Eastwells).*

Planning permission does not convey any approval for construction of the required vehicular crossing or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council- Highways and Transportation (www.kent.gov.uk/roads_and_transport.aspx or 03000 418181) in order to obtain the necessary application pack.

Provision of measures to prevent the discharge of surface water run off onto the highway will also be required.

In addition to the above conditions, the following are also recommended:

- Provision of construction vehicle loading/unloading and turning facilities prior to the commencement of work on site and for the duration of construction;*
- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction;*
- Provision of wheel washing facilities prior to the commencement of work on site and for the duration of construction;*
- Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing; and*
- Use of bound surfaces for the accesses.*

Subject to the above, I write to confirm on behalf of the Highway Authority that I have no objection to this proposal.

6.0 BACKGROUND PAPERS AND PLANS

The application is supported by a Statement in support of Planning Application and Design and Access Statement (incorporating Statement on Renewable Energy and Sustainable Construction and Statement of Transport Issues) received on the 1st April 2014 and an Arboricultural survey and Preliminary Ecological Appraisal received on the 30th June 2014.

7.0 APPRAISAL

Principle of Development

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 7.2 In 2001 the Council issued a Certificate of Lawful Development (CLD) removing the agricultural occupancy condition for Eastwells and for the land to the west of the property (the current application site) to be used as domestic garden (MA/01/0689 refers). The village boundary of Yalding, as shown on the Local Plan maps, currently ends on a line running through the double garage at Eastwells (north to south). As this application post dates the drafting the Maidstone Borough Wide Local Plan 2000 this line was not modified/amended following the approval and issue of the CLD. The application site, whilst clearly abutting the defined village settlement boundary is located in the countryside for planning purposes.
- 7.3 The starting point for consideration is saved policy ENV28 of the Maidstone Borough-wide Local Plan 2000 which states as follows:-

“In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to:

- (1) That which is reasonably necessary for the purposes of agriculture and forestry; or
- (2) The winning of minerals; or
- (3) Open air recreation and ancillary buildings providing operational uses only; or
- (4) The provision of public or institutional uses for which a rural location is justified; or
- (5) Such other exceptions as indicated by policies elsewhere in this plan.

Proposals should include measures for habitat restoration and creation to ensure that there is no net loss of wildlife resources.”

- 7.4 The proposed development does not fit into any of the exceptions set out in policy ENV28, which is why it has been advertised as a departure from the Development Plan.
- 7.5 It is necessary therefore to consider two main issues in relation to the proposals. Firstly, whether there are any material considerations that would indicate that a decision not in accordance with the Development Plan is justified, and secondly whether the development would cause unacceptable harm. (Detailed issues of harm will be discussed later in the report).

7.6 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should;

'identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;'

7.7 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge and Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Local Plan (2011 -31). The SHMA (January 2014) found that there is the "objectively assessed need for some 19, 600 additional new homes over this period which was agreed by Cabinet in January 2014. Following the publication of updated population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014.

7.8 Most recently calculated (April 2013), the Council had a 2.2 year supply of housing assessed against the objectively assessed housing need of 19,600 dwellings.

7.9 Taking into account housing permissions granted since April 2013 and the lower need figure, this position will have changed very marginally and would still remain well below the 5 year target.

7.10 This is a significant factor and at paragraph 49 the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a five year supply cannot be demonstrated. The presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.

7.11 In terms of the location of the site, the NPPF advises that when planning for development i.e. through the Local Plan process, the focus should be on existing service centres and on land within or adjoining existing settlements. The site lies immediately adjacent to the settlement boundary of Yalding, within walking distance of its centre which has a number of facilities expected within a larger village including a shop post office, GP surgery and train station. As

such, the site is at a sustainable location and meets the NPPF's core approach to sustainable development.

- 7.12 The Council has recently finished its Regulation 18 Consultation on its emerging local plan and the representations received from that are currently being reviewed. The emerging plan therefore carries weight when considering planning applications. Yalding, with Boughton Monchelsea, Coxheath, Eyhorne Street and Sutton Valence have been identified in this plan as a Larger Village (Policy SP4 refers). The preamble to this policy states that these locations are considered suitable for limited new housing provided that it is of a scale in keeping with their role, character and scale. It also acknowledges that an appropriate increase in the populations of these villages would help support village services and facilities
- 7.13 In the light of the above five year supply position, bringing forward development on this sustainably located site immediately adjacent to the built up area of Yalding would assist in helping to meet the shortfall in housing supply and I consider this to be a strong material consideration in favour of the development
- 7.14 For the above reasons, I consider the policy principle of residential development at the site is acceptable. The key issue is whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.

Landscaping and Visual Impact

- 7.15 As set out above the site is currently used as residential amenity garden land and is home to a number of trees and the Beech hedge to the road frontage. It is noted that many of the trees on site are not visible from public vantage points given their size and location, but the hedge is highly visible. None of the trees on or adjacent to the site are protected. To the north and west of the site is agricultural land and to the south, past Kenward Road, is more agricultural land. To the east of the site is Eastwells and the other dwellings fronting along Kenward Road.
- 7.16 The application is supported by an Arboricultural Impact Assessment which concludes that the proposal would result in the removal of the Beech hedge to provide sightlines and result in the loss of 13 C grade and 1 A grade trees. It advises that protective fencing would be used to protect the trees to be retained during construction works and that a scheme of new planting for the site would mitigate the loss of existing planting and soften the proposed development from wider views.
- 7.17 The Council's Landscaping Team have reviewed the Assessment and disagree slightly with its findings. They advise that the *"proposal is likely to result in the immediate or long term loss of the frontage hedge, both A graded trees and all but one of the C graded trees. Only four B graded trees and one C graded tree are likely to be successfully retained in the long term on the proposed development plots. There is some opportunity to provide some replacement planting on the Kenward Road, but this will be limited by the area available, sight lines, future conflict with structures and light obstruction to windows of the new properties."*

- 7.18 Their comments are noted and it is disappointing that the proposed development would result in the loss of the trees and the hedge. It is, however, noted that no formal objection has been received from the Landscape Team and they do not recommend that any of the trees should be formally protected. Many of the trees cannot be seen from public vantage points, given their size and location within the site, and therefore have limited public amenity value. The most significant loss visually would be that of the Beech hedge to Kenward Road which would have to be removed to allow adequate sightlines to be achieved for the proposed dwellings. Whilst this is disappointing, it must be noted that there are no restrictions on the removal of this hedge and in this instance the benefit of the additional dwellings with the provision of a comprehensive landscaping scheme outweighs this harm.
- 7.19 In terms of visual impact the most significant effect would be the removal of the Beech hedge and trees to provide adequate sight lines for the proposed dwellings. This will clearly open up the site to short range views from Kenward Road.
- 7.20 Whilst it acknowledged that the proposal would extend formal built development into an area currently used as amenity garden land, the scheme has been developed to minimise this impact with the houses set back some distance into the site. This allows an open frontage to be presented to Kenward Road which reflects the “building line” of existing development along the road. From the east the development would be seen as part of the residential development fronting on to Kenward Road, whilst long range views from the west of the site are limited due to the bend in the road. There are robust boundaries (close boarded fences with planting) between the site and the agricultural land to the north and the proposed development would be seen against the backdrop of the agricultural polytunnels on the southern side of Kenward Road. Further planting to the site’s boundaries will help to soften the visual impact of the development from both long and short range views, although it is recognised that the height of any planting along the Kenward Road frontage would be limited by the need to provide adequate visibility splays to the proposed dwellings.

Design and Residential Amenity

- 7.21 As set out above, each of the proposed dwellings would be unique, but share a common theme in terms of design and pallet of materials (brick and tile hanging to upper storeys with feature elements of oak timbers and render). Each of the dwellings would be substantial family dwellings. This approach is considered acceptable in this location as this reflects the general character and appearance of Kenward Road where the style and design of properties vary.
- 7.22 The proposed layout would provide suitable living conditions in terms of outlook and privacy for future residents and would not adversely affect the residential amenities of existing occupiers.

Highways

- 7.23 This application proposes three dwellings with separate accesses coming out on to Kenward Road, which along this stretch (apart from the approximately 10m at the most western extreme of the site) is subject to a 30mph speed restriction. There is an existing pedestrian footpath from 32 Kenward Road towards the village.
- 7.24 The proposal is accompanied by a Statement of Transport Issues which highlights that the proposed accesses would be on the inside of a bend in the road and that visibility is the key issue. It states that the existence of the bend with one further to the west has the effect of reducing vehicle speeds, the removal of the hedge would allow adequate visibility splays to be created and maintained and that a small strip of some 1.2m could be left along the frontage of the development as an area which pedestrians could use to connect to the existing footway.
- 7.25 KCC Highways have reviewed the proposal and agree that visibility is the key consideration. They advise that subject to a condition securing adequate visibility splays together with their continued maintenance that the proposal can be supported.

Ecology

- 7.26 The NPPF, Local Plan and the emerging local plan all seek to protect and enhance the natural environment. Development proposals will not be permitted where they lead to the adverse impacts on natural assets for which mitigation measures appropriate to the scale and nature of the impact cannot be achieved.
- 7.27 KCC Ecology initially raised concerns that no ecological information had been submitted to support the proposal. They advised that a preliminary ecological appraisal of the site should be carried out prior to the determination of the application. They highlight that whilst some of the site comprises short mown grassland with limited ecological value, there are features on the site which have the potential to support protected species such as the pond, hedgerows, trees and vegetable patch.
- 7.28 A Preliminary Ecological Appraisal of the site was carried out in June 2014. It highlights that the site is an area of well maintained amenity garden land with lawns and flowerbeds, a number of ornamental trees of various ages, an extensive vegetable plot, small orchard area, bee hives and an ornamental pond. A beech hedge runs along the front of the site along Kenward Road, but there are few native plants present within the site. There is a small area of wildflowers to the north west corner of the site.
- 7.29 The appraisal concluded that whilst there was a pond, the site offered negligible potential for amphibians due to the fact that it was highly managed and the lack of suitable breeding ponds within 250m of the site. There were few unmanaged areas within the site so it offered limited potential for reptiles. There was also no potential within the site to support dormice or badgers. None of the trees present on the site offered potential for roosting bats, though it was accepted that bats might use it for foraging although given that it was unlikely to support many

prey animals this use, if any, would be occasional. There was the high potential, however, that the site could support breeding birds within its trees, hedges and within bird boxes. The appraisal makes recommendations to minimise the potential for ecological impacts to any reptiles, breeding birds and hedgehogs.

- 7.30 KCC Ecology advise that they do not require any further surveys to be undertaken to inform their determination of the application. They advise that the proposed works to minimise the ecological impact of the development are secured by condition. The appraisal also makes recommendations ecological enhancement measures including the provision of hedgehog, and bird nesting boxes, bat roosting spaces and native planting including areas of wildflower planting to attract invertebrates. KCC Ecology advise that these should also be secured via condition.

Flood Risk and Drainage

- 7.31 The NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and the technical guide outlines that opportunities to reduce the overall level of flood risk in the area should be sought through the layout and form of the development and appropriate use of Sustainable Urban Drainage (SUDs).
- 7.32 The site is not within a high risk flood area as identified by the Environment Agency and it is noted that they have no comments to make in relation to this scheme.
- 7.33 Southern Water has confirmed that there is inadequate capacity in the local network to provide foul sewage disposal for the proposed development. They advise that additional off site sewers or improvements to existing sewers would be required to provide sufficient capacity to serve the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested and request that an informative setting out the need for the applicants to enter into a formal agreement with them is attached to any formal grant of planning consent. I will deal with this by condition.
- 7.34 In terms of surface water, Southern Water advise that there are no public surface water sewers in the immediate vicinity to serve this development and an alternative means of draining surface water from the development is, therefore, required. It is considered appropriate to secure this via a planning condition.

Other Matters

- 7.35 Sustainable development is advocated under the NPPF and the emerging Local Plan policy DM2 which sets out a requirement for residential development to achieve a minimum of Code for Sustainable Homes (CSH) (or any future national equivalent) Level 4.
- 7.36 The applicants advise in their Design and Access Statement that the new dwellings would be built to satisfy the criteria for Code for Sustainable Homes Level 3. No information has been submitted to demonstrate that CSH level 4 cannot be achieved. This issue has been raised

with the agent and a detailed response is awaited. I will update Members on this at the meeting.

8.0 CONCLUSION

- 8.1 The proposed development is contrary to policy ENV28 in that it represents housing development outside a settlement boundary in the Local Plan. However, in the absence of a five year supply of housing the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and policies such as ENV28 cannot form grounds to object in principle.
- 8.2 The NPPF advises that when planning for development i.e. through the Local Plan process, the focus should be on existing service centres and on land within or adjoining existing settlements. The application site is a sustainable location, immediately adjoins the existing settlement, close to facilities, with good public transport links and is considered an appropriate location in principle for additional housing.
- 8.3 Whilst the proposed development would add built form onto the site, it would be seen in the context of the residential development along Kenward Road. Further planting to the site's boundaries together with the proposed landscaped buffer zone will help to soften the visual impact of the development from both long and short range views. The development would be seen as an extension to the built up area of Yalding with clear and robust boundaries and the harm to the character and appearance of the area is considered to be low to medium.
- 8.4 There are no highway objections subject to conditions securing necessary works and the development could be designed to ensure no harmful impact upon existing amenity and future occupants would have sufficient amenity.
- 8.5 The ecological impacts of the development can be suitably mitigated in line with the NPPF and some mitigation/enhancement would be provided on-site. KCC Ecology is raising no objections, subject to the imposition of conditions.
- 8.6 I have taken into account all representations received on the application and considering the low level of harm caused by the development, in the context of an objectively assessed need of 18,600 houses, and against the current housing supply, I consider that the low adverse impacts would not significantly and demonstrably outweigh the benefits of providing much needed housing at a sustainable location. This is the balancing test required under the NPPF. As such, I consider that compliance with policy within the NPPF is sufficient grounds to depart from the Local Plan. Therefore I recommend permission is approved.

9.0 RECOMMENDATION – Planning permission be granted subject to the following conditions:

1. The development hereby permitted must be begun not later than the expiration of 3 years from the date of this permission.

Reason: In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.

Reason: In the interests of amenity and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings.

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of the locations, heights, designs, materials and types of all boundary treatments to be erected on site. The boundary treatments shall be completed in strict accordance with the approved details before the first occupation of the buildings or land and maintained thereafter.

Reason: In the interests of visual amenity, privacy and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings.

4. Satisfactory facilities for the storage of refuse shall be provided before the first occupation of the buildings or land and maintained thereafter.

Reason: In the interests of amenity.

5. No development shall commence until a detailed scheme for parking and turning areas has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be completed before the commencement of the use of the building or land 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 (or any subsequent re-enacting Order) 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.

6. No development shall commence until a scheme for the construction of the vehicular accesses of the proposed development have been submitted to, and approved in writing by, the Local Planning Authority. This scheme shall include details of proposed visibility splays and the provision of a 1.2m open area forward of the frontage of the proposed development. The approved scheme shall be completed before the first occupation of the development hereby permitted and shall thereafter be maintained.

Reason: In the interests of highway safety and amenity.

7. No development shall commence until a sustainable surface water drainage scheme for the site has been submitted to, and approved in writing by, the Local Planning Authority. . The approved scheme shall be implemented before the development hereby approved is permitted and maintained thereafter.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

8. The development shall not commence until details of foul water drainage, which shall include any necessary off site improvements to the local network, have been submitted to, and approved in writing, by the Local Planning Authority in consultation with Southern Water. The approved details and off site works shall be implemented in full prior to the first occupation of the development.

Reason: In the interests of pollution and flood prevention.

9. The recommendations for both ecological protection and enhancement set out in the Preliminary Ecological Appraisal report (23rd June 2014) should be adhere to unless otherwise agreed, in writing, with the Local Planning Authority.

Reason: To safeguard and improve natural habitats and features within the site and to mitigate against the loss of natural habitats, with particular reference to those species protected under the Wildlife and Countryside Act 1981.

10. If the development hereby approved does not commence (or having commenced, is suspended for more than 12 months) within 2 years from the date of the planning consent, the approved ecological measures secured shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: In the interests of biodiversity protection.

11. No development shall commence until there has been submitted to, and approved in writing by, the Local Planning Authority a scheme of landscaping which shall include indications of all existing tree and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development and a programme of maintenance. All planting, seeding and turfing shall be carried out in the first planting and seeding season following commencement of the development (or other period as may

be agreed in writing with the Local Planning Authority) and any trees or plants which within 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the proposed development is satisfactorily integrated in to its setting and provide for landscaping.

12. Prior to the commencement of development details of any external lighting including details of the spread and intensity of light together with the size, scale and design of light fittings and supports, shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter external lighting shall only be provided in accordance with the approved details.

Reason: In the interests of amenity and to ensure the proposed development is satisfactorily integrated into its setting.

13. The dwellings hereby permitted shall be built to achieve a minimum of Level 4 of the Code for Sustainable Homes, or any equivalent nationally applies standard in place at the time the dwellings are implemented. Prior to the first occupation of the individual residential units hereby permitted, a copy of the post construction review certificate produced by the relevant assessor for that dwelling (or for the totality of the development or parts there of) verifying that the aforementioned minimum Level has been achieved for that residential unit shall be submitted to the Local Planning Authority.

Reason: To ensure a sustainable and energy efficient form of development.

14. 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 with the site, and the design of the kerb stone/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 with the subsequently approved details.

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

15. 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 shall be implemented as approved.

Reason: To protect vulnerable groundwater resources.

16. Prior to the commencement of any development, details shall be submitted to, and agreed in writing by, the Local Planning Authority showing the existing and proposed site levels

and the finished floor level of the building(s) hereby permitted. Development shall be in strict accordance with the details agreed.

Reason: In the interest of amenity.

17.No development shall take place until a scheme for the incorporation of bird nesting boxes and swift bricks has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as agreed prior to the first occupation of the residential units hereby permitted and thereafter permanently retained.

Reason: In the interests of supporting and promoting the biodiversity interests of the site.
INFORMATIVES

The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide prosecution under this act.

Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

The applicant/developer should enter into a legal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, S021 2SW (tel. 0330 303 0119) or www.southernwater.co.uk

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.

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).

Under the terms of the Flood & Water Management Act 2010, each Lead Local Flood Authority will set up a Sustainable Drainage Advisory Board (SAB). Kent County Council (KCC) has been identified as the lead Flood Local Authority for this area and will be responsible for approval of surface water drainage infrastructure for new development. SAB approval will be required in addition to planning consent. We therefore recommend the applicant makes contact with the SAB at KCC to discuss details of the proposed surface drainage infrastructure. Enquiries should be made to Kent County Council via email at suds@kent.gov.uk .

The Bat Conservation Trust's 'Bats and Lighting in the UK' guidance should be adhered to in the lighting design.

REASON FOR APPROVAL

The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development is at a sustainable location, immediately adjoins an existing settlement, and is not considered to result in significant visual harm to the area. Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan.

Planning Committee Report

Case Officer: Annabel Hemmings

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.