

# AGENDA

## PLANNING COMMITTEE MEETING



Date: Thursday 6 February 2014  
Time: 6.00 p.m.  
Venue: Town Hall, High Street,  
Maidstone

### Membership:

Councillors Ash, Black, Chittenden, Collins  
(Chairman), Cox, Harwood, Hogg,  
Moriarty, Nelson-Gracie, Paine,  
Paterson, Mrs Robertson and  
J.A. Wilson

---

### Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 13 February 2014

**Continued Over/:**

---

**Issued on 29 January 2014**

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEBBIE SNOOK on 01622 602030**. To find out more about the work of the Committee, please visit [www.maidstone.gov.uk](http://www.maidstone.gov.uk)

*Alison Broom*

**Alison Broom, Chief Executive, Maidstone Borough Council,  
Maidstone House, King Street, Maidstone, Kent ME15 6JQ**

6.	Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting	
7.	Disclosures by Members and Officers	
8.	Disclosures of lobbying	
9.	To consider whether any items should be taken in private because of the possible disclosure of exempt information.	
10.	Minutes of the meeting held on 16 January 2014	1 - 6
11.	Presentation of Petitions (if any)	
12.	MA 11 0511 - WIERTON PLACE, WIERTON ROAD, BOUGHTON MONCHELSEA, MAIDSTONE, KENT	7 - 31
13.	MA 11 0512 - WIERTON PLACE, WIERTON ROAD, BOUGHTON MONCHELSEA, MAIDSTONE, KENT	32 - 46
14.	MA 12 1469 - NEWSTEAD FARM, COUCHMAN GREEN LANE, STAPLEHURST, TONBRIDGE, KENT	47 - 56
15.	MA 12 2103 - CHERRY GARDENS, COLLIER STREET, TONBRIDGE, KENT	57 - 70
16.	MA 13 0684 - OAKHURST, SCRAGGED OAK ROAD, DETLING, MAIDSTONE, KENT	71 - 86
17.	MA 13 0686 - OAKHURST, SCRAGGED OAK ROAD, DETLING, MAIDSTONE, KENT	87 - 102
18.	MA 13 0951 - LAND NORTH OF SUTTON ROAD, OTHAM, KENT	103 - 150
19.	MA 13 1149 - LAND AT LANGLEY PARK, SUTTON ROAD, MAIDSTONE, KENT	151 - 208
20.	MA 13 1373 - ROOFING CENTRE GROUP LTD, MENDIP HOUSE, LEEDS ROAD, LANGLEY, MAIDSTONE, KENT	209 - 221
21.	MA 13 1523 - LAND WEST OF BICKNOR FARM COTTAGES, SUTTON ROAD, MAIDSTONE, KENT	222 - 271
22.	MA 13 1541 - WILLOWS, HOWLAND ROAD, MARDEN, TONBRIDGE, KENT	272 - 285
23.	MA 13 1635 - BUMPERS HALL, MAIDSTONE ROAD, MARDEN, TONBRIDGE, KENT	286 - 304
24.	MA 13 1652 - LAND REAR OF 43 SANDLING LANE, MAIDSTONE KENT	305 - 315
25.	MA 13 1711 - 97 HOLLAND ROAD, MAIDSTONE, KENT	316 - 330
26.	MA 13 1810 - 17 LAMBOURNE ROAD, BEARSTED, MAIDSTONE, KENT	331 - 343

27. MA 13 1917 - TOWN HALL, MIDDLE ROW, MAIDSTONE, KENT	344 - 349
28. MA 13 1918 - TOWN HALL, MIDDLE ROW, MAIDSTONE, KENT	350 - 354
29. Appeal Decisions	355 - 356
30. Chairman's Announcements	

## **PART II**

**To move that the public be excluded for the item set out in Part II of the Agenda because of the likely disclosure of exempt information for the reason specified having applied the Public Interest Test.**

<b>Head of Schedule 12A and Brief Description</b>		
31. Exempt Appendix to the Report of the Head of Planning and Development Relating to Application MA/11/0511	3 – Financial/Business Affairs	357 - 379

### **PLEASE NOTE**

**The order in which items are taken at the meeting may be subject to change.**

**The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website.**

**BACKGROUND DOCUMENTS: The background documents for the items on the agenda are to be found on the respective planning files for each application and on the files for those applications referred to in the history section of each report.**

**Background documents are available for inspection during normal office hours at the Maidstone Borough Council Gateway Reception, King Street, Maidstone, Kent, ME15 6JQ.**

# Agenda Item 10

## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON 16 JANUARY 2014**

**Present:** Councillor Collins (Chairman) and  
Councillors Ash, Black, Butler, Cox, English, Harwood,  
Hogg, Moriarty, Nelson-Gracie, Paine, Paterson and  
Mrs Robertson

**Also Present:** Councillors Mrs Blackmore, McLoughlin,  
Munford and Newton

#### 246. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from  
Councillors Chittenden and J A Wilson.

#### 247. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Butler for Councillor J A Wilson  
Councillor English for Councillor Chittenden

#### 248. NOTIFICATION OF VISITING MEMBERS

Councillors Mrs Blackmore and McLoughlin indicated their wish to speak  
on the report of the Head of Planning and Development relating to  
application MA/13/0693.

Councillor Munford indicated his wish to speak on the report of the Head  
of Planning and Development relating to application MA/13/1149.

Councillor Newton indicated his wish to speak on the reports of the Head  
of Planning and Development relating to applications MA/13/0951,  
MA/13/1149 and MA/13/1523.

#### 249. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

#### 250. URGENT ITEM

The Chairman stated that, in his opinion, the update report of the Head of  
Planning and Development should be taken an urgent item because it  
contained further information relating to the applications to be considered  
at the meeting.



251. DISCLOSURES BY MEMBERS AND OFFICERS

With regard to the report of the Head of Planning and Development relating to application MA/13/0693, the Chairman stated that he was a resident of the Parish of Marden and knew the applicant. However, he had no interest in the application, and intended to speak and vote when it was discussed.

With regard to the report of the Head of Planning and Development relating to application MA/13/0693, Councillor Nelson-Gracie stated that he knew the applicant and had participated in pre-application discussions. However, he had not spoken to the applicant for over a year, and intended to speak and vote when the application was discussed.

252. EXEMPT ITEMS

**RESOLVED:** That the items on the agenda be taken in public as proposed.

253. MINUTES OF THE MEETING HELD ON 9 JANUARY 2014

**RESOLVED:** That the Minutes of the meeting held 9 January 2014 be approved as a correct record and signed.

254. PRESENTATION OF PETITIONS

There were no petitions.

255. MA/13/1149 - OUTLINE APPLICATION FOR THE ERECTION OF UP TO 600 DWELLINGS WITH ASSOCIATED LOCAL CENTRE COMPRISING CONVENIENCE STORE (USE CLASS A1) (1,300SQM - 1,500SQM GROSS FLOOR AREA (GFA)), RETAIL/COMMERCIAL UNITS (USE CLASS A1, A2, A3, A5 AND/OR D1) (400SQM GFA) AND PUBLIC HOUSE (USE CLASS A4) (550SQM - 700SQM GFA); A TWO FORM ENTRY PRIMARY SCHOOL (WITH PRE-SCHOOL PROVISION AND A COMMUNITY FACILITY); PUBLIC OPEN SPACE; ALLOTMENTS; NATURE CONSERVATION AREA; AND LANDSCAPING, WITH ALL MATTERS RESERVED EXCEPT FOR THE FOLLOWING: MEANS OF VEHICULAR ACCESS TO THE SITE FROM SUTTON ROAD, AND THE SPINE ROAD WITHIN THE SITE; 170 DWELLINGS (PHASE 1) WITH ITS ASSOCIATED OPEN SPACE; DRAINAGE PROVISION, INCLUDING THE SURFACE WATER ATTENUATION FACILITY, STRATEGIC FOUL AND SURFACE WATER DRAINAGE INFRASTRUCTURE AND PUMPING STATION; EARTHWORKS, TO INCLUDE GROUND RE-MODELLING - LAND AT LANGLEY PARK, SUTTON ROAD, MAIDSTONE, KENT

All Members stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning and Development.

County Councillor Clark, an objector, Councillor Ellis of Boughton Monchelsea Parish Council (against), Mr Tarzey, for the applicant, and

Councillors Newton and Munford (Visiting Members) addressed the meeting.

**RESOLVED:** That consideration of this application be deferred to allow:

- (i) Further consideration of the draft Heads of Terms for a S106 legal agreement specifically to examine alternative sustainable transport options to mitigate the impact of the development on Sutton Road which are not tied to road widening; and
- (ii) Receipt of a suitable viability assessment to establish whether the development can achieve 40% affordable housing and Level 4 of the Code for Sustainable Homes in accordance with existing and emerging Local Plan policy.

Voting:        9 – For        4 – Against        0 – Abstentions

256. MA/13/0951 - FULL APPLICATION FOR RESIDENTIAL DEVELOPMENT OF 186 DWELLINGS COMPRISING A MIXTURE OF 2, 3, 4 AND 5 BEDROOM PROPERTIES WITH ASSOCIATED PARKING, LANDSCAPING, AMENITY SPACE AND ENGINEERING WORKS - LAND NORTH OF SUTTON ROAD, OTHAM, KENT

The Committee considered the report and the urgent update report of the Head of Planning and Development.

County Councillor Clark, an objector, Councillor Bottle of Otham Parish Council (against), Mr Lander, for the applicant, and Councillor Newton (Visiting Member) addressed the meeting.

**RESOLVED:** That consideration of this application be deferred to allow:

- (i) Further consideration of the draft Heads of Terms for a S106 legal agreement specifically to examine alternative sustainable transport options to mitigate the impact of the development on Sutton Road which are not tied to road widening;
- (ii) Receipt of a suitable viability assessment to establish whether the development can achieve 40% affordable housing and Level 4 of the Code for Sustainable Homes in accordance with existing and emerging Local Plan policy; and
- (iii) Negotiation of landscaping to retain as much as possible of the hedgerow and trees to the Sutton Road frontage and to secure provision of defensive planting along the interface between the site and Bicknor Wood.

Voting:        8 – For        4 – Against        1 – Abstention

257. MA/13/1523 - THE ERECTION OF 100 DWELLINGS TOGETHER WITH ASSOCIATED NEW ACCESS ROAD, CAR PARKING, LANDSCAPING AND OPEN SPACE - LAND WEST OF BICKNOR FARM COTTAGES, SUTTON ROAD, MAIDSTONE, KENT

The Committee considered the report and the urgent update report of the Head of Planning and Development.

County Councillor Clark, an objector, Ms Ashton, for the applicant, and Councillor Newton (Visiting Member) addressed the meeting.

**RESOLVED:** That consideration of this application be deferred to allow:

- (i) Further consideration of the draft Heads of Terms for a S106 legal agreement specifically to examine alternative sustainable transport options to mitigate the impact of the development on Sutton Road which are not tied to road widening; and
- (ii) Receipt of a suitable viability assessment to establish whether the development can achieve 40% affordable housing in accordance with existing Local Plan policy.

**Voting:**        6 – For        4 – Against        3 – Abstentions

258. MA/13/0693 - OUTLINE PLANNING APPLICATION FOR A RESIDENTIAL DEVELOPMENT OF UP TO 144 DWELLINGS (USE CLASS C3), INCLUDING ALLOTMENTS, OPEN SPACES, INFRASTRUCTURE, LANDSCAPING, ACCESS AND ASSOCIATED WORKS WITH DETAILS OF ACCESS AND LAYOUT PROVIDED AT THIS STAGE - THE PARSONAGE, LAND EAST OF GOUDHURST ROAD, MARDEN, KENT

All Members stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning and Development.

Mr Witts, an objector, Councillor Mannington of Marden Parish Council (against), Mr Coleman, for the applicant, and Councillors Mrs Blackmore and McLoughlin (Visiting Members) addressed the meeting.

**RESOLVED:**

1. That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Services may advise to secure the following:

The provision of a minimum of 40% affordable housing;

A contribution for the local NHS Commissioning Board of £248.38 per dwelling towards the improvement of services and facilities at Marden medical centre and Staplehurst medical centre;

A contribution for Kent County Council of £2,360.06 per applicable house and £590.24 per applicable flat towards primary school expansion;

A contribution for Kent County Council of £2,359.80 per applicable dwelling and £589.95 per applicable flat towards the extension of existing local secondary schools to cater for the additional demand for places as a result of this development;

A contribution for Kent County Council of £2,783.56 towards the provision of bookstock and services at the local library to meet the additional demand on the resource;

A contribution for Kent County Council of £4,134.06 towards new/expanded facilities and services for adult education centres and outreach community learning facilities in the area;

An Adult Social Services contribution of £2,296.22 for Kent County Council to be used towards provision of Telecare and the enhancement of local community facilities to ensure full DDA compliant access to clients;

The provision of additional cycle parking facilities at Marden Station;

Details of the provision and subsequent management of the open space (including play area), green and allotment areas within the site; and

A contribution of £700 per dwelling for Maidstone Borough Council Parks and Leisure to be used towards the upgrading of Marden Playing Fields,

the Head of Planning and Development be given delegated powers to grant outline permission subject to the conditions and informatives set out in the report as amended by the urgent update report.

2. That a development delivery steering committee formed of stakeholders including the developer, Maidstone Borough Council Officers, Marden Parish Council, the Marden Neighbourhood Plan Steering Group, Ward Members and Councillor Harwood should be established to monitor all aspects of the development.

Voting:        5 – For        3 – Against        5 – Abstentions

259. LONG MEETING

Prior to 10.30 p.m., during consideration of application MA/13/0693, the Committee considered whether to adjourn at 10.30 p.m. or to continue until 11.00 p.m. if necessary.

**RESOLVED:** That the meeting should continue until 11.00 p.m. if necessary.

260. APPEAL DECISIONS

The Committee considered the report of the Head of Planning and Development setting out details of appeal decisions received since the last meeting.

**RESOLVED:** That the report be noted, and that the Officers be congratulated on these results.

261. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that Chris Hawkins, Principal Planning Officer, would be leaving the Council to take up a new position elsewhere. On behalf of the Committee he wished to congratulate Mr Hawkins on his appointment and to thank him for his services to the Authority over the years.

262. DURATION OF MEETING

6.00 p.m. to 10.35 p.m.

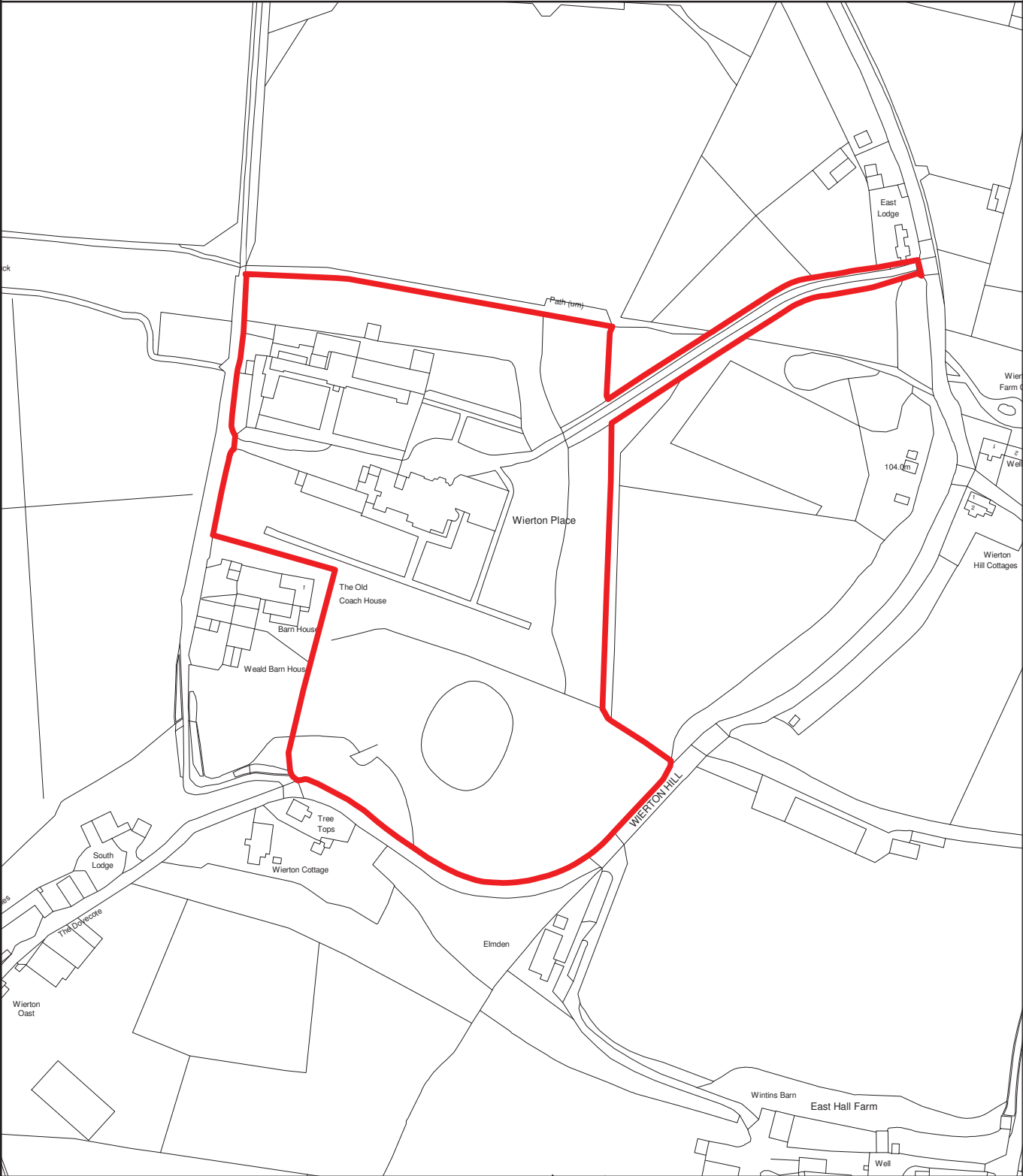
# Agenda Item 12

## THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/11/0511

GRID REF: TQ7849

WIERTON PLACE, WIERTON ROAD,  
BOUGHTON MONCHELSEA.



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 100019636, 2014. Scale 1:2500



**Rob Jarman**  
**Head of Planning and Development**

APPLICATION: MA/11/0511 Date: 31 March 2011 Received: 4 April 2011

APPLICANT: Wierton Place Homes Ltd

LOCATION: WIERTON PLACE, WIERTON ROAD, BOUGHTON MONCHELSEA, MAIDSTONE, KENT, ME17 4JW

PARISH: Boughton Monchelsea

PROPOSAL: Change of use of existing nightclub and apartments to 1 dwelling and 6 apartments, including extensions and internal works; conversion and extension of the existing ball room to 2 dwellings; demolition of existing garage block and erection of 4 terraced properties; conversion and extension of existing glasshouses to 6 dwellings; and the erection of 5 detached dwellings to the north and south of the access track, together with associated access and landscape works in accordance with plans numbered 09.79.50 Rev A; 09.79.51 Rev A; 09.79.101 Rev B; 09.79.104 Rev A; 09.79.105 Rev A; D132799/1; 09.79.106 Rev A; 09.79.107 Rev A; 09.79.108 Rev A; 09.79.109 Rev A; 09.79.110 Rev A; 09.79.111; 09.79.112; 09.79.113 Rev A; 09.79.114 Rev A; 09.79.115 Rev A; 09.79.116; 09.79.117; 09.79.118; 09.79.119; 09.79.120; 09.79.121; 09.79.122; 2082-01 Tree Survey Drawing; D132799\_1-Sheet-2; D132799\_1-Sheet\_3; D132799\_8\_R1-A0; D132799\_9\_r1-A0; D132799\_10\_A1-Conservatory; D132799\_11-A0\_Roof Plan; 07.79.100 \_Location Plan; 6037 Bat Emergence Report (received 11 October 2011); Valuation Report (received 11 October 2011); Design and Access Statement; and Tree Survey Report as received on the 7 April 2011.

AGENDA DATE: 6th February 2014

CASE OFFICER: Chris Hawkins

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

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

# **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV49, T13
- Village Design Statement: N/A

- Government Policy: National Planning Policy Framework (2012); Ministerial Letter for Growth.

## **2. HISTORY**

- 2.1 There is a significant level of planning history to this site, and there is also enforcement history, with a case that remains open at present. This (relevant) history is summarised below:

MA/11/1806 Listed building consent for a permanent Memorial Plaque. Approved.

MA/11/1805 Advertisement consent for a Memorial plaque upon internal gateway. Approved.

MA/11/0512 An application for listed building consent for internal alterations and extensions to facilitate the change of use of existing nightclub and apartments to 1 dwelling and 6 apartments, including extensions and internal works; conversion and extension of the existing ball room to 2 dwellings; demolition of existing garage block and erection of 4 terraced properties; conversion and extension of existing glasshouses to 6 dwellings; and the erection of 5 detached dwellings to the north and south of the access track, together with associated access and landscape works. Yet to be determined.

MA/01/0093 An application for listed building consent for the erection of garden implement store. Approved.

MA/01/0092 Erection of garden implement store. Approved.

MA/93/0945 Construction of single storey building comprising garaging and store. Refused.

MA/93/0364 Single Storey garages and storage extension. Refused.

MA/89/1390 Extensions to provide ancillary residential accommodation, external WC, laundry and store rooms. Approved.

MA/88/0168 Extension to Country Club to provide gym lounge bar snooker room and store. Approved.

MA/77/0056 Conversion into 5 residential units of barn, cottage and stable block. Approved.

MA/77/0089 Extension and alteration to form club. Approved.



MA/77/0180 The change of use of premises from office and residential use to part private residence, part country club. Approved.

MA/70/0333 The change of use of premises to part private dwelling, part Country Club. Refused.

MA/67/0184 An outline application for change of use to residential hotel and country club. Approved.

ENF/6694 Untidy site. Breach resolved.

- 2.2 This application has been in for a significant period of time. The applicant had been asked for additional information with regards to viability, and also with regards to ecological issues. However, following on from the submission of this, further delays have taken place whilst the Council fully assessed its position with regards to its five year housing land supply.

### **3. CONSULTATIONS**

- 3.1 **Maidstone Borough Council Conservation Officer** was consulted and raised no objections to the proposal.
- 3.2 **Kent County Council Ecology** were consulted and raised no objections to this proposal subject to the development being carried out in accordance with the submitted information, and proposed mitigation.
- 3.3 **Kent County Council Highways Services** were consulted and raised no objections to this proposal.
- 3.4 **The Environment Agency** were consulted and raised no objections to this proposal.
- 3.5 **Southern Water** were consulted and raised no objection to this proposal.
- 3.6 **UK Power Networks** were consulted and raised no objections to this application.
- 3.7 **Southern Gas** were consulted and raised no objection to this proposal.
- 3.8 **Kent Wildlife Trust** initially objected to this proposal due to the lack of information submitted. This information has now been submitted, and no objections are raised.

#### **4. REPRESENTATIONS**

4.1 **Boughton Monchelsea Parish Council** were consulted and objected to the proposal. Their comments are set out below:

4.1.1 'The Boughton Monchelsea Parish Council would like to see the above applications **REFUSED** because :

4.1.2 Adverse Effect on Open Countryside. The proposed development, both in scale and design, would be visually intrusive and harmful to the rural character and appearance of the countryside and cause visual harm to the character and appearance of Wierton Hill. It would be overly conspicuous and too intrusive to be absorbed without detriment in the rural setting. It would effectively double the size of the existing hamlet of Wierton. The very few new buildings which have been permitted within the parish to the south of Heath Road have been justified on agricultural or ecclesiastical grounds. No equivalent justification is shown to exist here. The development would be contrary to Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000, Policy C4 of the South East Plan 2009 and guidance within Planning Policy Statement 7.

4.1.3 To approve these applications would be inconsistent with the decision made on another recent and nearby planning application, namely MA/09/1335 Wierton Hall Farm, East Hall Hill. This application was refused and the subsequent appeal was dismissed. In the appeal, the inspector concluded the following :

- that permitting the proposed development would undermine policies that seek to protect the countryside
- that unacceptable harm would be caused to the character and appearance of the surrounding countryside
- that the proposed development would fail to preserve the setting of the existing listed building

4.1.4 Adverse Effect on Listed Buildings. The development both in scale and design would be visually intrusive and compromise the setting not only of the existing listed buildings within the development site but also of other nearby traditionally constructed buildings. In particular, the design of the 'wings' to the existing house, and the five 'enabling' houses are detrimental to the context of the listed buildings. Without in any way conceding that this scheme does preserve them, the preservation of the listed Victorian greenhouses would not justify the implementation of the remainder of the development. The development as a whole would be contrary to Policy B6 of the South East Plan.

4.1.5 Adverse Effect on Special Landscape Area and the Greensand Way. The development would be inappropriate within the Special Landscape Area of the

Greensand Ridge. It would be visible both from the internationally renowned Greensand Way, so as to affect adversely the enjoyment of those using it, and also from the Weald to the south. Inevitably, the development would be lit and would also be visible by night.

4.1.6 Adverse Effect on Highway Network. Access from the development site to the highway is poor. The development would generate a type of traffic entirely different in nature from that generated by the current permitted use and a vastly increased volume of traffic which the adjacent public highway and the network of lanes leading from this (mainly single track with passing places) could not safely accommodate.

4.1.7 Adverse Effect on Local Infrastructure. Local infrastructure in terms of water pressure, sewerage and drainage is already stretched. Local amenities cannot absorb further development on this scale, particularly the village primary school, which is over subscribed.

4.1.8 Other Matters:

- The development would require the removal of trees with Tree Preservation Orders (ref TPO number 9 of 1982, file reference 406/105/13).
- There is no quota of affordable housing within the proposed development.
- The Borough Council has not acted for many years on enforcement of the Victorian greenhouses. As detailed above, the preservation of the greenhouses does not justify the implementation of the remainder of the development.'

**4.2 Neighbouring occupiers** were notified and 22 letters of objection have been received (two letters being from the same objector + one from a planning consultant employed by local residents). The concerns raised within these letters are summarised below:

- The proposal would result in a significant level of traffic which would be to the detriment of the highway network and residential amenity of the neighbouring occupiers;
- The provision of a single access into and out of the site is unsafe;
- The proposal would result in more noise and disturbance, and smells by virtue of the increase in people living within the site;
- The proposal would have an unacceptable impact upon the setting of the listed building and conservation area;
- There are not sufficient car parking spaces;
- There is insufficient outside space for future residents;
- The proposal would result in an over-intensification of the site, and would not fit in with the historic pattern of development;
- There is insufficient water supply;

- What will happen with the sewerage?
- How will gas be supplied to these dwellings?
- The bat survey was not of sufficient standard;
- There was insufficient time to respond to the submission;
- The proposed dwellings would be unattractive and out of keeping with the surrounding area;
- It is not clear where the alternative access into the site would be;
- There should be art provision within the development;
- Previous applications have been declined at this site;
- The proposed materials are unacceptable;
- There would be a doubling of residential units within the hamlet of Wierton;
- The impact upon biodiversity has not been fully considered;
- Inspector's decisions elsewhere within the area have seen new dwellings refused;
- The conversion of the greenhouse would in fact be a new build;
- There are a lack of amenities for future occupiers within the area;
- The proposal would have a detrimental impact upon the setting of the Greensand Ridge;
- This would result in a significant precedent;
- The proposal would be contrary not only to ENV28, but also AH1, ENV34, ENV44, T3, T21 and T23 (not all of these remain in force);
- The proposal would undermine the Council's strategic objectives numbered 1, 2, 3, 5 and 6;
- The proposal would be contrary to policies CC1 and NRM5 of the South East Plan (2009);
- The proposal would be contrary to PPS1, PPS5, PPS7 and PPG13;
- The proposal would result in light pollution to existing residents;
- There would be an unacceptable loss of trees within the site;
- There is a lack of storage space within the development;
- The proposal would result in a loss of privacy to neighbouring occupiers;
- The proposal would impact upon the nearby Special Landscape Area;
- The premises has not been operating as a nightclub for a significant period of time, and as such, the application is misleading;
- The plans are not correct;
- There is poor telephone/internet connection within the locality;
- The business model put forward is out of date;
- There would be an unacceptable impact on an existing, and over-subscribed primary school;
- There is no 'planning gain' being offered as a result of this proposal;
- The proposal would result in an increase in crime in what is at present, a very safe area.

4.2.1 A petition has been received containing 1,200 signatures, objecting to this proposal (And to two other proposals) on the basis that it is development within the countryside.

**4.3 CPRE Kent** have objected to this proposal on the following grounds:

- It would result in additional dwellings within the countryside;
- There is local opposition to the scheme, which should be given weight;
- There are too many new dwellings within the development;
- The new dwellings would compromise the setting of the listed building;
- There is no management plan shown for the grounds.
- The site is unsustainable;
- The increase in traffic would be unacceptable;
- There is no provision for affordable housing within the development.

## **5. CONSIDERATIONS**

### **5.1 Site Description**

5.1.1 The application site is located within the open countryside, to the south of the village of Boughton Moncheslea. It is within land with no specific designation within the Maidstone Borough Wide Local Plan (2000). The site is accessed from Wierton Road by a tree lined private drive of some length (approximately 200m). The main house sits centrally within the application site with a small area of hardstanding to its front. The application site lies approximately 1km from the village of Boughton Monchelsea, which itself is approximately 3 miles from the centre of Maidstone.

5.1.2 As you enter the site, there are two undeveloped areas to the north and the south, one being fenced off, and the other appearing to be used as an overflow car park. These are separated from the main part of the site by two banks of trees that run from north to south.

5.1.3 The main part of the site currently contains a large property, constructed in approximately 1857 (although a property has been recorded at the site from circa 1760) that has a lawful use as a nightclub, and residential apartments. The property is Grade II listed. The property is constructed of red brick in Flemish bond with brick headers, sandstone dressing with a Kentish ragstone plinth to the rear. The property has a tiled roof, with large and relatively ornate chimney stacks, including four tall clustered stacks to the main part. The historical core of the building is two storey, although a three storey, and more recent addition (which currently contains flats) is attached at the western end.

5.1.4 Beyond this building (to the west) is a large detached garage block, which at the time of my site visit appeared to be used, in part, for car repairs. This garage

block was permitted and constructed in the late 20<sup>th</sup> Century, and is of no merit. It is however adjacent to a small 'garden store' which is of some merit, and is sought to be retained as part of this proposal.

- 5.1.5 Opposite this garage block is a walled garden which contains the listed glasshouses. These glasshouses are in a state of significant disrepair, however, the main frame remains, and some of the glass panels are intact. The glass houses have a brick plinth along the front, a central atrium, and two 'wings' that run to the east and the west of the atrium. This is a particularly interesting building, which is considered to be of significant merit – irrespective of its current condition.
- 5.1.6 The land to the rear of the glasshouses is in an unkempt state, seemingly being used for the storage of building materials, together with cars in varying states of disrepair. There are some containers within the site, as well as some brick/block constructions that do little to respond to the character of the glasshouses.
- 5.1.7 There is an open area of land to the rear of the property, which falls away quite significantly. To the west of this open land are the residential properties 'Barn House' and 'Weald Barn House'. 'Barn House' being the closest of the two properties, is a two storey dwelling constructed of ragstone.

## **5.2 Proposal**

- 5.2.1 This is a full planning application for the change of use of the existing nightclub, to residential, the conversion of the glasshouses to residential, and the construction of new dwellings within the grounds of the listed building, together with enhancements to the landscaping within the site, and the rationalisation of the car parking arrangements.
- 5.2.2 The proposal for the change of use of the existing nightclub (which remains its lawful use) would be into one large property, which would contain five large bedrooms at first floor, living areas at ground floor and cinema/gym within the basement. Access to this property would be from the front of the site, within the existing access to the 'Polo Club'.
- 5.2.3 The existing flats, of which there are currently 11, would be remodelled, and provided with 6 flats. These would all be two bedroom units, with internal floor areas of between 98sqm and 122sqm. These flats would all be served off a new glazed central staircase which would sit between the more historic part of the house, and the more 'recent' three storey addition.
- 5.2.4 The current 'ballroom' at the eastern end of the listed building is proposed to be altered to facilitate the conversion into two dwellings. This work would see the

retention of the existing walls (aside from an element of the existing 'link' which would be narrowed), but with the inclusion of a lightweight, glazed first floor area, and terrace, that would be set in from these walls by approximately 1-3metres. These properties would contain three bedrooms at ground floor level, and living accommodation at first floor. Access into these properties would be created to the front (for plot 2) and from the eastern side (for plot 1). Because of the alterations proposed, a new window would be installed within the side elevation of the main house, upon its eastern elevation.

- 5.2.5 The proposal would also see the erection of five houses within the eastern end of the application site. Two would be located to the north of the access, and three to the south. The properties would be of a contemporary design, and of two storeys in height. The properties to the south of the access would be constructed of brick, render, and timber cladding, and would be provide with a sedum roof. Part of the building would overhang the access that would run to the western side of the proposed dwellings. These properties would all contain four bedrooms and be detached. A newly constructed brick wall would run along the western access road, providing a sense of enclosure.
- 5.2.6 The properties to the north of the access would be set within a courtyard arrangement. Again, these would be two storey properties, constructed of render, brick and timber cladding (and provided with a sedum roof). A brick wall is proposed to the road frontage, which would create a sense of enclosure to the front of these two properties. There would again, be overhanging elements that would project at first floor level, above this wall. Both of these properties would contain four bedrooms, and would be detached. Five car parking spaces are proposed to the front of these properties.
- 5.2.7 It is proposed to refurbish the existing greenhouses within the north western corner of the application site. This would include the refurbishment of the existing glass and steel structure, as well as new construction to their rear. In total, the conversion of these glasshouses would provide six additional dwellings, together with a communal space within the central glass house. The elements behind the (refurbished) glasshouses would be flat roof again, so as not to 'compete' with the form of the glass house, or to compromise the views through. These would be single storey, and timber clad to the rear. Again, these properties would be provided with a sedum roof. A private garden area, and parking space would also be provided to the rear of the properties, with access gained from an existing track that runs from north to south along the western side of the application site. To the front of these properties would be a private walled garden, that would allow for pedestrian access only. This wall is currently in situ, although may need some minor repair work to be undertaken.

- 5.2.8 It is proposed to remove the existing, and relatively unsightly garage block that is sited to the west of the main building. This would be replaced with contemporary, two storey flat roof development, that would consist of four terraced dwellings (and this would also see the retention of an attractive, single storey 'garden building' that forms part of the listing). This element would be seen in direct relation to the main building, and as such, is to be constructed at ground floor level of matching brickwork, with the first floor set back, and of a more lightweight, glazed construction. Again, a sedum roof would be provided, with a significant overhang. This building would sit back from the main frontage of the house, to appear as more subservient, and would project outwards from the rear.
- 5.2.9 It is proposed that the existing car parking areas to the front of the main building, and in front of the walled garden be rationalised, to ensure that suitable parking provision can be made within the site.
- 5.2.10 The applicants have agreed that the new properties would be constructed to a minimum of level 4 of the code for sustainable homes. In addition, it has been agreed that ecological enhancements will be incorporated within the development, such as the provision of swift bricks and bat boxes within suitable locations throughout the development.

### **5.3 Principle of Development**

- 5.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The application site is located within the open countryside where there is a presumption against allowing new residential development, in the interests of sustainability, and impact upon the character and appearance of the countryside. To this effect, Maidstone Borough Wide Local Plan (2000) Policy ENV28 restricts development within the countryside to a small number of criteria. Residential development – without links to agriculture – does not constitute one of these uses.
- 5.3.2 Advice set out within the National Planning Policy Framework (herein referred to as the NPPF) states (Para. 47) that Councils should:
- 5.3.3 *'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.'*

5.3.4 The NPPF provides a clear definition of 'deliverable'. This states:

5.3.5 *'To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable.'*

5.3.6 The NPPF also refers to a Council's position when there is a lack of a 5 year supply:

5.3.7 'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.'

5.3.8 Of key importance in understanding whether Maidstone Borough Council currently has a five year supply of housing, is the target to which it is working. A very recent Court of Appeal case has clarified that it is not acceptable to use the Regional Spatial Strategy (South East Plan 2009) housing target for assessing a five year land supply. Housing requirements for the purposes of calculating a five year supply should be the full, objectively assessed needs figure for housing which is an unconstrained figure.

5.3.9 The NPPF requires that local authorities have a clear understanding of housing needs in their area, and as such they should prepare a Strategic Housing Market Assessment (SHMA) to assess their full needs; working with neighbouring authorities where housing market areas cross administrative boundaries. Maidstone are currently undertaking this process with Ashford Borough Council and Tonbridge and Malling Borough Council. This SHMA will identify the scale and mix of housing, together with the range of tenures that the local population is likely to need over the plan period which would meet household and population projections. It would also address the needs for all types of housing, including affordable housing, and would cater for housing demand and will identify the scale of housing required to meet this demand.

5.3.10 In addition to the SHMA, local planning authorities should also prepare a Strategic Housing Land Availability Assessment (SHLAA) which will establish realistic assumptions about the availability, suitability, and the likely economic viability of land to meet the identified need for housing over the plan period. This work is currently ongoing, but the early indications are that the housing need for the Borough over the plan period (which is likely to be from 2011-2031) will be

in the region of 19,600 units, which is a marked increase on the RSS figure of 11080 (2006 to 2026).

5.3.11 In April 2013 the Council had a 4.2 year land supply of housing when assessed against the need of 11,080. The supply of housing is likely to be lower than the 4.2 years given the draft SHMA figures and the requirement to use an unconstrained figure (it is estimated the land supply will be approximately 2 years). This lack of a five year supply is part of the justification for departing from the adopted local plan at this point in time – in order to address this shortfall.

5.3.12 Whilst the Council has a shortfall in housing provision, this does not make any site within the Borough acceptable for housing. Matters such as visual harm, sustainability and highway safety (amongst others) continue to be an important consideration for any proposal. As such, the Council has to still weight up the harm caused against the need demonstrated. In this instance the main issue is whether the overall benefits of bring back the listed structures into use, and the housing need, outweigh the relatively remote location of the application site – i.e. its sustainability. These matters are assessed in full within the report below.

#### **5.4. Sustainability**

5.4.1 The site is located within the open countryside, and positioned off a narrow country lane (Wierton Road) which is not provided with footpaths on either side. It is however, within a short drive of the local primary school, and shop. The recently constructed 'Cornwallis Academy' is also located within a relatively short journey from the application site. The site is not located upon a bus route (although these do run along Heath Road) and is not in close proximity to any railway station.

5.4.2 The walk to the village of Boughton Monchelsea would prove difficult of an evening, by virtue of the lack of lighting, and footpaths, but I am mindful that the site already has a lawful residential use, and as such, this issue already exists to a certain degree. The creation of additional dwellings does exacerbate this but not to the extent that I consider the development unacceptable.

5.4.3 I am also mindful that the site has a 'lawful' use as a nightclub, There would therefore be the potential for this to have a relatively intensive use at present, which needs to be borne in mind.

5.4.4 Nonetheless, the application site is not within a remote location, and I do not consider it to be so detached from local facilities that it would be possible to defend an argument of it being unsustainable.

## **5.5 Visual Impact/Architectural Quality**

- 5.5.1 As the site lies within the open countryside, the grounds of a listed building, and with land to the south being identified as being of Special Landscape Importance (SLA) – although the application site falls completely outside of this designation. The site is served by a private drive, which has substantial tree planting on either side, restricting views into and out of it. Likewise, to the north of the site is a significant level of tree planting, which restricts views in. The existing building is prominent, being of two and three storey in height, and of a substantial scale. As such, it can be seen from the wider area, in particular from the south, where the land falls.
- 5.5.2 The existing Grade II property is of significant historical and architectural interest. Its setting must therefore be protected, and where possible enhanced through any development being proposed. This proposal does see the erection of a significant level of development around this building, including some alterations to it. A key consideration is therefore whether the proposal is sympathetic to the listed building and its setting.
- 5.5.3 In terms of the alterations to the main building itself, I consider that the proposal would ensure a high quality of design, in so far as the glazed section that would sit centrally would provide a contemporary and lightweight appearance to the structure. At present, it is my opinion that the relationship between the original structure, and the more modern does jar, with the materials, and the floor to ceiling heights, all at odds with the original building. This proposal would provide a division between the two elements that would enhance the appearance of the building as it would give a separation between the two elements, and would provide a cleaner 'break'. To my mind, this is to the benefit of the existing building.
- 5.5.4 The proposal includes alterations to the existing 'ball room' which would include a more substantial link to the main house. A significant level of discussion has taken place with regards to this element, as there was concern that this would prove overbearing on the main house. However, the plans as submitted are shown to utilise much of the existing structure, whilst creating a new point of access into the building. Subject to suitable materials being used, and a bond that matches the existing structures, I raise no objection to this addition.
- 5.5.5 The demolition of the existing garage block, and the erection of a row of terraced properties to the west of the main house (opposite the entrance to the greenhouses) would, I consider enhance the setting of this building. The existing garage is of a significant scale, and is to my mind overbearing in relation to the main house. Its loss, and replacement with a well designed row of residential properties would create more visual interest and would be of an articulated

design, that would respond positively to the appearance of the remainder of the development. The proposals would be low slung, and would be provided with a sedum roof which would provide an overhang of the first floor. This would provide a delicate feature, that would provide a suitable 'top' to the structure. The applicant is seeking to retain the hardstanding to the front, albeit, in a more formalised manner, which again I consider to respond to the setting of the building (I think that front gardens etc would appear as overly domestic in this setting, and it is important that these buildings remain subordinate in both appearance and function).

- 5.5.6 With regards to the proposed dwellings to the eastern side of the application site, these would be relatively detached from the main house. Nevertheless, careful consideration has been given to the design of these properties, to ensure that they appear as subordinate to the main building, and to not appear as overbearing as one enters the application site. The properties to the north of the access are designed in such a way as to create a small courtyard, albeit of a contemporary form. The provision of a brick wall, with overhanging elements, and contemporary glazing would result in a well proportioned, and subtle building at this point of access. The second of the two units would be set back from the road frontage, and would be of a similarly well designed appearance. Views of this property would however be limited, due to the wall constructed to the front. It is my opinion that neither of these buildings would have a negative impact upon the setting of the listed buildings, by virtue of their location, and their high standard of design.
- 5.5.7 It is my opinion that this would very much be the case with the properties located to the south of the access, at the eastern end of the application site. The buildings would have a similar 'low slung' design that would provide a horizontal emphasis, and which would also respond to the small change in land levels at this point – the land falls gently to the south. Views of these properties would be limited from outside of the application site due to the level of vegetation that is both within, and adjacent to the properties' boundaries. Again, I consider the architecture of these properties to be of a high standard, with the relatively simple form, punctuated by projecting and recessed elements, and a variety of materials.
- 5.5.8 With regards to the refurbishment of the glasshouses, to my mind, this is one of the major benefits of this planning application. The glasshouses are a particularly attractive, and relatively unusual feature within the grounds of this property, and form part of the list description. However, in recent years there has been serious neglect of this building, and as a result, they are now in a state of disrepair, and without a viable commercial use, would be likely to be lost should works not be undertaken within the short to medium term. That said; they remain listed, and as such, any works proposed should ensure that their form and elements of

architectural interest are retained. This proposal would see the form of the front elevations of the buildings retained, which and the unsightly rear elevations removed, and replaced with a more subordinate, and simple form. Whilst the character of the buildings would undoubtedly change, by virtue of the domestic paraphernalia both within and outside of the buildings, I do not consider that this would be so intrusive as to be to the detriment of their fabric, nor overall form.

5.5.9 Overall, I consider the conversion works proposed to be of a very high quality of design. The works that would take place to the listed buildings would, to my mind, enhance their appearance – particularly the greenhouses. In addition, the new build element, whilst contemporary in design, would very much compliment the existing buildings, whilst not competing with it. The site is well screened from long distance views, with much of the new development proposed within areas surrounded by tree cover. For these reasons, I do not consider that the proposal would cause any harm to the longer distance views into the application site. I therefore raise no objections on these grounds.

## **5.5 Residential Amenity**

5.5.1 The application site is a significant distance away from any existing residential properties, and there is existing substantial boundary treatment, and landscape buffers. As such, I do not consider that the proposal would result in any significant overlooking or overshadowing of these properties.

5.5.2 The new properties that would be erected closest to the nearest existing property would not have any windows that would overlook this property, nor would there be any new boundary enclosures erected. As such, I do not consider that there would be any significant impact upon these residents in terms of overlooking, or the creation of a sense of enclosure.

5.5.3 The proposal would see an increase in traffic movements, however, these would be confined to the northern side of the application site, and would be bound by the buildings to the south. As such, I do not consider that there would be an unacceptable level of noise and disturbance generated by these proposals.

5.5.4 There would be an increase in lighting within the site, due to the addition, of new properties, and increased fenestration within the existing buildings. However, with the existing buildings already being of a substantial scale – and provided with large amounts of glazing, together with the existing lawful use of the site – that of nightclub – I do not consider that this proposal would result in an unacceptable level of light pollution, or disturbance to the existing neighbouring occupiers.

## **5.6 Highways**

- 5.6.1 Kent County Council Highways Services have raised no objection to this proposal. The site is served by an existing access which would not be altered as a result of this proposal. This access road is relatively narrow, and speeds are restricted by the nature of its width, and also the speed bumps already in place. The access into and out of the site, on to Wierton Road has a low ragstone wall on either side, which provides for suitable visibility splays,
- 5.6.2 The lawful use of this site is for residential as well as a nightclub, and as such, it is not considered that the proposed use would generate a significant increase in traffic movements to the level that could be generated by this lawful use.
- 5.6.3 In terms of the level of parking within the site, this is considered to be sufficient for a development of this scale. In any event, should parking take place upon the internal access roads, as this is a no-through road, I do not consider that this would give rise to any highway safety concerns.

## **5.7 Landscaping**

- 5.7.1 The proposal would not result in significant alterations to the landscaping within the application site. The majority of the existing trees are to be retained, in accordance with the submitted Lloyd Bore tree report. Of the trees that would be removed, it is proposed that replacement planting be provided. The landscaping masterplan proposes new tree planting, hedgerows, and herb gardens within the application site.
- 5.7.2 Within the area for the 'new development' the trees on each flank of the area are to be retained, maintaining a sense of enclosure. Any additional planting here would be restricted to individual garden areas. It is noted, that these areas are currently covered in hardstanding, and as such, the provision of such gardens would be an overall gain to the site.
- 5.7.3 A number of the new build properties would also be provided with sedum roofs, which would again benefit the scheme in terms of ecology.
- 5.7.4 I am therefore satisfied that the proposal would not have a detrimental impact upon the landscape of the locality, subject to the imposition of suitable conditions.

## **5.8 Other Matters**

- 5.8.1 The proposed dwellings are designed to be constructed to a minimum of level 4 of the code for sustainable homes. I consider that this represents a high standard of design quality. Furthermore, due to the location of this development,

I consider that it is necessary for this proposal to achieve this standard as a minimum, to ensure that it is as sustainable as possible – with its location borne in mind.

- 5.8.2 The applicants have submitted a viability appraisal that demonstrates that the cost of this development would result in no contributions being made available for affordable housing provision, or for contributions towards other infrastructure. Whilst the provision of infrastructure is a strong material consideration for developments of this scale, to my mind, the overriding benefits of this development towards the enhancement of the listed building, and in particular the greenhouses, are considered justification for departing from this requirement. It is also noted that the overall increase in residential units would be 14.
- 5.8.3 Nonetheless, it is the viability report submitted that makes it apparent that the reconstruction of the greenhouses, to a high specification, together with the internal alterations to the main house would not allow for any contributions to be made for infrastructure. This assessment has been independently verified.
- 5.8.4 In terms of the impact upon ecology, a bat assessment has been submitted with the application, that concludes that whilst the proposal would result in the loss of potential habitat, being an existing garage, suitable mitigation could be provided on site. Should this be built prior to the loss of the existing garage, the proposal would not result in the loss of any significant habitat, although, it is requested that some additional enhancements be made to the landscaping that would enhance the habitat within the grounds of the building. Should these be implemented, then I raise no objections to the proposal on ecological grounds.

## **6. CONCLUSION**

- 6.1 Whilst the application site lies within the open countryside, where new residential development is ordinarily resisted, due to the fact that the Council does not have a five year land supply, and because the proposal would have significant benefits in terms of enhancing both the setting of the listed house, and bringing the listed greenhouses back into good condition, I consider that there is justification for departing from the Development Plan.
- 6.2 The applicants have submitted a thorough application, that demonstrates that a very high standard of design would be achieved within the site, and this is, in part the justification for allowing such a development. This is not a site where 'standard' house types would be acceptable as 'enabling' development.

- 6.3 Careful consideration has been given to the quality of the architecture proposed, and I am of the opinion that these proposals would not result in any significant visual harm to the locality. Indeed, I consider that the proposal would result in an enhancement of the setting of the buildings due to the works to take place to the listed structures. This is a key consideration in the determination of the applications.
- 6.4 There are no highway objections to this proposal, and I do not consider that there would be any significant impact upon the amenity of the existing residents close to the application site.
- 6.5 The viability work that has been done demonstrates that there is no scope for the provision affordable housing, or contributions to be made. This information will be made available to Members on confidential papers at the end of this report.
- 6.6 It is for this reason that I recommend that these applications be approved, subject to the conditions as set out below.

## **7. RECOMMENDATION**

APPROVE subject to the imposition of suitable safeguarding conditions:

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

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

2. The development 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 where possible. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of pollution and flood prevention.

3. No development shall take place until the applicant has secured and had implemented a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority;



Reason: To enable the recording of any items of historical or archaeological interest.

4. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation, of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that historic building features are properly examined and recorded.

5. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

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

6. No development shall take place until details (in the form of large scale drawings as appropriate) have been submitted to and approved by the local planning authority in respect of the following;

Main House

- (i) Internal and external joinery (all windows to be timber)
- (ii) New plasterwork.
- (ii) Internal and external paint schemes.
- (iii) All works to existing, and proposals for new, fire surrounds.
- (iv) All services, including computer cabling and lift machinery.
- (v) Works of making good.
- (vi) Schedules of repair work and stone/brick-cleaning/replacement.

Outbuildings and works to the garden walls

- (i) Samples of materials, including sample panels of brickwork, stonework and re pointing.
- (ii) Internal and external joinery details at an appropriate scale (all windows to be timber).
- (iii) Window details at an appropriate scale.
- (iv) Repair schedules for the walls
- (v) Details of windows, eaves, ridges, doors and door surrounds, bands, plinth mouldings and quoins
- (vi) The details and design of any gates proposed.

The development shall thereafter be undertaken in accordance with the

subsequently approved details except as agreed in writing by the local planning authority.

Reason: To ensure the appearance and character of the building are maintained and to secure a high quality of new development within the site.

7. The details of materials submitted pursuant to condition 5 above shall include details of the surface treatment of all hardstandings, courtyards, pathways driveways and access ways within the site. The development shall thereafter be undertaken in accordance with the subsequently approved details except as agreed in writing by the local planning authority.

Reason; To ensure the appearance and character of the building and gardens are maintained.

8. No dwelling units within the grounds of Wierton Place hereby permitted shall be occupied until such time as the restoration works to the greenhouses have been completed to the satisfaction of the local planning authority and that such approval has been given in writing by the local planning authority.

Reason: To ensure the appearance and character of the listed building is preserved.

9. 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.

10. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. If any retained tree is removed, uprooted or destroyed or dies, a replacement tree shall be planted and that tree shall be of such size and species, and shall be planted at such time and in a position to be agreed with the Local Planning Authority, as may be specified in writing by the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

11. 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.

12. Prior to the commencement of the development, details of all fencing, walling and other boundary treatments including gates, together with any vehicle barriers to be erected within the site shall be submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the buildings or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and the character and setting of the listed building and surrounding parkland and to safeguard the enjoyment of their properties by existing and prospective occupiers.

13. The development shall not commence until, details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be provided before the first occupation of the buildings or land and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity.

14. The development shall not commence until, details of the colour of the external finish of 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: In the interests of visual amenity.

15. 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.

16. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) '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.

17. 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.

18. 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.

19. The development shall be carried out in accordance with the submitted ecological reports, with the mitigation proposed provided and thereafter maintained.

Reason: In the interests of providing suitable mitigation for ecology.

20. The open areas within the residential development site shall remain open and available for public access and no fences, gates or other means of enclosure shall be placed or erected to preclude access to these areas at any time without the prior approval of the Local Planning Authority.

Reason: In the interests of permeability throughout the site, and to maintain the character and appearance of the landscaped areas.

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

Reason: To secure a high standard of design.

22. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include:

- The retention of existing tree lines;
- The use of a range of natural flowering and berry bearing species of trees;
- Areas of grassland to be managed as rough grassland;
- The provision of bird and bat boxes within the development;
- Deadwood habitat piles.

together with indications of all existing trees and hedgerows on the land, and details of any to be retained, and measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: To secure a high quality development.

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

Reason: To safeguard the character, appearance and functioning of the property and the surrounding area, and in acknowledgement of the special circumstances of permitting this development.

**Informatives set out below**

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](http://www.considerateconstructorsscheme.org.uk)

No construction 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).

Within any submitted landscape plan, full details of the retention of cordwood within the site shall be submitted.

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 proposal, whilst a departure from the local plan, is considered to represent a well designed development that would provide housing within a reasonably sustainable location, and that would result in the significant enhancement of the existing listed buildings. This, together with the Council's current lack of a five year supply of housing, results in this departure from the Development Plan being considered acceptable.

**Boughton Monchelsea Parish Council**

The Parish Council have raised the following points:

- They have not seen the viability assessment.
- Little regard has been given to the strength of feeling that exists in objection to the applications in view of the petition of over 1200 signatures.
- There is a contradiction as the report for MA/11/0511 states that the proposal is a departure from the development plan but the report for MA/11/0512 states that the proposed development complies with the development plan.

**Officer Comment:**

The viability assessment is confidential information and is on 'yellow' confidential papers on the Committee agenda for Members. This is why the Parish Council has not been sent a copy.

The petition is referred to in the report, has been fully considered, and officer's reasons for the recommendation are clearly outlined.

This planning application does represent a departure from the development plan as it involves proposals for new housing within the countryside. The reason for departing is clearly outlined in the report and at the end, as follows:

*The proposal, whilst a departure from the local plan, is considered to represent a well designed development that would provide housing within a reasonably sustainable location, and that would result in the significant enhancement of the existing listed buildings. This, together with the Council's current lack of a five year supply of housing, results in this departure from the Development Plan being considered acceptable.*

The listed building consent (LBC) application complies with the development plan as it is judged to represent acceptable works to listed buildings. (LBC deals only with internal and external changes and not the change of use and creation of new dwellings).

**RECOMMENDATION**

My recommendation is unchanged.

**APPROVE SUBJECT TO CONDITIONS**

33

19.03.2013



34

19.03.2013

35



19.03.2013



ω  
ω

19.03.2013



37

19.03.2013



38

19.03.2013

39

19.03.2013

40

A large, multi-story red brick building with multiple chimneys and a central entrance, situated behind a grassy field. The building features several gables and numerous windows, some with white frames. A set of stone steps leads up to the central entrance. The foreground is a grassy field with some patches of bare earth. The sky is overcast.

19.03.2013



4

19/03/2013



42

THE  
POLO CLUB

19.03.2013

43

19.03.2013



19.03.2013

45

19.03.2013

46

19.03.2013





4

19.03.2013

48

19.03.2013

49

19.03.2013



50

19.03.2013

51

19.03.2013

52

19.03.2013

53

19.03.2013

54

19.03.2013

55

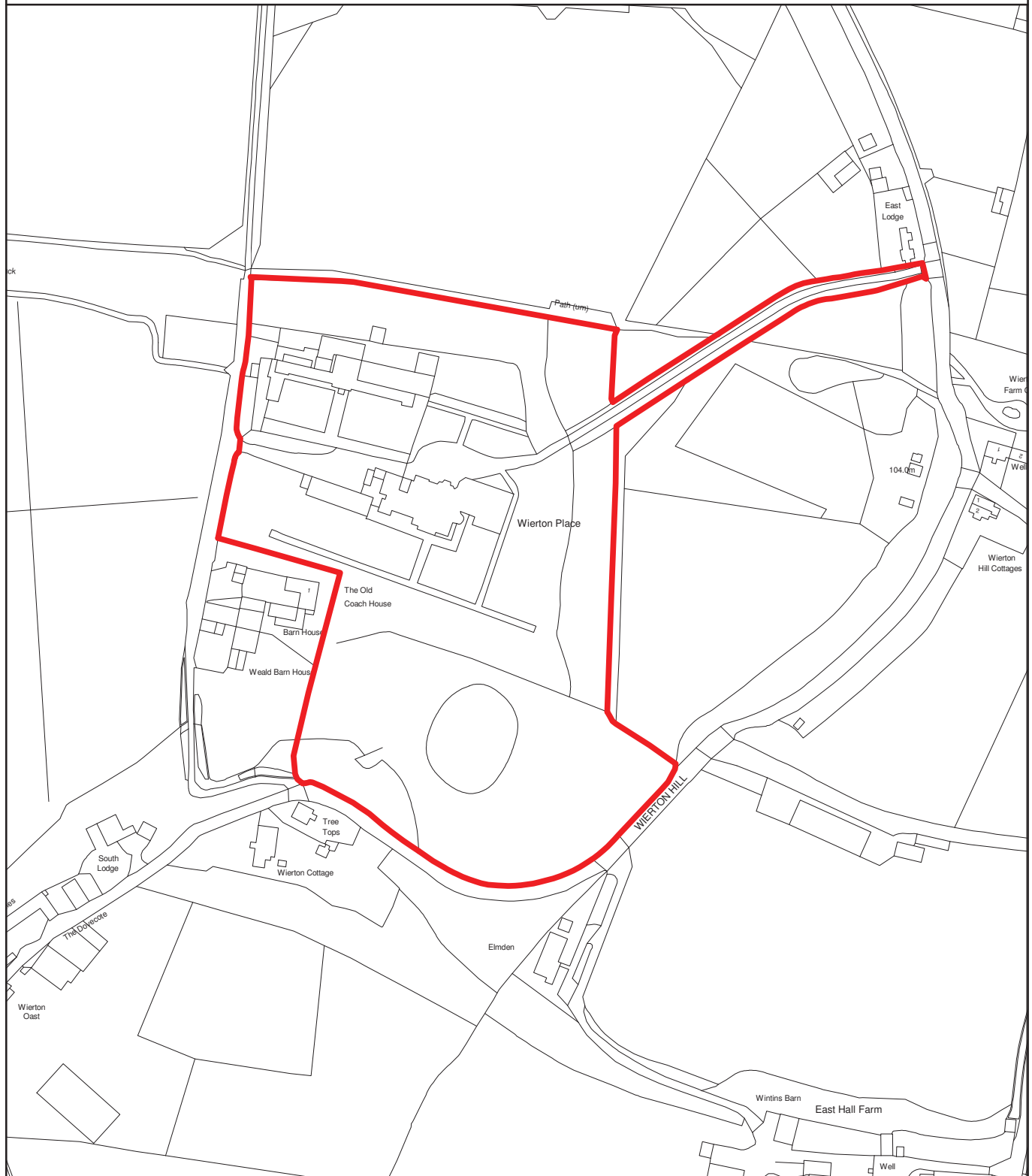
19.03.2013

## THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/11/0512

GRID REF: TQ7849

WIERTON PLACE, WIERTON ROAD,  
BOUGHTON MONCHELSEA.



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 100019636, 2014. Scale 1:2500



**Rob Jarman**  
**Head of Planning and Development**

APPLICATION: MA/11/0512      Date: 31 March 2011      Received: 4 April 2011

APPLICANT: Wierton Place Homes Ltd

LOCATION: WIERTON PLACE, WIERTON ROAD, BOUGHTON MONCHELSEA,  
MAIDSTONE, KENT, ME17 4JW

PARISH: Boughton Monchelsea

PROPOSAL: An application for listed building consent for internal alterations and extensions to facilitate the change of use of existing nightclub and apartments to 1 dwelling and 6 apartments, including extensions and internal works; conversion and extension of the existing ball room to 2 dwellings; demolition of existing garage block and erection of 4 terraced properties; conversion and extension of existing glasshouses to 6 dwellings; and the erection of 5 detached dwellings to the north and south of the access track, together with associated access and landscape works in accordance with plans numbered 09.79.50 Rev A; 09.79.51 Rev A; 09.79.101 Rev B; 09.79.104 Rev A; 09.79.105 Rev A; D132799/1; 09.79.106 Rev A; 09.79.107 Rev A; 09.79.108 Rev A; 09.79.109 Rev A; 09.79.110 Rev A; 09.79.111; 09.79.112; 09.79.113 Rev A; 09.79.114 Rev A; 09.79.115 Rev A; 09.79.116; 09.79.117; 09.79.118; 09.79.119; 09.79.120; 09.79.121; 09.79.122; 2082-01 Tree Survey Drawing; D132799\_1-Sheet-2; D132799\_1-Sheet\_3; D132799\_8\_R1-A0; D132799\_9\_r1-A0; D132799\_10\_A1-Conservatory; D132799\_11-A0\_Roof Plan; 07.79.100 \_Location Plan; 6037 Bat Emergence Report (received 11 October 2011); Valuation Report (received 11 October 2011); Design and Access Statement; and Tree Survey Report as received on the 7 April 2011.

AGENDA DATE: 6th February 2014

CASE OFFICER: Chris Hawkins

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

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



## **1. POLICIES**

- Government Policy: National Planning Policy Framework (2012).

## **2. HISTORY**

- 2.1 There is a significant level of planning history to this site, and there is also enforcement history, with a case that remains open at present. This (relevant) history is summarised below:

MA/11/1806 Listed building consent for a permanent Memorial Plaque. Approved.

MA/11/1805 Advertisement consent for a Memorial plaque upon internal gateway. Approved.

MA/11/0511 An application for alterations and extensions to facilitate the change of use of existing nightclub and apartments to 1 dwelling and 6 apartments, including extensions and internal works; conversion and extension of the existing ball room to 2 dwellings; demolition of existing garage block and erection of 4 terraced properties; conversion and extension of existing glasshouses to 6 dwellings; and the erection of 5 detached dwellings to the north and south of the access track, together with associated access and landscape works. Yet to be determined.

MA/01/0093 - An application for listed building consent for the erection of garden implement store. Approved.

MA/01/0092 - Erection of garden implement store. Approved.

MA/93/0945 - Construction of single storey building comprising garaging and store. Refused.

MA/93/0364 - Single Storey garages and storage extension. Refused.

MA/89/1390 - Extensions to provide ancillary residential accommodation, external WC, laundry and store rooms. Approved.

MA/88/0168 - Extension to Country Club to provide gym lounge bar snooker room and store. Approved.

MA/77/0056 - Conversion into 5 residential units of barn, cottage and stable block. Approved.

MA/77/0089 - Extension and alteration to form club. Approved.

MA/77/0180 - The change of use of premises from office and residential use to part private residence, part country club. Approved.

MA/70/0333 - The change of use of premises to part private dwelling, part Country Club. Refused.

MA/67/0184 - An outline application for change of use to residential hotel and country club. Approved.

ENF/6694 - Untidy site. Breach resolved.

- 2.2 This application has been in for a significant period of time. The applicant had been asked for additional information with regards to viability, and also with regards to ecological issues. However, following on from the submission of this, further delays have taken place whilst the Council fully assessed its position with regards to its five year supply.

### **3. CONSULTATIONS**

- 3.1 Maidstone Borough Council Conservation Officer** was consulted and raised no objections to this proposal.

### **4. REPRESENTATIONS**

- 4.1.1 **Boughton Monchelsea Parish Council** were consulted and objected to the proposal. Their comments are set out below:

- 4.1.2 'The Boughton Monchelsea Parish Council would like to see the above applications **REFUSED** because :

- 4.1.3 Adverse Effect on Open Countryside. The proposed development, both in scale and design, would be visually intrusive and harmful to the rural character and appearance of the countryside and cause visual harm to the character and appearance of Wierton Hill. It would be overly conspicuous and too intrusive to be absorbed without detriment in the rural setting. It would effectively double the size of the existing hamlet of Wierton. The very few new buildings which have been permitted within the parish to the south of Heath Road have been justified on agricultural or ecclesiastical grounds. No equivalent justification is shown to exist here. The development would be contrary to Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000, Policy C4 of the South East Plan 2009 and guidance within Planning Policy Statement 7.

- 4.1.4 To approve these applications would be inconsistent with the decision made on another recent and nearby planning application, namely MA/09/1335 Wierton Hall Farm, East Hall Hill. This application was refused and the subsequent appeal was dismissed. In the appeal, the inspector concluded the following :
- that permitting the proposed development would undermine policies that seek to protect the countryside
  - that unacceptable harm would be caused to the character and appearance of the surrounding countryside
  - that the proposed development would fail to preserve the setting of the existing listed building
- 4.1.5 Adverse Effect on Listed Buildings. The development both in scale and design would be visually intrusive and compromise the setting not only of the existing listed buildings within the development site but also of other nearby traditionally constructed buildings. In particular, the design of the 'wings' to the existing house, and the five 'enabling' houses are detrimental to the context of the listed buildings. Without in any way conceding that this scheme does preserve them, the preservation of the listed Victorian greenhouses would not justify the implementation of the remainder of the development. The development as a whole would be contrary to Policy B6 of the South East Plan.
- 4.1.6 Adverse Effect on Special Landscape Area and the Greensand Way. The development would be inappropriate within the Special Landscape Area of the Greensand Ridge. It would be visible both from the internationally renowned Greensand Way, so as to affect adversely the enjoyment of those using it, and also from the Weald to the south. Inevitably, the development would be lit and would also be visible by night.
- 4.1.7 Adverse Effect on Highway Network. Access from the development site to the highway is poor. The development would generate a type of traffic entirely different in nature from that generated by the current permitted use and a vastly increased volume of traffic which the adjacent public highway and the network of lanes leading from this (mainly single track with passing places) could not safely accommodate.
- 4.1.8 Adverse Effect on Local Infrastructure. Local infrastructure in terms of water pressure, sewerage and drainage is already stretched. Local amenities cannot absorb further development on this scale, particularly the village primary school, which is over subscribed.
- 4.1.9 Other Matters:

- The development would require the removal of trees with Tree Preservation Orders (ref TPO number 9 of 1982, file reference 406/105/13).
- There is no quota of affordable housing within the proposed development.
- The Borough Council has not acted for many years on enforcement of the Victorian greenhouses. As detailed above, the preservation of the greenhouses does not justify the implementation of the remainder of the development.'

**4.2 Neighbouring occupiers** were notified and 22 letters of objection have been received (two letters being from the same objector + one from a planning consultant employed by local residents). The concerns raised within these letters are summarised below:

- The proposal would result in a significant level of traffic which would be to the detriment of the highway network and residential amenity of the neighbouring occupiers;
- The provision of a single access into and out of the site is unsafe;
- The proposal would result in more noise and disturbance, and smells by virtue of the increase in people living within the site;
- The proposal would have an unacceptable impact upon the setting of the listed building and conservation area;
- There are not sufficient car parking spaces;
- There is insufficient outside space for future residents;
- The proposal would result in an over-intensification of the site, and would not fit in with the historic pattern of development;
- There is insufficient water supply;
- What will happen with the sewerage?
- How will gas be supplied to these dwellings?
- The bat survey was not of sufficient standard;
- There was insufficient time to respond to the submission;
- The proposed dwellings would be unattractive and out of keeping with the surrounding area;
- It is not clear where the alternative access into the site would be;
- There should be art provision within the development;
- Previous applications have been declined at this site;
- The proposed materials are unacceptable;
- There would be a doubling of residential units within the hamlet of Wierton;
- The impact upon biodiversity has not been fully considered;
- Inspector's decisions elsewhere within the area have seen new dwellings refused;
- The conversion of the greenhouse would in fact be a new build;
- There are a lack of amenities for future occupiers within the area;
- The proposal would have a detrimental impact upon the setting of the Greensand Ridge;
- This would result in a significant precedent;

- The proposal would be contrary not only to ENV38, but also AH1, ENV34, ENV44, T3, T21 and T23 (not all of these remain in force);
- The proposal would undermine the Council's strategic objectives numbered 1, 2, 3, 5 and 6;
- The proposal would be contrary to policies CC1 and NRM5 of the South East Plan (2009);
- The proposal would be contrary to PPS1, PPS5, PPS7 and PPG13;
- The proposal would result in light pollution to existing residents;
- There would be an unacceptable loss of trees within the site;
- There is a lack of storage space within the development;
- The proposal would result in a loss of privacy to neighbouring occupiers;
- The proposal would impact upon the nearby Special Landscape Area;
- The premises has not been operating as a nightclub for a significant period of time, and as such, the application is misleading;
- The plans are not correct;
- There is poor telephone/internet connection within the locality;
- The business model put forward is out of date;
- There would be an unacceptable impact on an existing, and over-subscribed primary school;
- There is no 'planning gain' being offered as a result of this proposal;
- The proposal would result in an increase in crime in what is at present, a very safe area.

4.2.1 A petition has been received containing 1,200 signatures, objecting to this proposal (And to two other proposals) on the basis that it is development within the countryside.

**4.3 CPRE Kent** have objected to this proposal on the following grounds:

- It would result in additional dwellings within the countryside;
- There is local opposition to the scheme, which should be given weight;
- There are too many new dwellings within the development;
- The new dwellings would compromise the setting of the listed building;
- There is no management plan shown for the grounds.
- The site is unsustainable;
- The increase in traffic would be unacceptable;
- There is no provision for affordable housing within the development.

## **5. CONSIDERATIONS**

### **5.1 Site Description**

5.1.1 The application site is located within the open countryside, to the south of the village of Boughton Moncheslea. It is within land with no specific designation

within the Maidstone Borough Wide Local Plan (2000). The site is accessed from Wierton Road by a tree lined private drive of some length (approximately 200m). The main house sits centrally within the application site with a small area of hardstanding to its front. The application site lies approximately 1km from the village of Boughton Monchelsea, which itself is approximately 3 miles from the centre of Maidstone.

- 5.1.2 As you enter the site, there are two undeveloped areas to the north and the south, one being fenced off, and the other appearing to be used as an overflow car park. These are separated from the main part of the site by two banks of trees that run from north to south.
- 5.1.3 The main part of the site currently contains a large property, constructed in approximately 1857 (although a property has been recorded at the site from circa 1760) that has a lawful use as a nightclub, and residential apartments. The property is Grade II listed. The property is constructed of red brick in Flemish bond with brick headers, sandstone dressing with a Kentish ragstone plinth to the rear. The property has a tiled roof, with large and relatively ornate chimney stacks, including four tall clustered stacks to the main part. The historical core of the building is two storey, although a three storey, and more recent addition (which currently contains flats) is attached at the western end.
- 5.1.4 Beyond this building (to the west) is a large detached garage block, which at the time of my site visit appeared to be used, in part, for car repairs. This garage block was permitted and constructed in the late 20<sup>th</sup> Century, and is of no merit. It is however adjacent to a small 'garden store' which is of some merit, and is sought to be retained as part of this proposal.
- 5.1.5 Opposite this garage block is a walled garden which contains the listed glasshouses. These glasshouses are in a state of significant disrepair, however, the main frame remains, and some of the glass panels are intact. The glass houses have a brick plinth along the front, a central atrium, and two 'wings' that run to the east and the west of the atrium. This is a particularly interesting building, which is considered to be of significant merit – irrespective of its current condition.
- 5.1.6 The land to the rear of the glasshouses is in an unkempt state, seemingly being used for the storage of building materials, together with cars in varying states of disrepair. There are some containers within the site, as well as some brick/block constructions that do little to respond to the character of the glasshouses.
- 5.1.7 There is an open area of land to the rear of the property, which falls away quite significantly. To the west of this open land are the residential properties 'Barn House' and 'Weald Barn House'. 'Barn House' being the closest of the two properties, is a two storey dwelling constructed of ragstone.

## **5.2 Proposal**

- 5.2.1 This is the listed building application that accompanies the full application also on the papers this evening.
- 5.2.2 The proposal for the alterations of the existing nightclub (which remains its lawful use) would result in one large property, which would contain five large bedrooms at first floor, living areas at ground floor and cinema/gym within the basement. Access to this property would be from the front of the site, within the existing access to the 'Polo Club'.
- 5.2.3 The existing flats, of which there are currently 11, would be remodelled, and provided with 6 flats. These would all be two bedroom units, with internal floor areas of between 98sqm and 122sqm. These flats would all be served off a new glazed central staircase which would site between the more historic part of the house, and the more 'recent' three storey addition.
- 5.2.4 The current 'ballroom' at the eastern end of the listed building is proposed to be altered to facilitate the conversion into two dwellings. This works would see the retention of the existing walls (aside from an element of the existing 'link' which would be narrowed), but with the inclusion of a lightweight, glazed first floor area, and terrace, that would be set in from these walls by approximately 1-3metres. These properties would contain three bedrooms at ground floor level, and living accommodation at first floor. Access into these properties would be created to the front (for plot 2) and from the eastern side (for plot 1). Because of the alterations proposed, a new window would be installed within the side elevation of the main house, upon its eastern elevation.
- 5.2.5 The proposal would also see the erection of five houses within the eastern end of the application site. Two would be located to the north of the access, and three to the south. The properties would be of a contemporary design, and of two storeys in height. The properties to the south of the access would be constructed of brick, render, and timber cladding, and would be provide with a sedum roof. Part of the building would overhang the access that would run to the western side of the proposed dwellings. These properties would all contain four bedrooms and be detached. A newly constructed brick wall would run along the western access road, providing a sense of enclosure.
- 5.2.6 The properties to the north of the access would be set within a courtyard arrangement. Again, these would be two storey properties, constructed of

render, brick and timber cladding (and provided with a sedum roof). A brick wall is proposed to the road frontage, which would create a sense of enclosure to the front of these two properties. There would again, be overhanging elements that would project at first floor level, above this wall. Both of these properties would contain four bedrooms, and would be detached. Five car parking spaces are proposed to the front of these properties.

- 5.2.7 It is proposed to refurbish the existing greenhouses within the north western corner of the application site. This would include the refurbishment of the existing glass and steel structure, as well as new construction to their rear. In total, the conversion of these glasshouses would provide six additional dwellings, together with a communal space within the central glass house. The elements behind the (refurbished) glasshouses would be flat roof again, so as not to 'compete' with the form of the glass house, or to compromise the views through. These would be single storey, and timber clad to the rear. Again, these properties would be provided with a sedum roof. A private garden area, and parking space would also be provided to the rear of the properties, with access gained from an existing track that runs from north to south along the western side of the application site. To the front of these properties would be a private walled garden, that would allow for pedestrian access only. This wall is currently in situ, although may need some minor repair work to be undertaken.
- 5.2.8 It is proposed to remove the existing, and relatively unsightly garage block that is sited to the west of the main building. This would be replaced with contemporary, two storey flat roof development, that would consist of four terraced dwellings (and this would also see the retention of an attractive, single storey 'garden building' that forms part of the listing). This element would be seen in direct relation to the main building, and as such, is to be constructed at ground floor level of matching brickwork, with the first floor set back, and of a more lightweight, glazed construction. Again, a sedum roof would be provided, with a significant overhang. This building would sit back from the main frontage of the house, to appear as more subservient, and would project outwards from the rear.
- 5.2.9 It is proposed that the existing car parking areas to the front of the main building, and in front of the walled garden be rationalised, to ensure that suitable parking provision can be made within the site.
- 5.2.10 The applicants have agreed that the new properties would be constructed to a minimum of level 4 of the code for sustainable homes. In addition, it has been agreed that ecological enhancements will be incorporated within the development, such as the provision of swift bricks and bat boxes within suitable locations throughout the development.



### **5.3 Visual Impact/Architectural Quality**

- 5.3.1 The property is a Grade II listed building, and as one enters the site is particularly imposing. Whilst the exterior of the main building appears in relatively good condition, an inspection of the interior demonstrates that significant work is required to maintain the building, particularly the windows within the rear elevation, and some of the plasterwork inside of the building. The listing also refers to the glass houses to the north of the application site, which are in a state of significant disrepair. These are overgrown, have a number of smashed panels, and the metal work needs attention. There are also structures erected to the rear of these glasshouses, which significantly detract from their setting.
- 5.3.2 The existing Grade II property is of significant historical and architectural interest. Its setting must therefore be protected, and where possible enhanced through any development being proposed. This proposal does see the erection of a significant level of development around this building, including some alterations to it. A key consideration is therefore whether the proposal is sympathetic to the listed building and its setting.
- 5.3.3 In terms of the alterations to the main building itself, I consider that the proposal would ensure a high quality of design, in so far as the glazed section that would sit centrally would provide a contemporary and lightweight appearance to the structure. At present, it is my opinion that the relationship between the original structure, and the more modern does jar, with the materials, and the floor to ceiling heights, all at odds with the original building. This proposal would provide a division between the two elements that would enhance the appearance of the building as it would give a separation between the two elements, and would provide a cleaner 'break'. To my mind, this is to the benefit of the existing building. Internally, the proposals would see the reinstatement of the main house, which would result in the opening up of much of the property. This would result in a more coherent layout of the house, which would draw greater reference to the original layout of the development. In order to ensure a high quality finish however, I would recommend that conditions be imposed that would result in details being provided – with regards to internal plasterwork and joinery detailing. This would ensure that the quality is delivered.
- 5.3.4 The proposal includes alterations to the existing 'ball room' which would include a more substantial link to the main house. A significant level of discussion has taken place with regards to this element, as there was concern that this would prove overbearing on the main house. However, the plans as submitted are shown to utilise much of the existing structure, whilst creating a new point of access into the building. Subject to suitable materials being used, and a bond that matches the existing structures, I raise no objection to this addition.

- 5.3.5 The demolition of the existing garage block, and the erection of a row of terraced properties to the west of the main house (opposite the entrance to the greenhouses) would, I consider enhance the setting of this building. The existing garage is of a significant scale, and is to my mind overbearing in relation to the main house. It's loss, and replacement with a well designed row of residential properties would create more visual interest and would be of an articulated design, that would respond positively to the appearance of the remainder of the development. The proposals would be low slung, and would be provided with a sedum roof which would provide an overhang of the first floor. This would provide a delicate feature, that would provide a suitable 'top' to the structure. The applicant is seeking to retain the hardstanding to the front, albeit, in a more formalised manner, which again I consider to respond to the setting of the building (I think that front gardens etc would appear as overly domestic in this setting, and it is important that these buildings remain subordinate in both appearance and function).
- 5.3.6 With regards to the proposed dwellings to the eastern side of the application site, these would be relatively detached from the main house. Nevertheless, carefully consideration has been given to the design of these properties, to ensure that they appear as subordinate to the main building, and to not appear as overbearing as one enters the application site. The properties to the north of the access are designed in such a way as to create a small courtyard, albeit of a contemporary form. The provision of a brick wall, with overhanging elements, and contemporary glazing would result in a well proportioned, and subtle building at this point of access. The second of the two units would be set back from the road frontage, and would be of a similarly well designed appearance. Views of this property would however be limited, due to the wall constructed to the front. It is my opinion that neither of these buildings would have a negative impact upon the setting of the listed buildings, by virtue of their location, and their high standard of design.
- 5.3.7 It is my opinion that this would very much be the case with the properties located to the south of the access, at the eastern end of the application site. The buildings would have a similar 'low slung' design that would provide a horizontal emphasis, and which would also respond to the small change in land levels at this point – the lands falls gently to the south. Views of these properties would be limited from outside of the application site due to the level of vegetation that is both within, and adjacent to the properties boundary. Again, I consider the architecture of these properties to be of a high standard, with the relatively simple form, punctuated by projecting and recessed elements, and a variety of materials.

- 5.3.8 With regards to the refurbishment of the glasshouses, to my mind, this is one of the major benefits of this planning application. The glasshouses are a particularly attractive, and relatively unusual feature within the grounds of this property, and form part of the list description. However, in recent years there has been serious neglect of this building, and as a result, they are now in a state of disrepair, and without a viable commercial use, would be likely to be lost should works not be undertaken within the short to medium term. That said; they remain listed, and as such, any works proposed should ensure that their form and elements of architectural interest are retained. This proposal would see the form of the front elevations of the buildings retained, which and the unsightly rear elevations removed, and replaced with a more subordinate, and simple form. Whilst the character of the buildings would undoubtedly change, by virtue of the domestic paraphernalia both within and outside of the buildings, I do not consider that this would be so intrusive as to be to the detriment of their fabric, nor overall form.
- 5.3.9 Overall, I consider the conversion works proposed to be of a very high quality of design. The works that would take place to the listed buildings would, to my mind, enhance their appearance – particularly the greenhouses. In addition, the new build element, whilst contemporary in design, would very much compliment the existing buildings, whilst not competing with it. The site is well screened from long distance views, with much of the new development proposed within areas surrounded by tree cover. For these reasons, I do not consider that the proposal would cause any harm to the longer distance views into the application site. I therefore raise no objections on these grounds.

## **5.4 Other Matters**

- 5.4.1 The proposed dwellings are designed to be constructed to a minimum of level 4 of the code for sustainable homes. I consider that this represents a high standard of design quality. Furthermore, due to the location of this development, I consider that it is necessary for this proposal to achieve this standard as a minimum, to ensure that it is as sustainable as possible – with its location borne in mind.

## **6. CONCLUSION**

- 6.1 I consider that this proposal would represent the best chance of ensuring the long term preservation of these important listed buildings. The works proposed to the listed building are considered to result in a significant enhancement, and as such, I support this proposal.

## **7. RECOMMENDATION**

APPROVE subject to the imposition of suitable safeguarding conditions:

1. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation, of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that historic building features are properly examined and recorded.

2. The works to which this consent relates must be begun before the expiration of three years from the date of this consent;

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

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

4. No development shall take place until details (in the form of large scale drawings as appropriate) have been submitted to and approved by the local planning authority in respect of the following;

#### Main House

- (i) Internal and external joinery (all windows to be timber)
- (ii) New plasterwork.
- (ii) Internal and external paint schemes.
- (iii) All works to existing, and proposals for new, fire surrounds.
- (iv) All services, including computer cabling and lift machinery.
- (v) Works of making good.
- (vi) Schedules of repair work and stone/brick-cleaning/replacement.

#### Outbuildings and works to the garden walls

- (i) Samples of materials, including sample panels of brickwork, stonework and re pointing.
- (ii) Internal and external joinery details at an appropriate scale (all windows to be timber).
- (iii) Window details at an appropriate scale.
- (iv) Repair schedules for the walls
- (v) Details of windows, eaves, ridges, doors and door surrounds, bands, plinth

mouldings and quoins

(vi) The details and design of any gates proposed.

The development shall thereafter be undertaken in accordance with the subsequently approved details except as agreed in writing by the local planning authority.

Reason: To ensure the appearance and character of the building are maintained and to secure a high quality of new development within the site.

5. No dwelling units within the grounds of Wierton Place hereby permitted shall be occupied until such time as the restoration works to the greenhouses have been completed to the satisfaction of the local planning authority and that such approval has been given in writing by the local planning authority.

Reason: To ensure the appearance and character of the listed building is preserved.

6. The development shall not commence until, details of the colour of the external finish of 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: In the interests of visual amenity.

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

Reason: To secure a high standard of design.

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 there are no overriding material considerations to indicate a refusal of planning consent.

**Boughton Monchelsea Parish Council**

The Parish Council have raised the following points:

- They have not seen the viability assessment.
- Little regard has been given to the strength of feeling that exists in objection to the applications in view of the petition of over 1200 signatures.
- There is a contradiction as the report for MA/11/0511 states that the proposal is a departure from the development plan but the report for MA/11/0512 states that the proposed development complies with the development plan.

**Officer Comment:**

The viability assessment is confidential information and is on 'yellow' confidential papers on the Committee agenda for Members. This is why the Parish Council has not been sent a copy.

The petition is referred to in the report, has been fully considered, and officer's reasons for the recommendation are clearly outlined.

This listed building consent (LBC) application complies with the development plan as it is judged to represent acceptable works to listed buildings. (LBC deals only with internal and external changes and not the creation of new dwellings, as considered under the separate planning application MA/11/0511). As such, the reference to this as a reason for referral to planning committee is an error.

The reason for Committee referral for this LBC application is solely the objection from the Parish Council.

**RECOMMENDATION**

My recommendation is unchanged.

**APPROVE SUBJECT TO CONDITIONS**

72

19.03.2013

73

19.03.2013



74



19.03.2013



61

19.03.2013

76

19.03.2013



19.03.2013

78

19.03.2013

79

19.03.2013

80

19/03/2013



19.03.2013



82

19.03.2013

83

19.03.2013

84

19.03.2013

85

19.03.2013



86

19.03.2013

87

19.03.2013



19.03.2013

68

19.03.2013



06

19.03.2013



01

19.03.2013

92

19.03.2013

93

19.03.2013

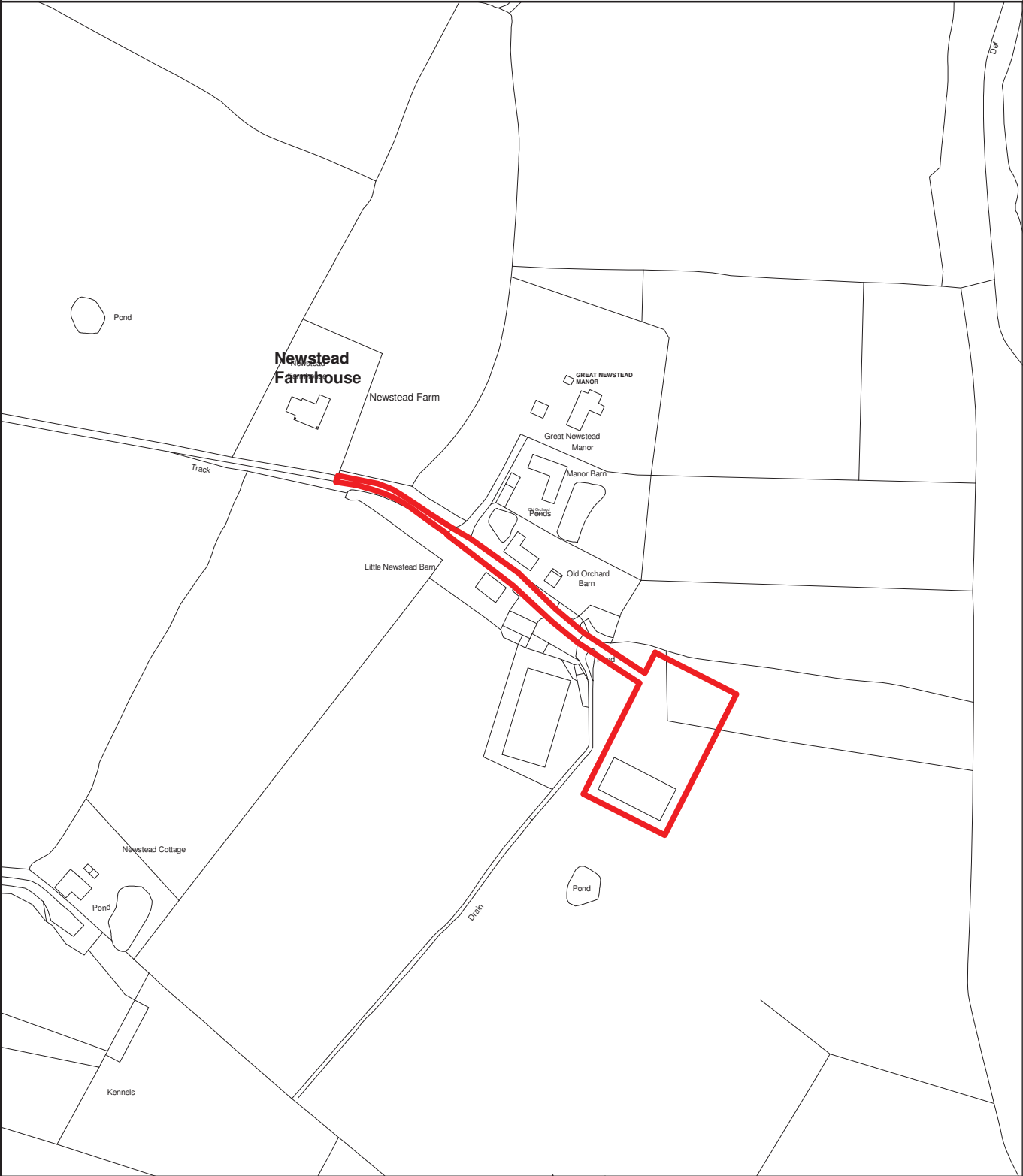
94

19.03.2013

# Agenda Item 14

## THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/12/1469      GRID REF: TQ7944/7945  
NEWSTEAD FARM, COUCHMAN GREEN LANE,  
STAPLEHURST.



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 100019636, 2014. Scale 1:2500



**Rob Jarman**  
**Head of Planning and Development**

APPLICATION: MA/12/1469 Date: 8 August 2012 Received: 30 July 2013

APPLICANT: Mr & Mrs Nigel Greengrow

LOCATION: NEWSTEAD FARM, COUCHMAN GREEN LANE, STAPLEHURST,  
TONBRIDGE, KENT, TN12 0RT

PARISH: Staplehurst

PROPOSAL: Temporary change of use of land for the stationing of a temporary dwelling (mobile) for farm owner/manager and permanent use of existing agricultural building for the accommodation of livestock as shown drawing nos. S071.2A, S071.2B, and S071.2C received on 9th August 2012, and A3 site location plan and A3 block plan received on 30th July 2013.

AGENDA DATE: 6th February 2014

CASE OFFICER: Richard Timms

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

- It is contrary to views expressed by Staplehurst Parish Council and they have requested the application be reported to Planning Committee.

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV28, H35
- Government Policy: NPPF 2012 and Technical Guide

## **2. HISTORY**

MA/00/1856 An application for the prior approval of the local planning authority for the erection of a steel framed agricultural building for storage of hay and straw - APPROVED

MA/00/1355 An application for prior approval of the local planning authority for the erection of a steel framed agricultural building for storage of hay and straw – REFUSED

MA/98/1823 Conversion and change of use of three existing barns and outbuildings to provide 3 no. detached dwellings with garages – APPROVED WITH CONDITIONS

### **3. CONSULTATIONS**

- 3.1 **Staplehurst Parish Council:** Recommend refusal and request the application be reported to Planning Committee for the following reasons: lack of business plan, siting is close to residents; concern over use of access. No objections to livestock use.
- 3.2 **Rural Planning Ltd:** Advises that the enterprise is capable of providing full-time employment for at least one farm worker and that they will be required to live on site for the proper functioning of the farm.
- 3.3 **Environment Agency:** No objections.
- 3.4 **KCC Ecology:** No objections.
- 3.5 **MBC Conservation Officer:** No objections in terms of setting of listed buildings.
- 3.6 **MBC Environmental Health:** No objections subject to specific foul drainage details and animal waste storage.

### **4. REPRESENTATIONS**

- 4.1 Local Residents: Seven representations received raising the following (summarised) points:
- Assumptions on agricultural enterprise are unrealistic.
  - No need to live on site.
  - Access road is now used by residential properties and is not suitable for farm traffic.
  - Water pressure will be decreased.
  - Siting is in direct line of sight of houses.
  - Waste water into ditches may cause harm to health.
  - Mobile home would be harmful to the area.
  - Within 220m of the River Beult SSSI.
  - Noise.
  - Flood risk.



## **5. CONSIDERATIONS**

### **5.1 Introduction**

- 5.1.1 This is an application for a temporary change of use of land for the stationing of a mobile home for a farm owner/manager and permanent use of existing agricultural building for the accommodation of livestock at Newstead Farm, Couchman Green Lane, Staplehurst.

### **5.2 Site Description**

- 5.2.1 The application relates to an existing small farm of some 13 ha located to the east of Couchman Green Lane just to the northeast of Staplehurst village. It is accessed via a private single lane road off the lane that serves five houses and the farm, and is owned by the applicant. The farm is at the end of the road where there is a farm track leading to a main general purpose building with a yard in front and beyond. The farm's land extends to the northeast, east and south. The majority of the farm is down to grass with sheep, apart from some 1.2 ha of dessert apple orchards, planted over the last 4 or 5 years; 0.4 ha is also allocated for market garden cropping (vegetables); and a further 0.4 ha for some 250-300 free range hens. There is also some 16 ha of off lying grassland.
- 5.2.2 The site is within the countryside for planning purposes but the land has no special designation. The River Beult SSSI runs along the east edge of the applicant's farmland and there is a Grade II listed building 'Old Newstead' around 100m to the north. The site falls within Flood Zone 2 according to the Environment Agency's maps but Zone 3 is immediately to the north and northwest.

### **5.3 Proposal**

- 5.3.1 Permission is sought for a mobile home at the farm to provide temporary accommodation for the farm owner/manager with his family to live on site. The mobile home would be sited around 15m northeast of the general purpose building on part of a grassed field. The mobile would be a 'park home' style and illustrations have been provided which show it measuring 8.3m x 15.8m, with a maximum height of 3.6m. It is a moveable structure brought to site on a lorry and has no foundations.
- 5.3.2 The applicant intends to develop the farm including establishing a cattle enterprise based on rearing up to 60 cattle a year, bought in as young dairy-bred calves, and finished at 18 to 24 months old, sold mainly via local markets but including some sales (after arranging slaughtering and butchering elsewhere) direct to consumers. A small existing sheep flock would be

maintained, at about 13 ewes, with the aim of selling most of the lambs direct. There is also a flock of 250 free range hens and a 'market garden' where vegetables are grown and sold direct to consumers. Farm and business plans (confidential) have been submitted with the application.

- 5.3.3 It is proposed to use the existing storage building for accommodating livestock. This requires planning permission because the building was originally allowed under permitted development rights for farms. Under such rights, livestock use is precluded without the benefit of further permission, which is now being sought.

## **5.4 Principle of Development**

- 5.4.1 Saved policy H35 of the Local Plan can allow for temporary accommodation for agricultural workers in the countryside provided:

- It is essential for the efficient development and running of the enterprise.
- The need is for a full time worker.
- There is clear evidence that the enterprise has been planned on a sound financial basis and there is a firm intention and ability to develop.
- No other accommodation is available locally to meet the need (including converting a building).
- The temporary accommodation is grouped with existing buildings.

It then recommends restriction to a 3 year permission, restricting occupation to agricultural workers, and restoration of the site.

- 5.4.2 The NPPF at paragraph 55, as an exception, can allow a residential use in the countryside where it relates to the essential need for a rural worker to live permanently at or near their place of work. As such, the principle of a mobile home for an agricultural worker is acceptable.
- 5.4.3 Specific consideration needs to be given to the policy H35 criteria, visual impact, flood risk, residential amenity (including from the livestock use), highway safety, and ecology. These issues are considered under policy ENV28 of the Local Plan and the NPPF.

## **5.5 Need for Accommodation**

- 5.5.1 The applicant proposes to establish a cattle enterprise with an existing sheep and free-range hen flocks maintained. Advice from Rural Planning Ltd states:
- 5.5.2 *"Overall I consider the proposed enterprise mix to be capable of providing full-time employment for at least one responsible farm worker, and that on balance*

*that person will essentially require to live on site for the proper functioning of the proposed enterprises, for the various reasons (particularly in respect of animal husbandry) set out in the applicants' Statement (para 5.3).*

- 5.5.3 *It appears that there is no other suitable and available accommodation, close enough to the premises, given that the relation (niece) that lives nearby, in separately owned accommodation, has no connection with the farm enterprise.*
- 5.5.4 *I also consider the revised/additional submissions indicate that the proposed business has been planned on a sufficiently sound basis to support an agricultural case for on-site residence, under the (still useful) guidelines of the former Annex A to PPS7; whilst I have some doubts (including in relation to building capacity) that the cattle enterprise would necessarily achieve quite the scale, and the level of returns, that are predicted, overall if the main elements of the business plan are followed, there should still be a reasonably good prospect of the farm business achieving at least enough net income for a farm worker's livelihood."*
- 5.5.5 The purpose of policy H35 is to allow an enterprise to demonstrate that it is viable and therefore that there is an essential need for permanent accommodation. Based on the above expert advice, it is considered that there is an essential need for on-site presence and that this would be for a full-time worker. The business plan is sufficiently sound and whilst the applicant's niece lives adjacent to the site, this accommodation is separately owned and so there is no suitable accommodation available. On this basis I consider the proposals comply with policy H35.

## **5.6 Visual Impact**

- 5.6.1 The mobile home would be grouped near to the existing yards and buildings. This is a suitable location and would minimise intrusion into the countryside. The Conservation Officer has raised no objections in terms of the setting of the Grade II listed 'Old Newstead'.

## **5.7 Flood Risk**

- 5.7.1 The mobile home was originally proposed on land further north identified as Zone 3, to which the Environment Agency objected. It was then moved onto land confirmed to be Zone 2 by the Environment Agency and they have removed their objection.
- 5.7.2 The NPPF requires a sequential approach to steer development to areas with the lowest probability of flooding. In this case, there is a higher area of land further south in Zone 1, however, this is in the middle of a field and I do not consider

this would be an appropriate location in practical terms or visual impact terms as it would extend into the countryside and require a long access track. It is then advised that an 'exception test' should be applied where it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk; and a flood risk assessment (FRA) must demonstrate that the development will be safe without increasing flood risk elsewhere, and where possible reducing risk overall.

5.7.3 I consider there are sustainability benefits to the community from the proposal in terms of it supporting agriculture and thus contributing to the local rural economy as recognised at paragraph 28 of the NPPF. A basic flood risk assessment (FRA) has been submitted in discussion with the Environment Agency which outlines that the accommodation is raised above the ground level and so at a lower risk from flooding, and considers the potential water run-off would be minimal due to the limited size. The Environment Agency has been consulted on the FRA and has raised no objections in terms of safety or increased flood risk. On this basis, I do not consider there are grounds to object. I consider that conditions should be attached to provide details of measures to tether the mobile home to avoid displacement in the event of flooding, and a flood management and evacuation plan.

5.7.4 I have also re-consulted the Environment Agency in light of recent flood events in the Borough and they have advised that their position has not changed on this site and they raise no objections. The applicant and agent have verbally confirmed that the site did not flood in the recent events and was not cut off.

## **5.8 Residential Amenity**

5.8.1 The use of the existing building for livestock has the potential to affect living conditions for nearby properties from noise and smells. The nearest houses are just over 75m away and at this distance I do not consider such matters would result in unacceptable living conditions. The Environmental Health Manager has not raised any objections but advises there is the potential for the accumulation of both solid and liquid waste material from livestock to cause a nuisance and therefore the arrangements for the minimisation of waste material on the site must be provided. This can be dealt with by way of condition to ensure the minimal impact.

5.8.2 I do not consider there would be any significant noise and disturbance issues arising from farm vehicles using the access past houses, which can occur at present. Nor would there be any issues from the use of the mobile home, or any impacts on privacy or outlook due to the distance from houses.

## **5.9 Highways**

5.9.1 Local residents have raised the issue of safety on the private access road due to potential conflict between farm vehicles and children playing. This road is a single track lane with two passing places, is straight for the majority of its length and does not have any tight corners. As such, vehicles can pass and visibility is generally good. The access is owned by the applicant and is already used by farm traffic to serve the holding. I do not consider the future farm plans or any grant of planning permission would result in any significant increase and on this basis, I do not consider there are grounds to object in terms of highway safety.

## **5.10 Ecology**

5.10.1 A great crested newt (GCN) scoping report has been provided on the recommendation of KCC Ecology. This has assessed the quality of the terrestrial habitat on site and the suitability of water bodies within 250m to support breeding populations of GCN. It advises the site offers low potential for GCN in terms of terrestrial habitat and there would be no harm caused to GCN. KCC have raised no objections to the findings.

## **5.11 Other Matters**

5.11.1 Issues raised by local residents not addressed above relate to water pressure and potential pollution from waste water into ditches. Any impacts upon water pressure are not a material consideration and in any case the farm is already in existence. It is proposed to use a package treatment plant for foul drainage which is widely accepted form of disposal. Any discharge to watercourses is controlled by the Environment Agency and requires a formal consent to discharge from them, which would ensure no adverse health impacts.

## **6. CONCLUSION**

6.1 There is considered to be sufficient agricultural justification for the proposed mobile home and it would not result in any unacceptable harmful impacts. The Environment Agency is raising no objections to the mobile home in terms of flood risk. The use of the building for livestock is not considered to be unduly harmful to local amenity. For these reasons I recommend permission subject to the following conditions.

## **7. RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

2. The occupation of the mobile home shall be limited to a person solely or mainly working, or last working, in the locality in agriculture (as defined in Section 336 (1) of the Town and Country Planning Act 1990) or in forestry, or a widow or widower of such a person, and to any resident dependants;

Reason: The site is in an area where new residential development is not normally permitted unless essentially required for the proper functioning of the enterprise concerned.

3. The mobile home hereby permitted shall be removed and the land upon which it is sited restored to its former condition on or before 3 years from the date of this permission;

Reason: To enable the Local Planning Authority to review the special circumstances under which this permission is granted.

4. The development shall not commence until details of measures to tether down the mobile home, and a flood management and evacuation plan have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be carried out and maintained to the satisfaction of the Local Planning Authority.

Reason: In the interests of flood risk reduction and safety.

5. No development shall commence until details of where and how manure is to be stored and/or disposed of shall be submitted to and approved by the local planning authority. Once the use commences, this shall be carried out in accordance with the approved details.

Reason: In the interest of local amenity.

6. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing nos. S071.2A, S071.2B, and S071.2C received on 9th August 2012, and A3 site location plan and A3 block plan received on 30th July 2013.

Reason: For the purposes of clarity and in the interests of protecting the character and appearance of the countryside.

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 there are no overriding material considerations to indicate a refusal of planning consent.



23. 1. 2014





23. 1. 2014



23. 1. 2014





23. 1. 2014

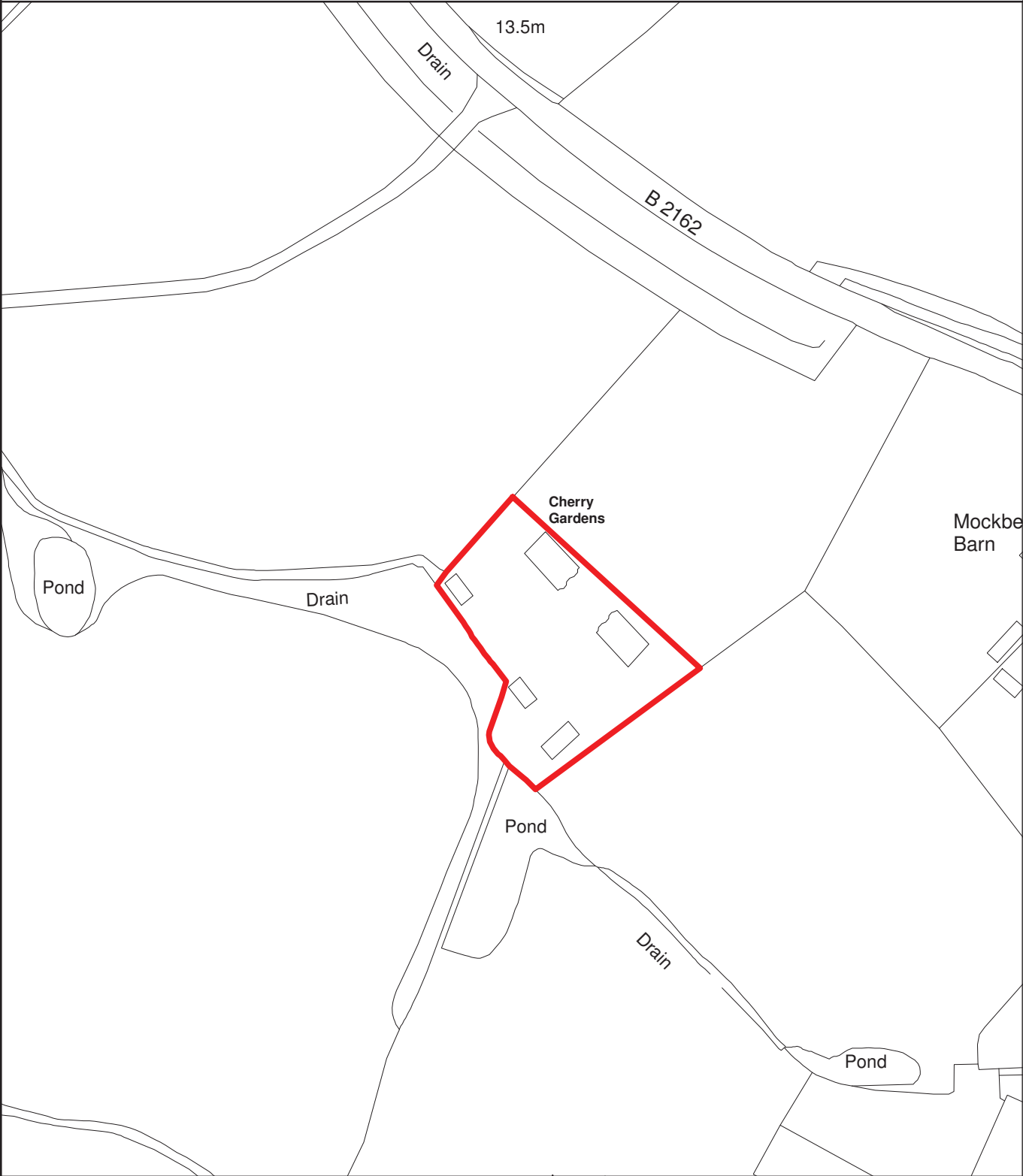
# Agenda Item 15

## THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/12/2103

GRID REF: TQ7146

CHERRY GARDENS, COLLIER STREET,  
TONBRIDGE.



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 100019636, 2014. Scale 1:1250



**Rob Jarman**  
**Head of Planning and Development**

APPLICATION: MA/12/2103 Date: 21 November 2012 Received: 14 December 2012

APPLICANT: Mr M Hearn

LOCATION: CHERRY GARDENS, COLLIER STREET, TONBRIDGE, KENT, TN12 9RJ

PARISH: Collier Street

PROPOSAL: Change of use of land to residential caravan site for one gypsy family including stationing of one static caravan, one touring caravan and associated hard standing as shown on drawings received on the 21st November 2013 and drawing no:T13/522-01.

AGENDA DATE: 6th February 2014

CASE OFFICER: Graham Parkinson

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

- it is contrary to views expressed by the Parish Council

## 1. **POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, T13
- Village Design Statement: N/A
- Government Policy: National Planning Policy Framework (2012), Planning Policy for Traveller Sites (2012)

## 2. **HISTORY**

MA/07/2478 – Change of use of land for stationing of two twin units, two touring caravans, stable block, and toilet and shower block to accommodate a gypsy family-  
WITHDRAWN

## 3. **CONSULTATIONS**

3.1 **Collier Street Parish Council:** Wish to see the application refused for the following reasons and that the application be reported the Planning Committee.

- Site is located with an area falling within flood risk zone 3A and as such all other considerations are outweighed by this.

- Since 2000 in conjunction with Maidstone Borough Council have carried out drainage works with the intention of flooding the site in order to reduce flooding levels in other parts of the village.
- A site cannot be considered in isolation given the certainty of it being flooded in any major flooding event.
- The emergency services would be placed at considerable risk in attempting to rescue any resident.

### 3.2 **Environment Agency:**

- The site falls within flood zone 3 with hazardous access in flood conditions therefore object in principle to the continued use of the site for the stationing of a mobile home.
- Accept that it would be possible to locate the mobile home to a part of the site where levels are above 13.9 AOD or with minor reprofiling to secure a development platform minimising flood risk to the mobile home and its associated facilities.
- Confirm that parts of the site could be made safe against flooding without increasing flood risk elsewhere but still making access to site by applicant or emergency services hazardous.
- Based on the flood risk assessment (FRA) submitted by the applicants (based on EA data) in a 1:100 year flood event this suggests a flood depth of 216mm (approximately 9 ins) at the site entrance onto the B2162.
- The following exits from the site in 1:100 year flood conditions are as follows.
- Option 1: Heading north west towards Yalding (3.5 km away) flood depth ranges from 0 to 750mm within the village before safe access can be reached onto Yalding High Street.
- Option 2: Heading south towards Horsmonden (7 km) flood depth ranges from 0 to no more than 100mm (4 ins) for a distance of 4.4 km after which access could be made Horsmonden or Paddock Wood without encountering fluvial flooding.
- Option 3: Access to the east towards Marden or west towards Paddock Wood would encounter flooding in country lanes of varying depths up to 300mm( 12 ins).
- Route heading south towards Horsmonden therefore presents least hazardous route to enter/leave site in flood conditions.
- Duration of flooding is difficult to assess but for options 1 and 3 flooding could be for up to 24 hrs while option 2 would be less (between 6-12 hours). In all cases floodwater would be turbid and flows sluggish.
- The issue of safe access to the site is a matter for the Local Authority to resolve. The Environment Agency can provide flood warning advice but cannot provide advice on access by emergency vehicles or on local authority evacuation procedures.



- 3.3 **Kent Highway Services:** Considers that the use of the site is not likely to lead to a material intensification in the use of the existing access where there have been no reported injury crashes within the latest 3 year period. In the event of planning permission being granted would recommend imposition of a condition requiring the access to be constructed with a bound surface 5 metres back from the highway.
- 3.4 **Upper Medway Internal Drainage Board:** The application site and its access pass close to Collier Street Stream (IDB19) which is managed and maintained by the Board. The applicant should be informed that any works within 8 metres of this watercourse (including fencing or planting), or works affecting any other ordinary watercourse, will require the formal written consent of the Board. This is to ensure that local drainage and flood risk is not adversely affected.

#### **4. REPRESENTATIONS**

- 4.1 In addition to the display of a site notice one property was consulted on the development. One representation was received as follows:
- Would like an undertaking that the site is maintained in good condition.

#### **5. CONSIDERATIONS**

##### **5.1 Site Description**

- 5.1.1 The application site lies in flat open countryside interspersed with some hedgerows and limited tree cover. It is sited a short distance to the west of the sporadic development fronting onto Collier Street and is occupied by a single static mobile home set just over 70 metres back from the B2162 with an area of hardstanding made of stone chippings sited to the south east of the mobile home and a container body stationed for security purposes. Access is onto Collier Street (B2162) via a single straight trackway also made of stone chippings, with a timber 5 bar gates separating the track from the standing area separating the site from the public highway.
- 5.1.2 Abutting the site to the east is Mockbeggar Barn, which has planning permission for use as holiday accommodation.

## **5.2 Proposal**

- 5.2.1 Retrospective planning permission is sought to retain the existing mobile home along with consent to site one touring caravan, retention of the hardstanding and for the parking of two vehicles.
- 5.2.2 It is intended that the front part of the site abutting Collier Street, though not falling within the application site area, shall be planted up as an apple orchard while the whole perimeter of the application is shown to be planted up with unspecified screening.
- 5.2.3 The applicant advises that he has lived on the site since 2008, that he is a Romany gypsy by birth and culture and that the site represents his only permanent place of residence where he can live in accordance with his gypsy lifestyle.
- 5.2.4 In support of his case he advises that he has chronic health problems which have been made worse by uncertainty over his continued occupation of the site, the need to provide a stable home for his children, that the flood risks referred to have been greatly overstated and that the Council has nowhere suitable to relocate him and his family in the event of the application being refused.
- 5.2.5 He further advises that he is no longer well enough to permanently travel and needs to have a stable base well located to medical support services. Furthermore he would accept conditions relating to occupation by him and his family only along with requirements for additional landscaping.

## **5.3 Principle of Development**

- 5.3.1 There are no saved Local Plan Policies that relate directly to this type of development. Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 (MBWLP) relates to development in the countryside stating that:

*“Planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers”*

ENV28 then outlines the types of development that can be permitted.

- 5.3.2 A key consideration in assessment of this application is Government guidance contained in ‘Planning policy for Traveller Sites’ (PPTS) published in March 2012. This places emphasis on the need to provide more gypsy sites, supporting self provision and acknowledging that sites are likely to be found in rural areas.



5.3.3 Though work on the emerging local plan is progressing as yet there are no adopted policies responding to the provision of gypsy sites. Local Authorities have the responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans. To this end Maidstone Borough Council, in partnership with Sevenoaks District Council procured Salford University Housing Unit to carry out a revised Gypsy and Traveller Accommodation Assessment (GTAA). The GTAA concluded the following need for pitches over the remaining Local Plan period:

Oct 2011 – March 2016	105 pitches
April 2016 – March 2012	25 pitches
April 2021 – March 2026	27 pitches
April 2026 – March 2031	30 pitches
Total Oct 2011 – March 2031	187 pitches

These figures were agreed by Cabinet on the 13<sup>th</sup> March 2013 as the pitch target to be included in the next consultation version of the Local Plan.

5.3.4 Draft Policy CS12 of the Regulation 18 version of the Local Plan approved by Cabinet on 13<sup>th</sup> March 2013 that the Borough need for gypsy and traveller pitches will be addressed through the granting of permanent planning permissions and through the allocation of sites.

5.3.5 The timetable for the Local Plan's adoption is July 2015.

5.3.6 Issues of need are dealt with below but, in terms of general principles Government Guidance clearly allows gypsy sites to be located in the countryside as an exception to the general policy of restraint.

## **5.4 Gypsy Status**

5.4.1 Annex 1 of the PPTS defines gypsies and travellers as:-

*"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependents' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such".*

5.4.2 The gypsy status of the applicant is not challenged it being accepted that he complies with the definition of a gypsy as outlined in Government guidance in Planning Policy for traveller sites.

- 5.4.3 He has 7 children though no further details have been provided. Regarding any personal circumstances to be taken into consideration, the need for the family to have a stable base, the applicants chronic health condition preventing him from travelling as widely as he would like and the need to be well located to medical services are all acknowledged.

## **5.5 Need for Gypsy Sites**

- 5.5.1 The PPTS gives guidance on how gypsy accommodation should be achieved, including the requirement to assess need.

- 5.5.2 As stated above, the projection accommodation requirements is as follows –

Oct 2011 – March 2016	105 pitches
April 2016 – March 2012	25 pitches
April 2021 – March 2026	27 pitches
April 2026 – March 2031	30 pitches
Total Oct 2011 – March 2031	187 pitches

- 5.5.3 Taking into account this time period, since 1<sup>st</sup> October 2011 the following permissions for pitches have been granted (net):

48 Permanent non-personal permissions

8 Permanent personal permissions

0 Temporary non-personal permissions

27 Temporary personal permissions

Therefore a net total of 56 permanent pitches have been granted since 1<sup>st</sup> October 2011. As such there is an outstanding shortfall of 49 pitches.

- 5.5.4 It must be noted that the requirement for 105 pitches in the initial 5 year period includes need such as temporary consents that are yet to expire (but will before the end of March 2016) and household formation. This explains why the need figure appears so high in the first 5 years.

## **5.6 Visual Impact**

- 5.6.1 The preferred locations for Gypsy and Traveller accommodation is that they are normally outside AONB's, areas having Green Belt status and areas liable to flooding. The site is located in open countryside having no particular landscape

designation and is therefore subject to the general provisions of policy ENV28 relating to development in the countryside. Generally development will not be permitted in the countryside where it would harm the character and appearance of an area or amenities of surrounding occupiers. Policy ENV28 makes clear that exceptions will be permitted if justified by other policies contained in the plan.

- 5.6.2 It is generally accepted that mobile homes are visually intrusive development out of character in the countryside and are therefore unacceptable in their visual impact unless well screened or hidden away in unobtrusive locations. The preference is therefore for them to be screened by existing permanent features such as existing hedgerows, tree belts, existing buildings or lie of the land.
- 5.6.3 Though the mobile home for which planning permission is sought is set over 70 metres back from Collier Street, the surrounding area is completely level. This currently enables long range views of the mobile home particularly when travelling in a south easterly direction along Collier Street and from immediately opposite. In acknowledgement of the currently highly visible presence of the mobile home the applicant proposes to plant an orchard between the mobile home and Collier Street. Such a measure would, it is considered provide long term screening of the site when viewed from Collier Street. However given that such planting is essentially for agricultural purposes, its provision, though welcome, cannot be made the subject of a condition. Nevertheless the whole perimeter of the application site is shown with screen planting.
- 5.6.4 It is considered that the perimeter landscaping measures referred to above, which can be conditioned, once established, will screen the site from view providing sufficient landscaping mitigation. It should be specified that it be allowed to grow up to height 3 metres and retained at this height at all times thereafter. It is nevertheless recognised that this screening will not be available from the outset and that the mobile home and associated development will continue to intrude into the landscape for a while yet.
- 5.6.5 Nevertheless, in the absence of suitable alternative accommodation being available as part of an adopted gypsy and traveller accommodation strategy, the Council is unlikely to be successful in defending a refusal at appeal at this stage. As such it is likely that the mobile home will remain on site for some time to come. In the circumstances it is considered preferable to secure landscaping at this stage rather than refuse planning permission bringing with it no prospect of landscape mitigation measures. As an added safeguard a condition should be imposed relating to lighting in order to safeguard the night time rural environment.

## **5.7 Residential Amenity**

- 5.7.1 The site occupies an isolated position with only long range glimpse views available to from dwellings to the east of the site over 60 metres away. Once the proposed landscaping establishes even these limited views of the site will almost cease. In the circumstances no material harm is identified to the outlook or amenity of the dwelling located to the east of the site in Collier Street. However in order to protect aural and visual amenity a condition should be imposed requiring that no commercial or business activities shall take place on the land, including the storage of vehicles or materials.

## **5.8 Highways Safety**

- 5.8.1 The site access is existing and the application is not the subject of objection by Kent Highways subject to resurfacing of that part nearest to the highway. In the circumstances there is not considered to be any sustainable objection to the development on highway grounds.

## **5.9 Flooding**

- 5.9.1 The application site is located within Flood Zone 3 and the Environment Agency has raised an objection in principle on flooding grounds. It nevertheless accepts that it would be possible to locate the mobile home to a part of the site where levels are above a 1:100 year flooding event flood levels plus weighting for climate change or with minor reprofiling to secure a development platform minimising flood risk to the mobile home and its associated facilities.
- 5.9.2 In response, the site was surveyed the site and three areas identified within the applicants ownership/control having levels in excess of those specified by the Environment Agency. Two areas are however very small though there is an area over 50 metres to the west of the current siting of the mobile home which though of an appropriate size has an awkward shape.
- 5.9.3 The applicant propose that rather than resite the mobile home, which currently sits on a concrete slab having an area of about 55 sqr metres, the area of the slab is extended to about 100 sqr metres. This would be achieved by using spoil from the area to the west which would be reduced in height to maintain overall flood storage levels. In addition the concrete slab be raised from its current height of 13.66 metres AOD to 13.8 metres AOD raising the mobile home by 140mm (just under 6 ins) and raising its floor level to about 14.2 metres AOD. This would enable the floor level of the mobile home to be about 400mm above any predicted flood level.

- 5.9.4 In the absence of the mobile home being flooded this nevertheless does not address access to the site both by the applicant and his family and emergency services through standing floodwater affecting the wider site and area. The Environment Agency advises that the access heading south towards Horsmonden (7 km) would involve encountering flood depths ranging from 0 to no more than 100mm (4 ins) for a distance of 4.4 km after which access could be made Horsmonden or Paddock Wood without encountering fluvial flooding. That in addition while flooding duration is difficult to assess, for this route it would be between 6-12 hours.
- 5.9.5 The applicant advises that he is aware of the flooding issue and considers the risks associated with it to be wholly overstated. Nevertheless as part of any grant of planning permission he would sign up to the Environment Agency's Automatic Voice messaging system. In addition were a flooding event to be predicted he would ensure that the caravan was securely tethered, the floodable void beneath it cleared and any vehicles either removed from the site or otherwise made safe.
- 5.9.6 Notwithstanding the above, public safety is a material planning consideration which must be taken into account in assessing this application. In the absence of evidence that (a) subject to the slab level of the mobile home being raised as proposed, it would not be subject to direct flooding and (b) apart from the area around the access that the road south to Horsmonden would only be subject to limited inundation for a relatively short duration, with adequate preparation the applicant and his family would, it appear not be exposing themselves to an unacceptable level of risk.
- 5.9.7 Regarding the emergency services, they are under a requirement to provide assistance as necessary. Nevertheless placing them at greater risk than necessary as part of planning decision should be avoided. No evidence is available from emergency services nor has the Council in its possession evidence which it can apply to this situation. Given maximum flood levels around the site access onto Collier Street of 216mm (approximately 9 ins) but on the southern route much lower, again this would not appear, in the absence of evidence to the contrary, to expose members of the emergency services to an unacceptable level of risk.
- 5.9.8 Despite the above it must be acknowledged that the site falls within an area at risk of flooding and that permanent planning permission would not normally be granted in such circumstance. However given (a) the absence of alternative sites where the applicant had his family could be relocated and (b) the mitigation measures set out, it is considered that this is a site where it appropriate to grant temporary planning permission, for say 3 years, until an adopted gypsy and traveller accommodation strategy is in place enabling the position to be reviewed.
- 5.9.9 As a further point, notwithstanding the recent extreme flooding events, the applicant has confirmed that the caravan in its current position was not flooded.

## **5.10 Sustainability**

5.10.1 The site is approximately 4.9 miles from Paddock Wood and 3.1 miles from Marden with access to a comprehensive range of services, amenities and facilities at these centres. Whilst the majority of trips are likely to be by car, the site is considered reasonably sustainable in terms of its proximity to these centres.

## **6. CONCLUSIONS**

6.1 These are considered to be as follows:

- The site is located in open countryside.
- The applicant is a gypsy falling within the definition contained in the PPTS.
- There is a continuing unsatisfied need for Gypsy and Traveller sites as identified by the updated GTAA.
- The applicant has lived on the site since 2008.
- The applicant has 7 children. He requires a stable base while his chronic health condition preventing him from travelling as widely as he would wish along with the need to be well located to medical services.
- That subject to additional landscaping the impact on the wider landscape is acceptable.
- No harm to residential amenity is identified nor any harm to the free flow of traffic or highway safety in general.
- That though the site falls within flood zone 3 subject to appropriate mitigation the Environment Agency's objection cannot be sustained.
- The site is considered to be in a sustainable location within reasonable access of local services, amenities and facilities and

6.2 In the circumstances set out above it is considered appropriate to recommend that temporary planning permission be granted for 3 years or until such time as alternative more suitable sites for permanent accommodation are identified as part of emerging policy response for Gypsy and Traveller accommodation.

## **7. RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

1. The occupation of the site hereby approved shall cease and the land restored to its former condition within 3 years from the date of this permission unless prior approval is obtained in writing for a further period.

Reason: It is considered that the site, due to risk of flooding is unsuitable for a permanent caravan site and to enable the position to be reviewed at the end of the stated period.

2. The screen planting to the site perimeter shown on drawing no:PP-02152711 shall comprise a belt of native mix planting not less than 3 metres wide which shall be planted in the first available planting season. It shall be allowed to grow up to a height of 3 metres and shall be retained no lower than 3 metres in height at all times thereafter. Should any planting die or become dying, diseased or dangerous it shall be replaced with the same species within the first available planting season and maintained at all times thereafter in accordance with the provisions of this condition.

Reason: To screen the development in the interests of visual amenity.

3. Within 3 month of the date of this approval the height of the concrete slab on which the mobile home is currently sited shall be raised to 13.9 metres AOD. In addition the yellow area shown to the west of the current siting of the mobile home shown on drawing no:T13/522-01 shall be lowered in height to 13.66 AOD. The resultant spoil shall be resisted abutting the mobile home hereby permitted to provide a level platform not exceeding 100 sqr metres (including the area on which the mobile home is sited) and shall be retained at a level of 13.9 metres AOD. Any excess spoil shall be removed from the site.

Reason: To protect the occupants of the mobile home from flooding and to ensure that the flood storage capacity of the site is maintained.

4. No more than one static residential caravan as defined in Section 24(8) of the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 or the existing 'mobile structure' stationed on the site, and one touring caravan, which shall not be used for habitation purposes, shall be stationed on the site at any one time. The caravans hereby permitted shall only be sited on the area where the static caravan is currently sited or on the area of hardstanding as shown on drawing no:PP-02152711.

Reason: To accord with the terms of the application and in the interests of the visual amenity.

5. The use of the land hereby permitted shall only be for the benefit of Mr Hearn, his wife and children.

Reason: Due to the lack of alternative sites available to meet the applicants personal needs.

6. Should the existing 'mobile structure' that is on the site be removed at any time, it shall be replaced with a mobile home that accords with the definition as contained in Section 24(8) of the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968.

Reason: In order to conform with the use of the site as a gypsy and traveller site.

7. No illumination of the site shall take place without first obtaining prior approval in writing from the Local Planning Authority;

Reason: In the interests of residential amenity and to protect the character of the countryside.

8. No commercial or business activities shall take place on the land, including the storage of vehicles or materials;

Reason: To prevent inappropriate development and safeguard the amenity, character and appearance of the countryside and nearby properties.

9. Within 3 months from the date of this consent the surface of the access for a distance 5 metres back from Collier Street shall be resurfaced using a bound material.

Reason: In the interests of highway safety and the free flow of traffic.

### **Informatives set out below**

Please also note that 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 (web: [www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 0300 333 5539) in order to obtain the necessary Application Pack.

You are advised that any works within 8 metres of the Collier Street Stream (including fencing or planting), or works affecting any other ordinary watercourse, will require the formal written consent of the Upper Medway Internal Drainage Board.



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 there are no overriding material considerations to indicate a refusal of planning consent.

123

26. 6. 2013





26. 6. 2013





125

26. 6. 2013





26. 6. 2013





26. 6. 2013



128

26. 6. 2013







26. 6. 2013

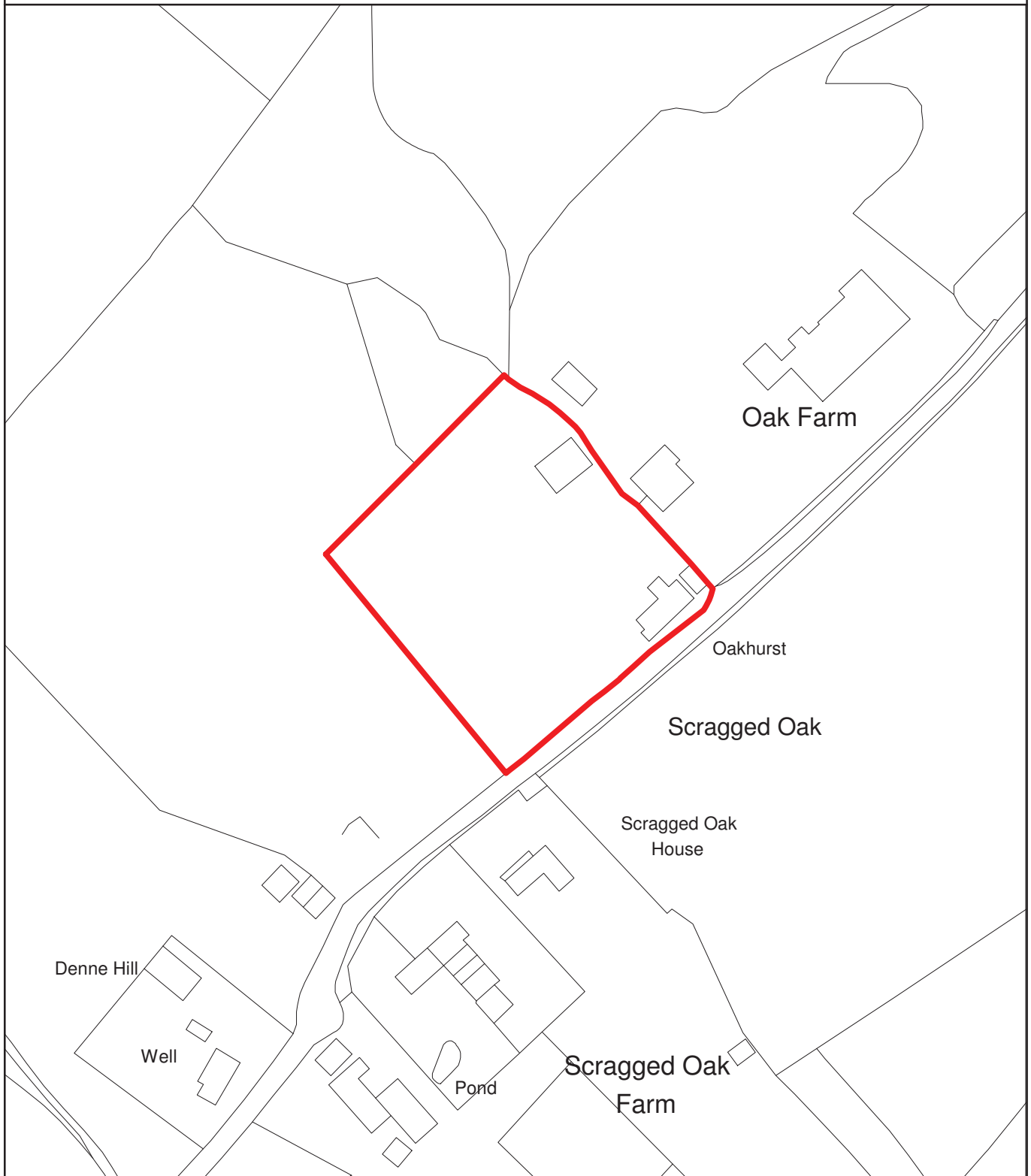


# THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/0684

GRID REF: TQ8061

OAKHURST, SCRAGGED OAK ROAD,  
DETILING.



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 100019636, 2014. Scale 1:1250



**Rob Jarman**  
**Head of Planning and Development**

APPLICATION: MA/13/0684 Date: 12 April 2013 Received: 19 April 2013

APPLICANT: Mrs Linda Turner

LOCATION: OAKHURST, SCRAGGED OAK ROAD, DETLING, MAIDSTONE, KENT, ME14 3HJ

PARISH: Detling

PROPOSAL: Retention and use of single storey building as home office/annex as shown on drawing received on the 19th April 2013.

AGENDA DATE: 6th February 2014

CASE OFFICER: Graham Parkinson

This application is being reported to Committee for decision because:

- It is contrary to views expressed by the Parish Council

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV28, ENV31, ENV33, ENV34,
- Government Policy: NPPF

## **2. HISTORY**

- 2.1 MA/ 86/0094- Alterations and extension to existing bungalow-APPROVED - 12-Mar-1986
- 2.2 MA/86/0094- Alterations and extension to existing bungalow – APPROVED- 12-Mar-1986
- 2.3 MA/ 08/0488- Erection of a rear extension and side verandah.-APPROVED- 02-May-2008
- 2.4 MA/10/2156- Retrospective application for single storey building for teaching of spiritual therapy including student accommodation- REFUSED - 24-May-2011
- 2.5 MA/ 11/1437- Application for a Lawful Development Certificate for an existing use being use of land as residential garden for a period in excess of ten years- APPROVED- 12-Sep-2011
- 2.6 MA/ 11/1438- Retrospective application for the change of use of land from agricultural to residential and the retention of a driveway-REFUSED- 23-Dec-2011- APPEAL DISMISSED (Decision attached as appendix 1)

- 2.7 MA/11/1439- Erection of single storey building (retrospective) and use for holiday accommodation and teaching of spiritual therapy including student accommodation- REFUSED- 23-Dec-2011 APPEAL DISMISSED. (Decision attached as appendix 1)
- 2.8 MA/13/0686- Part retrospective consent for retention of access track over agricultural land to serve Oakhurst – UNDETERMINED – This application is also being considered at this meeting.

### **3. CONSULTATIONS**

- 3.1 Detling Parish Council: Objects to the proposal and its comments are summarised as follows:
- The site lies within an AONB and North Downs Special Landscape Area.
  - Retrospective planning permission for the building which has already had permission refused for commercial use which it believes is still the intended use of the building.

### **4. REPRESENTATIONS**

- 4.1 5 properties consulted. No representations received

### **5. CONSIDERATIONS**

#### **5.1 Site Description**

- 5.1.1 The application site is located on the north west side of Scragged Oak Road lying in open countryside and falling within the North Downs AONB.
- 5.1.2 The site is occupied by a chalet bungalow located within its south east corner and set slightly back from Scragged Oast Road. To the north west of the immediate garden curtilage serving the property is a detached garage and close to this garage is the building, the subject of this application.
- 5.1.3 To the south west of the immediate garden curtilage the site opens out into an expansive grassed area running across which in a north easterly direction gravelled driveway serving another access onto Scragged Oak Road.

#### **5.2 Proposal**

- 5.2.1 Retrospective planning permission is sought to retain a single storey building and to use it for what is described as a home office while providing additional bedroom and living accommodation for purposes ancillary to the enjoyment of the principal dwelling.

- 5.2.2 The building has a footprint of 8.4 metres by 10 metres, an eaves height of just under 2.5 metres and ridge height of just under 3.6 metres. It also has a porch with an area of decking enclosed by post and rail timber fencing constructed abutting the south west side of the building.
- 5.2.3 The building is sited to the northwest of Oakhurst abutting its immediate garden curtilage.
- 5.2.4 The following has also been submitted:
- An aerial photograph taken in 2008 showing a partly erected structure sited in the location of the building the subject of the current application. The photograph shows the interior of the structure as no roof was in place.
  - An invoice dated the 22<sup>nd</sup> August 2008 for the erection of an 8mx10m 70mm log cabin. The invoice states a provisional delivery date of the 8<sup>th</sup> September 2008.

## **6. Discussion**

- 6.1 The key issues relating to the retention of this building are considered to be its impact on the character and setting of the AONB, Special Landscape Area (SLA) and rural character of the wider area. It is also sited within a strategic gap while there is a need to take into account the impact on the outlook and amenity of houses overlooking and abutting the site.

### **6.2 Impact on AONB, SLA, Strategic Gap and rural character:**

- 6.2.1 A key material issue in assessing the impact of the building is the dismissed appeal to retain this building and its use for holiday accommodation and teaching of spiritual therapy including student accommodation. There is also the matter of the length of time that the building has been in position on the site.
- 6.2.2 Dealing first with the Inspector's comments relating to the impact of the building, the Inspector concluded that it had a harmful impact due to its residential rather than agricultural appearance by reason of its porch and fenestration which is not mitigated by external materials and finishes. However it is considered that concerns relating the external finish of the building have now been addressed with the use of dark staining and felt roofing tiles.
- 6.2.3 The intention however is still to retain the porch along with the regular spacing and generally uniform size of the windows. The Inspector did not appear to address the impact of the terrace and fencing however it would appear due to their size and siting that both can be erected as 'permitted development'.

6.2.4 Nevertheless given the low profile of the building and its generally well screened location, it is considered that its visual impact of the building, terrace and fencing is already well contained within the site. Furthermore it is proposed to provide additional native species planting to screen the building from all directions which will further mitigate its impact and which will be made the subject of a condition.

6.2.5 The Inspector also made reference to the building lying outside the acknowledged residential curtilage of Oakhurst. The plan approved under ref:MA/11/1437 being a lawful development application for use of land as a residential garden, shows the building straddling the existing curtilage of Oakhurst and the garden land for which the Lawful Development Certificate was issued. The Inspector's comments that the garden land for which the lawful development certificate was granted does not enjoy curtilage status and therefore cannot benefit from residential curtilage permitted development rights are noted. However such pd restrictions do not apply to fencing while the raised terrace has little visual impact in its own right. Consequently for the reasons set out above no objection is identified to the retention of a well screened outbuilding in either area.

6.2.6 It is therefore considered that given the relatively minor increase in built mass that has occurred, the well screened position of the building in close proximity to other buildings occupying the site and changes to the external finishes that have occurred, that the retention of this building will have no material impact on the character and setting of the AONB, SLA or rural character of the area. Furthermore it is not considered that retention of the building will compromise the wider function of the strategic gap.

#### **6.4 Impact on the outlook and amenity of dwellings overlooking and abutting the site.**

6.4.1 The building is set back well into the site, located behind other buildings and generally well screened from view from Scragged Oak Road. As such, it does not have any material impact on the outlook or amenity of properties on the opposite side of the road. Regarding its impact on Scragged Oak Farm, abutting the site to the south west, given the presence of existing boundary fencing and separation from the dwelling, it is not considered that the building has any material impact on the outlook of this property. The proposed use of the building, subject to a condition restricting it to ancillary domestic use only, is considered unlikely to affect aural amenity.

#### **6.4 Other matters**

- 6.4.1 The Parish Council's belief that commercial use is still the intended use of the building is noted. However the application can only be determined as submitted. If it subsequently becomes apparent that the building is being used for commercial purposes the Council will have to consider whether it is expedient to take further action based on the circumstances evident at the time.

## **6.5 CONCLUSIONS**

- 6.5.1 For the reasons set out above it is considered that the retention of the building is acceptable in its visual impact, will not result in material harm to the character and setting of the AONB, SLA, or rural character of the area or compromise the function of the strategic gap. In addition it is not considered that the building or its use will result in demonstrable harm to the outlook or aural amenity to houses overlooking or abutting the site.
- 6.5.2 In the circumstances is considered that the development is acceptable and retrospective planning permission to retain the building and use it as proposed should be granted as a consequence.

## **7. RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

1. Within 3 months from the date of this planning permission a native species hedgerow comprising a beech/hawthorn mix shall be provided around the perimeter of the building in a position to be agreed in writing beforehand with the Local Planning Authority. The hedgerow shall be allowed to grow up to a height of no less than 3 metres and thereafter maintained at no less than 3 metres in height. Any part of the hedgerow that becomes dead, dying or diseased shall be replaced with a similar species of a size to be agreed in writing beforehand with the Local Planning Authority and shall be retained at all times in accordance with the terms of this condition.

Reason: In the interests of visual amenity.

2. The building hereby permitted shall only be used for purposes incidental to the domestic use of the related dwellinghouse, currently known as 'Oakhurst', and for no other purpose or use;

Reason: To prevent the introduction of uses which would cause demonstrable harm to adjoining residential occupiers and to the character of the countryside.

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 there are no overriding material considerations to indicate a refusal of planning consent.



---

## Appeal Decisions

Site visit made on 20 November 2012

by Alan Woolnough BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 December 2012

---

### Appeal A: APP/U2235/A/12/2178326

**Oakhurst, Scragged Oak Road, Detling, Maidstone, Kent ME14 3HJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs Linda Turner against the decision of Maidstone Borough Council.
- The application ref no MA/11/1439, dated 16 August 2011, was refused by notice dated 23 December 2011.
- The development proposed is described on the application form as: 'Retention of single storey building and use as holiday accommodation and for teaching of spiritual therapy including student accommodation'.

**Summary of Decision: The appeal is dismissed.**

---

### Appeal B: APP/U2235/A/12/2178334

**Oakhurst, Scragged Oak Road, Detling, Maidstone, Kent ME14 3HJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs Linda Turner against the decision of Maidstone Borough Council.
- The application ref no MA/11/1438, dated 16 August 2011, was refused by notice dated 23 December 2011.
- The development proposed is described on the application form as: 'Change of use of part of orchard to residential curtilage and retention of driveway (retrospective)'.

**Summary of Decision: The appeal is dismissed.**

---

### Procedural Matters

1. By the time of my visit, the development the subject of both appeals had already taken place.
2. The description given on the application form of the development now the subject of Appeal B, as set out in the above heading, is inadequate as a basis for a grant of planning permission. Rather than connoting a use of land, the term 'residential curtilage' is a legal concept defining an area of land in relation to a building. Permission should more properly be sought for a *material* change of use (this being the act of development as defined by statute) to use incidental to the enjoyment of the adjacent dwellinghouse as such.
3. Moreover, 'retention' of the driveway does not amount to development. Permission should instead be sought retrospectively for its construction. I will therefore determine Appeal B on the basis of a revised description, which reads: *The material change of use of orchard land to land used for purposes incidental to the enjoyment of the adjacent dwellinghouse as such and the*



*construction of a driveway.* There is no prejudice to the interests of any party in doing so.

4. I note that, in its statement on Appeal B, the Council refers to the construction of a vehicular access as forming part of the appeal development. However, this is not the case. The creation of a new access is specifically excluded from the development for which planning permission is sought, by reason of section 6 of the application form. The Appellant maintains that the access point at the south-western end of the driveway was an established field access. Nothing before me suggests that the Council took a contrary view in determining the application and it provides no cogent explanation on appeal as to why I should now do so. Therefore, neither the creation of the access nor the erection of the gates, piers and walling across and adjacent to its bellmouth are before me to consider. My decision on Appeal B must be confined to the hardsurfacing works that have taken place and the material change of use associated therewith.
5. A Certificate of Lawful Use or Development (LDC) was granted under section 191 of the 1990 Act as amended on 30 January 2012 for use of an area of land at Oakhurst as residential garden (ref no MA/11/1437). The driveway traverses this area of land and the Appellant suggests that, consequently, only part of it (to the south-west of the land in question) now falls outside the residential curtilage of Oakhurst and continues to be subject to Appeal B. However, this suggestion is ill-founded.
6. Appeal B is against the refusal of planning permission for the construction of the driveway as a whole and the material change of use of the land it occupies, this being the scope of the planning application at the point of determination by the Council. A subsequent grant of planning permission for part of that driveway, let alone a LDC relating to land that it occupies, could not alter that fact or reduce the scope of the appeal. Rather, such considerations can, in some circumstances, provide a fallback position that must be taken into account in determining the appeal.
7. Moreover, although the Appellant's reasoning is not set out explicitly, she appears to suggest that the LDC conveys curtilage status to part of the land occupied by the driveway and that, consequently, that section of driveway benefits from deemed planning permission pursuant to Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (the GPDO), by reason of Class F of Part 1 of Schedule 2 thereto. I am unable to accept such an argument, for a number of reasons.
8. Even if I were to regard that part of the land crossed by the driveway as now falling within the curtilage of the dwellinghouse by reason of the LDC, I do not know whether use of the land in question as residential garden attained lawfulness by reason of the passage of time before or after construction of the driveway commenced, precise information as to the timing of either event not having been provided<sup>1</sup>. If the lawfulness of the garden use had not been attained by the time that construction began, the driveway could not benefit from permitted development rights under the GPDO, by reason of Article 3(5) thereof.

---

<sup>1</sup> The date on which a section 191 LDC is granted is not the date on which lawfulness of the matter it addresses is attained. The latter is also unlikely to be the date on which the LDC application was made, to which the grant of the LDC relates in accordance with section 191(4). In all probability, lawfulness will have been attained some time before a successful application is made.

9. Additionally, a single development cannot be subdivided into parts that are permitted development and parts that are not, a point of law long established by the judgment in *Garland v MHLG* [1968] 20 P&CR 93. It has not been shown that the driveway was constructed in two distinct phases, one of which fell within curtilage land and one which did not. This being so, I must assume that it was a single operation and, this being so, no part of the driveway can benefit from Class F rights, irrespective of when work commenced.
10. In any event, lawful use as garden land does not necessarily convey residential curtilage status. Although residential curtilage will frequently equate with the residential planning unit, it is not uncommon for land beyond the curtilage, but nonetheless in the same unit of occupation, to be used lawfully for residential purposes incidental to the enjoyment of a dwellinghouse as such. The Appellant has not demonstrated by reference to the relevant case law that the land subject to the LDC forms part of the curtilage of the dwellinghouse at Oakhurst. Nor is it readily apparent from other evidence before me, including observations made during my visit to the site, that this is the case. As the burden of proof rests firmly with the Appellant in such circumstances, I must assume for the purposes of both appeals that the LDC land does not enjoy curtilage status and thus cannot benefit from rights pursuant to Part 1 of Schedule 2.
11. The Appellant has submitted a revised drawing with Appeal B, which I am asked to accept as an amendment to the driveway scheme. This depicts a 0.3 metre reduction in the width of the driveway for which permission was initially sought. The revised drawing also depicts the retention of an existing gate adjacent to the dwellinghouse as an emergency access, whereas this was proposed on the original plan for stopping up by means of a hedgerow.
12. Having regard to case law arising from the judgment in *Bernard Wheatcroft Ltd v SSE & Harborough DC* [1982] JPL 37, I am satisfied that the development is not so changed by reason of this drawing that to approve it would be to deprive those who should have been consulted on the changed development of the opportunity of such consultation and am mindful that the Council has addressed the amendment in its submissions on the appeal. I will therefore accept it as an amendment to the Appeal B scheme.
13. I also note the Appellant's intention to remove or grass over the turning head at the south-western end of the driveway once building works to the dwelling have been completed. However, this facility is shown in both the original and revised drawings as forming part of the development for which permission is sought and has been constructed on site. I will therefore regard it as part of the development for the purposes of determining Appeal B but, in doing so, will bear in mind the possible merits of removing or grassing over the turning head.

### Main Issues

14. The main issues in determining these appeals are the effect of the development on:
  - In the case of both appeals, the character and appearance of the surrounding area, having regard to the location of the site within the Kent Downs Area of Outstanding Natural Beauty (AONB) and the North Downs Special Landscape Area (SLA);
  - in the case of Appeal A only, objectives of sustainable development; and

- whether any harm arising from the above issues is outweighed by other material considerations.

### **Planning Policy**

15. The development plan includes the South East Plan 2009 (SEP) and certain policies of the Maidstone Borough Wide Local Plan 2000 (LP) that have been saved following a Direction made by the Secretary of State. It is the Secretary of State's stated intention to revoke the SEP. Nonetheless, it continues to have effect at the present time and I therefore give full weight to its policies for the purposes of these appeals.
16. Paragraph 215 of the National Planning Policy Framework (NPPF) indicates that due weight should be given to saved policies in existing Local Plans according to their degree of consistency with the NPPF. I find no significant conflict in this regard and, accordingly, will give the saved LP Policies cited full weight insofar as they are relevant to the appeals.

### **Reasoning**

#### *Character and appearance*

17. Oakhurst occupies a very attractive location, characterised by narrow rural lanes, high hedgerows and predominantly agricultural land, interspersed with pockets of woodland and isolated clusters of buildings. Its setting is therefore particularly sensitive in landscape terms. The statutory purpose of an AONB, as set out in section 82(2) of the Countryside and Rights of Way Act 2000 as amended, is the conservation and enhancement of the natural beauty of the area. Under section 85(1) thereof, I am obliged to have regard to this purpose. Although paragraph 115 of the NPPF refers only to the conservation of landscape and scenic beauty of AONBs it does not supersede statute and, in any event, both set a high hurdle.
18. There is a well-established hedgerow along the Scragged Oak Road frontage of the site, which partially screens the subject building and driveway from public view. I also acknowledge that neither development is unduly prominent in views from the public footpath to the south-west. However, both driveway and building can be seen through the vehicular access adjacent to the dwellinghouse, whilst part of the driveway can also be seen through the access at its south-western end. I found the Appeal A building to be significantly more harmful in visual terms than the Appellant contends, bearing in mind the sensitive nature of the landscape. Rather than being subsumed by the adjacent cluster of built development, it compounds the visual impact of the former on the countryside. Moreover, it has a residential rather than agricultural appearance by reason of its porch and fenestration, which is not mitigated significantly by its external materials and finishes.
19. I therefore found it to read in the landscape as a domestic intrusion into a highly sensitive rural setting that results in visual harm. I have noted comments by some local residents to the effect that the building has replaced a somewhat ramshackle collection of sheds, greenhouses and sundry debris. However, in the absence of photographic evidence to the contrary it seems likely that these lacked the domestic qualities of the appeal development. In any event, I have no knowledge of their scale or prominence and any visual detriment associated therewith could have been resolved by simple demolition and clearance rather than replacement.



20. The driveway is similarly intrusive. I note the Appellant's reasons for providing a solid durable surface to the bellmouth access and, in making my assessment, have disregarded the gates, piers and walling. However, setting these features aside I still found the driveway as constructed to draw the eye by reason of its width and the golden gravel with which it is surfaced. Notwithstanding the Appellant's assertion that this material is common in the rural parts of the area it is, in my experience, more commonly associated with residential properties than agricultural settings. Consequently, the south-western end of the driveway in particular, being located so far from the dwellinghouse at Oakhurst, appears incongruous and introduces a further unwelcome domestic element to the rural lane. The existing hedgerow and additional planting proposed on either side of the driveway or further from the road provide, by their very nature, only temporary visual mitigation.
21. The Appellant's account of the width of the driveway as existing varies between 4.2 metres and 5.5 metres, depending on the plan or statement consulted. However, assuming that the driveway is presently 5.5 metres wide, as shown on the original layout drawing, a reduction in width of only 0.3 metres as indicated in the amended layout would make very little difference in terms of visual impact. Nor would the removal of the turning head help significantly in this regard. Retention of the vehicular access adjacent to the dwellinghouse, as now proposed, rather than stopping it up would merely consolidate the prominence of the driveway at its north-eastern end. Even if stopping up were to be re-considered, planting would not provide sufficient permanence as a visual screen and a solid frontage treatment, such as a fence, would itself be intrusive.
22. Although a permitted development fallback position for the driveway has not been demonstrated, I have nonetheless considered whether the fact that part of it runs through what is now a lawful residential garden has any implications for my assessment of its visual consequences. I acknowledge that surfacing of this kind might, in some circumstances, be more readily assimilated into such a setting. However, the considerable width for which permission is sought, which is markedly greater than usually associated with a residential property, and the starkness of its surface prevent the driveway from being subsumed by its surroundings. In any event, most of it remains outside the lawful garden and, given that its purpose is to provide access to the entire property, there is no logical basis for granting planning permission for only part of the driveway.
23. I find that neither building nor driveway conflicts significantly with the objectives of maintaining the Strategic Gap between Maidstone and the Medway Towns in which the appeal site lies, as set out in saved LP Policy ENV31. However, this finding does not outweigh the harm to the AONB and SLA that has arisen in this case. I also note that there are other unsightly developments in the lane, as cited by the Appellant. Nonetheless, each scheme must be assessed primarily on its own merits and I have no knowledge of the circumstances relevant to those other cases. In any event, such examples are far from characteristic of the area and, where they do occur, are unworthy of replication.
24. I conclude that the development the subject of both Appeals A and B fails to conserve and enhance the natural beauty of the AONB and SLA. Both building and driveway are therefore contrary to SEP Policies CC6 and C3, saved LP Policies ENV28, ENV33 and ENV34 and the relevant provisions of the NPPF.

*Sustainable development*

25. This issue is relevant only to Appeal A. The appeal premises are located in the countryside, well outside the confines of any built-up area as defined by the development plan and are not within easy reach of public transport facilities. I acknowledge that those attending for spiritual tuition may well remain at the appeal premises for the whole of their stay and take note of the supporting information provided by the Appellant in this regard. However, this activity would account for only 40 days per year, with the remainder devoted to holidaymakers in the broader sense.
26. The Appellant intends to market the facility in such a way that holidaymakers such as ramblers and cyclists, referred to by the Appellant as 'non car owners' would be targeted. However, such an objective cannot be enforced by means of planning controls and, in any event, these are not mutually exclusive categories. I think it probable, in the absence of evidence to the contrary, that many visitors with such interests would bring at least one vehicle to add flexibility and convenience to their stay. Car movements thus generated would therefore, in all likelihood, amount to considerably more than the Appellant's estimated worst case scenario of two per day.
27. Accordingly, I find it probable that most visitors would be highly dependent on the private car when travelling to and from the site. I note that the Appellant is prepared to drive people between Oakhurst and the railway station. However, this again could not be enforced and it remains the case that, irrespective of this option, visitors who do not drive themselves may choose to travel by taxi during their stay in addition to arrival and departure.
28. The NPPF seeks to ensure that proposals are sustainable economically, socially and environmentally, in accordance with a definition of sustainable development set out in paragraphs 7 and 8 thereof. Indeed, there is a presumption in favour of sustainable development at the heart of the NPPF, as stated in paragraph 14. The economic component is addressed in this case by the employment prospects facilitated by the Appellant's business and the contributions that guests are likely to make to the local economy. However, the appeal facility fulfils no significant community function of which I have been made aware.
29. I have no reason to consider that the building is contrary to the sustainable design and construction objectives of SEP Policy CC4. However, the environmental objectives of sustainable development are compromised significantly by the harm to the AONB and SLA that results from the building itself and by high dependence on the private car and the adverse implications that this has for the prudent use of natural resources, minimisation of pollution and movement towards a low carbon economy. Paragraph 29 of the NPPF recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. Nonetheless, the general thrust of national policy remains, in essence, the channelling of traffic-generating uses to built-up areas wherever practicable.
30. I conclude that, on balance, the Appeal A development is contrary to national and local objectives related to sustainable development. It therefore conflicts with SEP Policy CC1 and the relevant provisions of the NPPF.

*Other material considerations*

31. I have considered all the other matters raised, including national and local policy related to tourism. Although I have not seen inside the building, I have no reason to question that the facilities are of a high standard and take note of the advice from Tourism South East that there is a healthy demand for high quality self catering accommodation in the North Downs. I also acknowledge that tourism can contribute to the local economy and is encouraged in general terms in rural areas by SEP Policies TSR2 and TSR5 and paragraph 28 of the NPPF.
32. However, whilst saved LP Policy ENV44 supports the reuse and adaptation of existing rural buildings for such purposes, it does not provide for new-build tourist accommodation in the countryside. As the Appeal A development is unlawful, it cannot be regarded as an 'existing building' for the purposes of applying this policy. Acceptable development outside defined confines is limited by saved LP Policy ENV28 to certain categories, which do not include new-build tourism facilities. Rather, saved LP Policy ED17 provides for such proposals within urban and village boundaries.
33. I do not question that the Appeal A accommodation is well-located for those seeking a peaceful environment or intending to walk the local footpaths. However, these considerations alone cannot justify additional built development that fails to conserve the natural beauty of the AONB. I am not persuaded that the specific nature of the holiday/tuition service offered in this case is such that it could not be provided through the conversion of an existing rural building or that a village or urban location would be prohibitive.
34. Whilst I note the Appellant's comments to the effect that spiritual tuition alone would not draw sufficient income to finance premises elsewhere, it has not been demonstrated that a joint holiday/tuition venture similar to that currently operating at Oakhurst would be similarly unviable. Nor has it been shown that the tuition provided is of such significance that an isolated rural location is justified as an exception to established policy or, whilst I appreciate that spiritual tuition can benefit from a quiet environment, that such a degree of seclusion is essential thereto.
35. I have taken into account the advice regarding sustainability contained in the CLG publication *Good Practice Guide on Planning for Tourism* (GPG) at paragraph 5.4. This records that, sometimes, the chosen location for a tourism development will not be sustainable, as it may have been determined by a functional need. It also suggests that for small-scale schemes, the traffic generated is likely to be fairly limited and additional traffic movements are therefore unlikely to be a reason for refusal for otherwise suitable tourism developments.
36. However, I find that the Appeal A development is not 'otherwise suitable' by reason of the visual impact of the building. Moreover, I am not aware of a significant functional need for an unsustainable location in this case and, having applied the considerations set out in paragraph 5.5 of the GPG, do not find that these balance out in favour of the Appeal A scheme. I am also mindful of the greater emphasis placed on sustainable development by the NPPF since the GPG was published in 2006. Accordingly, I find no reason in this particular case to depart from the presumption in the development plan against new-build holiday accommodation in rural locations.



37. I note that saved LP Policy ED20 permits holiday caravans and tents in remote countryside locations subject to certain criteria and acknowledge that such facilities could generate more traffic. However, unlike the Appeal A development accommodation of this kind is, by its very nature, impermanent. In any event, it is not readily apparent that such facilities on the appeal site could fulfil the first policy criterion of avoiding detriment to visual amenity, given the sensitive nature of the location. Indeed, the supporting text discourages such facilities within AONBs.
38. The Appellant suggests that permitted development rights pursuant to Class E of Part 1 of the GPDO provide a fallback position in respect of Appeal A, as they provide for the erection of buildings of similar size within the curtilage of a dwellinghouse that are required for purposes incidental to the enjoyment of the dwellinghouse as such. Land between the dwelling and garage at Oakhurst is identified for this purpose and I acknowledge that the Appeal A building or a similar structure, if erected in that location, would be more prominent in the landscape by reason of the more elevated position and closer proximity to the road.
39. However, even if I were to accept that this alternative location amounts to curtilage land, it has not been shown that there is a likelihood that an incidental building on such a large scale would be reasonably required for incidental purposes in the event that the appeal is dismissed. Although the Appellant suggests that the Appeal A building falls within the area subject to the LDC, it appears from the plan attached to the Certificate that most of the footprint lies outside it. In any event, as already addressed in relation to the driveway, it has not been shown on the balance of probabilities that that this land falls within the curtilage of the dwellinghouse.
40. I acknowledge that visibility for drivers leaving the site is better at the south-westernmost access than at the north-easternmost access that has long served the appeal property. However, traffic levels along Scragged Oak Road are very low and, on the evidence before me, this part of the lane has no record of traffic-related accidents. This being so, I find the access adjacent to the dwellinghouse to be adequate as a means of serving lawful activity at the appeal site, subject to due care and attention being exercised, and that improvements to highway safety facilitated by the driveway would not be so significant as to outweigh considerations of visual harm.
41. The Appellant states that the Appeal A building was erected in August 2008. However, this assertion is not substantiated by cogent evidence and, therefore, I am not persuaded on the information before me that the building is now immune from enforcement action. I note the assertion that income from students and holidaymakers is intended to finance restoration of the orchard at the property together with more tree and hedge planting, in accordance with the objectives of the Kent Downs AONB Management Plan. However, the channelling of income to that effect cannot be secured by means of conditions.
42. Although cited by the Council I find saved LP Policy H31, which militates against changes of use of agricultural land to domestic garden, to be of limited relevance. The driveway does not in itself amount to a garden use and does not occupy a significant area of former agricultural land. I have considered the support for the appeals forthcoming from a number of local residents and former students, the high regard in which the Appellant is held, the financial commitments she has made and the accounts of the

improvements she and her partner have made to the property since they acquired it. I also note the Appellant's comments to the effect that she erected the Appeal A building without permission on the basis of erroneous professional advice. However, neither these nor any other matters are of such significance as to outweigh the considerations that have led to my conclusions on the issues of character and appearance and sustainable development.

### **Conclusions**

43. For the reasons given above I conclude that both appeals should be dismissed.

### **Formal decisions**

#### ***Appeal A: APP/U2235/A/12/2178326***

44. The appeal is dismissed.

#### ***Appeal B: APP/U2235/A/12/2178334***

45. The appeal is dismissed.

*Alan Woolnough*

INSPECTOR









30. 8. 2013



147

30. 8. 2013















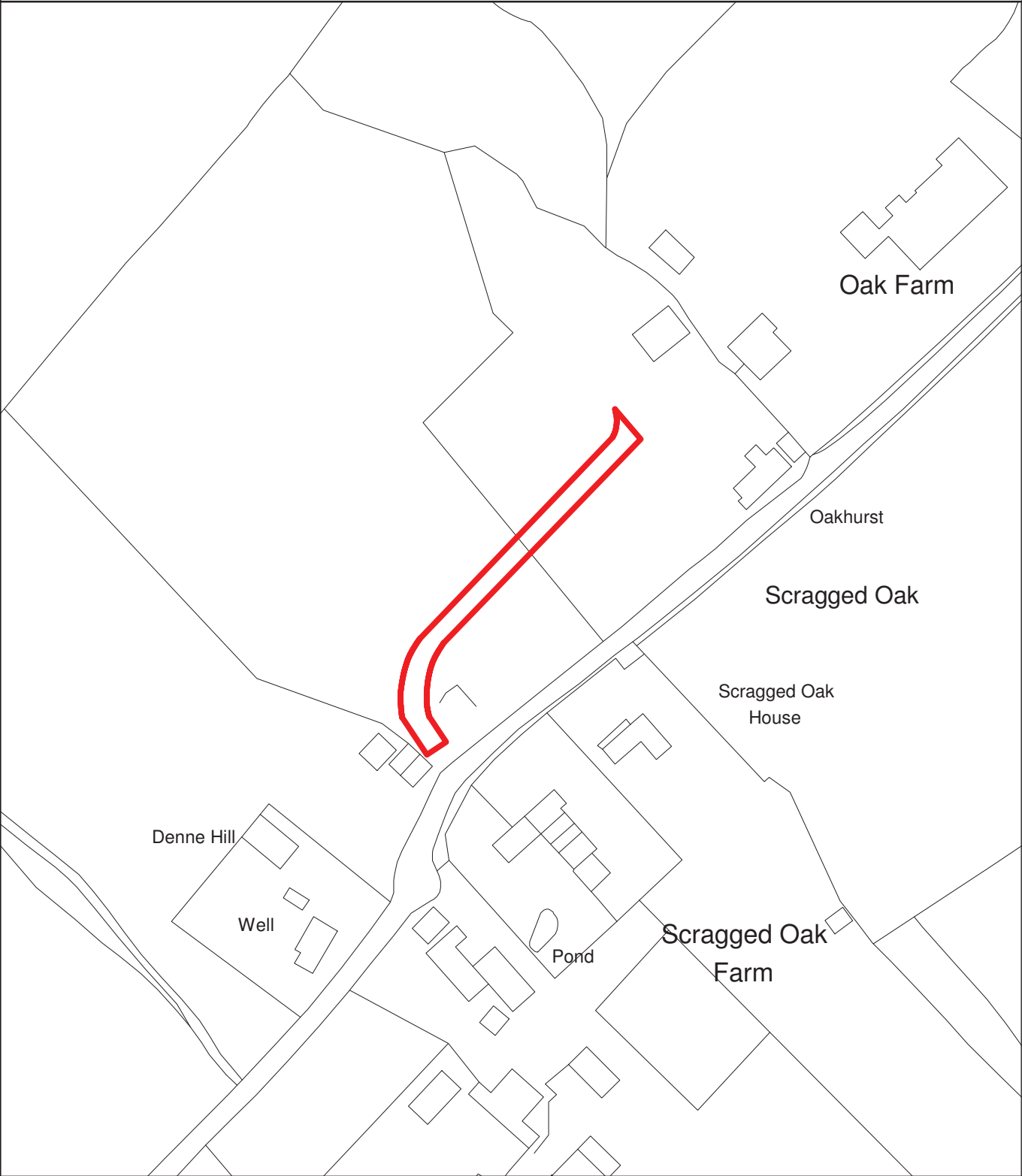


**THE MAIDSTONE BOROUGH COUNCIL**

**PLANNING APPLICATION NUMBER: MA/13/0686**

**GRID REF: TQ8061**

**OAKHURST, SCRAGGED OAK ROAD,  
DETLING.**



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 100019636, 2014. Scale 1:1250



**Rob Jarman**  
**Head of Planning and Development**

APPLICATION: MA/13/0686 Date: 11 April 2013 Received: 19 April 2013

APPLICANT: Mrs Linda Turner

LOCATION: OAKHURST, SCRAGGED OAK ROAD, DETLING, MAIDSTONE, KENT, ME14 3HJ

PARISH: Detling

PROPOSAL: Part retrospective consent for retention of access track over agricultural land to serve Oakhurst as shown on drawing nos: PWP/13/01 and site location plan received on the 19th April 2013.

AGENDA DATE: 6<sup>th</sup> February 2014

CASE OFFICER: Graham Parkinson

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

- It is contrary to views expressed by the Parish Council

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV28, ENV31, ENV33, ENV34,
- Government Policy: NPPF

## **2. HISTORY**

- 2.1 MA/ 86/0094- Alterations and extension to existing bungalow-APPROVED - 12-Mar-1986
- 2.2 MA/86/0094- Alterations and extension to existing bungalow – APPROVED- 12-Mar-1986
- 2.3 MA/ 08/0488- Erection of a rear extension and side verandah.-APPROVED- 02-May-2008
- 2.4 MA/10/2156- Retrospective application for single storey building for teaching of spiritual therapy including student accommodation- REFUSED - 24-May-2011
- 2.5 MA/ 11/1437- Application for a Lawful Development Certificate for an existing use being use of land as residential garden for a period in excess of ten years- APPROVED- 12-Sep



-2011

- 2.6 MA/ 11/1438- Retrospective application for the change of use of land from agricultural to residential and the retention of a driveway-REFUSED- 23-Dec-2011- APPEAL DISMISSED (Decision attached as appendix 1)
- 2.7 MA/11/1439- Erection of single storey building (retrospective) and use for holiday accommodation and teaching of spiritual therapy including student accommodation- REFUSED- 23-Dec-2011 APPEAL DISMISSED (Decision attached as appendix 1).
- 2.8 MA/13/0684- Retention and use of single storey building as home office/annex- UNDETERMINED – This application is also being considered at this meeting.

### **3. CONSULTATIONS**

- 3.1 Detling Parish Council: Objects to the proposal and its comments are summarised as follows:
  - Does not object to the construction of the driveway but does object to the change of use of the orchard as this site lies within an AONB and the North Downs Special Landscape Area.

### **4. REPRESENTATIONS**

- 4.1 5 properties consulted. No representations received

### **5. CONSIDERATIONS**

#### **5.1 Site Description**

- 5.1.1 The application site is located on the north west side of Scragged Oak Road lying in open countryside and falling within the North Downs AONB.
- 5.1.2 The site is occupied by a chalet bungalow located within its south east corner and set slightly back from Scragged Oast Road. To the north west of the immediate garden curtilage serving the property is a detached garage and close to this garage is the building, the subject of this application.
- 5.1.3 To the south west of the immediate garden curtilage the site opens out into an expansive grassed area running across which in a north easterly direction gravelled driveway serving another access onto Scragged Oak Road.

#### **5.2 Proposal**

- 5.2.1 A part retrospective planning permission is sought to retain an access track running over agricultural land and the garden curtilage of Oakhurst. This track has been the subject of a previous appeal dismissed under ref: MA/ 11/1438.

### **5.3 Discussion:**

- 5.3.1 The key issues relating to the retention of this track are considered to be its impact on the character and setting of the AONB, Special Landscape Area (SLA) and rural character of the wider area. It is also sited within a strategic gap while there is a need to take into account the impact on the outlook and amenity of houses overlooking and abutting the site.

### **5.4 Impact on AONB, SLA, Strategic Gap and rural character:**

- 5.4.1 A key material issue in assessing the impact of the track is the dismissed appeal for the change of use of land from agricultural to residential and the retention of a driveway.
- 5.4.2 The Inspector objected to both parts of the track falling within the acknowledged garden curtilage of Oakhurst and that part crossing the adjoining agricultural land on visual amenity grounds. It is now intended to thicken up of the hedging fronting Scragged Oak Road in front of the existing residential curtilage. It is considered that this measure will ensure that this part of the track will be sufficiently well screened to avoid visual harm.
- 5.4.3 The part of the track running over the agricultural land will be reduced in width from 5.5 to 3 metres with type 1 stone as a surface treatment. Given the width reduction and choice of wearing surface (which will give the impression of a rough farm track rather than that of a domestic driveway) it is considered that the visual impact of this part of the track is also now acceptable.
- 5.4.4 It is therefore considered that the proposed additional screening, reduction in track width and choice of wearing surface all combine to reduce the overall impact of the track where it will no longer have any material impact on the character and setting of the AONB, SLA or rural character of the area. Furthermore it is not considered that retention of the track as proposed will compromise the wider function of the strategic gap.
- 5.4.5 As an additional point tracks to houses in the countryside can often be defined by lighting. If not carried out in a sensitive manner this can appear as visually intrusive and harmful to the night-time rural environment. As such a condition should be imposed requiring details of lighting.

- 5.4.6 Another issue that has been raised relates to the erection of brick walls and piers and entrance gates to the existing field access onto Scragged Oast Road. As the brick walls, piers and gates all exceed 1 metre in height and are adjacent to the road, planning permission would normally be required for their retention.
- 5.4.7 In response the applicants have submitted an invoice dated the 10<sup>th</sup> March 2009 for the erection of gates to this access. This invoice makes reference to gate post/piers already being in place.
- 5.4.8 Based on this submitted evidence and in the absence of evidence to the contrary being in possession of the Council, it would appear likely that the gates, piers and brick walls were in place from early 2009.
- 5.4.9 Notwithstanding the length that the works have been in place, it is considered that they are acceptable in visual amenity terms and as such no further action is therefore recommended.

**5.5 Impact on the outlook and amenity of dwellings overlooking and abutting the site:**

- 5.5.1 The track as proposed, will it is considered, now have little visual impact outside the site. As such, no material harm is identified to the outlook of properties on the opposite side of Scragged Oak Road.

**5.6 Other matters:**

- 5.6.1 The Parish Council comments regarding the change of use of the orchard are noted. However the change of use only affects the land over which the access runs, which is now to be reduced to 3 metres in width with a length of just over 40 metres. This loss is considered nominal having regard to the overall site area and will not, it is considered, have any material impact on the productive capacity of the wider area of land for agricultural purposes.

**6. CONCLUSIONS**

- 6.1 For the reasons set out above it is considered that the retention of the track as amended is now acceptable in its visual impact, will not result in material harm to the character and setting of the AONB, SLA, or rural character of the area or compromise the function of the strategic gap. In addition it is not considered that it will result in demonstrable harm to the outlook of houses almost opposite the site in Scragged oak Road.

- 6.2 In the circumstances is considered that the development is now acceptable and that retrospective planning permission to retain the track, as amended, should be granted as a consequence.

## **7. RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

1. Within 3 months from the date of this planning permission the following works shall be carried out being (a) removal of the area of drive as shown on drawing no:PWP/13/01 and the resultant area grassed over and (b) removal of the existing wearing surface on the length of track to reduced to 3 metres in width and its reinstatement with type 1 roadstone and retained as such at all times thereafter.

Reason: In the interests of visual amenity.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: as shown on drawing nos: PWP/13/01 and site location plan received on the 19th April 2013.

Reason: To ensure the quality of the development is maintained in the interests of visual amenity.

3. Within 3 months from the date of this planning permission the new shrub planting as shown on drawing no:PWP/13/01 shall be provided. The planting shall be allowed to grow up to a height of no less than two metres and thereafter maintained at no less than 2 metres in height. Any part of the shrub planting that becomes dead, dying or diseased shall be replaced with a similar species of a size to be agreed in writing beforehand with the Local Planning Authority and shall be retained at all times in accordance with the terms of this condition.

Reason: In the interests of visual amenity.

4. No lighting whatsoever shall be installed on site to identify the line of the track hereby approved without first obtaining the prior permission in writing of the Local Planning Authority. Lighting shall only be installed in accordance with the approved details and retained as such at all times thereafter.

Reason: In the interests of visual amenity and to safeguard the night-time rural environment.

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 there are no overriding material considerations to indicate a refusal of planning consent.



---

## Appeal Decisions

Site visit made on 20 November 2012

**by Alan Woolnough BA(Hons) DMS MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 December 2012

---

### **Appeal A: APP/U2235/A/12/2178326**

**Oakhurst, Scragged Oak Road, Detling, Maidstone, Kent ME14 3HJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs Linda Turner against the decision of Maidstone Borough Council.
- The application ref no MA/11/1439, dated 16 August 2011, was refused by notice dated 23 December 2011.
- The development proposed is described on the application form as: 'Retention of single storey building and use as holiday accommodation and for teaching of spiritual therapy including student accommodation'.

**Summary of Decision: The appeal is dismissed.**

---

### **Appeal B: APP/U2235/A/12/2178334**

**Oakhurst, Scragged Oak Road, Detling, Maidstone, Kent ME14 3HJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs Linda Turner against the decision of Maidstone Borough Council.
- The application ref no MA/11/1438, dated 16 August 2011, was refused by notice dated 23 December 2011.
- The development proposed is described on the application form as: 'Change of use of part of orchard to residential curtilage and retention of driveway (retrospective)'.

**Summary of Decision: The appeal is dismissed.**

---

### **Procedural Matters**

1. By the time of my visit, the development the subject of both appeals had already taken place.
2. The description given on the application form of the development now the subject of Appeal B, as set out in the above heading, is inadequate as a basis for a grant of planning permission. Rather than connoting a use of land, the term 'residential curtilage' is a legal concept defining an area of land in relation to a building. Permission should more properly be sought for a *material* change of use (this being the act of development as defined by statute) to use incidental to the enjoyment of the adjacent dwellinghouse as such.
3. Moreover, 'retention' of the driveway does not amount to development. Permission should instead be sought retrospectively for its construction. I will therefore determine Appeal B on the basis of a revised description, which reads: *The material change of use of orchard land to land used for purposes incidental to the enjoyment of the adjacent dwellinghouse as such and the*

*construction of a driveway.* There is no prejudice to the interests of any party in doing so.

4. I note that, in its statement on Appeal B, the Council refers to the construction of a vehicular access as forming part of the appeal development. However, this is not the case. The creation of a new access is specifically excluded from the development for which planning permission is sought, by reason of section 6 of the application form. The Appellant maintains that the access point at the south-western end of the driveway was an established field access. Nothing before me suggests that the Council took a contrary view in determining the application and it provides no cogent explanation on appeal as to why I should now do so. Therefore, neither the creation of the access nor the erection of the gates, piers and walling across and adjacent to its bellmouth are before me to consider. My decision on Appeal B must be confined to the hardsurfacing works that have taken place and the material change of use associated therewith.
5. A Certificate of Lawful Use or Development (LDC) was granted under section 191 of the 1990 Act as amended on 30 January 2012 for use of an area of land at Oakhurst as residential garden (ref no MA/11/1437). The driveway traverses this area of land and the Appellant suggests that, consequently, only part of it (to the south-west of the land in question) now falls outside the residential curtilage of Oakhurst and continues to be subject to Appeal B. However, this suggestion is ill-founded.
6. Appeal B is against the refusal of planning permission for the construction of the driveway as a whole and the material change of use of the land it occupies, this being the scope of the planning application at the point of determination by the Council. A subsequent grant of planning permission for part of that driveway, let alone a LDC relating to land that it occupies, could not alter that fact or reduce the scope of the appeal. Rather, such considerations can, in some circumstances, provide a fallback position that must be taken into account in determining the appeal.
7. Moreover, although the Appellant's reasoning is not set out explicitly, she appears to suggest that the LDC conveys curtilage status to part of the land occupied by the driveway and that, consequently, that section of driveway benefits from deemed planning permission pursuant to Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (the GPDO), by reason of Class F of Part 1 of Schedule 2 thereto. I am unable to accept such an argument, for a number of reasons.
8. Even if I were to regard that part of the land crossed by the driveway as now falling within the curtilage of the dwellinghouse by reason of the LDC, I do not know whether use of the land in question as residential garden attained lawfulness by reason of the passage of time before or after construction of the driveway commenced, precise information as to the timing of either event not having been provided<sup>1</sup>. If the lawfulness of the garden use had not been attained by the time that construction began, the driveway could not benefit from permitted development rights under the GPDO, by reason of Article 3(5) thereof.

---

<sup>1</sup> The date on which a section 191 LDC is granted is not the date on which lawfulness of the matter it addresses is attained. The latter is also unlikely to be the date on which the LDC application was made, to which the grant of the LDC relates in accordance with section 191(4). In all probability, lawfulness will have been attained some time before a successful application is made.

9. Additionally, a single development cannot be subdivided into parts that are permitted development and parts that are not, a point of law long established by the judgment in *Garland v MHLG* [1968] 20 P&CR 93. It has not been shown that the driveway was constructed in two distinct phases, one of which fell within curtilage land and one which did not. This being so, I must assume that it was a single operation and, this being so, no part of the driveway can benefit from Class F rights, irrespective of when work commenced.
10. In any event, lawful use as garden land does not necessarily convey residential curtilage status. Although residential curtilage will frequently equate with the residential planning unit, it is not uncommon for land beyond the curtilage, but nonetheless in the same unit of occupation, to be used lawfully for residential purposes incidental to the enjoyment of a dwellinghouse as such. The Appellant has not demonstrated by reference to the relevant case law that the land subject to the LDC forms part of the curtilage of the dwellinghouse at Oakhurst. Nor is it readily apparent from other evidence before me, including observations made during my visit to the site, that this is the case. As the burden of proof rests firmly with the Appellant in such circumstances, I must assume for the purposes of both appeals that the LDC land does not enjoy curtilage status and thus cannot benefit from rights pursuant to Part 1 of Schedule 2.
11. The Appellant has submitted a revised drawing with Appeal B, which I am asked to accept as an amendment to the driveway scheme. This depicts a 0.3 metre reduction in the width of the driveway for which permission was initially sought. The revised drawing also depicts the retention of an existing gate adjacent to the dwellinghouse as an emergency access, whereas this was proposed on the original plan for stopping up by means of a hedgerow.
12. Having regard to case law arising from the judgment in *Bernard Wheatcroft Ltd v SSE & Harborough DC* [1982] JPL 37, I am satisfied that the development is not so changed by reason of this drawing that to approve it would be to deprive those who should have been consulted on the changed development of the opportunity of such consultation and am mindful that the Council has addressed the amendment in its submissions on the appeal. I will therefore accept it as an amendment to the Appeal B scheme.
13. I also note the Appellant's intention to remove or grass over the turning head at the south-western end of the driveway once building works to the dwelling have been completed. However, this facility is shown in both the original and revised drawings as forming part of the development for which permission is sought and has been constructed on site. I will therefore regard it as part of the development for the purposes of determining Appeal B but, in doing so, will bear in mind the possible merits of removing or grassing over the turning head.

### **Main Issues**

14. The main issues in determining these appeals are the effect of the development on:
  - In the case of both appeals, the character and appearance of the surrounding area, having regard to the location of the site within the Kent Downs Area of Outstanding Natural Beauty (AONB) and the North Downs Special Landscape Area (SLA);
  - in the case of Appeal A only, objectives of sustainable development; and



- whether any harm arising from the above issues is outweighed by other material considerations.

## **Planning Policy**

15. The development plan includes the South East Plan 2009 (SEP) and certain policies of the Maidstone Borough Wide Local Plan 2000 (LP) that have been saved following a Direction made by the Secretary of State. It is the Secretary of State's stated intention to revoke the SEP. Nonetheless, it continues to have effect at the present time and I therefore give full weight to its policies for the purposes of these appeals.
16. Paragraph 215 of the National Planning Policy Framework (NPPF) indicates that due weight should be given to saved policies in existing Local Plans according to their degree of consistency with the NPPF. I find no significant conflict in this regard and, accordingly, will give the saved LP Policies cited full weight insofar as they are relevant to the appeals.

## **Reasoning**

### *Character and appearance*

17. Oakhurst occupies a very attractive location, characterised by narrow rural lanes, high hedgerows and predominantly agricultural land, interspersed with pockets of woodland and isolated clusters of buildings. Its setting is therefore particularly sensitive in landscape terms. The statutory purpose of an AONB, as set out in section 82(2) of the Countryside and Rights of Way Act 2000 as amended, is the conservation and enhancement of the natural beauty of the area. Under section 85(1) thereof, I am obliged to have regard to this purpose. Although paragraph 115 of the NPPF refers only to the conservation of landscape and scenic beauty of AONBs it does not supersede statute and, in any event, both set a high hurdle.
18. There is a well-established hedgerow along the Scragged Oak Road frontage of the site, which partially screens the subject building and driveway from public view. I also acknowledge that neither development is unduly prominent in views from the public footpath to the south-west. However, both driveway and building can be seen through the vehicular access adjacent to the dwellinghouse, whilst part of the driveway can also be seen through the access at its south-western end. I found the Appeal A building to be significantly more harmful in visual terms than the Appellant contends, bearing in mind the sensitive nature of the landscape. Rather than being subsumed by the adjacent cluster of built development, it compounds the visual impact of the former on the countryside. Moreover, it has a residential rather than agricultural appearance by reason of its porch and fenestration, which is not mitigated significantly by its external materials and finishes.
19. I therefore found it to read in the landscape as a domestic intrusion into a highly sensitive rural setting that results in visual harm. I have noted comments by some local residents to the effect that the building has replaced a somewhat ramshackle collection of sheds, greenhouses and sundry debris. However, in the absence of photographic evidence to the contrary it seems likely that these lacked the domestic qualities of the appeal development. In any event, I have no knowledge of their scale or prominence and any visual detriment associated therewith could have been resolved by simple demolition and clearance rather than replacement.

20. The driveway is similarly intrusive. I note the Appellant's reasons for providing a solid durable surface to the bellmouth access and, in making my assessment, have disregarded the gates, piers and walling. However, setting these features aside I still found the driveway as constructed to draw the eye by reason of its width and the golden gravel with which it is surfaced. Notwithstanding the Appellant's assertion that this material is common in the rural parts of the area it is, in my experience, more commonly associated with residential properties than agricultural settings. Consequently, the south-western end of the driveway in particular, being located so far from the dwellinghouse at Oakhurst, appears incongruous and introduces a further unwelcome domestic element to the rural lane. The existing hedgerow and additional planting proposed on either side of the driveway or further from the road provide, by their very nature, only temporary visual mitigation.
21. The Appellant's account of the width of the driveway as existing varies between 4.2 metres and 5.5 metres, depending on the plan or statement consulted. However, assuming that the driveway is presently 5.5 metres wide, as shown on the original layout drawing, a reduction in width of only 0.3 metres as indicated in the amended layout would make very little difference in terms of visual impact. Nor would the removal of the turning head help significantly in this regard. Retention of the vehicular access adjacent to the dwellinghouse, as now proposed, rather than stopping it up would merely consolidate the prominence of the driveway at its north-eastern end. Even if stopping up were to be re-considered, planting would not provide sufficient permanence as a visual screen and a solid frontage treatment, such as a fence, would itself be intrusive.
22. Although a permitted development fallback position for the driveway has not been demonstrated, I have nonetheless considered whether the fact that part of it runs through what is now a lawful residential garden has any implications for my assessment of its visual consequences. I acknowledge that surfacing of this kind might, in some circumstances, be more readily assimilated into such a setting. However, the considerable width for which permission is sought, which is markedly greater than usually associated with a residential property, and the starkness of its surface prevent the driveway from being subsumed by its surroundings. In any event, most of it remains outside the lawful garden and, given that its purpose is to provide access to the entire property, there is no logical basis for granting planning permission for only part of the driveway.
23. I find that neither building nor driveway conflicts significantly with the objectives of maintaining the Strategic Gap between Maidstone and the Medway Towns in which the appeal site lies, as set out in saved LP Policy ENV31. However, this finding does not outweigh the harm to the AONB and SLA that has arisen in this case. I also note that there are other unsightly developments in the lane, as cited by the Appellant. Nonetheless, each scheme must be assessed primarily on its own merits and I have no knowledge of the circumstances relevant to those other cases. In any event, such examples are far from characteristic of the area and, where they do occur, are unworthy of replication.
24. I conclude that the development the subject of both Appeals A and B fails to conserve and enhance the natural beauty of the AONB and SLA. Both building and driveway are therefore contrary to SEP Policies CC6 and C3, saved LP Policies ENV28, ENV33 and ENV34 and the relevant provisions of the NPPF.

*Sustainable development*

25. This issue is relevant only to Appeal A. The appeal premises are located in the countryside, well outside the confines of any built-up area as defined by the development plan and are not within easy reach of public transport facilities. I acknowledge that those attending for spiritual tuition may well remain at the appeal premises for the whole of their stay and take note of the supporting information provided by the Appellant in this regard. However, this activity would account for only 40 days per year, with the remainder devoted to holidaymakers in the broader sense.
26. The Appellant intends to market the facility in such a way that holidaymakers such as ramblers and cyclists, referred to by the Appellant as 'non car owners' would be targeted. However, such an objective cannot be enforced by means of planning controls and, in any event, these are not mutually exclusive categories. I think it probable, in the absence of evidence to the contrary, that many visitors with such interests would bring at least one vehicle to add flexibility and convenience to their stay. Car movements thus generated would therefore, in all likelihood, amount to considerably more than the Appellant's estimated worst case scenario of two per day.
27. Accordingly, I find it probable that most visitors would be highly dependent on the private car when travelling to and from the site. I note that the Appellant is prepared to drive people between Oakhurst and the railway station. However, this again could not be enforced and it remains the case that, irrespective of this option, visitors who do not drive themselves may choose to travel by taxi during their stay in addition to arrival and departure.
28. The NPPF seeks to ensure that proposals are sustainable economically, socially and environmentally, in accordance with a definition of sustainable development set out in paragraphs 7 and 8 thereof. Indeed, there is a presumption in favour of sustainable development at the heart of the NPPF, as stated in paragraph 14. The economic component is addressed in this case by the employment prospects facilitated by the Appellant's business and the contributions that guests are likely to make to the local economy. However, the appeal facility fulfils no significant community function of which I have been made aware.
29. I have no reason to consider that the building is contrary to the sustainable design and construction objectives of SEP Policy CC4. However, the environmental objectives of sustainable development are compromised significantly by the harm to the AONB and SLA that results from the building itself and by high dependence on the private car and the adverse implications that this has for the prudent use of natural resources, minimisation of pollution and movement towards a low carbon economy. Paragraph 29 of the NPPF recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. Nonetheless, the general thrust of national policy remains, in essence, the channelling of traffic-generating uses to built-up areas wherever practicable.
30. I conclude that, on balance, the Appeal A development is contrary to national and local objectives related to sustainable development. It therefore conflicts with SEP Policy CC1 and the relevant provisions of the NPPF.

*Other material considerations*

31. I have considered all the other matters raised, including national and local policy related to tourism. Although I have not seen inside the building, I have no reason to question that the facilities are of a high standard and take note of the advice from Tourism South East that there is a healthy demand for high quality self catering accommodation in the North Downs. I also acknowledge that tourism can contribute to the local economy and is encouraged in general terms in rural areas by SEP Policies TSR2 and TSR5 and paragraph 28 of the NPPF.
32. However, whilst saved LP Policy ENV44 supports the reuse and adaptation of existing rural buildings for such purposes, it does not provide for new-build tourist accommodation in the countryside. As the Appeal A development is unlawful, it cannot be regarded as an 'existing building' for the purposes of applying this policy. Acceptable development outside defined confines is limited by saved LP Policy ENV28 to certain categories, which do not include new-build tourism facilities. Rather, saved LP Policy ED17 provides for such proposals within urban and village boundaries.
33. I do not question that the Appeal A accommodation is well-located for those seeking a peaceful environment or intending to walk the local footpaths. However, these considerations alone cannot justify additional built development that fails to conserve the natural beauty of the AONB. I am not persuaded that the specific nature of the holiday/tuition service offered in this case is such that it could not be provided through the conversion of an existing rural building or that a village or urban location would be prohibitive.
34. Whilst I note the Appellant's comments to the effect that spiritual tuition alone would not draw sufficient income to finance premises elsewhere, it has not been demonstrated that a joint holiday/tuition venture similar to that currently operating at Oakhurst would be similarly unviable. Nor has it been shown that the tuition provided is of such significance that an isolated rural location is justified as an exception to established policy or, whilst I appreciate that spiritual tuition can benefit from a quiet environment, that such a degree of seclusion is essential thereto.
35. I have taken into account the advice regarding sustainability contained in the CLG publication *Good Practice Guide on Planning for Tourism* (GPG) at paragraph 5.4. This records that, sometimes, the chosen location for a tourism development will not be sustainable, as it may have been determined by a functional need. It also suggests that for small-scale schemes, the traffic generated is likely to be fairly limited and additional traffic movements are therefore unlikely to be a reason for refusal for otherwise suitable tourism developments.
36. However, I find that the Appeal A development is not 'otherwise suitable' by reason of the visual impact of the building. Moreover, I am not aware of a significant functional need for an unsustainable location in this case and, having applied the considerations set out in paragraph 5.5 of the GPG, do not find that these balance out in favour of the Appeal A scheme. I am also mindful of the greater emphasis placed on sustainable development by the NPPF since the GPG was published in 2006. Accordingly, I find no reason in this particular case to depart from the presumption in the development plan against new-build holiday accommodation in rural locations.



37. I note that saved LP Policy ED20 permits holiday caravans and tents in remote countryside locations subject to certain criteria and acknowledge that such facilities could generate more traffic. However, unlike the Appeal A development accommodation of this kind is, by its very nature, impermanent. In any event, it is not readily apparent that such facilities on the appeal site could fulfil the first policy criterion of avoiding detriment to visual amenity, given the sensitive nature of the location. Indeed, the supporting text discourages such facilities within AONBs.
38. The Appellant suggests that permitted development rights pursuant to Class E of Part 1 of the GPDO provide a fallback position in respect of Appeal A, as they provide for the erection of buildings of similar size within the curtilage of a dwellinghouse that are required for purposes incidental to the enjoyment of the dwellinghouse as such. Land between the dwelling and garage at Oakhurst is identified for this purpose and I acknowledge that the Appeal A building or a similar structure, if erected in that location, would be more prominent in the landscape by reason of the more elevated position and closer proximity to the road.
39. However, even if I were to accept that this alternative location amounts to curtilage land, it has not been shown that there is a likelihood that an incidental building on such a large scale would be reasonably required for incidental purposes in the event that the appeal is dismissed. Although the Appellant suggests that the Appeal A building falls within the area subject to the LDC, it appears from the plan attached to the Certificate that most of the footprint lies outside it. In any event, as already addressed in relation to the driveway, it has not been shown on the balance of probabilities that that this land falls within the curtilage of the dwellinghouse.
40. I acknowledge that visibility for drivers leaving the site is better at the south-westernmost access than at the north-easternmost access that has long served the appeal property. However, traffic levels along Scragged Oak Road are very low and, on the evidence before me, this part of the lane has no record of traffic-related accidents. This being so, I find the access adjacent to the dwellinghouse to be adequate as a means of serving lawful activity at the appeal site, subject to due care and attention being exercised, and that improvements to highway safety facilitated by the driveway would not be so significant as to outweigh considerations of visual harm.
41. The Appellant states that the Appeal A building was erected in August 2008. However, this assertion is not substantiated by cogent evidence and, therefore, I am not persuaded on the information before me that the building is now immune from enforcement action. I note the assertion that income from students and holidaymakers is intended to finance restoration of the orchard at the property together with more tree and hedge planting, in accordance with the objectives of the Kent Downs AONB Management Plan. However, the channelling of income to that effect cannot be secured by means of conditions.
42. Although cited by the Council I find saved LP Policy H31, which militates against changes of use of agricultural land to domestic garden, to be of limited relevance. The driveway does not in itself amount to a garden use and does not occupy a significant area of former agricultural land. I have considered the support for the appeals forthcoming from a number of local residents and former students, the high regard in which the Appellant is held, the financial commitments she has made and the accounts of the

improvements she and her partner have made to the property since they acquired it. I also note the Appellant's comments to the effect that she erected the Appeal A building without permission on the basis of erroneous professional advice. However, neither these nor any other matters are of such significance as to outweigh the considerations that have led to my conclusions on the issues of character and appearance and sustainable development.

### **Conclusions**

43. For the reasons given above I conclude that both appeals should be dismissed.

### **Formal decisions**

#### ***Appeal A: APP/U2235/A/12/2178326***

44. The appeal is dismissed.

#### ***Appeal B: APP/U2235/A/12/2178334***

45. The appeal is dismissed.

*Alan Woolnough*

INSPECTOR









30. 8. 2013



169

30. 8. 2013





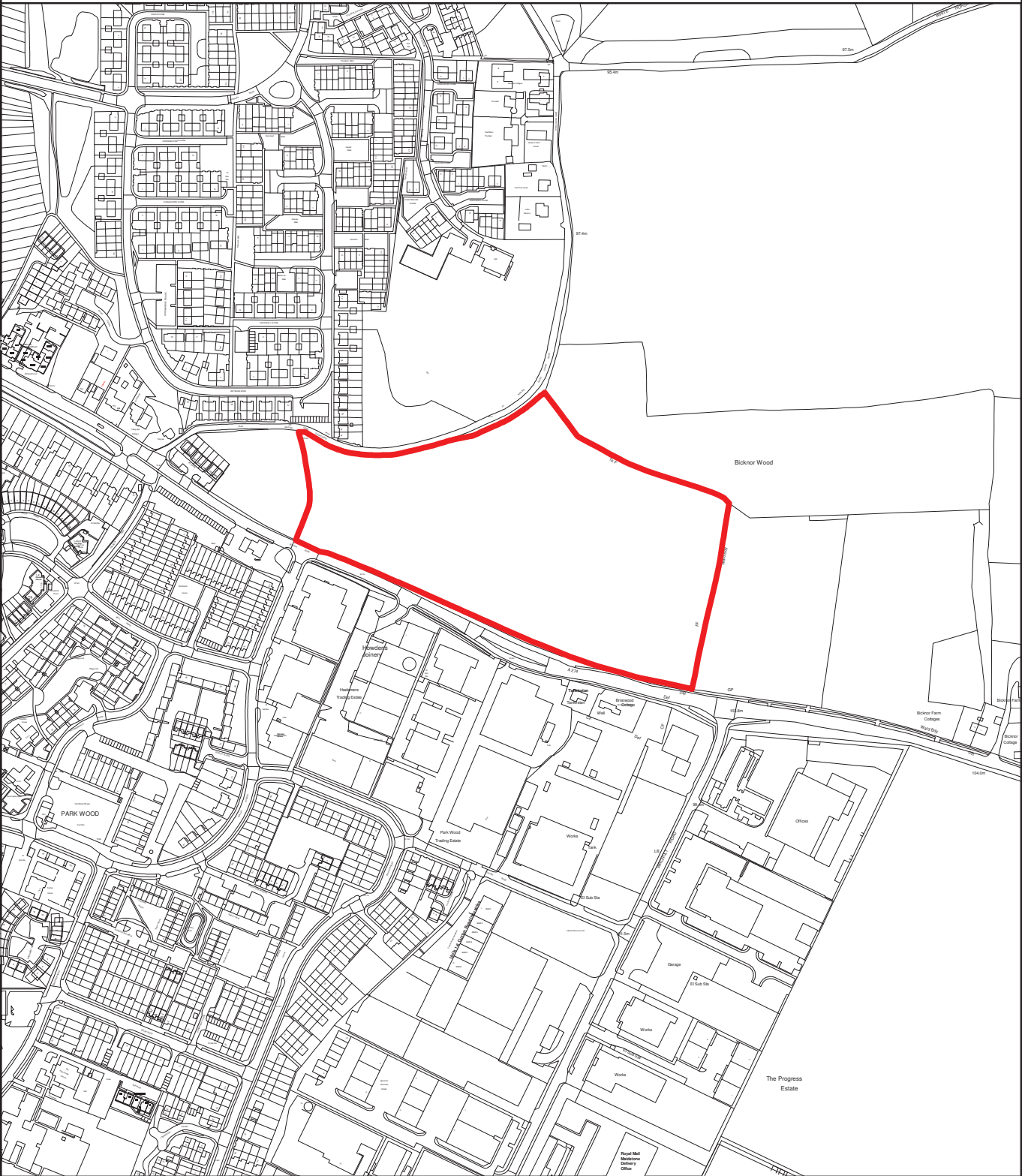


THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/0951

GRID REF: TQ7952

LAND NORTH OF SUTTON ROAD,  
OTHAM.



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 100019636, 2014. Scale 1:5000



**Rob Jarman**  
**Head of Planning and Development**

APPLICATION: MA/13/0951      Date: 29 May 2013 Received: 31 May 2013

APPLICANT: Bellway Homes (South East) Limited

LOCATION: LAND NORTH OF, SUTTON ROAD, OTHAM, KENT

PARISH: Maidstone, Otham

PROPOSAL: Full application for residential development of 186 dwellings comprising a mixture of 2, 3 ,4 and 5 bedroom properties with associated parking, landscaping, amenity space and engineering works in accordance with the design and access statement; sustainability assessment; cultural heritage assessment; submitted house types; transport assessment; flood risk assessment (including drainage assessment); phase 1 and 2 site investigation; planning statement; landscape and visual impact assessment; noise assessment; ecological assessment; statement of community involvement; air quality assessment submitted on the 4 June 2013 and layout plans submitted on 28 October 2013.

AGENDA DATE: 6th February 2014

CASE OFFICER: Chris Hawkins

## **1. Background**

1.1. **This application** was heard at the previous Committee meeting (held on the 16 January 2014) with a recommendation for approval given by Officers. However, following concerns by some Members, the application was deferred for further consideration.

### **1.2 Reasons for Deferral**

- Further consideration of the draft Heads of Terms for a S106 legal agreement specifically to examine alternative sustainable transport options to mitigate the impact of the development on Sutton Road which are not tied to road widening; and
- Receipt of a suitable viability assessment to establish whether the development can achieve 40% affordable housing and Level 4 of the Code for Sustainable Homes in accordance with existing and emerging Local Plan policy; and
- Negotiation of landscaping to retain as much as possible of the hedgerow and trees to the Sutton Road frontage and provision of defensive planting along the interface between the site and Bicknor Wood.

## **2. PROPOSAL**

- 2.1 The proposal is as set out within the previous report which is appended to this paper.

## **3. MATTERS FOR CONSIDERATION**

- 3.1 The first ground for deferral relates to the provision of highway mitigation. The Council have since re-visited this matter, and have concluded that it is still appropriate to request contributions for highway improvements (contributions of £3000 per unit). This is on the basis that the applicants provide the contributions that would then provide highway enhancements that would include (but will not necessarily be exclusive to) the following:
- Improve carriageway capacity including prioritising the use of the existing carriageway;
  - Bus prioritisation measures (at appropriate times of the day) for the length of the corridor;
  - Enhancement of the corridor to benefit pedestrians and cyclists, including where appropriate enhanced and additional crossing points;
  - Mitigation measures to protect residential amenities and the general environment;
  - Structural native tree planting along the corridor where possible.
- 3.2 At present, there are two options on the table – the additional lane of vehicular traffic (with bus prioritisation measures), and 'do nothing'. The additional lane has been identified by the applicants as addressing this matter within their three transport assessments that accompany the applications; and this has been assessed, and agreed by Kent Highway Services (KHS). Indeed, consistently through the formulation of both the emerging Policy, and through the discussions relating to these proposals, the support of this additional lane from KHS has been clear. It is for this reason that it is embedded in the existing (T2 of the Maidstone Borough Wide Local Plan) and interim/emerging policies of this Council. The 'do nothing' approach would result in an objection from KHS on the basis that the development would result in traffic movements that would take the A274 beyond its capacity.
- 3.3 If the applications are approved, the contributions would be made to Maidstone Borough Council who (alongside Kent County Council) would be responsible for the delivery of the highway improvements.
- 3.4 Should the highway mitigation not be provided within a suitable timescale then any money given to the Authority would need to be returned to the applicants within an agreed timescale (usually five years).

- 3.5 With regards to the viability, discussions have taken place between the Council and the applicants, and further information will be made available for Members prior to the Planning Committee by way of an urgent update report, and will be based upon the Council's own evidence base.
- 3.6 With regards to the amendments to the landscaping scheme, it has been agreed that amended plans will be made available prior to the Committee meeting. This will be dealt with by way of an urgent update report.

#### **4. RECOMMENDATION**

Give the Head of Development Management DELEGATED POWERS TO APPROVE subject to the receipt of a suitable S106 legal agreement that provides the following:

- The provision of a minimum of 30% affordable housing;
- Contributions of £3000 per residential unit for necessary enhancements of the Sutton Road as a transport corridor in order to mitigate the impacts of the development;
- Contributions of £300 per residential unit for enhancements of the Willington Street junction;
- Contributions of £132,372 for towards improvements to health care provision within the locality;
- Contributions for primary education of £14,285 per pupil\*. This would be to provide a new primary school on site – with land of not less than 2.05ha in area. This primary school should be provided prior to the completion of the (cumulative) 350<sup>th</sup> dwelling of this site and the sites to the south and north of Sutton Road (MA/13/01523 and MA/13/1149).
- Contributions towards the land acquisition costs for the primary school on the land at Langley Park.
- Contributions for secondary education of £589.95 per flat and £2359.80 per house. This would be for the expansion of existing secondary schools that the application site falls within the catchment area of.
- Contributions for additional book stock within local libraries - £128.44 per dwelling.
- Contributions towards community learning of £30.34 per dwelling to be spent within the Maidstone Borough.
- Contributions towards youth services of £8.39 per dwelling to be spent within the Maidstone Borough.
- Contributions towards adult social care of £97.26 per dwelling to be spent within the Maidstone Borough.
- Contributions of £132,990 for the enhancement of sports and recreation facilities within a 2 mile radius of the application site.
- Contributions towards the provision of a community facility on the Langley Park site.

- The provision of an equipped play area that straddles this application site and that of the 'Redrow' site (MA/13/1523).
- The provision of a pedestrian controlled crossing between the application site (preferably closest to the 'Redrow' site) and the Langley Park site. This should be provided prior to the first occupation of the proposed school, or commercial area – whichever is delivered first. The cost of this provision shall be split equitably between the applicants of this site, and the applicants of MA/13/1523.

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

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

2. The development shall not commence until, written details and samples of the materials 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.

3. The development shall not commence until, details of all fencing, walling (which shall include ragstone walling along the point of access) and other boundary treatments 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.

4. The development shall not commence until, details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be provided before the first occupation of the buildings or land and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity.

5. The development shall not commence until, details of the colour of the external finish of 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: In the interests of visual amenity.

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. The development shall not commence until, details of the means of vehicular access to the site, including the road width, kerb radii, visibility splays and details of finishing materials, have been submitted to and approved in writing by the Local Planning Authority;

Reason: No such details have been submitted and in the interests of highway safety and visual amenity.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 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.

9. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include:
  - Notwithstanding the details submitted to date, the provision of tree and low shrub planting along the southern boundary using native species;
  - The use of a range of natural flowering and berry bearing species of trees;
  - Areas of grassland to be managed as rough grassland - both adjacent to tree belt, and road verges;

- The provision of bird and bat boxes within the development;
- Deadwood habitat piles.

together with indications of all existing trees and hedgerows on the land, and details of any to be retained, and measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. 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.

10. 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.

11. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) '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.

12. Notwithstanding the information submitted to date, 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. The open areas within the residential development site shall remain open and available for public access and no fences, gates or other means of enclosure shall be placed or erected to preclude access to these areas at any time without the prior approval of the Local Planning Authority.

Reason: In the interests of permeability throughout the site, and to maintain the character and appearance of the landscaped areas.

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

Reason: To secure a high standard of design.

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

Reason: To ensure a high quality design.

20. 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.

21. 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.

22. 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.

23. The details of the landscaping of the site required to be submitted by Condition 10 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.

24. There shall be no occupation of the development hereby permitted until the provision of the point of access from the Sutton Road (A274) has been provided in accordance with the plans submitted to date. Full details of the proposed access shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

25. The development shall be carried out in accordance with the recommendations of the submitted ecological report.

Reason: To ensure the impact of the development is suitably mitigated.

26. The development shall be carried out in accordance with the submitted travel plan.

Reason: To ensure that the proposal is delivered in a sustainable manner, and to reduce the impact upon air quality.

27. No development shall take place until a long term management plan for the maintenance of the landscaping within the site has been submitted and approved in writing by the Local Planning Authority. The site shall then be managed in accordance with the submitted plan.

Reason: In order to secure the long term appearance of the development.

28. The development shall be undertaken in accordance with the submitted arboricultural report.

Reason: In the interest of visual amenity.

### **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](http://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.

Within any submitted landscape plan, full details of the retention of cordwood within the site shall be submitted.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and the emerging Maidstone Local Plan, and there are no overriding material considerations to indicate a refusal of planning consent. The proposal does not however comply with the Affordable Housing DPD (which forms part of the Development Plan) however it is considered that in this instance this is considered to be acceptable by virtue of the policies within the emerging Local Plan



APPLICATION: MA/13/0951 Date: 29 May 2013 Received: 31 May 2013

APPLICANT: Bellway Homes (South East) Limited

LOCATION: LAND NORTH OF, SUTTON ROAD, OTHAM, KENT

PARISH: Maidstone, Otham

PROPOSAL: Full application for residential development of 186 dwellings comprising a mixture of 2, 3 ,4 and 5 bedroom properties with associated parking, landscaping, amenity space and engineering works in accordance with the design and access statement; sustainability assessment; cultural heritage assessment; submitted house types; transport assessment; flood risk assessment (including drainage assessment); phase 1 and 2 site investigation; planning statement; landscape and visual impact assessment; noise assessment; ecological assessment; statement of community involvement; air quality assessment submitted on the 4 June 2013 and layout plans submitted on 28 October 2013.

AGENDA DATE: 16th January 2014

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.
- Cllr Moriarty has requested that the application be brought to Planning Committee for the reason set out within the report.
- It is a departure by virtue of the provision of 30% affordable housing rather than 40% as set out within the DPD.

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: H1, T2, T13, ENV6, ENV49
- Emerging Maidstone Local Plan: SS2(b); Draft Integrated Transport Plan
- Government Policy: National Planning Policy Framework 2012; Ministerial Statement for Growth 2012.
- Other: Otham Conservation Area Appraisal

## **2. HISTORY**

MA/00/0911 Land North of Sutton Road. Erection of 23 no. 2 bedroom, 72 no. 3 bedroom, 52 no. 4 bedroom and 3 no. 5 bedroom two storey dwellings with garages, associated infrastructure works, landscaping and the creation of new vehicular access. Withdrawn.

MA/00/0175 Land North of Sutton Road. An outline application for residential development with the matter of access to be determined. Refused.

There are also applications currently under consideration nearby at 'Land West of Bicknor Farm' (MA/13/1523) and 'Langley Park Farm West' (MA/13/1149). These sites make up the strategic allocations within the emerging Local Plan within the South East of Maidstone. These applications are also on this agenda for determination.

## **3. CONSULTATIONS**

**3.1 Kent Highways Services** have been consulted and made the following comments:

3.1.1 I am in receipt of supplementary information from the applicant in response to the issues I raised in my letter of 25th June 2013.

3.1.2 At the request of KCC Highways and Transportation, the trips generated by the site have been distributed on to the local highway network on the basis of Census Journey to Work data for the Park Wood and Downswood and Otham Wards. The Transport Assessment states that the proposed development is expected to have an impact of less than 5% on the A274 Sutton Road / proposed site access, A274 Sutton Road / Willington Street, and A274 Sutton Road / A229 Loose Road (Wheatsheaf) junctions. Consequently, the latter two junctions have not been subject to full capacity assessments. However, the predicted future year traffic flows are illustrated to be greater than the actual carrying capacity of the A274 Sutton Road (approximately 2,000 two-way vehicles per hour). The usual course of action in this scenario is to manage demand, reassign traffic and/or increase highway capacity. In this case, KCC Highways and Transportation is of the view that the inbound carriageway of the A274 Sutton Road should be widened between its junctions with Wallis Avenue and Loose Road to provide an additional traffic lane. Based on the total estimated cost of the scheme, a contribution of £3,000 per dwelling from each of the strategic housing sites in South East Maidstone – which will have the most significant and direct impact on the capacity of Sutton Road during the period of the Local Plan – will be sought.

- 3.1.3 Transport modelling undertaken on behalf of the developer of the nearby Langley Park site, which incorporates trips generated by the Imperial Park development, further demonstrates that the A274 Sutton Road / Willington Street / Wallis Avenue junction would operate over its design capacity in the future year scenarios of 2018 and 2027. This would encourage drivers to 'rat-run' and/or retime their journeys to avoid the congestion. Policy SS2 of the draft Maidstone Local Plan seeks capacity improvements to this junction and therefore a scheme of mitigation has been designed and costed by the applicant for Langley Park. The improvements were agreed in principle by KCC Highways and Transportation at pre-application stage and comprise the widening of Sutton Road on the southern side to accommodate two lanes of traffic in both directions on the link between Willington Street and Wallis Avenue; the widening of the westbound Sutton Road approach arm to provide three lanes at the stop line; the widening of the eastbound Sutton Road approach arm; and the linking of the controllers of the two junctions to improve the efficiency of the whole intersection. The revised layout has been modelled and is shown to improve the operation of the junction to an acceptable extent. Whilst the junction is still projected to operate slightly over its design capacity during the AM peak hour, its operation would be better than if there were no development in South East Maidstone, no junction improvements and no public transport infrastructure enhancements. Moreover, there would be a degree of spare capacity during the PM peak hour, when the junction is projected to operate more effectively in 2027 with all of the proposed development in place than it currently does.
- 3.1.4 Based on the total estimated cost of the scheme, a contribution of £300 per dwelling from each of the strategic housing sites in South East Maidstone will be sought. The A274 Sutton Road / site access junction has been modelled and is projected to operate well within its design capacity in the future year of 2018 with the proposed development in place. KCC Highways and Transportation is in agreement with this assessment.
- 3.1.5 It is deeply disappointing that the applicant has failed to modify the site layout in response to KCC Highways and Transportation's concerns regarding its permeability for pedestrians and cyclists and the proposed quantum of tandem and rear parking. These concerns were based on extensive evidence and experience from recently completed residential developments elsewhere in Maidstone and more widely across Kent. As it stands, the present layout not only gives rise to highway safety concerns arising from the need for pedestrians to negotiate parked cars within shared surface areas but may also prejudice the future adoption of the road network within the site by KCC Highways and Transportation.

3.1.6 Following further discussion with local Members and stakeholders including Downswood and Otham Parish Councils, it is KCC Highways and Transportation's view that a vehicular access should not be provided between the site and Gore Court Road and that Gore Court Road itself should not be stopped up to the west of the site. Instead, a connection between the site and Gore Court Road should be provided for pedestrians, cyclists and emergency vehicles only. This amendment to the site layout would have implications for the design of the proposed dwellings fronting Gore Court Road which should be discussed with the County and Borough Councils at the earliest opportunity. The Transport Assessment suggests that the provision of a toucan crossing of the A274 Sutton Road to link the site with the Langley Park development should be provided by the developers of the Langley Park and Land North of Sutton Road (east) sites. KCC Highways and Transportation does not accept this assessment, as the toucan crossing facility would primarily be used by the residents of Land North of Sutton Road to access the proposed primary school and local centre within Langley Park. It is therefore considered that the crossing should be delivered by the developers of the Land North of Sutton Road sites.

3.1.7 Subject to the satisfactory resolution of these matters, I can confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

1. A funding contribution of £3,000 per dwelling for off-site highway mitigation works to the A274 Sutton Road, comprising the widening of the carriageway between its junctions with Wallis Avenue and Loose Road to provide an additional traffic lane.
2. A funding contribution of £300 per dwelling for the off-site highway mitigation works to the A274 Sutton Road / Willington Street / Wallis Avenue junction, as detailed in the Transport Assessment.
3. The provision, by way of a Section 278 Agreement between the applicant and KCC Highways and Transportation, of the priority access to the site from the A274 Sutton Road as depicted on Drawing Number 12-2181-011.
4. The provision, by way of a Section 278 Agreement between the applicant and KCC Highways and Transportation, of a toucan crossing facility on the A274 Sutton Road to provide safe pedestrian and cycle access to the proposed community facilities within the Langley Park site to the south east.
5. Details of the provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.

3.2 **Kent County Council Ecology** have been consulted and made the following comments:

- 3.2.1 'Additional information has been provided by the ecologist and we are generally satisfied that the impact has been adequately assessed.
- 3.2.2 No bats were recorded emerging from the trees during the surveys and as a result of reviewing the additional information we are satisfied that there is no requirement for additional surveys or detailed mitigation strategies to be submitted prior to determination of the planning permission. However as a condition of planning permission, if granted, we recommend that a precautionary mitigation strategy is submitted for comments prior to works starting. We acknowledge that the landscape buffer will create foraging and commuting habitat for bats. However we are concerned that the development will result in an increase in lighting as such there is a need to ensure that the lighting impacting the ancient woodland and buffer is minimised. If planning permission is granted we would expect a detailed lighting plan to be submitted as a condition of planning permission. We would expect the lighting plan to include maps showing the expected lighting spill.
- 3.2.3 The submitted report has detailed that there is limited suitable habitat for reptiles as the majority of the site is arable. We had some concerns that no consideration has been given to suitable habitat being present at the base of the hedgerows for reptiles. As a result of reviewing the additional information and the surveys submitted as part of planning application MA/13/1523 we are satisfied that there is limited potential for reptiles to be present within the hedgerows.
- 3.2.4 The hedgerow to the east of the site is to be removed and it is adjacent to an area which contains suitable habitat for reptiles.
- 3.2.5 We acknowledge that the proposed development will not result in a direct loss of the woodland and the submitted report has detailed that a buffer area has been incorporated in to the site. However we are concerned that the proposed development will result in an indirect impact on the ancient woodland sites through an increase in recreation. As such there is a need to ensure that the buffer area is designed to prevent direct access in to the woodland from the proposed development. We would expect the landscape design to compliment the landscaping proposed for the Land west of Bicknor Farm Cottages, Maidstone application (MA/13/1523).
- 3.2.6 The management plan for the site must be produced as a condition of planning permission to ensure that the buffer area and any ecological enhancements are managed appropriately. Details must be provided detailing how the site will be managed in perpetuity.'

3.3 **Kent County Council (Mouchel)** were consulted and requested that the following contributions be provided in order to make the application acceptable:

- Contributions of £1,356,966.20 towards a new primary school facility on the Langely Park site;
- Contributions of £387,597.15 towards improved secondary school provision within the locality;
- Contributions of £5,340 towards community learning;
- Contributions of £21,425.34 towards enhancing library facilities;
- Contributions of £18,090.36 towards adult social services.

3.4 **The Primary Care Trust** were consulted and made the following comments:

3.4.1 'In terms of this particular application, a need has been identified for contributions to support the delivery of investments highlighted within the Strategic Service Development Plan. These improvements to the primary care infrastructure will enable support in the registrations of the new population, in addition to the commissioning and delivery of health services to all. This proposed development noted above is expected to result in a need to invest in a number of local surgery premises:

- Wallis Avenue practice
- The Mote Medical practice
- Downswood surgery
- Northumberland Court, Shepway surgery.
- Grove Park surgery
- Orchard surgery at Langley.

3.4.2 All of the above surgeries are within a 1.5 mile radius of the development at Land North of Sutton Road. This contribution will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity.

3.4.3 NHS Property Services Ltd will continue with NHS West Kent formulae for calculating s106 contributions for which have been used for some time and we believe these are calculated as fair and reasonable. NHS Property Services will not apply for contributions if the units are for affordable/social housing, as identified in the proposal letter.

3.4.4 The application identifies unit sizes to calculate predicted occupancy multiplied by £360 per person. When the unit sizes are not identified then an assumed occupancy of 2.34 persons will be used.



### **Predicted Occupancy rates**

1 bed unit	@	1.4 persons
2 bed unit	@	2 persons
3 bed unit	@	2.8 persons
4 bed unit	@	3.5 persons
5 bed unit	@	4.8 persons

For this particular application the contribution has been calculated as such:

- **33 x 2 = 66 persons**
- **54 x 2.8 = 151.2 persons**
- **43 x 3.5 = 150.5 persons**
- **130 units = 367.7 total assumed occupancy**
- **367.7 @ £360 per person = £132,372**

3.4.5 NHS Property Services Ltd therefore seeks a contribution of £132,372 plus support for our legal costs in connection with securing this contribution. This figure has been calculated as the cost per person needed to enhance healthcare needs within the NHS services.'

3.5 **Maidstone Borough Council Landscape Officer** has been consulted and made the following comments:

3.5.1 'The site is adjacent to two areas of woodland designated as semi natural ancient woodland. To the north is Bicknor Wood and to the west is Bicknor Hole. Bicknor Wood is protected under Tree Preservation Order (TPO) No. 37 of 1981, two English Oaks and one Common Ash.

3.5.2 The applicants have submitted an Arboricultural Implications Report prepared by Simon Jones Associates in May 2013. This is considered an acceptable assessment of the trees and hedgerows currently on site.

3.5.3 60 individual trees, 3 groups of trees, 2 woodlands and 2 hedgerows have been surveyed. Of these 8 individual trees, 2 tree groups, 1 hedgerow and small sections of the other hedgerows are proposed to be removed. None of these are internal to the site, and are catagorised as of low quality (Grade C). T19, a protected Ash tree, is one of those proposed to be removed, but due to its condition assessment, there are no objections subject to replacement planting to mitigate its impact.

3.5.4 The principles of the LVIA prepared by LDA Design, dated May 2013, are also considered acceptable although it relates to the second edition of the GLVIA 2

and not the newly published third version. I would also add that the AW boundaries are not available on Natural England's website.

3.5.5 The detailed planting plans indicate that an appropriate minimum buffer zone of 15m is provided adjacent to the Ancient Woodland as required by Natural England's standing advice. The internal landscaping is generally acceptable, with a few tweaks to species. However, the removal of the Sutton Road frontage hedgerow and its replacement with Lime trees and an ornamental shrub planting mix is not suitable. The underplanting should be a mix of native or at least near native species to comply with the Council's guidelines.

3.5.6 However, if you are minded to grant consent for this application I have outlined below a number of issues that should be addressed by pre-commencement conditions to address my concerns:

- A revised landscape scheme with implementation details;
- A long term management plan;
- Compliance with the AIR.'

3.6. **Maidstone Borough Council Parks and Open Space Officer** was consulted and raised no objection to the proposal subject to contributions of £132,990 being made towards the improvement of existing play space, and also the enhancement of sports provision within the locality.

3.7 **Maidstone Borough Council Conservation Officer** was consulted and made the following comments:

3.7.1 'The site lies opposite to Briarwood, a 17<sup>th</sup> Century or earlier thatched cottage, whose setting is currently dominated by a large industrial estate in close proximity and the busy Sutton Road. The house sits behind a substantial tree screen and a high fence. Although the openness of the current application site makes some small positive contribution to the setting of the listed building, its development would not have any major detrimental impact on this setting, particularly if existing planting along the southern boundary of the application site is retained and enhanced as suggested in the Cultural Heritage Desk Based Assessment prepared by CGMS.

3.7.2 I raise no objection to this application on heritage grounds subject to conditions re additional landscaping along the southern boundary and details of materials.'

3.8 **The Environment Agency** has been consulted and made the following comments:

3.8.1 'Thank you for consulting us on the above development received 20 June 2013.

We have reviewed the information submitted and have no objection to the principle of development at this location but do object to specific details in relation to means of surface water disposal.'

3.8.2 They then stated that in order to overcome the concerns the following work would need to be undertaken:

3.8.3 'We recommend the authority do not grant permission for the proposed development until it can be demonstrated a feasible surface water management scheme, using sustainable drainage principles as described in The Suds Manual (Ciria C697) and limiting discharge to existing Greenfield runoff rates, can be implemented. We also recommend the authority consider a strategic sustainable drainage system which incorporates runoff from all proposed sites in the area.'

3.9 **Natural England** were consulted and raised no objections to the proposal.

3.10 **Southern Water** were consulted and raised no objections to the proposal subject to the imposition of a condition requiring the submission of drainage details prior to the development taking place.

3.11 **UK Power Networks** were consulted and raised no objections to the proposal.

#### **4. REPRESENTATIONS**

4.1 Otham Parish Council were consulted and have requested that the application be refused. Their concerns are summarised as follows:

- The access should be onto the Sutton Road only, with no vehicular access on to Gore Court Road;
- The proposed development would have severe transport implications for the area;
- There appears to be no traffic modelling for the development concerning the roads to the north of the site – including White Horse Lane, Otham Street, Green Hill and Otham Lane;
- These highways are not suitable for significant traffic movements, nor for pedestrian movements;
- The bus service would be impacted by the proposal, as the additional traffic could well cause significant delays;
- The rural activities that take place around Otham result in relatively unique types of vehicles using the roads – this may well clash with an increase in car movements;
- Increased traffic would discourage the use of cycles, which has seen an increase in use in the past few years;
- Increased traffic would also discourage pedestrians.

- 4.2 **Cllr Moriarty** was notified of the application, and has requested that it be brought before Members as this is a large and contentious application, and requires Members full consideration.
- 4.3 **Neighbouring occupiers** were notified of the application, and 16 letters of objection have been received. The concerns raised within these letters are summarised below:
- Lack of transparency in the Development Brief – this needs to be part of the public consultation exercise undertaken;
  - The status of the woodland as ancient semi natural woodland is questioned;
  - Gore Court Road is unsuitable for additional vehicular traffic;
  - The highway layout is not comprehensive, and this site and the adjacent site therefore remain isolated from one another;
  - There would be too many access points on to the Sutton Road;
  - This is piecemeal development, rather than a holistic approach;
  - There should be enhanced landscaping linking the woodland from the south to the north;
  - The Wheatsheaf junction is already at capacity – this will exacerbate this problem;
  - The proposal would cause rat-running through Downswood;
  - Concerns that the local infrastructure can cope with the additional demand placed upon it by additional homes;
  - The local wildlife would be impacted by the proposal;
  - New homes should be built on brownfield sites, not greenfield land;
  - Impact upon the setting of Otham and nearby listed buildings;
  - There would be coalescence between the existing villages and Maidstone, destroying their character;
  - There was insufficient public consultation prior to the submission of the application;
  - Sutton Road is dangerous to cross for school children;
  - This is an unsustainable location;
  - The proposal would result in more light and noise pollution;
  - Loss of grade II agricultural land.
- 4.4 One letter of support has been received. This letter emphasised that the provision of additional houses would result in more affordable housing within the locality, which is much required.
- 4.5 **Langley Parish Council** were notified (although the site falls outside of their Parish it was considered to impact upon it indirectly) and made the following points:

- They do not wish for any buildings to be greater than two storeys in height;
- Concern was raised with regards to the lack of pedestrian and controlled crossings, and the lack of a 40mph limit, to the south of the site;
- The Parish regret that pedestrian access ends opposite Hazlemere Industrial Estate;
- Cllrs requested that reassurance be given that the Community Infrastructure is considered in a holistic manner across the sites;
- They wish to see the retention of the hedge to the south of the site, fronting Sutton Road.

## **5. CONSIDERATIONS**

### **5.1 Site Description**

- 5.1.1 The application site is located to the north of the Sutton Road (A274) which runs from the centre of Maidstone towards Headcorn and Tenterden. The site is allocated within the Maidstone Borough Wide Local Plan (2000) for housing (Policy H1), and has been identified within the emerging Maidstone Local Plan (Policy SS2) for this purpose (as part of a wider allocation in both instances).
- 5.1.2 To the east of the application site is the remainder of the allocation for residential development. This land is being promoted by Redrow (application reference MA/13/1523) for 100 houses. The land is currently separated by a narrow belt of trees and hedging.
- 5.1.3 To the south of the application site is the A274 (Sutton Road) with the Parkwood Industrial Estate beyond. To the south-west of the site is Wallis Avenue which serves the Parkwood area of housing.
- 5.1.4 To the west of the site is an area of woodland known as 'Bicknor Hole'. This is at the junction of the A274 and Gore Court Road and tapers into a point. To the west of this (across Gore Court Road) the rear gardens of houses that are within the Senacre housing estate. These have rear boundaries that back on to the highway.
- 5.1.5 To the north of the application site is Bicknor Wood. This is classified as ancient woodland, and therefore has significant protection. The land to the north of Bicknor Wood is open farmland – which also forms part of the proposed strategic allocation (SS2).
- 5.1.6 The site is within a sustainable location, with access to existing schools, and shops. The site is also well served by public transport with busses running into and out of Maidstone on an hourly basis during the day, and with greater frequency during the peak times during the day.

## **5.2 Proposal**

- 5.2.1 This is a full application for the erection of 185 residential units on the western part of the allocated site. The proposal would see the erection of both flats and houses as well as the provision of open space, as well as a new access into the site from the Sutton Road.
- 5.2.2 The access into the site would be positioned approximately 215metres from the western boundary of the site, and 150metres from the eastern boundary (with the 'Redrow' application site). This access would be served by a right hand filter lane, and would have a maximum width of 10metres at the junction with the A274. Three storey blocks of flats would flank the main access into the site. These are provided with a curved façade at the point of access, with gable projections at either end.
- 5.2.3 Once into the site, the scale of the development reduces, with the majority of the properties being individual dwellings. The access runs at right angles to the A274 into the centre of the site, and then approaches an area of open space. At this point the road splits in two, with one spur heading in a north easterly direction, and the other in a north westerly. The area of open space is fronted by three storey town houses that would be set out within a relatively uniformed crescent, with tree planting in front.
- 5.2.4 The highway that heads north-west would run up to Gore Court Road although it is proposed to bollard this junction until phase two comes forward to prevent rat-running northwards.
- 5.2.5 Towards the west of the site, the highways reduce in scale, with no specified pavements and the use of shared surfaces. A 'home zone' is also proposed with houses that back on to the highway (behind tree planting).
- 5.2.6 Within the north-west of the application site, the houses front on to Gore Court Lane, and indeed 17 of these units are served by vehicular access from it. The majority of these properties are substantial, detached dwellings, many with linked garages, and private drives. This sees a significant reduction in the density towards the edge of the site. All properties to the west of the site are a minimum of 15metres from the woodland within Bicknor Hole.
- 5.2.7 To the eastern end of the site, a similar approach is taken. The highways become reduced in scale and the density of the site also reduces. Much of the affordable housing provision is within the south-eastern quarter of the site.

- 5.2.8 At the eastern edge of the site, and linked with the site to the east, it is proposed that a formal play area be provided. This play area would be overlooked by properties within the site, and would have good separation from the highway by virtue of the provision of a pathway, and tree planting.
- 5.2.9 Along the northern edge of the application site, it is proposed to provide a suitable buffer to Bicknor Wood, and the provision of a footpath that would link the north of the site (and land beyond) to the play area without the need to traverse any highway.
- 5.2.10 It is proposed that the existing hedge be removed along the road frontage, and replaced with tree planting (lime trees are proposed). Further additional planting would be provided within the highways, and within the open spaces proposed within the application site.
- 5.2.11 The applicants are proposing that the development provide a minimum of 30% affordable housing, and are proposing that contributions be made towards a new primary school on the Langley Park site.
- 5.2.12 The applicants are proposing that the development be constructed to level 3 of the code for sustainable homes.
- 5.2.13 The provision of an equipped play area would straddle the border of the application site and that of the 'Redrow' scheme. As such, the applicants have agreed that this would need to form part of any S106 legal agreement, to which both parties would be signatories.

### **5.3 Principle of Development**

- 5.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. The application site is allocated within the Maidstone Borough Wide Local Plan (2000) and is identified as a strategic allocation within the emerging Local Plan (policy SS2b). This emerging policy identifies this site, together with the land to the east for a housing provision of 285 dwellings. The land to the east of this site has an application to be determined for 100 dwellings.
- 5.3.2 This proposal therefore accords with both the development plan, and the emerging plan. As Members are aware, this site, amongst others was 'frozen' following the publication of PPG3 (superceded by PPS3), as the government at that time sought a greater emphasis on the development of brownfield land. The Council, through its urban capacity study were able to demonstrate that it could meet its housing requirements through brownfield land, and as such, greenfield



sites such as these were not permitted. This stance was confirmed through appeal decisions on a number of similar sites.

5.3.3 However, following the publication of the NPPF, and the recalculation of the Council's five year supply, it became apparent, that the Council could no longer solely rely on such sites, and as such, would have to revisit the possibility of releasing greenfield sites such as these.

5.3.4 As such, on the 13 March 2013, the Council agreed to lift the moratorium on greenfield sites, on the basis of a lack of a five year supply, the fact that the NPPF had replaced PPS3, and due to the lack of building of family, and affordable homes within the rural service centres. Once this moratorium was lifted, proposing housing upon these sites was once again in accordance with the Development Plan.

5.3.5 Nonetheless, concern has been raised by Boughton Monchelsea Parish Council that the Council has incorrectly calculated its five year supply, and that there are suitable brownfield sites within the Borough that could accommodate this future growth – and as such, the moratorium should not have been lifted. The Council has sought the view of Counsel with regards to this matter, and are confident that it has worked out its supply in a correct manner.

5.3.6 Members will be aware of government advice in the National Planning Policy Framework that states (Para 47) that Councils should;

5.3.7 *'use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period; and*

*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;'*

5.3.8 The NPPF defines deliverable as:

5.3.9 *'To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that*

*housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.'*

5.3.10 One of the key questions asked recently has been 'against what target are we assessing our five year supply?' The five year supply has been assessed against the RSS figure of 11,080, and on this basis reveals a supply of 4.2 years. This has been the base figure used by the authority to calculate the figure. However, a recent (England and Wales) Court of Appeal decision between the City and District Council of St Albans and Hunstan Properties Limited has indicated that this is an incorrect approach to be taking and that local authorities should be using the more up-to-date DCLG household projection figures.

5.3.11 The Council has recently undertaken a SHMA with the neighbouring Boroughs of Ashford and Tonbridge and Malling. These figures indicate that there is likely to be a significant up-shift in the housing need. Preliminary figures indicate that the housing need for the Borough until 2031 is likely to be 19,600 – which would result in the Council having a current five year supply of 2 years. This reduction in the five year supply further emphasises the necessity to lift the moratorium to ensure greater delivery to address this shortfall.

5.3.12 I am therefore satisfied that it was appropriate to re-instate this land for housing purposes, and I am also satisfied that the proposal generally accords with the existing and emerging policy. As such, I raise no objections to the principle of development on this site, subject to all other material considerations being met.

## **5.4 Visual Impact**

5.4.1 The application site is located on the north side of the Sutton Road (A274), and sits directly opposite the Parkwood Industrial Estate. Furthermore, to the west of the site is Gore Court Road with has housing upon its western side. As such, two sides of the site are already developed. As such, the development would, in part, be screened by this built form, and this would also provide a backdrop from longer distance views.

5.4.2 Nonetheless, the development would result in the loss of an open field, and as such clearly there would be some harm. However, previous Inspectors have concluded that the benefits of allowing housing on this site – in meeting the Borough's need – would outweigh the harm. It should be noted that the

Inspector would have assessed this site some 14 years ago, and as such, I consider it appropriate to re-evaluate this conclusion.

- 5.4.3 The site, is relatively well screened both from the south, the west and also the north, by Bicknor Wood. Long distance views of the site are therefore very restricted. Whilst the character of the site and locality would undoubtedly alter, the harm would be localised. The introduction of a wide access road, and built form along the road frontage would urbanise the area. As such, it is important that the landscaping along this frontage respond positively to this change. The full details of the landscaping are set out later within the report, however, what has been proposed would see the creation of a more formal, tree lined frontage, that in time would provide a soft edge to the site, and create a pleasant entry into the urban area.
- 5.4.4 The proposed buildings are also of a scale that would respond positively to both the context of the site – being adjacent to two storey properties, and commercial buildings of a similar height – and the development proposed on the adjacent land.
- 5.4.5 I therefore raise no objections on the grounds of visual impact of this proposal, as I concur with the Inspectors review of the site. It is relatively well contained, and long distance views are minimum. This together with the scale of development, and landscaping proposed would ensure that there would not be any significant harm to the wider area.

## **5.5 Design**

- 5.5.1 Within the NPPF, theme 7: Requiring good design, and the Kent Design Guide (2005) (KDG) emphasise that design solutions should be appropriate to context and the character of the locality. In order to respect the context, the KDG states that development should achieve some or all of the following: reinforce positive design features of an area; include public areas that draw people together and create a sense of place; avoid a wide variety of building styles or mixtures of materials; form a harmonious composition with surrounding buildings or landscape features; and seek to achieve a sustainable pattern and form of development to reduce the need to travel and improve the local context. Through good design, using principles in the Kent Design Guide, the proposed development is expected to make efficient and effective use of this greenfield site, on the edge of Maidstone in a manner sensitive to the wider local environment. The emerging Development Plan, policy SS2b specifically refers to Land north of Sutton Road, referring to sustainable construction (point 4) and high quality, modern design that incorporates vernacular materials (point 11).

- 5.5.2 In this instance, assessing whether the development is appropriate to context cannot be divorced from the identification of the site as a strategic allocation in the Maidstone Borough-Wide Local Plan (2000) and the emerging Local Plan. In other words, it is inevitable that residential development extending into countryside would, to some extent, be out of context with the prevailing rural character. However, given the policy support for the urban extension, the test in this case should be how well the development responds to the sensitivities of an urban fringe location.
- 5.5.3 Responding to context also involves incorporating site specific constraints, opportunities and wider planning policy objectives which in this case include: the form and layout of the proposed development; highway safety/access considerations including parking; housing density; landscape structure; and appearance and detailing. The objective should be to imaginatively address these constraints to help deliver a distinctive place.
- 5.5.4 The application has been accompanied by a joint Development Brief (August 2013) with Redrow Homes for the site immediately to the east of the site. This has recently been amended and was consulted upon in tandem with the planning application(s). The document clearly sets out a comprehensive and co-ordinated vision across both sites with development, planning and design principles common to both. This helps to ensure an integrated approach especially in respect of the frontage facing onto Sutton Road, and spatial interface between the two developments and the boundary treatments. It does not however consider detailed design matters such as appearance and character, resulting in different architectural styles being built typical to each house-builder's standard products.
- 5.5.5 The application is also supported by a Design and Access Statement (D&AS) (May 2013) which outlines strategic design objectives and explains the detailed design rationale and principles for the proposed scheme. The D&AS refers to 6 distinct character areas, namely:
- Sutton Road (the main approach);
  - The Avenue (the main public transport route);
  - The Crescent (the key and central space within the scheme);
  - Eastside (the interface with the Redrow scheme);
  - Woodland (the northern edge); and
  - Mews (the block structure within the scheme).

The D&AS thoroughly considers aspects such as security and natural surveillance as part of creating a safe place in which to live; inclusive design; refuse and cycle storage; and applies traditional styles of architecture, and a simple unfussy choice of materials.

- 5.5.6 The design approach for the scheme is traditional and of a good quality design, incorporating traditional styled house types with simple detailing, a limited materials palette, and apartment blocks of a similar yet contemporary architectural theme. Discussions have been ongoing with the applicant to ensure that revised amendments improve the overall quality of the scheme, especially along principle routes and in key locations such as The Crescent, with for example the design of the 3-storey semi-detached dwellings terminating the main view into the site.

*Form and layout*

- 5.5.7 The layout has derived from extensive pre-application discussions, and also from the requirement to provide a new access road into the land to the north of Bicknor Wood. Point 4 of Policy SS2b requires:

*'A new access road of a width suitable to accommodate contra-flow traffic and adjacent footways between Gore Court Road from the western boundary of Bicknor Wood and A274 Bicknor Wood'.*

- 5.5.8 This access road through the site has been designed to be of a scale that could accommodate not just the traffic from this development, but also that from any future development from the land to the north of Bicknor Wood (which is proposed for housing development through Policy SS2c of the emerging Local Plan).
- 5.5.9 The proposal applies an efficient layout with a dominant and strong street frontage onto Sutton Road. The site is served by a main access from Sutton Road, marked by prominent tall entrance features and a crescent arrangement within the development that terminates the main vista into the development. The rest of the development is made up of a loose development block pattern, one homezone and two inner courtyards off shared surface areas which maximise this irregular shaped parcel of land. The layout encourages permeability and clearly defines public and private space. Its density is appropriate to the site, with key street scenes providing views to key spaces such as the public open space to the south of the crescent.

Changes have been incorporated into the latest revised plans to resolve some of the weaker elements in the layout of the scheme. These include the re-design of the more prominent buildings (including the flats), some alterations to the access road into the application site, and the re-orientation of the some of the proposed dwellings.

*Highway safety/access considerations and parking*

5.5.10 The proposal is well connected and applies a hierarchical approach to its movement network with a primary (centrally located spine road) as the main access road that then splits with the northwest fork continuing the main access route with footpaths on either side to Gore Court Road. The northeast fork becomes a secondary route and a circular shared surface road, similar to the access road serving the western blocks.

5.5.11 According to the DAS, car parking is planned at a level appropriate to county maximum standards (IGN 3: Residential parking), as a 'suburban' site located on the urban fringe with a predominance of 2 spaces for 4 bedroom houses, 1.5 spaces for 3 bedroom houses, and 1 space for 1 and 2 bedroom dwellings. The 364 spaces need to be numbered on a plan layout, so it is clearly understood which spaces relate to each dwelling, and will be conditioned accordingly.

#### *Housing density*

5.5.12 The KDG in the case of urban fringe locations states that density should remain compact to avoid urban sprawl and recommends a gross density of between 30-50 dph. One reference is made to density within the D&AS referencing 33dph, an appropriate medium to low density, complimentary to the adjacent Redrow Homes scheme.

#### *Landscape structure*

5.5.13 As an urban edge site, a simple, functional and legible landscape structure supported by a softwork strategy (comprising of street and feature trees with a combination of ornamental shrub, native and structural planting) is proposed within the Landscape Concept/Strategy of the D&AS to compliment the proposed built form, along with intricate boundary treatments such as the introduction of 'crinkle-crankle' brick walls which will provide visual interest to the streetscenes. This structure will relate to the:

- main green corridor fronting onto Sutton Road;
- formal entrance into the site splaying out into the central area of Public Open Space;
- main access route linking Sutton Road to Gore Court Road;
- around the perimeter of the POS/formal 'green';
- open space buffers; and
- village streets, lanes, inner homezones and mews.

In order to open up the site, the scheme proposes a robust, cohesive and formal landscape treatment for the Sutton Road frontage, resulting in total removal of the existing front hedge which currently restricts views into the site.

### *Appearance, scale and detailing*

- 5.5.14 The house types applied throughout the scheme are of a standard house type design, with simple detailing and a very limited materials palette, including the dominant use of red brick which respects the use of red brick locally as seen in Otham Conservation Area. There is a degree of symmetry to the use of materials along the main entrance/spine road and crescent terminating this vista which is welcomed. The quality of these materials, both the red and buff bricks are very important to avoid a bland and uniform appearance to the street scenes, and a materials board will be required as part of the condition for materials.
- 5.5.15 The proportions of some of the house types are still under discussion, particularly the design of the 3 storey semi-detached dwellings terminating the main view into the site, as they are poorly proportioned. The fenestration is out alignment vertically and of a weak design, barely referencing classical Georgian townhouse proportions which are strongly encouraged (and referred to in the D&AS). An additional window is required on the second floor to balance the fenestration pattern on the front elevation. As a principal streetscene with long and short views, it is important that these dwellings are well designed. The applicant has subsequently amended the plans to address this concern, with the buildings of a higher quality than previously submitted.
- 5.5.16 Up to 15 different house types are to be built with predominantly 2 storey heights with 3 storey dwellings located at the entrance and along the proposed crescent only. The use of 2.5 storey buildings is very limited with two small rows of 2.5 storey terraces, one 2.5 storey semi-detached and detached dwelling. Discussions are underway to introduce additional 2.5 storey units as these could be used more effectively at focal points including corners, the end of vistas, and immediately adjacent to the 3 storey elements to visually graduate and improve streetscenes. Chimneys have also been introduced in the scheme to visually 'break-up' and provide interest to the rooflines on some of the detached, semi-detached and terrace blocks.

### *Code for Sustainable Homes*

- 5.5.17 The sustainability chapter of the D&AS and Sustainability Statement set out the measures to increase energy efficiency and reduce carbon emissions throughout the development. They identify a considerable commitment to minimising environmental impacts, through sustainable design and construction methods.
- 5.5.18 The residential development has been designed to comply with current Building Regulations (Parts L), and Code for Sustainable Homes, code Level 3 rather than Code Level 4 (as set out in policy CS6: Sustainable Design and Development). A



range of measures are listed to achieve this including more than 10% energy use from decentralised/renewable/low carbon sources is also being sought. A number of options for incorporating renewable energy sources are also being considered, and need to be expanded upon and be conditioned for. Buildings have been designed to reduce energy use, by taking into account building orientation, layout, overshadowing and materials selection to minimise energy consumption, to optimise solar gain and incorporate natural ventilation, wherever possible. However, the applicant has been advised, since pre-application stage, that the Council will require the dwellings within the site to be provided to level 4 of the code for sustainable homes. Irrespective of the information submitted, I will impose a condition to this effect, to ensure that the development complies with the emerging Policy. To my mind, should this not be imposed, the proposal would not be in accordance with the emerging strategy.

## **5.6 Residential Amenity**

- 5.6.1 The application site is divorced from any residential properties by either significant distance or by an existing highway. As such, any impact upon the amenity of existing residents would be limited. The nearest properties to this site back on to Gore Court Road, with 76 Betsham Road the nearest to the site. This property is side on to the highway and is provided with a high hedge along its boundary. This, together with the distance from the property to the proposed new build and the fact that an adopted highway runs between the site and the housing would ensure that the proposal would not result in any significant overlooking, overshadowing or the creation of a sense of enclosure to the occupiers of this property.
- 5.6.2 The owners of the properties 52 to 74 Betsham Road (that back on to Gore Court Road) are positioned opposite Bicknor Hole, and as such would not be significantly impacted by this proposal.
- 5.6.3 Concern has been raised by a number of residents of Otham, and the surrounding area with regards to the impact of the proposal in terms of rat-running, and how this would impact upon their quality of life. The applicants have sought to address this by closing the spine road of the development at the junction with Gore Court Road. As such, residents that live within the centre of the development, would have to leave the site on to the A274, thereby reducing the likelihood of rat-running taking place.
- 5.6.4 There are no other residential properties within the vicinity of the application site that would be impacted by this proposal.
- 5.6.5 I therefore do not consider that the proposal would result in any significant impact upon residential amenity.

## **5.7 Highways**

- 5.7.1 As can be seen from the comments made by KCC Highways and Transportation, the principle of development of this scale within the site is considered acceptable. As part of the existing allocation, the Inspector considered this site to be relatively remote from the Town Centre, and also gave considerable weight with regards to the distance from the nearest railway station. As such, measures were proposed at that point in time to address this, together with the additional traffic that would be generated by the proposal. It is for this reason that Policy T2 of the Local Plan included the provision of dedicated bus lanes, priority to buses at junctions, prioritisation (for buses) within traffic management schemes as well as enhanced waiting and access facilities and information systems for passengers, including those with disabilities.
- 5.7.2 To my mind, these measures remain key in the successful delivery of this site, and also to ensure that this proposal does not become an isolated island of development, overly reliant upon the private motor vehicle. As such, the Council will be seeking contributions of £3000 per dwelling to deliver a new inbound lane of traffic, with bus prioritisation measures from the Willington Street roundabout to the Wheatsheaf junction (A274 & A229 junction). Whilst KCC Highways and Transportation have requested that these simple be for vehicle movements, it is my opinion that there should be some bus prioritisation along this corridor to encourage greater use of the bus, and to reduce vehicles along an already busy highway. As such, I proposed that any additional lane of traffic should only be available for bus use between the hours of 7.30am and 9.30am. This lane could be available for other traffic at all other times. This would be consistent with the peaks shown for inbound traffic movements. Should this provision be made, then I consider that the proposal would address both the capacity issue within the A274, and also would ensure that the proposal would align with existing Local Plan Policy, and would be a more sustainable location than otherwise.
- 5.7.3 Intrinsic to the successful management of both inbound traffic, and traffic that seeks to head northwards to the A20 is the alteration to the Willington Street/Sutton Road junction. The improvements to this junction are set out within the Transport Assessment, which is agreed by Kent Highways and Transport. Again, I consider that this is a necessary part of any proposal for additional housing further along Sutton Road as it is acknowledged that this junction is already at capacity, and further strain will take it beyond capacity. The mitigation at this junction will include widening of the junction, which will see the removal of a tree. However, it has been agreed that this would be replaced should permission be granted.

- 5.7.4 This layout has been assessed and is considered to provide a safe passage through the site, as well as a safe entry and exit into the site.
- 5.7.5 The parking provision within the site has also been assessed, and no objections are raised. The majority of properties within the site have a minimum of two parking spaces, with only the smaller flats provided with one. As this is a site relatively divorced from the town centre, it is appropriate to provide a level of parking that reflects this. I consider the parking provision proposed is of an acceptable level that would not result in any highway safety issue.
- 5.7.6 There would also be a small number of visitor parking spaces within the site which would help to address the matter of on street parking. However, some on-street parking would still be likely to take place within the site; I am of the view that this would not give rise to any highway safety concern, as speeds throughout the site would be low.
- 5.7.7 The applicant is required to provide a new crossing adjacent to the south east corner of the site, to link in with the Langley Park site. This should be a controlled crossing, and should be provided prior to the completion of the school on this aforementioned site. This would ensure that the school, and commercial provision required on this site, can be safely accessed by the future residents of any development to the north of the A274.
- 5.7.8 I am therefore of the view that the proposal would address the infrastructure required to make the development acceptable, both in terms of highway impact, but also in terms of sustainability. The parking provision is also acceptable, and as such, I raise no objections to the proposal on highway safety grounds.

## **5.8 Landscaping**

- 5.8.1 The applicants have submitted a full landscaping scheme with the proposal, which indicates that the hedge would be removed along the road frontage and replaced with tree and shrub planting. The Council's landscape officer raises some concerns about the loss of this hedge, and whilst I certainly understand these concerns, the removal of the hedge has come about through dialogue with council at pre-application stage. It was suggested that it would be appropriate to seek the removal of the hedge in order that the housing became more 'visible' for passing traffic, in order that it changed the character of the locality – which would help with the reduction of traffic speed.
- 5.8.2 The provision of tree planting would have the effect of aiding air quality concerns, as well as providing a soft edge to the development. I consider this to be a suitable approach to take within this location, subject to suitable species being provided – I would suggest that this be dealt with by way of condition.

- 5.8.3 Internally, it is proposed that there be a significant level of tree planting within the highway, particularly within the shared surface areas (where there is no necessity for paving). Whilst the proposal would result in the loss of a number of trees (60), this would be mitigated by the proposed planting; particularly as the quality of those being removed isn't high. There are more trees being planting than being removed.
- 5.8.4 The provision of trees along the main access road would result in a relatively formal entrance point, but this is also reflected in the symmetry of the development on either side, and the opening up of the development with the formal open space to its north.
- 5.8.5 In terms of the areas of open space, the open space on the perimeter to the north of the site, allows for a suitable buffer to the ancient woodland, and also provides informal open space for residents to utilise. The central open space is well defined, and provides a high quality, formal entrance to the site. This would be primarily a grassed area, but with some formal tree planting on its northern edge. I consider this element well designed and in keeping with the form and layout of the development.
- 5.8.6 The landscape officer has expressed concerns with regards to the proposed species, in particular the ornamental species proposed along the A274 frontage. I concur with these concerns, and recommend that a condition be imposed upon any permission that would require the submission of further details. These details should respond positively to the guidance set out within the adopted Council guidelines.
- 5.8.7 With regards to the provision of play space, this matter is complicated by the fact that the developers are sharing the provision with 'Redrow' who are developing the adjacent site. It was agreed at pre-application stage, and through the formulation of the Development Brief, that this would be the most suitable location for the play area, as it would best serve both developments. However, the Council need to be certain of delivery, should one development not come forward. As such, I propose that this matter be subject to the provision of a suitable S106 legal agreement for both parties. In terms of the level of provision, the Council's Parks and Open Space Officers have reservations about its overall size, but do not object. In any event, further contributions are sought, that would address the shortfall in sport and recreation facilities. I am of the view that the play area, which would be (approximately) 450sqm would be acceptable, and, subject to details about how it is to be equipped, and subject to a management plan for its ongoing maintenance, raise no objection to its provision.

- 5.8.8 Internally, the dwellings would each be provided with a front and rear garden. The front gardens being of varying size dependent on location, and all provided with some soft landscaping. The rear gardens also vary in size, but generally have a minimum depth of 10metres, which is considered acceptable.
- 5.8.9 Overall, I consider the landscape provision, subject to some minor alterations, to be acceptable. I understand the concern with regards to the loss of the hedge, which is currently a strong feature within the locality, however, I consider the proposal to respond to the provision of housing more successfully, and have the potential to enhance the residential character. I therefore raise no objection to the proposed landscaping, subject to the imposition of suitable conditions.

## **5.9 S106 Contributions**

- 5.9.1 The applicant has submitted a draft S106 agreement following discussions with the Authority. Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of Community Infrastructure Regulations 2010. These stipulate that an obligation can only be a reason for granting planning permission if it meets 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.

- 5.9.2 As Members are aware, the Council has an adopted DPD which addresses the matter of affordable housing within the Borough. This requires that a 40% affordable housing provision be made on developments of 15 units or more. The Council have however 'banked' policies for the purposes of Development Management on the strategic sites. Policy SS2b relates specifically to the land to the north of Sutton Road, and requires that the level of affordable housing be provided in accordance with the Local Plan target, as detailed in Policy CS10. However, this policy (CS10) was not adopted for the purposes of Development Management and as such has less weight.
- 5.9.3 The level of affordable housing to be sought is therefore 30% of the overall provision. To my mind, this is a strategic site, which its own policy, which needs to be given weight. Whilst the Local Plan proposal in terms of affordable housing provision has yet to be adopted for the purposes of Development Management, I am of the view that this development will provide for a significant proportion of the Council's strategic provision and as such should accord with the requirements of this strategic vision as much as it can. Whilst no viability appraisal has been submitted, I am also mindful of the necessity for significant

levels of contributions to be made with regards to the highways infrastructure in order for this site to be acceptable – a cost that it not borne by other developments (of a small scale) within the Borough. A particular cost of course is the requirement to achieve level 4 of the code for sustainable homes.

- 5.9.4 An area of land within the site is to be set aside for a new two form entry primary school. Significant negotiations have taken place with Kent County Council education, and it has been agreed that the developers of this site, together with the developers of neighbouring land would all make contributions towards the land acquisition costs, and the cost of construction. As at present, this site together with the sites to the south and north of the A274 (planning applications MA/13/1149 and MA/13/1523) would see the provision of a total of (approximately) 886 dwellings, and KCC have indicated that this would necessitate the construction of a new primary school, as those within the vicinity could not be expanded to the extent required to address this additional strain.
- 5.9.5 In order to ensure that this school could be delivered, it would be necessary for contributions of £14,285 per pupil together with the associated costs of purchasing the land. As stated, KCC Education consider it necessary to seek the provision of this school in order to accommodate the additional pupil numbers, and this is borne out by the fact that it is included within the emerging Local Plan Policy. Education provision is a strong material consideration with regards to the provision of community facilities, and the creation of good development. I therefore consider that this element of the proposal does meet the tests as set out above.
- 5.9.6 Clearly there is a direct interrelationship between this site and the two aforementioned sites to the north of the A274 in terms of delivery. Of particular importance is understanding the necessary trigger point to see the delivery of the school. KCC have indicated that the school would be necessary once the 350<sup>th</sup> dwelling (across the three sites) has been delivered. As such, any S106 legal agreement would need to be cross referenced with these sites, in order to ensure that this would be delivered at the suitable point in time.
- 5.9.7 The school currently forms part of the outline element of the planning application (MA/13/1149), and as such, permission would need to be sought for its delivery. This time would need to be factored in to the delivery of the school.
- 5.9.8 Kent County Council have also requested that other contributions be made towards libraries, youth and communities and adult education. These contributions are considered to have been fully justified, and are related to the scale of development proposed. I therefore consider that they are in accordance the aforementioned regulations.

- 5.9.9 Significant contributions are also required with regards to the provision of an additional lane for vehicular traffic, which would also have bus prioritisation measures during the busiest period for inbound traffic (7.30am – 9.30am). The cost of such a provision has been provided, which demonstrates that a figure of £3,000 per residential unit would be required to fund this new provision. As has been set out within the submitted transport assessment, the A274 would exceed capacity without such provision. I also note that the existing local plan allocation requires improvements to this busy transport corridor. I am therefore satisfied that this is a necessary requirement of this development, and is directly related, and of a scale commensurate to the proposal.
- 5.9.10 Contributions would also be sought from any development to the south and north of the Sutton Road (including applications MA/13/1523 and MA/13/1149) for the same figure. In order to ensure that this is delivered in good time, I would require the payment for this additional lane to be provided at the completion of the 350<sup>th</sup> dwelling across all three sites (in the same vein as the school would be required).
- 5.9.11 In addition, contributions of £300 per dwelling are required for improvements to the Willington Street junction. Again, as this junction would exceed its capacity should these developments be constructed, then there is a requirement for the work to be undertaken. Again, I consider that it would be prudent to request this money at the completion of the 350<sup>th</sup> dwelling (again across the three sites) in order that the works can be undertaken in good time for the remainder of the development.
- 5.9.12 Significant discussion have been held with the NHS with regards to the provision of contributions towards additional health services within the vicinity of the site – as no new provision is required on site. The NHS have indicated that the existing provision within the locality can be expanded to accommodate this growth. As such, contributions are sought, with extensive negotiations having taken place between Maidstone BC, the applicant and the NHS to agree suitable provision. It has now been agreed that a figure of £132,372 be provided. Contributions shall be provided at the completion of each phase of the development to meet with this requirement.
- 5.9.13 Much of the provision of parks and open space is to be on site. The Council are satisfied that the play space within the development would be sufficient to address the needs of some of the future residents. However, there would also seek further contributions to address the shortfall. In addition, as no on-site provision has been made with regards to sport, contributions of £132,990 are requested to enhance the facilities within the nearest available sports pitches. These are located within the Parkwood and Senacre estates, and as such the money should be spent at these locations. I consider that this request for



contributions meets the tests of the CIL Regulations, and as such, require this to form part of the S106 agreement.

#### **5.10.1 Ecology**

- 5.10.1 Concern was raised with regards to the initial ecological report, and in particular, with regards to the level of surveys that had been undertaken. However, further work has now been submitted, and there has been significant dialogue between the applicants and Kent County Council Ecology on this site, and it has now been agreed that suitable mitigation has been proposed. However, in order to ensure that this is delivered, it is recommended that a condition be imposed that would require the development to be carried out in accordance with the measures proposed within the submitted ecological report.

### **6. CONCLUSION**

- 6.1 This is a site that has been allocated for housing provision since 2000. However, due to the moratorium on greenfield sites it has seen applications submitted and refused in the past. However, the moratorium has now been lifted, and on this basis, the Development Plan identifies this site as suitable for housing provision. The site is also a site proposed for housing provision within the emerging Maidstone Local Plan. As such this proposal accords with the Development Plan. The proposal would provide much needed housing, within an acceptable, and sustainable location.
- 6.2 The design of the proposal is considered to be of a high quality, certainly in terms of the layout. The buildings are of a satisfactory standard. The landscaping provision within the development would create an attractive environment for future occupiers.
- 6.3 The applicants are making significant contributions to infrastructure, both on site, and within the locality – in particular, contributions towards the additional highway works that would be required to take place along the A274 and A229, and the provision of a new school and community hall within the adjacent application site.
- 6.4 Clearly, as the Council does not currently have a five year housing supply, this proposal would contribute towards meeting the shortfall. This is a strong material consideration in the determination of this application, and should be given significant weight accordingly.
- 6.5 This is a proposal that would deliver a high quality development that would also provide significant (and necessary) infrastructure, and open space. It is also in accordance with the Development Plan. The material considerations are

such that I recommend that Members give delegated powers to grant, subject to the receipt of a suitable S106 legal agreement, which should address the matters set out below.

## **7. RECOMMENDATION**

Give the Head of Development Management DELEGATED POWERS TO APPROVE subject to the receipt of a suitable S106 legal agreement that provides the following:

- The provision of a minimum of 30% affordable housing;
- Contributions of £3000 per residential unit for the provision of a bus lane/additional lane for vehicular traffic;
- Contributions of £300 per residential unit for enhancements of the Willington Street junction;
- Contributions of £132,372 for towards improvements to health care provision within the locality;
- Contributions for primary education of £14,285 per pupil\*. This would be to provide a new primary school on site – with land of not less than 2.05ha in area. This primary school should be provided prior to the completion of the (cumulative) 350<sup>th</sup> dwelling of this site and the sites to the south and north of Sutton Road (MA/13/01523 and MA/13/1149).
- Contributions towards the land acquisition costs for the primary school on the land at Langley Park.
- Contributions for secondary education of £589.95 per flat and £2359.80 per house. This would be for the expansion of existing secondary schools that the application site falls within the catchment area of.
- Contributions for additional book stock within local libraries - £128.44 per dwelling.
- Contributions towards community learning of £30.34 per dwelling to be spent within the Maidstone Borough.
- Contributions towards youth services of £8.39 per dwelling to be spent within the Maidstone Borough.
- Contributions towards adult social care of £97.26 per dwelling to be spent within the Maidstone Borough.
- Contributions of £40,000 for the enhancement of sports and recreation facilities within a 2 mile radius of the application site.
- Contributions towards the provision of a community facility on the Langley Park site.
- The provision of an equipped play area that straddles this application site and that of the 'Redrow' site (MA/13/1523).
- The provision of a pedestrian controlled crossing between the application site (preferably closest to the 'Redrow' site) and the Langley Park site. This should be provided prior to the first occupation of the proposed school, or commercial area

– whichever is delivered first. The cost of this provision shall be split equitably between the applicants of this site, and the applicants of MA/13/1523.

*\*Based on the following formula:*

$$\text{Pupil Yield} = (A \times B) + (C \times D)$$

*Where:*

*A is the number of houses*

*B is the relevant multiplier being 0.28*

*C is the number of flats*

*D is the relevant multiplier being 0.07*

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

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

2. The development shall not commence until, written details and samples of the materials 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.

3. The development shall not commence until, details of all fencing, walling (which shall include ragstone walling along the point of access) and other boundary treatments 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.

4. The development shall not commence until, details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be provided before the first occupation of the buildings or land and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity.

5. The development shall not commence until, details of the colour of the external finish of 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: In the interests of visual amenity.

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. The development shall not commence until, details of the means of vehicular access to the site, including the road width, kerb radii, visibility splays and details of finishing materials, have been submitted to and approved in writing by the Local Planning Authority;

Reason: No such details have been submitted and in the interests of highway safety and visual amenity.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 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.

9. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include:

- Notwithstanding the details submitted to date, the provision of tree and low shrub planting along the southern boundary using native species;
- The use of a range of natural flowering and berry bearing species of trees;
- Areas of grassland to be managed as rough grassland - both adjacent to tree belt, and road verges;
- The provision of bird and bat boxes within the development;
- Deadwood habitat piles.

together with indications of all existing trees and hedgerows on the land, and details of any to be retained, and measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. 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.

10. 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.

11. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) '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.

12. Notwithstanding the information submitted to date, 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. The open areas within the residential development site shall remain open and available for public access and no fences, gates or other means of enclosure shall be placed or erected to preclude access to these areas at any time without the prior approval of the Local Planning Authority.

Reason: In the interests of permeability throughout the site, and to maintain the character and appearance of the landscaped areas.

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

Reason: To secure a high standard of design.

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

Reason: To ensure a high quality design.

20. 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.

21. 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.

22. 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.



23. The details of the landscaping of the site required to be submitted by Condition 10 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.

24. There shall be no occupation of the development hereby permitted until the provision of the point of access from the Sutton Road (A274) has been provided in accordance with the plans submitted to date. Full details of the proposed access shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

25. The development shall be carried out in accordance with the recommendations of the submitted ecological report.

Reason: To ensure the impact of the development is suitably mitigated.

26. The development shall be carried out in accordance with the submitted travel plan.

Reason: To ensure that the proposal is delivered in a sustainable manner, and to reduce the impact upon air quality.

27. No development shall take place until a long term management plan for the maintenance of the landscaping within the site has been submitted and approved in writing by the Local Planning Authority. The site shall then be managed in accordance with the submitted plan.

Reason: In order to secure the long term appearance of the development.

28. The development shall be undertaken in accordance with the submitted arboricultural report.

Reason: In the interest of visual amenity.

### **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](http://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.

Within any submitted landscape plan, full details of the retention of cordwood within the site shall be submitted.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and the emerging Maidstone Local Plan, and there are no overriding material considerations to indicate a refusal of planning consent. The proposal does not however comply with the Affordable Housing DPD (which forms part of the Development Plan) however it is considered that in this instance this is considered to be acceptable by virtue of the policies within the emerging Local Plan







220

N  
100m  
AR  
0

A landscape photograph showing a vast green field in the foreground and middle ground. A dense line of trees is visible on the horizon. The sky is filled with large, white, fluffy clouds. On the left side, a dark, leafy tree branch hangs down. In the bottom right corner, there is an orange date stamp.

221

11.05.2012

222

11.05.2012



223

11.05.2012

A landscape photograph showing a vibrant green field in the foreground, possibly a meadow or agricultural field. To the left, a large, leafy tree partially obscures the view. In the background, a line of trees and some buildings are visible under a sky filled with white and grey clouds. The number '224' is printed vertically on the left side of the image.

224

11.05.2012

225

11.05.2012

A photograph of a dirt path winding through a lush green forest. The path is covered in fallen leaves and small stones. The trees are dense with vibrant green foliage. Bare, dark branches frame the top and sides of the image. The number '226' is printed vertically in black on the left side of the path.

226

11.05.2012

A landscape photograph showing a vast green field, likely a meadow or pasture, under a bright blue sky filled with large, white, fluffy clouds. In the background, a dense line of green trees marks the horizon. On the left side of the frame, there is a dark, out-of-focus bush or tree branch. The number '227' is printed vertically in black on the left side, and the date '11.05.2012' is printed in orange in the bottom right corner.

227

11.05.2012

228

11.05.2012

229

11.05.2012



A photograph of a paved road curving through a lush green landscape. On the right side of the road, there is a well-manicured hedge and several large, mature trees with dense green foliage. The road itself is dark asphalt and curves gently into the distance. The sky is visible through the branches of the trees, showing a mix of blue and white clouds. The overall scene is peaceful and scenic.

230

11.05.2012

231

11.05.2012











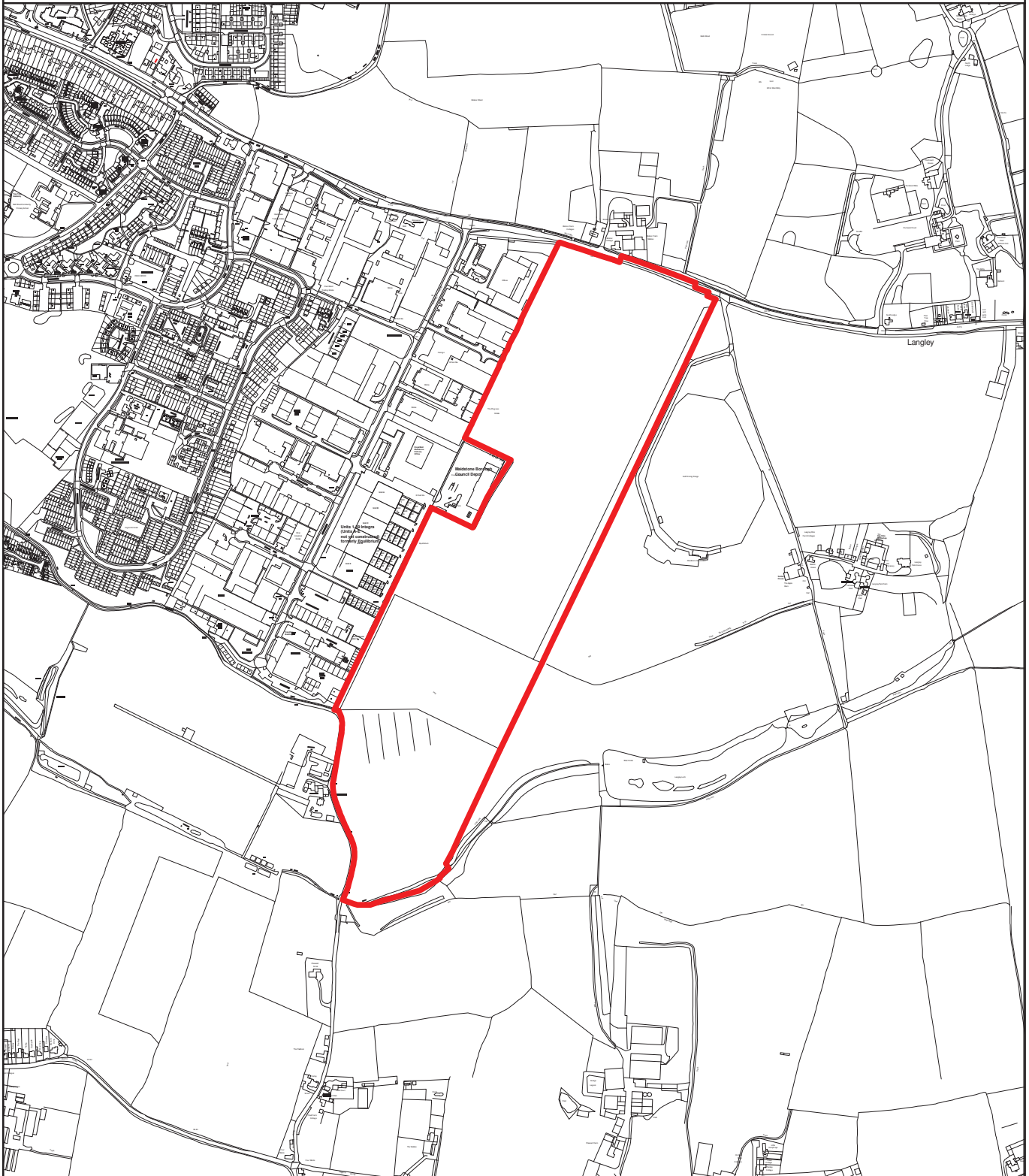


Thank You For  
Visiting Maids  
Twinned With Beaumont

# THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/1149 GRID REF: TQ7951/7952

LAND AT LANGLEY PARK,  
SUTTON ROAD, MAIDSTONE.



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 100019636, 2014. Scale 1:10,000



**Rob Jarman**  
**Head of Planning and Development**



APPLICATION: MA/13/1149 Date: 27 June 2013 Received: 1 July 2013  
 APPLICANT: Taylor Wimpey UK Limited

LOCATION: LAND AT LANGLEY PARK, SUTTON ROAD, MAIDSTONE, KENT  
 PARISH: Boughton Monchelsea, Chart Sutton, Langley, Otham

PROPOSAL: Outline application for the erection of up to 600 dwellings, with associated local centre comprising convenience store (Use Class A1) (1,300sqm - 1,500sqm Gross Floor Area (GFA)), retail/commercial units (Use Class A1, A2, A3, A5 and/or D1) (400sqm GFA), and public house (Use Class A4) (550sqm - 700sqm GFA); a two form entry primary school (with pre-school provision and a community facility); public open space; allotments; nature conservation area; and landscaping; with all matters reserved except for the following:

- 1) Means of vehicular access to the site from Sutton Road, and the spin road within the site;
- 2) 170 dwellings (phase 1) with its associated open space;
- 3) Drainage provision, including the surface water attenuation facility, strategic foul and surface water drainage infrastructure and pumping station;
- 4) Earthworks, to include ground re-modelling.

In accordance with the submitted Arboricultural Report, Open Space Survey Report; Affordable Housing Statement; Statement of Community Involvement; Transport Assessment; Environmental Statement (volumes 1 and 2); Retail Impact Assessment; Non-Technical Summary to the Environmental Statement; Sustainability Statement; Development Brief; Planning Statement; Design Addendum; Design and Access Statement; plans numbered 43-1862-001; CSa/1896/103; 45-1862-AV-A-001; 45-1862-AV-A-002; CSa/1896/121 Rev H; CSa/1896/113 Rev I; CSa/1896/131; CSa/1896/133 Rev B; CSa/1896/139 Rev A; CSa/1896/127 Rev D; CSa/1896/136 Rev A; CSa/1896/137 Rev A; CSa/1896/138 Rev A; CSa/1896/144; CSa/1896/134 Rev C; 7926/01 (1-3); 10170/CD001; 10170/CD/02; 10170/CD/03; 10170/CS/001; 10170/CS/051; 10170/CS/052; 10170/CS/053; 10170/CS/054; 10170/CS/055; 10170/CS/056; 10170/DR/10 Rev A; 10170/DR/231; 10170/DR/232; 10170/DR/233; 10170/DR/234; 10170/DR/235; 10170/DR/236; 10170/DR/237; 10170/HL/001 Rev A; 10170/HL/002 Rev A; 10170/HL/003 Rev A; 10170/HL/004; 45-1862-003 Rev E; 45-1862-004 Rev C; 45-1862-002 Rev E; 45-1862-005 Rev D; 45-1862-008 Rev C; 45-1862-010; 45-1862-007 Rev C; 45-1862-006 Rev D; 45-1862-AV-SS-002 Rev C; 45-1862-AV-SS-003 Rev B; 45-1862-AV-SS-001 Rev C; 45-1862-NH-SS-001 Rev C; 45-1862-NH-SS-002 Rev B; 45-1862-NH-SS-003 Rev C; 45-1862-RE-SS-001 Rev C; 45-1862-RE-SS-002; 45-1862-RE-SS-003 Rev B; 45-1862-AV-B-001; 45-1862-AV-B-002; 45-1862-AV-C-001; 45-1862-AV-C-002; 45-1862-AV-D-001 as received on the 1 July 2013 and the phasing plan received on the 21 November 2013.

AGENDA DATE: 6th February 2014

CASE OFFICER: Chris Hawkins

## **1. BACKGROUND**

**1.1 This application** was heard at the previous Committee meeting (held on the 16 January 2014) with a recommendation for approval given by Officers. However, following concerns by some Members, the application was deferred for further consideration.

### **1.2 Reasons for Deferral**

- Further consideration of the draft Heads of Terms for a S106 legal agreement specifically to examine alternative sustainable transport options to mitigate the impact of the development on Sutton Road which are not tied to road widening; and
- Receipt of a suitable viability assessment to establish whether the development can achieve 40% affordable housing and Level 4 of the Code for Sustainable Homes in accordance with existing and emerging Local Plan policy.

## **2. PROPOSAL**

2.1 The proposal is as set out within the previous report which is appended to this paper.

## **3. MATTERS FOR CONSIDERATION**

3.1 The first ground for deferral relates to the provision of highway mitigation. The Council have since re-visited this matter, and have concluded that it is still appropriate to request contributions for highway improvements (contributions of £3000 per unit). This is on the basis that the applicants provide the contributions that would then provide highway enhancements that would include (but will not necessarily be exclusive to) the following:

- Improve carriageway capacity including prioritising the use of the existing carriageway;
- Bus prioritisation measures (at appropriate times of the day) for the length of the corridor;
- Enhancement of the corridor to benefit pedestrians and cyclists, including where appropriate enhanced and additional crossing points;
- Mitigation measures to protect residential amenities and the general environment;
- Structural native tree planting along the corridor where possible.

3.2 At present, there are two options on the table – the additional lane of vehicular traffic (with bus prioritisation measures), and 'do nothing'. The additional lane has been identified by the applicants as addressing this matter within their three transport assessments that accompany the applications; and this has been assessed, and agreed by Kent Highway Services (KHS). Indeed, consistently through the formulation of both the emerging Policy, and through the discussions relating to these proposals, the support of this additional lane from KHS has been clear. It is for this reason that it is embedded in the existing (T2 of the Maidstone Borough Wide Local Plan) and interim/emerging policies of this Council. The 'do nothing' approach would result in an objection from KHS on the basis that the development would result in traffic movements that would take the A274 beyond its capacity.

- 3.3 If the applications are approved, the contributions would be made to Maidstone Borough Council who (alongside Kent County Council) would be responsible for the delivery of the highway improvements.
- 3.4 Should the highway mitigation not be provided within a suitable timescale then any money given to the Authority would need to be returned to the applicants within an agreed timescale (usually five years).
- 3.5 With regards to the viability, discussions have taken place between the Council and the applicants, and further information will be made available for Members prior to the Planning Committee by way of an urgent update report, and will be based upon the Council's own evidence base.

#### **4. RECOMMENDATION**

- 4.1 Give the Head of Development Management DELEGATED POWERS TO APPROVE subject to the receipt of a suitable S106 legal agreement that provides the following:
- The provision of 30% affordable housing;
  - Contributions of £3000 per residential unit for necessary enhancements of the Sutton Road as a transport corridor in order to mitigate the impacts of the development;
  - Contributions of £300 per residential unit for enhancements of the Willington Street junction;
  - Contributions of £106,200 for phase 1 towards improvements to health care provision within the locality;
  - Contributions of £360 per person for the remainder of the phases throughout the site (as shown on the submitted formula) towards health care provision within the locality;
  - Contributions for primary education of £14,285 per pupil\*. This would be to provide a new primary school on site – with land of not less than 2.05ha in area. This primary school should be provided prior to the completion of the (cumulative) 350<sup>th</sup> dwelling of this site and the sites to the north of Sutton Road (MA/13/0951 and MA/13/1523). Land of not less than 2.05ha in area to be transferred to KCC for the construction of a primary school. Either in a single transfer or two phases, where the first phase consists of no less than 1.4ha. 1.4ha of the site to be transferred at nil value with the remainder transferred at a price agreed by the contributing developers (ss2a,b,c) and the Local Education Authority; or value set by the District Surveyor. This primary school should be provided prior to the completion of the (cumulative) 350<sup>th</sup> dwelling of this site and the sites to the north of Sutton Road (MA/13/0951 and MA/13/1523).
  - Contributions for secondary education of £589.95 per flat and £2359.80 per house. This would be for the expansion of existing secondary schools that the application site falls within the catchment area of.
  - Contributions for additional book stock within local libraries - £128.44 per dwelling.
  - Contributions towards community learning of £30.34 per dwelling to be spent within the Maidstone Borough.
  - Contributions towards youth services of £8.39 per dwelling to be spent within the Maidstone Borough.
  - Contributions towards adult social care of £97.26 per dwelling to be spent within the Maidstone Borough.

- A suitable marketing campaign to promote the early occupation of the proposed commercial properties to the north of the site. This shall commence once construction of phase 1 has begun.
- Contributions of £40,000 for the enhancement of sports and recreation facilities within a 2 mile radius of the application site.
- The provision of a community facility on site that shall be attached to the existing school. Should this not prove possible, a facility of some 170 sqm metres shall be provided on site.

1. The detailed element of the development (phase one) hereby permitted shall be begun before the expiration of three years from the date of this permission and no development of the remainder of the development shall take place until approval of the following reserved matters has been obtained in writing from the Local Authority:

a. Layout b. Scale c. Appearance d. Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

2. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted (which shall include ragstone for the front block of flats, and slate roofs) 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.

3. The development shall not commence until, details of all fencing, walling (which shall include ragstone walling at the point of access, and 'unique' railings) and other boundary treatments 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.

4. The development shall not commence until, details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be provided before the first occupation of the buildings or land and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity.

5. The development shall not commence until, details of the colour of the external finish of 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: In the interests of visual amenity.

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. The development shall not commence until, details of the means of vehicular access to the site, including the road width, kerb radii, visibility splays and details of finishing materials, have been submitted to and approved in writing by the Local Planning Authority;

Reason: No such details have been submitted and in the interests of highway safety and visual amenity.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 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.

9. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include:

- The retention of existing tree lines along the eastern boundary, and enhancements to the boundary where necessary; ;
- The use of a range of natural flowering and berry bearing species of trees;
- Areas of grassland to be managed as rough grassland - both adjacent to tree belt, and road verges;
- The provision of bird and bat boxes within the development;
- Deadwood habitat piles.

together with indications of all existing trees and hedgerows on the land, and details of any to be retained, and measures for their protection in the course of development and a programme for the approved scheme's implementation and

long term management. 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.

10. 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.

11. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) '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.

12. Dwellings constructed within Phases 1 and 2 (as per the submitted Phasing Plan, Drg No Csa/1896/129 Rev E) shall meet Level 3 of the Code for Sustainable Homes and as such achieve compliance with Building Regulations Part L (2010) for energy, with an additional standard of 105 litres per day for potable water consumption, as set out in the Sustainability Statement dated May 2013. Dwellings constructed for the remaining Phases 3 and 4 will achieve Level 4 of the Code for Sustainable Homes, or any such equivalent nationally applied standard in place at the time dwellings within these phases are implemented .

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

13. 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.

14. 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.

15. 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 junction of the timber boarding and the brickwork.
- iii) Details of the junction of the ragstone and brickwork on the flat block.

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.

16. 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.

17. 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.

18. The open areas within the residential development site shall remain open and available for public access and no fences, gates or other means of enclosure shall be placed or erected to preclude access to these areas at any time without the prior approval of the Local Planning Authority.

Reason: In the interests of permeability throughout the site, and to maintain the character and appearance of the landscaped areas.

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

Reason: To secure a high standard of design.



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

Reason: To ensure a high quality design.

21. No construction of a further phase (beyond phase 1) of the development hereby permitted shall take place until the vehicular and pedestrian access to the new school has been constructed and finished to a standard which is to the satisfaction of the Highways Authority.

Reason: To ensure that suitable access to the proposed school is provided prior to its construction and subsequent occupation.

22. 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.

23. 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.

24. No development shall take place until precise details of the proposed water bodies 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.

25. 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.

26. The details of the landscaping of the site required to be submitted by Condition 9 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.

27. There shall be no occupation of the development hereby permitted until the provision of a new roundabout at the point of access from the Sutton Road (A274) has been provided. Full details of the proposed roundabout shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

28. No development shall take place until a phasing plan for the whole has been submitted to the Local Authority and agreed in writing.

Reason: To ensure a suitable development of the site.

29. The landscaping plan pursuant to condition 1 shall show the provision of allotments within the application site, in general accordance with the submitted masterplan. The details submitted shall include the positioning of the plots, and the boundary treatments around them.

Reason: To ensure that the allotments are delivery as per the submitted masterplan.

30. The details pursuant to condition shall include a layout that would enable the opening up of a link into Bircholt Road should the land become available at a later date. Land shall be made available to allow for a link for bus movements into and out of the site. At no time shall development take place that would preclude this access being opened up.

Reason: In the interests of permeability and good design.

31. The details pursuant to condition 1 shall show a minimum set back of 10metres from the public highway (A274) of any commercial building.

Reason: In the interests of good design, and the provision of suitable landscaping.

32. No development shall take place until details of the provision of a minimum of 10% of the properties hereby permitted shall be provided to a Lifetime Homes standard.

Reason: In the interests of good design.

33. No occupation of the development hereby submitted shall take place until the two proposed bus stops upon the A274 have been provided (with real time bus information).

Reason: To ensure the use of more sustainable modes of transport.

34. The development on this site shall be carried out in substantial accordance with the layout included within the Development Brief submitted as part of the application and shown on the submitted masterplan.

Reason: The layout of the proposed development is the subject of an Environmental Impact Assessment and any material alteration to the layout may have an impact which has not been assessed by that process.

35. The development shall be carried out in accordance with the principles and proposals contained in the Development Brief document submitted as part of the application unless provided for in any other condition attached to this permission.

Reason: The layout of the proposed development is the subject of an

Environmental Impact Assessment and any material alteration to the layout may have an impact which has not been assessed by that process.

36. No building within any plot shall exceed the height specified for buildings within that plot as set out in the Development Brief and layout plan (showing heights of buildings) submitted with and forming part of the application.

Reason: The layout of the proposed development is the subject of an Environmental Impact Assessment and any material alteration to the layout may have an impact which has not been assessed by that process.

37. The development shall be carried out in accordance with the mitigation measures set out in the Environmental Statement submitted with the application unless provided for in any other condition attached to this permission.

Reason: The layout of the proposed development is the subject of an Environmental Impact Assessment and any material alteration to the layout may have an impact which has not been assessed by that process.

38. The development shall be carried out in accordance with the submitted travel plan.

Reason: To ensure that the proposal is delivered in a sustainable manner, and to reduce the impact upon air quality.

### **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](http://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.

Within any submitted landscape plan, full details of the retention of cordwood within the site shall be submitted.

The proposal, whilst a departure from the local plan insofar as it does not provide for any employment provision, is considered to represent a well designed development that would provide housing within a sustainable location, and that would contribute to the provision of additional infrastructure within the locality. This, together with the Council's current lack of a five year supply of housing, results in this departure from the Development Plan being considered acceptable.

APPLICATION: MA/13/1149 DATE: 27 June 2013 RECEIVED: 1 July 2013

APPLICANT: Taylor Wimpey UK Limited

LOCATION: LAND AT LANGLEY PARK, SUTTON ROAD, MAIDSTONE, KENT

PARISH: Boughton Monchelsea, Chart Sutton, Langley, Otham

PROPOSAL: Outline application for the erection of up to 600 dwellings, with associated local centre comprising convenience store (Use Class A1) (1,300sqm - 1,500sqm Gross Floor Area (GFA), retail/commercial units (Use Class A1, A2, A3, A5 and/or D1) (400sqm GFA), and public house (Use Class A4) (550sqm - 700sqm GFA); a two form entry primary school (with pre-school provision and a community facility); public open space; allotments; nature conservation area; and landscaping; with all matters reserved except for the following:

- 1) Means of vehicular access to the site from Sutton Road, and the spin road within the site;
- 2) 170 dwellings (phase 1) with its associated open space;
- 3) Drainage provision, including the surface water attenuation facility, strategic foul and surface water drainage infrastructure and pumping station;
- 4) Earthworks, to include ground re-modelling.

In accordance with the submitted Arboricultural Report, Open Space Survey Report; Affordable Housing Statement; Statement of Community Involvement; Transport Assessment; Environmental Statement (volumes 1 and 2); Retail Impact Assessment; Non-Technical Summary to the Environmental Statement; Sustainability Statement; Development Brief; Planning Statement; Design Addendum; Design and Access Statement; plans numbered 43-1862-001; CSa/1896/103; 45-1862-AV-A-001; 45-1862-AV-A-002; CSa/1896/121 Rev H; CSa/1896/113 Rev I; CSa/1896/131; CSa/1896/133 Rev B; CSa/1896/139 Rev A; CSa/1896/127 Rev D; CSa/1896/136 Rev A; CSa/1896/137 Rev A; CSa/1896/138 Rev A; CSa/1896/144; CSa/1896/134 Rev C; 7926/01 (1-3); 10170/CD001; 10170/CD/02; 10170/CD/03; 10170/CS/001; 10170/CS/051; 10170/CS/052; 10170/CS/053; 10170/CS/054; 10170/CS/055; 10170/CS/056; 10170/DR/10 Rev A; 10170/DR/231; 10170/DR/232; 10170/DR/233; 10170/DR/234; 10170/DR/235; 10170/DR/236; 10170/DR/237; 10170/HL/001 Rev A; 10170/HL/002 Rev A; 10170/HL/003 Rev A; 10170/HL/004; 45-1862-003 Rev E; 45-1862-004 Rev C; 45-1862-002 Rev E; 45-1862-005 Rev D; 45-1862-008 Rev C; 45-1862-010; 45-1862-007 Rev C; 45-1862-006 Rev D; 45-1862-AV-SS-002 Rev C; 45-1862-AV-SS-003 Rev B; 45-1862-AV-SS-001 Rev C; 45-1862-NH-SS-001 Rev C; 45-1862-NH-SS-002 Rev B; 45-1862-NH-SS-003 Rev C; 45-

1862-RE-SS-001 Rev C; 45-1862-RE-SS-002; 45-1862-RE-SS-003 Rev B; 45-1862-AV-B-001; 45-1862-AV-B-002; 45-1862-AV-C-00145-1862-AV-C-002; 45-1862-AV-D-001 as received on the 1 July 2013 and the phasing plan received on the 21 November 2013.

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

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

## **1. POLICIES**

Maidstone Borough-Wide Local Plan 2000: H1, ED2, T2, T13, ENV6  
Government Policy: National Planning Policy Framework 2012; Ministerial Statement for Growth 2012.

## **2. HISTORY**

MA/12/2256 Langley Park Farm West, Sutton Road, Boughton Monchelsea. Screening Opinion for proposed mixed use development incorporating 600 residential dwellings, local centre (incorporating shops and public house), two-form entry primary school and community hall together with open space, nature conservation area/parkland, drainage and highway infrastructure. EIA not required\*.

MA/08/1494 Land SE Parkwood Industrial Estate, Langley Park Farm West, Sutton Road, Boughton Monchelsea. Change of use of land and erection of depot facility (sui generis) to include general storage, servicing and storage of vehicles and ancillary offices with associated parking, access and landscaping. Approved.

MA/00/1255 Langley Park Farm West, Sutton Road, Boughton Monchelsea. Residential development for 389No. dwellings with garages, public open space, play areas and other associated infrastructure. Refused.

MA/00/0906 Langley Park Farm West, Sutton Road, Boughton Monchelsea. Outline application for a mixed use development comprising residential, employment uses falling within classes B1(a) (b) & (c), B2, B8, Class A3, Classes C1 and C2, community facilities, public open space, park and ride facilities together with associated infrastructure with all matters except for means of access reserved for subsequent approval. Refused. Appeal Dismissed.

\*The applicant was advised that a full Environmental Impact Assessment would not be required to be submitted with the application. Nevertheless, they considered it prudent to submit this information, in order to ensure that the application was as comprehensive.

As can be seen from the above, there has been a previous application for residential and commercial use of this site. This was refused by the Council and successfully defended on appeal. The reason for this refusal for at that time, the Council had an up to date Urban Capacity Study that demonstrated that the Council could deliver sites within the urban area, and in particular upon brownfield sites to meet the housing need at that time. This was in accordance with Government Guidance at that time (PPG3 and PPS3).

### **3. CONSULTATIONS**

#### **3.1 Kent Highways Services** made the following comments:

- 3.1.1 The outline application proposes the erection of up to 600 dwellings, with associated local centre (of up to 2,650 square metres), a two form entry primary school and public open space. All matters are reserved except for the means of vehicular access to the site from the A274 Sutton Road, the spine road within the site, 170 dwellings (Phase 1), drainage provision and earthworks.
- 3.1.2 Baseline traffic surveys were undertaken in March 2012 at the A274 Sutton Road /Horseshoes Lane and A274 Sutton Road / Willington Street / Wallis Avenue junctions. Data was also sourced from a week-long Automatic Traffic Count (ATC) survey undertaken by Kent County Council (KCC) on the A274 Sutton Road at the site's north western boundary between 28th September and 5th October 2010.
- 3.1.3 Personal Injury Accident (PIA) data for the five-year period December 2005 to November 2011 has been sourced for the A274 Sutton Road between its junctions with Bircholt Road and Horseshoes Lane. A total of seven PIAs were recorded during the study period; of which four were classed as 'slight' in nature, two as 'serious' and one as 'fatal'. The majority of the accidents appear to have been the result of driver error and KCC Highways and Transportation concurs with the conclusion of the Transport Assessment that the low number and dispersed pattern of accidents is not suggestive of an identifiable highway safety problem.
- 3.1.4 The primary vehicular access to the site is proposed to take the form of a new three arm roundabout on Sutton Road, the principle of which was previously agreed with KCC Highways and Transportation. The roundabout would act as a valuable traffic calming feature, particularly for westbound traffic entering the urban area, and would also provide a gateway feature on the A274 approach to Maidstone. It is KCC's view that the roundabout should be combined with the extension of the 30mph speed limit to the east along the site frontage and that the applicant should use reasonable endeavours to implement the necessary amendment to the Traffic Regulation Order. Dropped kerb pedestrian crossings would be provided on all arms of the roundabout, together with central island refuges. A shared foot/cycleway would also be installed along the site frontage, allowing for a future linkage with the strategic housing allocations to the north of Sutton Road via a toucan crossing facility.



- 3.1.5 Whilst the principle of the internal site layout was discussed and agreed by KCC Highways and Transportation at pre-application stage, the County Council raised a number of detailed concerns regarding its permeability for pedestrians and cyclists and the proposed quantum of tandem and rear parking. Unfortunately, the applicant has failed to address a number of these issues and therefore further modification of the layout is required, in discussion with KCC, in order to overcome them.
- 3.1.6 A plan indicating the extent of the areas proposed for adoption by KCC Highways and Transportation has been submitted by the applicant. These include numerous areas of tree planting which should be maintained by the site management company, rather than KCC.
- 3.1.7 Car parking is proposed to be provided "in general accordance with" the standards prescribed within the Kent Design Guide Interim Guidance Note 3 and would comprise a mixture of garages, driveways and parking courts. A plan identifying the proposed car parking provision, layout and location has been submitted by the applicant; however a detailed breakdown by residential unit type should also be provided in order that any departures from the Interim Guidance Note 3 standards can be more readily identified.
- 3.1.8 The majority of the site is in excess of the maximum recommended walking distance to a bus stop of 400 metres. Consequently, it is proposed that provision would be made for buses to serve the site via the 5.5 metre wide spine road, with a dedicated turning facility to be provided towards the southern end. To ensure that bus services would be accessible to residents occupying the dwellings constructed during the early phases of the development, it is proposed that new bus stops would be provided on Sutton Road, to the west of the access roundabout, for use by the existing bus services that pass the site. This is to add to the existing facilities adjacent to the site. This strategy has been agreed in principle with Arriva and KCC Highways and Transportation.
- 3.1.9 The TRICS database has been interrogated to estimate the number of vehicular trips likely to be generated by the residential elements of the proposed development. The overall traffic generation of the residential plots, which has previously been agreed with KCC Highways and Transportation, is projected to be as follows:-

Time	Vehicular Flow		
	In	Out	Two Way
0800-0900	75	218	293
1500-1600	165	125	287
Daily	1459	1505	2964

- 3.1.10 Vehicular trip rates for the primary school have been based on data from the 2011 National Travel Survey, which provides information on average travel

distances and modal shares for primary school pupils, and the TRICS database. The overall peak period traffic generation of the primary school is projected to be as follows:-

Time	Vehicular Flow		
	In	Out	Two Way
0800-0900	156	138	294
1500-1600	83	129	212
Daily	n/a	n/a	n/a

3.1.11 Whilst the methodology used to calculate pupil trips is acceptable, it is not clear whether these trip rates also account for staff movements and clarification of this should be provided to KCC Highways and Transportation. Vehicular trip rates for the proposed foodstore within the local centre have been based on an interrogation of the TRICS database. The overall traffic generation of this land use is projected to be as follows:-

Time	Vehicular Flow		
	In	Out	Two Way
0800-0900	60	43	103
1500-1600	93	97	190
Daily	1203	1198	2402

3.1.12 KCC Highways and Transportation is in agreement with this assessment. Vehicular trip rates for the proposed local shops within the local centre have been based on an interrogation of the TRICS database. The overall traffic generation of this land use is projected to be as follows:-

Time	Vehicular Flow		
	In	Out	Two Way
0800-0900	24	23	47
1500-1600	25	25	50
Daily	332	331	663

3.1.13 KCC Highways and Transportation is in agreement with this assessment. Vehicular trip rates for the proposed pub/restaurant within the local centre have been based on an interrogation of the TRICS database. The overall traffic generation of this land use is project to be as follows:-

Time	Vehicular Flow		
	In	Out	Two Way
0800-0900	n/a	n/a	n/a
1500-1600	10	12	22
Daily	163	163	326

3.1.14 The Transport Assessment states that none of the comparator sites identified within TRICS contain survey data covering the morning peak period. It is contended that any trips at this time are likely to be within the realm of daily variation. However, KCC Highways and Transportation is aware that several pub/restaurant chains now offer a breakfast service and on this basis, it is considered that an allowance should be made for staff and customer trips during the network AM peak for robustness. KCC Highways and Transportation accepts that not all of the vehicular trips generated by the proposed land uses would be independent in nature. For example, residents of the site may travel to the primary school to drop off their children before continuing to their place of work. Furthermore, a number of trips to the local centre would be made by motorists passing the site on the A274 Sutton Road (for example, to carry out 'top-up' shopping on their journey home from work) and would not therefore be new to the highway network. The trip rates reported above have been adjusted accordingly to take account of these factors and avoid double counting. KCC Highways and Transportation concurs with the assumptions made to apply these adjustments.

3.1.15 The Transport Assessment concludes that, on full completion of the site, the total level of vehicular traffic projected to be generated in the AM and PM peak hours, taking account of internal and pass-by trips, would be as follows:-

AM Peak Hour			
Land Use	In	Out	Two Way
Residential	68	210	278
School	118	102	220
Foodstore	24	17	41
Local Shops	10	9	19
Pub/Restaurant	0	0	0
Total	220	338	558

PM Peak Hour			
Land Use	In	Out	Two Way
Residential	153	113	266
School	63	98	161
Foodstore	38	38	76
Local Shops	7	7	14
Pub/Restaurant	10	12	22
Total	271	268	539

3.1.16 Whilst KCC Highways and Transportation is in general agreement with this assessment, the applicant is requested to address the issues with the trip generation methodology identified above for completeness. The total level of vehicular traffic projected to be generated by the 170 residential dwellings

forming Phase 1 of the Langley Park development in the AM and PM peak hours – and for which full planning permission is being sought – would be as follows:-

Time	Vehicular Flow		
	In	Out	Two Way
0800-0900	21	61	82
1500-1600	46	35	81
Daily	409	421	830

3.1.17 KCC Highways and Transportation is in agreement with this assessment. The 2012 observed traffic flows on the local highway network have been increased to take account of background traffic growth to the assessment years of 2018 (completion of Langley Park Phase 1) and 2027 (full development completion) using local growth factors derived from the TEMPRO and National Transport Model datasets. The trips projected to be associated with the three strategic housing sites in South East Maidstone allocated by Maidstone Borough Council in March 2013 (Langley Park, Land North of Sutton Road and Land North of Bicknor Wood) have also been accounted for in this analysis.

3.1.18 The Transport Assessment states that the predicted future year traffic flows are greater than the actual carrying capacity of the A274 Sutton Road (approximately 2,000 two-way vehicles per hour). The 2012 observed two-way traffic flows already total approximately 1,800 in the peak hour. It is noted that the usual course of action in this scenario is to manage demand, reassign traffic and/or increase highway capacity. In this case, Maidstone Borough Council is promoting a northbound bus lane on Sutton Road between its junctions with Wallis Avenue and Loose Road to mitigate the impact of the three strategic housing sites in South East Maidstone, for which financial contributions will be sought in accordance with Policy SS2 of the draft Maidstone Local Plan. This would provide additional capacity on this corridor through modal shift and it is assumed that those vehicular trips on Sutton Road over and above the practical capacity of the highway would be reassigned from cars to buses.

3.1.19 The Sutton Road / Willington Street / Wallis Avenue, Sutton Road / Horseshoes Lane and Sutton Road / site access junctions have been subject to capacity assessments, as agreed with KCC Highways and Transportation. Three scenarios have been tested – current (2012) traffic flows, future (2018 and 2027) traffic flows without the three South East Maidstone strategic sites and future (2018 and 2027) traffic flows with the three South East Maidstone strategic sites. The means by which future traffic flows have been distributed on to the local highway network is not clear and clarification of this should be provided to KCC Highways and Transportation.

3.1.20 The modelling demonstrates that the Sutton Road / Willington Street / Wallis Avenue junction currently operates at its design capacity during peak periods and that it would operate over its design capacity in the future year scenarios, which would encourage drivers to 'rat-run' and/or retime their journeys to avoid

the congestion. It should be noted that traffic flows have been capped at 2,000 vehicles per hour, as the Sutton Road Bus Lane is assumed to be part-funded by the strategic sites. Policy SS2 of the draft Maidstone Local Plan seeks capacity improvements to the Sutton Road / Willington Street / Wallis Avenue junction and therefore a scheme of mitigation has been designed by the applicant. The improvements were agreed in principle by KCC Highways and Transportation at pre-application stage and comprise the widening of Sutton Road on the southern side to accommodate two lanes of traffic in both directions on the link between Willington Street and Wallis Avenue; the widening of the westbound Sutton Road approach arm to provide three lanes at the stop line; the widening of the eastbound Sutton Road approach arm to accommodate the bus lane; and the linking of the controllers of the two junctions to improve the efficiency of the whole intersection. The revised layout, together with the impact of the bus lane on modal shares, has been modelled and is shown to improve the operation of the junction to an acceptable extent. Whilst the junction is still projected to operate slightly over its design capacity during the AM peak hour, its operation would be better than if there were no development in South East Maidstone, no junction improvements and no public transport infrastructure enhancements. Moreover, there would be a degree of spare capacity during the PM peak hour, when the junction is projected to operate more effectively in 2027 with all of the proposed development in place than it currently does.

3.1.21 The modelling of the Sutton Road / Horseshoes Lane junction demonstrates that it currently operates well within capacity and would continue to do so in the future years with all of the proposed developments in South East Maidstone in place. KCC Highways and Transportation is in agreement with this assessment. The modelling of the Sutton Road / site access roundabout junction demonstrates that it would operate within capacity in the future years, within minimal delay to through traffic. KCC Highways and Transportation is in agreement with this assessment.

3.1.22 To summarise, whilst KCC Highways and Transportation is generally in agreement with the methodology and conclusions of the Transport Assessment, the following information remains outstanding and should be provided by the applicant at the earliest opportunity:-

- Further revision of the site layout to address KCC's outstanding concerns regarding its permeability for pedestrians and cyclists and the proposed quantum of tandem and rear parking;
- A detailed breakdown of proposed car parking provision by residential unit type in order that any departures from the Interim Guidance Note 3 standards can be more readily identified;
- Clarification of whether the trip rates associated with the primary school account for staff movements;
- An allowance for staff and customer trips to the pub/restaurant during the network AM peak hour;
- Clarification of the means by which future traffic flows have been distributed on to the local highway network.

- 3.1.23 Further comments were then received on the 26 September 2013. These state:
- 3.1.24 'Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highways matters: -
- 3.1.25 I am in receipt of supplementary information from the applicant in response to the issues I raised in my letter of 30<sup>th</sup> July 2013.
- 3.1.26 At the request of KCC Highways and Transportation, a technical note has been submitted providing clarification of the primary school trip rates used in the Transport Assessment, which is considered acceptable. It also confirms that a breakfast service would not be offered at the proposed pub/restaurant and that the applicant is prepared to accept a condition limiting the opening hours of the facility to 11am to midnight.
- 3.1.27 The technical note states that the trips generated by the site have been distributed on the basis of the existing proportions of traffic observed on the local highway network. KCC Highways and Transportation disagrees with this approach, as it takes no account of origins or destinations of the observed trips. It is advised that trips should instead be distributed on the basis of Census Journey to Work data for Parkwood Ward and the location of local primary and secondary schools, shops and leisure facilities.
- 3.1.28 The applicant has submitted a revised site layout plan and parking schedule in response to KCC Highways and Transportation's concerns regarding the quantum of tandem and rear parking. Whilst numerous opportunities for obstructive and/or inconsiderate parking remain, it is acknowledged that the layout plan has been improved considerably since it was first submitted to KCC. The parking schedule is generally acceptable, with the exception of plot numbers 40 and 41, for which just one space is proposed for each three bedroom dwelling. The Kent Design Guide Interim Guidance Note 3 recommends that two independently accessible spaces should be provided for three bedroom dwellings in suburban edge locations.
- 3.1.29 Subject to the satisfactory resolution of these matters, I can confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:
- Funding for an additional inbound lane;
  - Contributions towards improvements of the Willington Street junction;
  - The provision of a roundabout at the point of access;
  - New bus stops for both east and westbound buses;
  - Provision of an area for safe construction vehicles loading and unloading;
  - Provision of measure to prevent surface water running onto existing highways.'

3.2 **Kent County Council Economic Development** section were consulted and raised no objections to the proposal subject to the following contributions being made towards the proposal:

- Primary education - £14,285 per pupil – with land of not less than 2.05ha in area)
- Secondary education - £589.95 per flat and £2359.80 per house
- Libraries - £128.44 per dwelling
- Community learning - £30.34 per dwelling
- Youth services - £8.39 per dwelling
- Adult social care - £97.26 per dwelling

3.3 **Kent County Council Ecology** were consulted and made the following comments:

3.3.1 Thank you for the opportunity to comment on this application. We have the following response to make:

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

3.3.3 The National Planning Policy Framework states that *"the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible."*

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

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

3.3.6 The *Environmental Statement*, *Landscape Strategy* and *Landscape and Ecology Management Plan* have been submitted in support of this application. We are satisfied that there has been an adequate level of assessment of potential ecological impacts arising as a result of the proposed development.



- 3.3.7 Mitigation measures have been proposed to minimise the potential ecological impacts identified. We are broadly satisfied with the approach to mitigation and with the proposal to develop and implement a Construction Environmental Management Plan, which should be a condition of planning, if granted. We advise though that some points of clarification are sought:
- 3.3.8 Phase 1 of the proposed development, for which full planning permission is sought, will result in the loss of an area of arable field and we query the timescale at which land within the Nature Conservation Area (NCA) will become available as replacement farmland bird habitat. The indicative earthworks sequencing (section 2.4.38 of the ES) suggests that the filling and remodelling of the NCA will not take place until phases three and four, although section 2.4.35 of the ES states that "*the Nature Conservation Area is likely to be phased throughout all stages of the development*". Further details, such as a detailed plan of the phasing of habitat creation, to confirm the approach should be sought.
- 3.3.9 We query whether the areas of the site not within phase 1 will be subject to continued arable cultivation until the subsequent phases come forward or what the alternative management practises will be and the implications for the status of habitats on the site.
- 3.3.10 As the proposal is for a phased approach to the site's development, there will be a need to undertake updating ecological surveys to ensure that the current assessment of the potential ecological impacts remains valid. An indicative timetable for these survey reviews should be sought and kept up-to-date in accordance with any changes to the phasing timetable.
- 3.3.11 It is stated in the *Landscape and Ecology Management Plan* that Taylor Wimpey will be responsible for undertaking the initial habitat creation works for years 1 and 2 of works in each area. It is proposed that management of the land will then be passed on to "*a management company or local authority*". This piecemeal handover of areas may not be very effective in ensuring a holistic approach to the habitat management with consideration of interactions with the ongoing development works and we advise that the handover of the whole NCA once the habitat creation is complete would be more appropriate.'
- 3.4 **Kent County Council Archaeology** were consulted and raised no objections to the proposal subject to the imposition of a suitable safeguarding condition.
- 3.5 **Maidstone Borough Council Parks and Open Space** were consulted and raised no objections subject to contributions of £40,000 being made to allow for the upgrade of sport and recreation facilities within the locality of the application site. The officer was satisfied with the level of internal play space.
- 3.6 **Maidstone Borough Council Environmental Health** were consulted and initially raised concerns with regards to the impact upon air quality. In particular,

concerns were raised with regards to the methodology used concerning traffic numbers and future modelling. However, following discussions with KCC Highways Services, are now satisfied that the modelling is acceptable, and raise no objection to the proposal, subject to a robust travel plan being required for future occupiers, and the provision of the bus lane.

3.7 **The NHS** were consulted and raised no objections to this proposal subject to the provision of contributions of £360 per occupant of the proposal. The NHS have submitted details of how this would relate to phase 1 of the scheme (£106,200), and then also for the remaining outline portion of the proposal.

3.8 **Natural England** were consulted and raised no objections to the proposal.

3.9 **Kent Wildlife Trust** have provided a comprehensive response to the proposal. This raises no objections to the proposal and concludes by stating the following:

3.9.1 'We wish to stress that this development provides significant biodiversity enhancements which could be improved by farmland bird mitigation being provided off site, minor changes to landscaping and enhancements to the residential properties. We would very much to work with the council, the applicant, the EA and KCC to resolve our concerns. We feel this development has the potential to be an exemplar development for biodiversity if the above amendments and conditions are agreed.'

3.10 **The Environment Agency** raise no objections to the proposal subject to conditions being imposed that address the following matters:

- Shall accord with the submitted Flood Risk Assessment (FRA);
- Shall accord with the drainage information submitted;
- Contamination shall be addressed.

3.11 **Southern Water** were consulted and raise no objection subject to the imposition of a suitable condition requiring details of the foul and surface water drainage to be provided.

#### **4. REPRESENTATIONS**

4.1 **Neighbouring occupiers** were notified of the application and no letters of objection have been received.

4.2 **Boughton Monchelsea Parish Council** were consulted on the application and made the following representations (29 August 2013):

4.2.1 'Boughton Monchelsea Parish Council objects to the application for 600 houses at Langley Park for the following reasons:-

- The application fails to make provision to secure the proper mitigation of the impact on the parish community of the provision of an additional 600 dwellings.

- The application contains insufficient information to fully assess the issue of community impact and is deficient in this regard.
- At the current time there is a proposal to release additional sites in the Borough to test the implications of a further 14,800 dwellings following the 'call for sites' exercise earlier in the year. Until such time as the pattern of site allocation to secure the new Local Plan is known it is not possible to test either the cumulative community impact or the cumulative transportation impact of the proposal and the application is deficient in this regard.
- Irrespective of objections 1-3 above the application is submitted on the basis that the Borough Council does not have a five year supply of housing land. BMPC is in receipt of an opinion from Leading Counsel to the effect that the conclusion that the Borough Council does not have a five year land supply is a result of a Legal Misdirection (or Misdirections). The Parish Council objects to the application because it is submitted on the invalid basis that the Borough Council does not have a 5 year land supply. If the Borough Council continues to grant planning permission to the application, on the basis that it does not have a five year land supply, then the parish Council reserves the right to seek redress for this action through the Courts.
- The Parish Council reserves the right to make additional objections to this application at a later stage, including further objections in response to any comments which might be made in relation to objections 1-4 above.

4.3 **Langley Parish Council** were notified (whilst the site does not fall within the Parish but it is adjacent to the site) and made the following comments:

- Concern that there is only one vehicular access into the site;
- The Toucan crossing is inadequate – a bridge is required;
- Pedestrian access to the site is dangerous;
- Additional vehicular movements onto Brishing Road is necessary to allow for school vehicular movements;
- They wish to see medical provision on site;
- The scheme is too dense – 400 would be a more appropriate number.

If permitted, the Council would wish to see the following conditions placed upon the decision:

- The mature planting needs to be of a greater density than shown and as much of the hedge should be retained as possible;
- The bus access onto Bircholt Road is essential;
- The speed limit should be reduced further along the A274.

4.4 **Documentation:**

The planning application comprises of:

- Landscape and Ecology Management Plan;
- Service Supply Statement;
- Statement of Community Involvement;
- Retail Impact Assessment;
- Affordable Housing Statement;
- Open Space Survey Report;
- Arboricultural Report;
- Affordable Housing Statement;
- Transport Assessment;
- Environmental Statement (volumes 1 and 2);
- Non-Technical Summary to the Environmental Statement;
- Sustainability Statement;
- Development Brief;
- Planning Statement;
- Design Addendum;
- Design and Access Statement.

## **5. CONSIDERATIONS**

### **5.1 Site Description**

- 5.1.1 The application site lies to the east of Maidstone, adjacent to Parkwood Industrial Estate. The site is currently designated within the Maidstone Borough Wide Local Plan (2000) for both residential (Policy H1) and employment (Policy ED1) provision – this policy allocates the site for 325 dwellings, and for 13,000 sqm of B1 and 8,000sqm of B2 employment floor space. As Members are aware, this site was allocated in 2000 (following the Examination in 1999).
- 5.1.2 The emerging Local Plan identifies this site for housing provision, together with an element of community and retail floorspace. It should also be noted that Policy SS2(a) was agreed for the purposes of Development Management at Cabinet on the 13 March 2013.
- 5.1.3 Part of the site that was allocated within the Local Plan now houses the Council's depot, which itself has access from Bircholt Road, within the Parkwood industrial estate. This proposal was approved in 2008, and has been in operation for the past three years. The development projects into the undeveloped field, and is surrounded by palisade fencing and a small level of landscaping. The building itself has a curved roof, but it otherwise functional in form. There is hardstanding around the building which accommodates staff car parking, as well as parking for the Council's operational vehicles.
- 5.1.4 The Parkwood Industrial Estate lies wholly to the west of the application, and this contains a variety of uses, including car sales, a Royal Mail sorting office, and starter units. The boundary to this estate is a strong and straight, running in

a generally north to south direction. Some of the boundary does include the soft landscaping whereas in other areas there is less.

- 5.1.5 The application site (for the provision of housing) is generally flat, although the topography does rise gently within the centre of the site. However, the land to the south of the site allocated for housing, and allocated for open space, does fall more significantly, down to the River Len, and Langley Loch. This land is more overgrown than the land to the north, as it has not been farmed as intensively. Nonetheless, there are no significant trees or shrubs within this part of the site.
- 5.1.6 There is a public footpath that runs across the southern section of the application site (KH365). This runs from Brishing Road through to the land to the east of the application site. A further public footpath (KM112) runs from the southern corner of the application site, into the Parkwood Industrial Estate. The two footpaths do not however, adjoin.
- 5.1.7 To the west of the application site, beyond a substantial tree belt is a golf driving range, and a small campsite at its southern end. Beyond this, is a small cluster of housing.
- 5.1.8 To the north of the application site (beyond the A274) are open fields, one of which contains, in part, land that forms part of the strategic allocation. An application has now been submitted on that land but is currently undetermined. Adjacent to this allocated site is a listed building, 'Bicknor Farm' which is well screened from the highway by substantial fencing, and is not particularly visible from the public domain.
- 5.1.9 To the south of the application site is open fields, and farmland. There is sporadic housing, and also farm buildings within the vicinity.
- 5.1.10 The site is considered to be in a relatively sustainable location, with good access to local schools (irrespective of a new school being provided), shops, and with a good bus service (there are 6 buses that run into town between 7.10am and 8.15am and then they run every hour, and buses run every hour out of town – with increased frequency between 3.30pm and 6.00pm). Indeed, this was the conclusion that the Inspector found when he appraised the site in 1999 – although he did acknowledge the distance from railway stations was less than ideal. Nonetheless, I am of the view that the site is within a sustainable location.

## **5.2 Proposal**

- 5.2.1 This application is a hybrid, in that it is in part a full application – covering phase 1 of the development – with the remainder forming an outline planning application. The matter of access is to be agreed at this stage; which is the point of access into the site, together with the spine road that runs from north to south through the site. The application has been submitted with a full

Environmental Impact Assessment (EIA), and has been advertised accordingly as EIA development.

5.2.2 The element of the application that is for full consideration at this point in time is for 170 residential units, comprising of:

<b>Private</b>	
4 Bedroom House	31
3 Bedroom House	54
2 Bedroom House	28
2 Bedroom Flat	6
<b>Total Private</b>	<b>119</b>
<b>Affordable</b>	
4 Bedroom House	5
3 Bedroom House	18
2 Bedroom House	11
2 Bedroom Flat	0
1 Bedroom Flat	17
<b>Total Affordable</b>	<b>51</b>
<b>Total</b>	<b>170</b>

5.2.3 In terms of the layout of the proposal, the detailed element lies to the eastern side of the application site, within the northern section. In terms of the layout, significant pre-application discussions have taken place with the applicant to arrive at the proposal in front of Members.

5.2.4 The proposal incorporates a new roundabout access into the site which would have a diameter of 22metres – this will be appropriately landscaped. The frontage to the A274 would also be well landscaped with the residential development set back 18-20metres from the edge of the highway. This frontage would contain 5 dwellings, as well as a flat block, which would in part, turn the corner into the site.

5.2.5 The main spine road through the site has a strong frontage presence along its length. Again, it has been designed that the properties have a good set back from the highway, with a good level of landscaping provision along the highway. The properties along this stretch would be set back approximately 10metres from the edge of the highway, with a line of tree planting provided to their front. The first 21 properties along this access road would be provided with car parking

to the rear, with properties further south provided with driveways to the front (although the garages would be set back to the rear of the properties).

- 5.2.6 Behind this frontage, there would be a series of shorter, and narrower residential streets. These streets would, to the east of the site, front on to an existing tree belt that separates the site from the existing golf driving range. In total, four access roads would serve 'phase 1' of this development, all of which would link together, allowing permeability through the site.

### **Retail/Commercial Element of Proposal**

- 5.2.7 Whilst this element of the proposal is in outline form at present, due to the potential scale of the proposal, a retail impact assessment was submitted with the application.
- 5.2.8 The proposed 'local centre' would be located upon the frontage of the A274, and would cover an area of 1.2 hectares. It is proposed that the supermarket within the local centre be between 1,300sqm and 1,500sqm, incorporating a net sales area of approximately 930sqm. 4 additional retail units would be proposed totalling between 400sqm and 500sqm. It is proposed that these units could be used for A1, A2, A3, A5 and D1 purposes. It is also proposed to incorporate a public house (use class A4) of between 550sqm and 700sqm.
- 5.2.9 The applicants have indicated that the supermarket is intended to open in 2021, by which time the 370 homes would have been completed through phases one and two of the overall scheme. The applicant has agreed that the S106 agreement should include a requirement for marketing to take place to ensure a prompt delivery of this necessary element of the development. #
- 5.2.10 Car parking is shown to the rear of the retail/commercial area, although due to the outline nature of this element, no details have as of yet been provided of parking numbers. This would be a matter for consideration at the reserved matters stage.

### **Outline Proposal**

- 5.2.11 A large portion of the proposal would be in outline form, although a masterplan has been submitted which sets broad parameters. The houses are shown as being set in perimeter blocks, as well as being in linear form along the proposed spine road. Whilst in outline form, the masterplan does identify 'character areas' through the phasing plan. It also indicates the likely form of the highways throughout the development. Whilst all matters are reserved at this stage (other than access), the masterplan does provide a 'blueprint' from which any later submission should be derived.
- 5.2.12 The proposal also includes the provision of a school within the southern section of the site. Again, this forms part of the outline planning application. It is currently shown as 2.05hectares of land, which would be sufficient to provide a



two form entry primary school. It has also been identified as the preferred site for a community facility – linked to the existing hall.

5.2.13 In addition, an area of semi-natural open space is proposed within the southern part of the site. This is identified within the interim local plan policy for this purpose, and significant discussions have taken place between the developers and the Parish Council about the long term management of this parcel of land. The land here falls significantly, from north to south.

5.2.14 Areas of more formal open space are proposed within the development, in particular a large area adjacent to the school that would provide an area of equipped play for the development. Illustrative plans for this area of play have been submitted.

5.2.15 The existing landscaping belt to the east is to be retained, and where/if required strengthened, and a new landscaping buffer along the western boundary of the site is proposed.

5.2.16 Within the south eastern corner of the application site would be a large SuDs feature and new drainage ditch that would service the development.

5.2.17 Significant additional tree planting is proposed along the southern boundary of the housing section of the application site. This would provide a robust screen along this section, and would provide separation between the housing, and the semi-natural open space.

5.2.18 Phases 1 and 2 of the proposal would be constructed to level 3 of the Code for Sustainable Homes, with 10% of their energy generated by renewable energy sources, with the remainder of the development built to level 4 (with 10% renewables).

5.2.19 Significant S106 contributions are also being proposed – amongst other matters, these address the highway infrastructure concerns and the education provision. These are set out within the report.

### **5.3 Principle of Development**

5.3.1 The principle for some residential development at this site as been previously accepted, through the adoption of the local plan in 2000. Within the Inspectors report he states that:

*'I am satisfied that the allocation of this suite meets the advice in paragraph 3.2 of PPG13, since it is part of the larger urban area – Maidstone – and reasonably accessible to shops, schools and jobs. I accept that there is no railway in the area, but the A274 is a bus route. I acknowledge also that the A274 is a busy road, but I heard at the inquiry of junction improvements, and in Chapter 6 I deal with the proposed by-pass (All Saints and Leeds Langely).'*

He also states:

*'the site is a large area of flat open land fully in keeping with the open landscape around it. Its development would, therefore, extend Maidstone into the surrounding countryside. However, the eastern edge of the Parkwood Industrial Estate is very harsh and prominent in this flat landscape and development of this site would be an opportunity to create a softer, more attractive edge of the town.....On this issue, I conclude that there would be some harm to the character and appearance of the area, but that this could be limited by appropriate landscape design around the site.'*

5.3.2 Whilst this proposal is for housing provision (and a small commercial element), the existing Local Plan (Policy ED1) also requires that 21,000 sqm of employment floorspace be provided within the site, to meet the needs of the Authority within the plan period. As 13 years have passed since the adoption of the Local Plan an assessment therefore needs to be made as to whether this level of employment floorspace is required, and if so, if this is the right location to meet the need.

5.3.3 On this matter, for a number of reasons, this employment provision has never been built out. One of the main reasons that this site has not be built out for employment purposes is due to the location not being considered suitable for business use. Part of the justification for promoting this site for employment use at the previous examination was due to the proposed Leeds/Langley By-pass. This would have connected the site more directly to the motorway network, and would have also ensured that heavy goods traffic would not have to navigate the town centre. As Members are aware, this by-pass is no longer proposed, and as such, any extension of the industrial provision within this location would result in additional heavy goods vehicle movements along the Sutton Road, and into Maidstone. It is therefore argued that this is a site no longer suited to such expansion. This view is supported by the Council's Spatial Policy team, who are satisfied that suitable alternative provision can be found elsewhere in the Borough through emerging policy. It is also noted that a previous appeal decision prevented this site from coming forward (including the employment/commercial element). The appeal dismissed all of the development within the site, not just the housing proposal, and as such, the applicants no longer sought to pursue development on the site – up until now.

### **5 Year Housing Supply**

5.3.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

5.3.5 As set out above, this proposal is not in complete accordance with the Development Plan, and as such much be treated as a departure. However, it is an allocated site for some housing to be provided. Nonetheless, the matter of

the 5 year supply – and whether the council currently is meeting its need is of significant importance in the determination of this application.

5.3.6 Advice set out within the National Planning Policy Framework (herein referred to as the NPPF) states (Para. 47) that Councils should:

5.3.7 *'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.'*

5.3.8 The NPPF provides a clear definition of 'deliverable'. This states:

5.3.9 *'To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable.'*

5.3.10 The NPPF also refers to a Council's position when there is a lack of a 5 year supply:

5.3.11 'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.'

5.3.12 Of key importance in understanding whether Maidstone Borough Council currently has a five year supply of housing, is the target to which it is working. A very recent Court of Appeal case has clarified that it is not acceptable to use the Regional Spatial Strategy (South East Plan 2009) housing target for assessing a five year land supply. Housing requirements for the purposes of calculating a five year supply should be the full, objectively assessed needs figure for housing which is an unconstrained figure.

5.3.13 The NPPF requires that local authorities have a clear understanding of housing needs in their area, and as such they should prepare a Strategic Housing Market Assessment (SHMA) to assess their full needs; working with neighbouring authorities where housing market areas cross administrative boundaries. Maidstone are currently undertaking this process with Ashford Borough Council and Tonbridge and Malling Borough Council. This SHMA will identify the scale and mix of housing, together with the range of tenures that the local population is likely to need over the plan period which would meet household and population projections. It would also address the needs for all types of housing, including

affordable housing, and would cater for housing demand and will identify the scale of housing required to meet this demand.

5.3.14 In addition to the SHMA, local planning authorities should also prepare a Strategic Housing Land Availability Assessment (SHLAA) which will establish realistic assumptions about the availability, suitability, and the likely economic viability of land to meet the identified need for housing over the plan period. This work is currently ongoing, but the early indications are that the housing need for the Borough over the plan period (which is likely to be from 2011-2031) will be in the region of 19,600 units, which is a marked increase on the RSS figure of 11080 (2006 to 2026).

5.3.15 In April 2013 the Council had a 4.2 year land supply of housing when assessed against the need of 11,080. The supply of housing is likely to be lower than the 4.2 years given the draft SHMA figures and the requirement to use an unconstrained figure (it is estimated the land supply will be approximately 2 years). This lack of a five year supply is part of the justification for departing from the adopted local plan at this point in time – in order to address this shortfall.

5.3.16 In light of this position, I do consider that bringing forward development on this sustainably located site immediately adjacent to the settlement (and allocated in the existing Local Plan) would assist in helping to meet the identified need. However, it should be noted that this allocation has *already contributed* the 170 units within the indicated five year supply, and would not 'narrow the gap' further than presently shown. However, without it being permitted, the gap would widen further.

5.3.17 Nevertheless, the loss of the employment land, as allocated, does need careful consideration, and does need to be weighed against this loss. As set out above, it is the Council's view that the loss of this land for employment purposes is acceptable, and the provision of the land for predominantly housing is a suitable use.

## **5.4 Visual Impact**

5.4.1 This is a significant proposal for a large area of land to be built upon, which is wholly undeveloped at present. There would therefore be some visual harm brought about by the development.

5.4.2 The NPPF theme 7: Requiring good design, and the Kent Design Guide (2005) (KDG) emphasise that design solutions should be appropriate to context and the character of the locality. In order to respect the context, the KDG states that development should achieve some or all of the following: reinforce positive design features of an area; include public areas that draw people together and create a sense of place; avoid a wide variety of building styles or mixtures of materials; form a harmonious composition with surrounding buildings or landscape features; and seek to achieve a sustainable pattern and form of

development to reduce the need to travel and improve the local context. Through good design, using principles in the Kent Design Guide, the proposed development is expected to make efficient and effective use of this greenfield site, on the edge of Maidstone in a manner sensitive to the wider local environment. The emerging Development Plan, policy SS2A specifically refers to Langley Park, referring to sustainable construction (point 4) and high quality, modern design that incorporates vernacular materials (point 11).

- 5.4.3 In this instance, assessing whether the development is appropriate to context cannot be divorced from the identification of the site as a strategic allocation in 'saved' policy H8 of the Maidstone Borough-Wide Local Plan (2000) and the emerging Local Plan. In other words, it is inevitable that residential development extending into countryside would, to some extent, be out of context with the prevailing rural character. Given the policy support for the urban extension, the test in this case should be how well the development responds to the sensitivities of an urban fringe location.
- 5.4.4 Responding to context also involves incorporating site specific constraints and wider planning policy objectives which in this case include: the form and layout of the proposed development; highway safety/access considerations including parking; housing density; landscape structure; and appearance and detailing. The objective should be to imaginatively address these constraints to help deliver a distinctive place.
- 5.4.5 The application has been accompanied by an (*un-adopted*) Development Brief (March 2012) which clearly sets out a comprehensive vision with planning and design principles and the evolution of the development proposal, together with a Design and Access Statement (D&AS) (June 2013) and separate Design Addendum (for phase 1). The location and function of the various uses are well located within the overall site area, and align with the following principles:
- The Local Centre fronting onto the main access road;
  - The school and community facilities centrally positioned;
  - The creation of a centrally located north – south spine road;
  - A strong landscape structure; and
  - Protection of sensitive rural edges with the introduction of a Nature Conservation Area and woodland to the south, abutting open countryside.
- 5.4.6 The design approach for the scheme is traditional and has been designed to include high quality buildings and spaces which link together with the existing urban edge of south east Maidstone to provide an inclusive, safe and accessible development. The proposed urban grain and pattern of development is outward looking and made up of a loose perimeter development block pattern that optimises the use of the site in a manner that creates a sense of place, encourages permeability, and clearly defines public and private space.

### **Form and layout**

- 5.4.7 The layout is based along a main spine road which runs centrally in a north-south direction through the top half of the site from the proposed new roundabout on the Sutton Road (A274). This primary route links the primary hubs (the Local Centre, primary school and community hall) via a bus loop that terminates mid-way within the site before becoming a secondary route. The form and layout scales down from this point, particularly on the most southern edge of the site so that the urban fringe blends easily into the countryside. A looser grain is proposed in this locality near to the Nature Conservation Area and eastern boundary. This is particularly important as the development is seen from open countryside to the south and in particular from the A274 approach from the east, where a sensitive solution to the urban fringe character on the main eastern approach is required. This development creates a new 'gateway' into Maidstone with prominent entrance features, namely the Local Centre and one of the 3-storey apartment blocks.
- 5.4.8 In addition to this, the land falls away to the south, and as such, the density of the development should respond, with the southern section being more visible from long distance views. This enables greater provision of landscaping to be provided,
- 5.4.9 The proposal's scale, density, and massing is appropriate to the site, with street scenes providing views to key spaces and glimpses of the existing tree belt to the east, and the Nature Conservation Area to the south. Streets have active frontages, and open spaces are overlooked providing natural surveillance, and where possible all properties have dual aspects to avoid blank facing walls and 'dead' frontages. Whilst much of the proposal is in outline form, the submitted masterplan indicates that these principles would be carried through to the detailed stage. In order to ensure that this is adhered to (and also to ensure that the proposal remains compatible with the EIA) I have suggested conditions that would require the applicant to translate the principles shown into the details submitted with any reserved matters application. I do consider the layout submitted to be of a high quality; with the character areas and the road hierarchy following the principles of good urban design. The scale of the buildings responds to the layout, insofar as they increase in height at corners, and when fronting open spaces. I therefore consider this to be a high quality proposal in terms of the layout proposed.

### **Car Parking/Permeability**

- 5.4.10 The street hierarchy has been influenced by the need to provide one main vehicle access from the A274, and is well connected due to its loose grid structure and clearly defined and dedicated primary (centrally located tree lined spine road), secondary (with areas of shared space where cars, cyclists and pedestrians would have equal priority), cycle routes and footpaths, all of varying widths. This structure is legible, and has good linkages between spaces for pedestrians and cyclists with attractive, safe and overlooked areas of open space, and easy access to local facilities, all within walking distance of the housing. A good public transport bus route is proposed through the development

as a means of encouraging the use of non-car modes to access local jobs, shops and services. I note that concern has been raised with regards to the provision of tandem parking, and the permeability through the site. The permeability is in part dictated by the shape of the site, and the adjoining uses. Efforts have been made to contact the owner of Bircholt Road to enable both pedestrian, cycle and bus movements directly through to the Parkwood Industrial Estate, however to date this has proved unsuccessful. Nevertheless, the masterplan still allows for this provision should this option become available in the future. In terms of internal permeability, the central spine road has several spurs, many of which interlink, and as such, I do not consider this to prove impermeable. With regards to the tandem parking – I raise no objection, as this allows for greater landscaping provision within the front garden areas.

5.4.11 Car parking is planned at a level appropriate to county maximum standards (IGN 3: Residential Parking), as a site located on the urban fringe with a predominance of 2 spaces including:

- a garage for 3 and 4 bedroom houses:
- 2 spaces for 2 bedroom houses: and
- 1 space per 2 bedroom flats.

5.4.12 To offer choice and variation, the applicant has also shown ratios that depart from this policy, providing fewer (i.e. 1 space) and more (up to 3 spaces or 2 spaces and a garage) within the layout. Where possible car park spaces are located immediately adjacent to the dwelling served to ensure use. Overall an appropriate mix of parking types from on-plot (with garages, car-ports and hardstandings), on-street and within courtyards surrounded and overlooked by buildings would be provided.

### **Housing density**

5.4.13 The Kent Design Guide (2005) in the case of urban fringe locations states that density should remain compact to avoid urban sprawl and recommends a gross density of between 30-50 dph. References within the Development Brief refer to lower densities to reflect the urban edge location, and include high density (35-45dph) within the north-eastern area of the site; medium (25-35dph) to the west and central areas of the site; and lower densities (20-25dph) on the eastern edge of the site. Figure 2.1 (net development areas) within the Design addendum shows the densities per acre a little more clearly. Furthermore, the Council's emerging policies on the strategic allocations indicate a density on this site of approximately 35 dph – and this proposal is in general conformity with this. To my mind, the density given is at a suitable level. When assessing both the detailed layout, and the overarching masterplan, the layout provides for a good level of internal open space, as well as a soft buffer to its edge. This is aided by the level of landscaping provision around the application, but nonetheless, I am of the view that the internal layout would not appear as cramped, or overdeveloped.



5.4.14 The applicant also refers to several distinct character areas, these relate back to the characteristics set out in the character areas of the Development Brief. These characteristics have been translated to inform the physical form of the main three distinct character areas, made up of The Avenue, The Rural Edge and Neighbourhood Housing. Other character areas include the 'entrance feature', the 'urban edge' and 'community focus' areas. The D&AS sets out design objectives/codes for each of these character areas.

### **Landscape structure**

5.4.15 The landscape structure is a fundamental consideration for an urban edge development where landscaping should be used to soften the development, helping it to respond more sensitively to its semi-rural context. As part of the proposed strong landscape structure, a green open space network has been shown that reinforces the urban/rural interface and helps give the site a unique identity. This includes:

- the tree lined spine road;
- the introduction of the Nature Conservation Area and new woodland planting (40m deep) within the southern section of the site;
- a woodland 10m buffer to the existing mature mixed tree belt to the east which performs an important screening function;
- a new 10m landscape buffer on the western boundary to screen the adjacent Parkwood Industrial Estate;
- the areas of Public Open Space which consists of amenity green space, community allotments on the western boundary landscaping, informal open space, bespoke planting, informal recreation and biodiversity enhancement;
- the introduction of trees within and along development block edges; and
- strategically positioned hedges and tree planting on building plots.

### **Appearance and detailing**

5.4.16 The house types applied throughout the scheme are of a traditional design, with simple yet standard detailing and a limited carefully considered materials palette, including ragstone, brick, weather-boarding, tile-hanging, slate, roof tiles and PVCu rainwater goods. Up to 21 house types consisting of a range of detached, semi-detached, terraces, corner buildings and apartments are dispersed across the site to provide variety and interest. The majority of the dwellings are 2-storey with 2.5 and 3-storey buildings fronting onto the main spine road, at the end of rows and located with the central area of the site. Whilst of a relatively traditional form, I consider that there to be a good level of detailing provided, with the provision of chimneys, flat roof dormer windows, and a variety of roof forms and pitch heights. This provides interest and variety within the development, and also introduces a more varied roofscape within what is a relatively flat application site.

5.4.17 The design of the three 3-storey apartment blocks were the weakest element of the scheme, especially block A fronting onto the main access road and the Listed

Building directly opposite on the north side of Sutton Road, a prominent position that announces and acts as a gateway to the site/scheme. As such, amended plans have been submitted, which show a building that would be constructed predominantly of ragstone, with a slate roof, and would be provided with details such as exposed rafter feet, and windows with a suitable recess. This is an enhancement upon the original proposal, and I consider the proposal to now be of an acceptable standard.

- 5.4.18 Considerable thought has been given to the creation of vistas and focal points, securing views of existing landscape features, the perimeter landscaping and open space areas; and boundary treatments show varied and quality solutions using low brick walls or metal railings; picket fencing or hedges; hard paved mews depending on the location of a particular building type within a streetscene in a character area. As such, the development has a strong hierarchy, which would be acknowledged as one moves through the site. In particular, thought has been given to ensure that the open spaces respond positively to the buildings that surround them. For example, greater height it proposed where there is a greater set back from the road, or where a building fronts on to an open space. To my mind, this represents good urban design that creates a sense of place.

#### **Code for Sustainable Homes/Sustainability**

- 5.4.19 The sustainability chapter of the D&AS and Sustainability Statement set out the measures to increase energy efficiency and reduce carbon emissions throughout the development. They identify a considerable commitment to minimising environmental impacts, through sustainable design and construction methods.
- 5.4.20 The residential development has been designed to comply with current Building Regulations (Parts L, G2), and consider the use of 'A' or 'A+' for building envelopes in accordance with the BRE Green Guide. Code Level 3 for Sustainable Homes (CfSH) is to be applied for phase 1 and 2, and Code Level 4 for the remainder. A range of measures are listed to achieve this including more than 10% energy use from decentralised/renewable/low carbon sources, and a number of options for incorporating renewable energy sources are also being considered. I consider that this approach is acceptable, as this will ensure that the development, which will take a number of years to construct will be as sustainable as possible in the long term. Whilst the interim policy refers to code 4, I am happy in this instance that the first two phases be level three, subject to the developer providing 10% renewables across the whole site.
- 5.4.21 All the buildings have been designed to reduce energy use, by taking into account building orientation, layout, overshadowing and materials selection to minimise energy consumption, to optimise solar gain and incorporate natural ventilation, wherever possible. In addition, the landscaping through the proposal would be designed in order to minimise the impact of the proposal upon the environment.

## **5.5 Residential Amenity**

- 5.5.1 With regards to the residential amenity, the proposal would be detached from existing residential properties, with the exception of the property to the north of the Sutton Road. This property would be separated from the development by the A274 Sutton Road, and is also well screen from the site by existing high boundary treatments. I do not consider that this proposal would result in any significant overlooking, overshadowing or sense of enclosure to the occupants of this property.
- 5.5.2 In terms of noise and disturbance, the site would lie adjacent to an allocated employment site as well as having the Council's depot project into part of the site. These are however, existing uses that any future occupiers would be well aware of prior to purchasing properties. Nonetheless, there would be the necessity for suitable mitigation to be put into place, both in terms of the built fabric of the buildings, and also the physical barrier proposed along this western boundary to reduce the impact of these potentially un-neighbourly uses.

## **5.6 Highways**

### **External Works/Contributions**

- 5.6.1 As can be seen from the comments made by KCC Highways and Transportation, the principle of development of this scale within the site is considered acceptable. As part of the existing allocation, the Inspector considered this site to be relatively remote from the Town Centre, and also gave considerable weight with regards to the distance from the nearest railway station. As such, measures were proposed at that point in time to address this, together with the additional traffic that would be generated by the proposal. It is for this reason that Policy T2 of the Local Plan included the provision of dedicated bus lanes, priority to buses at junctions, prioritisation (for buses) within traffic management schemes as well as enhanced waiting and access facilities and information systems for passengers, including those with disabilities.
- 5.6.2 To my mind, these measures remain key in the successful delivery of this site, and also to ensure that this proposal does not become an isolated island of development, overly reliant upon the private motor vehicle. As such, the Council will be seeking contributions of £3000 per dwelling to deliver a new inbound lane of traffic, with bus prioritisation measures from the Willington Street roundabout to the Wheatsheaf junction (A274 & A229 junction). Whilst KCC Highways and Transportation have requested that these simple be for vehicle movements, it is my opinion that there should be some bus prioritisation along this corridor to encourage greater use of the bus, and to reduce vehicles along an already busy highway. As such, I proposed that any additional lane of traffic should only be available for bus use between the hours of 7.30am and 9.30am. This lane could be available for other traffic at all other times. This would be consistent with the peaks shown for inbound traffic movements. Should this provision be made, then I consider that the proposal would address both the capacity issue within the

A274, and also would ensure that the proposal would align with existing Local Plan Policy, and would be a more sustainable location than otherwise.

- 5.6.3 Intrinsic to the successful management of both inbound traffic, and traffic that seeks to head northwards to the A20 is the alteration to the Willington Street/Sutton Road junction. The improvements to this junction are set out within the Transport Assessment, which is agreed by Kent Highways and Transport. Again, I consider that this is a necessary part of any proposal for additional housing further along Sutton Road as it is acknowledged that this junction is already at capacity, and further strain will take it beyond capacity. The mitigation at this junction will include widening of the junction, which will see the removal of a tree. However, it has been agreed that this would be replaced should permission be granted.
- 5.6.4 It is proposed that two new bus stops be provided upon the A274 – one serving the eastbound service, and one the westbound. These would be provided to the north of the site, and have new shelters, bus boards, and real time bus information. I consider that these would make the use of bus services more attractive, and therefore are required as part of this development.

### **On Site Works**

- 5.6.5 A new access is required to be formed into the application site from the A274 (Sutton Road). It is proposed that this be in the form of a new roundabout with minor changes to the existing road alignment. The roundabout has been fully considered, and would allow for both safe entry to, and exit from, the application site. The roundabout would also act as a traffic calming measure for vehicles that are running into the town from the Headcorn direction, within an area which would have a significant increase in pedestrian footfall – I consider this a benefit.
- 5.6.6 Within the application site it is proposed to run a main spine road (generally) in a north/south direction. Whilst only part of this development is detailed, it is proposed to complete the spine road down to the location of the school, to ensure that this can be provided (should other sites come forward in advance). The residential streets would run from this street, with the surfacing and form of the highways clearly demarcating the hierarchy of these streets.
- 5.6.7 The proposal includes the provision of a retail/commercial centre, to the front of the site. This would generate traffic movements from outside of the application site. It is considered however, that this would not result in a significant impact upon highway safety, as access could be obtained into the site in a suitable manner.

### **Parking Provision**

- 5.6.8 With regards to the parking provision within the development, KCC Highways and Transportation do not raise any objections to the level provided (although some concerns are raised with regards to tandem parking provision within some

parts of the site). I concur with this view - that the parking provision is sufficient; however, I disagree that the inclusion of tandem parking spaces would be to the detriment of the scheme. The provision of tandem parking spaces ensures that sufficient land be given over to landscaping, which enables a more high quality finish to the development to be provided. Furthermore, much of the tandem parking proposed would be on the more 'minor' roads where speeds would be low, and there would be good visibility into and out of each property. As such, I do not consider that this would be to the detriment of highway safety.

5.6.9 I note the Highways Officer's comments with regards to the fact that plots 40 and 41 only have one space. As Members will be aware, Maidstone Borough Council has not adopted the Interim Guidance, and in this particular instance, due to the availability of on street parking in the vicinity, do not consider this to be such a significant issue to warrant amendments to be made. In this instance, I would rather see the provision of more landscaping.

5.6.10 Full details of the commercial area have not yet been provided as this falls within the 'outline' element of the proposal. The level of car parking can therefore be assessed when the reserved matters are submitted should permission be granted.

5.6.11 Overall, I consider the transport mitigation, the layout, and the parking provision to be acceptable. I am of the view that the external highway improvements would suitably mitigate the impact of the proposal, in terms of additional traffic as well as its location, and promoting more sustainable modes of transport. I therefore raise no objections to the proposal on highway grounds.

## **5.7 Landscaping**

5.7.1 The applicant has submitted a detailed landscaping plan for the full element of the proposal, and an overarching masterplan for the outline element of the proposal – including the area of informal open space at the southern end of the site.

5.7.2 The landscaping within the northern section of the site has been designed in a way to reduce the environmental impact of the proposal, as well as providing a defined hierarchy through the development. During pre-application discussions, the importance of the front of the site was highlighted, and in particular the need to provide good structural landscaping. The existing hedge along this stretch of the A274 is of limit value, both aesthetically, and also in terms of ecology, and the applicant was therefore encouraged to 'open up' this element of the proposal, in order that the houses would be more visible, which should in turn reduce the speeds of the vehicles, as the character would change. The landscaping proposals show the retention of the most robust hedge tree planting (at the eastern end of the site), with the provision of three lime trees along the road frontage, and then in to the application site, along the eastern side of the spine road. This tree planting would be replicated on the western side of the

access road, as well as in front of the commercial area. Details of the tree planting within the proposed roundabout is also shown; three non-native birch trees.

- 5.7.3 I am of the opinion that this aspect of the landscaping provision is acceptable, and responds to the advice given prior to submission. The space between the trees would ensure that their long term survival as best as possible. I am proposing a condition be imposed that would require the tree planting along the road frontage to be more mature trees, which would have an immediate impact upon the development, and also, to ensure their long term survival – particularly with the level of construction traffic borne in mind.
- 5.7.4 The access into the site will be provided with a grass verge, path, and then private gardens behind. There would be elements of informal planting within this verge, which would add some biodiversity.
- 5.7.5 Behind the path, each dwelling would be provided with a hedge (*Prunus lustanica*) and then a further set back to each property. I consider that this landscape proposal provides a good layering of soft landscaping, and also an appropriate amount of open space, along this key route through the site.
- 5.7.6 Internally, the landscaping is much more informal, with the tree planting more sporadic, and clustered, with the hedge planting also less formal. The landscaping proposal would see each property provided with a soft frontage although many of these would be much closer to the highway than along the spine road. I consider that this reflects the hierarchy of the highways.
- 5.7.7 Areas of open space are proposed within the eastern part of the site, next to the woodland tree belt, with one adjacent to the spine road - the eastern area being the larger of the two. The eastern area would be provided with 13 additional trees, as well as three areas of planting – the remaining area being of grass. This would be able to be used as a small area of informal play, or recreation, as well as having benefits for ecology. The smaller of the two areas (adjacent to the spine road) would be provided with tree planting, to give the impression of a more formal 'square' which would also respond to the changes in hard surface at the point – being brick/block pavers.
- 5.7.8 In terms of the remainder of the application site – i.e. that which falls within the outline element of the proposal, the landscaping is shown as illustrative only. Nonetheless, the plans do show that the landscaping provision would be able to be provided in a similar vein to the detail that is shown within the detailed element. Of particular importance is the proposal to create a more robust southern boundary to the application site. As such, I am recommending that a condition be imposed that would ensure that the additional tree planting shown would be provided prior to any works taking place for phases three and four – as these would be the most visible phases from the south (the additional planting has been requested to reduce the impact of the proposal when viewed from the south).

- 5.7.9 With regards to the area of semi-natural open space, the applicants will be undertaking an exercise of 'cut and fill' with much of the spoil relocated to this part of the site. As such, a phasing plan for this work has been submitted, and it has been agreed that this element of the proposal would not need to be completed until the remainder of the development is complete. Nonetheless, a strategy for its completion would be required by condition, to ensure its delivery.
- 5.7.10 Allotments are shown to be provided within the south western portion of the application site. These would provide a suitable community facility, whilst also providing a soft buffer between some of the residential properties and the Parkwood Industrial Estate.
- 5.7.11 I consider that the landscaping provision, as shown would provide a high quality setting for the development, and would mitigate the impact of the proposal from long distance views. Many of the species proposed are indigenous to the area, and respond positively to the character and appearance of the locality. I therefore raise no objections to the landscape provision shown, subject to the imposition of suitable safeguarding conditions relating to the outline element of the proposal.

## **5.8 S106 Contributions**

- 5.8.1 The applicant has submitted a draft S106 agreement following discussions with the Authority. Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of Community Infrastructure Regulations 2010. These stipulate that an obligation can only be a reason for granting planning permission if it meets 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.

- 5.8.2 As Members are aware, the Council has an adopted DPD which addresses the matter of affordable housing within the Borough. This requires that a 40% affordable housing provision be made on developments of 15 units or more. The Council have however 'banked' policies for the purposes of Development Management on the strategic sites. Policy SS2a relates specifically to Langley Park, and requires that the level of affordable housing be provided in accordance with the Local Plan target, as detailed in Policy CS10. However, this policy (CS10) was not adopted for the purposes of Development Management and as such has less weight.
- 5.8.3 The level of affordable housing to be sought is therefore 30% of the overall provision. To my mind, this is a strategic site, with its own policy, which needs to be given weight. Whilst the Local Plan proposal in terms of affordable housing



provision has yet to be adopted for the purposes of Development Management, I am of the view that this development will provide for a significant proportion of the Council's strategic provision and as such should accord with the requirements of this strategic vision as much as it can. Whilst no viability appraisal has been submitted, I am also mindful of the necessity for significant levels of contributions to be made with regards to the highways infrastructure in order for this site to be acceptable – a cost that it not borne by other developments (of a small scale) within the Borough. Whilst this would be a departure from the adopted Development Plan, I feel in this instance, there are sufficient considerations to justify this reduction to 30%.

- 5.8.4 An area of land within the site is to be set aside for a new two form entry primary school. Significant negotiations have taken place with Kent County Council education, and it has been agreed that the developers of this site, together with the developers of neighbouring land would all make contributions towards the land acquisition costs, and the cost of construction. As at present, this site together with the sites to the north of the A274 (planning applications MA/13/0951 and MA/13/1523) would see the provision of a total of (approximately) 886 dwellings, and KCC have indicated that this would necessitate the construction of a new 1.5 form entry primary school, as those within the vicinity could not be expanded to the extent required to address this additional strain.
- 5.8.5 In order to ensure that this school could be delivered, it would be necessary for contributions of £14,280 per pupil (the formula for working out pupil numbers is set out at the end of the report to be provided. It would also be required for the applicants to provide (their portion of) the land for the school for nil cost. These contributions have been agreed with the applicant.
- 5.8.6 Clearly there is a direct interrelationship between this site and the two aforementioned sites to the north of the A274 in terms of delivery. Of particular importance is understanding the necessary trigger point to see the delivery of the school. KCC have indicated that the school would be necessary once the 350<sup>th</sup> dwelling (across the three sites) has been delivered. As such, any S106 legal agreement would need to be cross referenced with these sites, in order to ensure that this would be delivered at the suitable point in time.
- 5.8.7 The school currently forms part of the outline element of the planning application, and as such, permission would need to be sought for its delivery. This time would need to be factored in to the delivery of the school. It would also be necessary for the road up to the school to be completed in advance, and I proposed to address this by way of condition.
- 5.8.8 It is also proposed that the development would provide a new community facility within the site. This is either to be attached to the new school, or adjacent to it (due to the manner in which new schools are operated, this cannot be confirmed at this stage). This community facility is required as per the emerging Policy. Whilst Boughton Monchelsea had requested that contributions be made to

enhance their existing facility, I considered it more appropriate to seek a provision on site, that the residents could readily access. This does not, of course, preclude them from helping to operate such a facility, within their Parish. I am also mindful that any community facility on the site is also to address the demand created by the sites to the north of Sutton Road, which fall outside of this aforementioned Parish. I consider the provision of this community facility to meet the three tests set out above.

5.8.9 Kent County Council have also requested that other contributions be made towards libraries, youth and communities and adult education. These contributions are considered to have been fully justified, and are related to the scale of development proposed. I therefore consider that they are in accordance the aforementioned regulations.

5.8.10 Significant contributions are also required with regards to the provision of an additional lane for vehicular traffic, which would also have bus prioritisation measures during the busiest period for inbound traffic (7.30am – 9.30am). The cost of such a provision has been provided, which demonstrates that a figure of £3,000 per residential unit would be required to fund this new provision. As has been set out within the submitted transport assessment, the A274 would exceed capacity without such provision. I also note that the existing local plan allocation requires improvements to this busy transport corridor. I am therefore satisfied that this is a necessary requirement of this development, and is directly related, and of a scale commensurate to the proposal.

5.8.11 Contributions would also be sought from any development to the north of the Sutton Road (including applications MA/13/0951 and MA/13/1523) for the same figure. In order to ensure that this is delivered in good time, I would require the payment for this additional lane to be provided at the completion of the 350<sup>th</sup> dwelling across all three sites (in the same vein as the school would be required).

5.8.12 In addition, contributions of £300 per dwelling are required for improvements to the Willington Street junction. Again, as this junction would exceed its capacity should these developments be constructed, then there is a requirement for the work to be undertaken. Again, I consider that it would be prudent to request this money at the completion of the 350<sup>th</sup> dwelling (again across the three sites) in order that the works can be undertaken in good time for the remainder of the development.

5.8.13 Significant discussion have been held with the NHS with regards to the provision of contributions towards additional health services within the vicinity of the site – as no new provision is required on site. The NHS have indicated that the existing provision within the locality can be expanded to accommodate this growth. As such, contributions are sought, with extensive negotiations having taken place between Maidstone BC, the applicant and the NHS to agree suitable provision. It has now been agreed that a figure of £106,200 be provided from phase one of the development, with the remainder of the (outline part) scheme providing

contributions on a per capita basis. Contributions shall be provided at the completion of each phase of the development to meet with this requirement.

5.8.14 Much of the provision of parks and open space is to be on site. The Council are satisfied that the semi-natural open space to be provided at the southern end of the site is sufficient, and also that the play space within the development would be sufficient to address the needs of the residents. However, as no on-site provision has been made with regards to sport, contributions of £40,000 are requested to enhance the facilities within a two mile radius of the application site. I consider that this request for contributions meets the tests of the CIL Regulations, and as such, require this to form part of the S106 agreement.

5.8.15 The applicant has been advised that it will be necessary to make every effort to ensure that the commercial/retail element of the proposal would be occupied at the earliest opportunity. As such, they are required as part of any S106 legal agreement to undertake suitable marketing of the site, prior to any works taking place (prior to phase 1). This should ensure that this important component of the development has the best chance of being delivered within the required timescale.

5.8.16 I therefore consider that this proposal would provide a suitable level of contributions, and facilities within the application site to ensure that the additional strain placed upon the local infrastructure brought about by the development can be accommodated.

## **5.8 Ecology**

5.8.1 The applicants have submitted an ecology survey of the application site, together with mitigation to ensure that the development would not have a harmful impact upon biodiversity. Indeed, the Kent Wildlife Trust have considered that the proposal would have a beneficial impact upon the ecology within the site, and the wider area.

5.8.2 The site is currently an arable field, and has been for a number of years. As such, the site has limited ecological value at present, and whilst the proposal would see the loss of a quantum of habitat, it does seek to make significant qualitative enhancements that would provide an overarching benefit, should permission be granted. It is noted that concern has been raised with regards to the loss of habitat for some birds that forage within the ground, however, I consider it appropriate to seek clarification by way of a condition as to how the phasing of the site will (in part) address this concern. Likewise, I would request that updated ecological studies be provided for later phases to ensure that they address the ecology within the site as near to the point of development as possible.

5.8.3 The large area of semi-natural open space/nature reserve at the southern end of the site will be provided with a long term maintenance plan. This land would

provide both an amenity space for future residents – albeit with limited access to some parts, as well as providing ecological enhancements.

- 5.8.4 This area, together with the areas set out within the application site, are considered to mitigate the impact that the proposal would have upon biodiversity within the application site. As such, no objections are raised on this matter.

## **5.9 Retail Impact**

- 5.9.1 The applicants have submitted a retail impact assessment to accompany this planning application. This sets out the policy context of the site, and the Council's wider retail policy. This notes that the interim policy SS2a requires the *'Provision of appropriate shopping facilities for the needs of the development, which shall be delivered within a community hub/local centre.'* It should be noted however, that this should not simply restrict development to that of a scale that addresses a need of the allocation, but this could potentially allow for a larger centre, that would also address the needs of the other strategic allocations within the locality, to allow for integrated development.
- 5.9.2 'Need' is no longer a policy test to apply to planning applications. However, the needs assessment can provide relevant background information for assessments of retail impact. The applicants have assessed the proposal in light of the Kent County Council retail needs study that took place in 2007, and updated in 2009 and 2010. This study concluded that there would be a negative requirement (i.e. a reduction rather than a growth) for retail floorspace up until 2016. However, a more recent report undertaken by DTZ on behalf of Maidstone Borough Council shows a differing picture, with some convenience floorspace being required in the near future, although this would be within the town centre rather than outlying areas or within District Centres. DTZ do not comment however, on new retailing provision at new local centres.
- 5.9.3 In terms of whether there would be a requirement for a sequential test to be undertaken, as this is a new centre, which is required by policy to have commercial/retail provision, there is no need for a test.
- 5.9.4 Irrespective of this, the applicants have completed a retail impact assessment, which has to make certain assumptions, due to the outline nature of the proposal (and the fact that no end user has been identified). Sales densities of £12,000 per square metre have been proposed, which is comparable with the leading retailers in the sector – I am satisfied with this approach. The retail impact shows little trade draw from the existing Parkwood parade (and I note that there are already proposals to re-locate, and upgrade this facility in any event) due to the distances between the two centres. The largest impact that this store would have would be upon the Morrison's in Sutton Road, which is shown with the DTZ report to be significantly over-trading.
- 5.9.5 It is therefore considered that the proposal, which would be likely to have a turnover of approximately £9.5m in convenience goods, and £0.9m in

comparison, would not have a significant detrimental impact upon the retail provision within the locality and the wider area. I am therefore satisfied that the level of retail provision, is consistent with the aims of the policy – to serve the immediate area, and in particular the new development. I consider this element to be of an appropriate scale and therefore raise no objections to this part of the outline permission.

## **5.11 Phasing of the Development**

5.11.1 As the proposal is for 600 dwellings, together with commercial and school provision, the phasing of the development will be critical in the successful delivery and integration of the development. This is particularly important when considering the additional 300 dwellings proposed to the north of the Sutton Road.

5.11.2 The applicants have submitted a phasing plan, which indicated that the development would be constructed from the Sutton Road moving southwards. As set out within the report, I consider it appropriate for the main spine road to be provided at the beginning of the development and for the school to be provided at the completion of the 350<sup>th</sup> dwelling. However, the remaining phasing of the site should be completed in accordance with the phasing plan. I propose a condition to address this.

5.11.3 As the condition will control the phasing, the S106 agreement would address the provision of affordable housing across the whole site. In order to ensure that the affordable housing is spread across the whole site, a condition is suggested that would see the provision of 30% affordable in each phase (with a built in flexibility of 5%). This should ensure that the affordable element is spread in an appropriate manner throughout the site.

## **6. CONCLUSION**

6.1 This is a site that has been allocated for housing provision since 2000. However, due to the moratorium on greenfield sites it has seen applications submitted and refused in the past. However, the moratorium has now been lifted, and on this basis, the Development Plan identifies this site as suitable for housing provision.

6.2 The loss of employment land at this location is considered acceptable, and would not have a detrimental impact upon the Council's long term strategy for employment provision within the Borough. Nevertheless, the provision of commercial land within the site is welcomed, and is considered necessary to provide a sustainable and cohesive development.

6.3 The design of the proposal is considered to be of a high quality, both in terms of the layout of the development, and the individual buildings. Likewise, the landscaping provision within the development would create an attractive environment for future occupiers, with wider, more far reaching benefits brought

about by the provision of and area of semi-natural open space to the south of the site.

- 6.4 The applicants are making significant contributions to infrastructure, both on site, and within the locality – in particular, contributions towards the additional highway works that would be required to take place along the A274 and A229, and the provision of a new school and community hall within the application site.
- 6.5 Clearly, as the Council does not currently have a five year housing supply, this proposal would contribute towards meeting the shortfall. This is a strong material consideration in the determination of this application, and should be given significant weight accordingly.
- 6.6 This is a proposal that would deliver a high quality development that would also provide significant (and necessary) infrastructure, and open space. As such, whilst not wholly in accordance with the Development Plan, the material considerations are such that I recommend that Members give delegated powers to grant, subject to the receipt of a suitable S106 legal agreement, which should address the matters set out below.

## **7. RECOMMENDATION**

- 7.1 Give the Head of Development Management DELEGATED POWERS TO APPROVE subject to the receipt of a suitable S106 legal agreement that provides the following:
- The provision of 30% affordable housing;
  - Contributions of £3000 per residential unit for the provision of a bus lane/additional lane for vehicular traffic;
  - Contributions of £300 per residential unit for enhancements of the Willington Street junction;
  - Contributions of £106,200 for phase 1 towards improvements to health care provision within the locality;
  - Contributions of £360 per person for the remainder of the phases throughout the site (as shown on the submitted formula) towards health care provision within the locality;
  - Contributions for primary education of £14,285 per pupil\*. This would be to provide a new primary school on site – with land of not less than 2.05ha in area. This primary school should be provided prior to the completion of the (cumulative) 350<sup>th</sup> dwelling of this site and the sites to the north of Sutton Road (MA/13/0951 and MA/13/1523). Land of not less than 2.05ha in area to be transferred to KCC for the construction of a primary school. Either in a single transfer or two phases, where the first phase consists of no less than 1.4ha. 1.4ha of the site to be transferred at nil value with the remainder transferred at a price agreed by the contributing developers (ss2a,b,c) and the Local Education Authority; or value set by the District Surveyor. This primary school should be provided prior to the completion of the (cumulative) 350<sup>th</sup> dwelling of this site and the sites to the north of Sutton Road (MA/13/0951 and MA/13/1523).

- Contributions for secondary education of £589.95 per flat and £2359.80 per house. This would be for the expansion of existing secondary schools that the application site falls within the catchment area of.
- Contributions for additional book stock within local libraries - £128.44 per dwelling.
- Contributions towards community learning of £30.34 per dwelling to be spent within the Maidstone Borough.
- Contributions towards youth services of £8.39 per dwelling to be spent within the Maidstone Borough.
- Contributions towards adult social care of £97.26 per dwelling to be spent within the Maidstone Borough.
- A suitable marketing campaign to promote the early occupation of the proposed commercial properties to the north of the site. This shall commence once construction of phase 1 has begun.
- Contributions of £40,000 for the enhancement of sports and recreation facilities within a 2 mile radius of the application site.
- The provision of a community facility on site that shall be attached to the existing school. Should this not prove possible, a facility of some 170 sqm metres shall be provided on site.

*\*Based on the following formula:*

$$\text{Pupil Yield} = (A \times B) + (C \times D)$$

*Where:*

*A is the number of houses*

*B is the relevant multiplier being 0.28*

*C is the number of flats*

*D is the relevant multiplier being 0.07*

1. The detailed element of the development (phase one) hereby permitted shall be begun before the expiration of three years from the date of this permission and no development of the remainder of the development shall take place until approval of the following reserved matters has been obtained in writing from the Local Authority:

a. Layout b. Scale c. Appearance d. Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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



2. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted (which shall include ragstone for the front block of flats, and slate roofs) 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.

3. The development shall not commence until, details of all fencing, walling (which shall include ragstone walling at the point of access, and 'unique' railings) and other boundary treatments 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.

4. The development shall not commence until, details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be provided before the first occupation of the buildings or land and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity.

5. The development shall not commence until, details of the colour of the external finish of 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: In the interests of visual amenity.

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. The development shall not commence until, details of the means of vehicular access to the site, including the road width, kerb radii, visibility splays and details of finishing materials, have been submitted to and approved in writing by the Local Planning Authority;

Reason: No such details have been submitted and in the interests of highway safety and visual amenity.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 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.

9. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include:

- The retention of existing tree lines along the eastern boundary, and enhancements to the boundary where necessary;
- The use of a range of natural flowering and berry bearing species of trees;
- Areas of grassland to be managed as rough grassland - both adjacent to tree belt, and road verges;
- The provision of bird and bat boxes within the development;
- Deadwood habitat piles.

together with indications of all existing trees and hedgerows on the land, and details of any to be retained, and measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. 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.

10. 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.

11. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) '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.

12. Dwellings constructed within Phases 1 and 2 (as per the submitted Phasing Plan, Drg No Csa/1896/129 Rev E) shall meet Level 3 of the Code for Sustainable Homes and as such achieve compliance with Building Regulations Part L (2010) for energy, with an additional standard of 105 litres per day for potable water consumption, as set out in the Sustainability Statement dated May 2013. Dwellings constructed for the remaining Phases 3 and 4 will achieve Level 4 of the Code for Sustainable Homes, or any such equivalent nationally applied standard in place at the time dwellings within these phases are implemented .

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

13. 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.

14. 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.

15. 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 junction of the timber boarding and the brickwork.
- iii) Details of the junction of the ragstone and brickwork on the flat block.

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.

16. 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.

17. 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.

18. The open areas within the residential development site shall remain open and available for public access and no fences, gates or other means of enclosure shall be placed or erected to preclude access to these areas at any time without the prior approval of the Local Planning Authority.

Reason: In the interests of permeability throughout the site, and to maintain the character and appearance of the landscaped areas.

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

Reason: To secure a high standard of design.

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

Reason: To ensure a high quality design.

21. No construction of a further phase (beyond phase 1) of the development hereby permitted shall take place until the vehicular and pedestrian access to the new school has been constructed and finished to a standard which is to the satisfaction of the Highways Authority.

Reason: To ensure that suitable access to the proposed school is provided prior to its construction and subsequent occupation.

22. 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.

23. 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.

24. No development shall take place until precise details of the proposed water bodies 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.

25. 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.

26. The details of the landscaping of the site required to be submitted by Condition 9 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.

27. There shall be no occupation of the development hereby permitted until the provision of a new roundabout at the point of access from the Sutton Road (A274) has been provided. Full details of the proposed roundabout shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

28. No development shall take place until a phasing plan for the whole has been submitted to the Local Authority and agreed in writing.

Reason: To ensure a suitable development of the site.

29. The landscaping plan pursuant to condition 1 shall show the provision of allotments within the application site, in general accordance with the submitted masterplan. The details submitted shall include the positioning of the plots, and the boundary treatments around them.

Reason: To ensure that the allotments are delivery as per the submitted masterplan.

30. The details pursuant to condition shall include a layout that would enable the opening up of a link into Bircholt Road should the land become available at a later date. Land shall be made available to allow for a link for bus movements into and out of the site. At no time shall development take place that would preclude this access being opened up.

Reason: In the interests of permeability and good design.

31. The details pursuant to condition 1 shall show a minimum set back of 10metres from the public highway (A274) of any commercial building.

Reason: In the interests of good design, and the provision of suitable landscaping.

32. No development shall take place until details of the provision of a minimum of 10% of the properties hereby permitted shall be provided to a Lifetime Homes standard.

Reason: In the interests of good design.

33. No occupation of the development hereby submitted shall take place until the two proposed bus stops upon the A274 have been provided (with real time bus information).

Reason: To ensure the use of more sustainable modes of transport.

34. The development on this site shall be carried out in substantial accordance with the layout included within the Development Brief submitted as part of the application and shown on the submitted masterplan.

Reason: The layout of the proposed development is the subject of an Environmental Impact Assessment and any material alteration to the layout may have an impact which has not been assessed by that process.

35. The development shall be carried out in accordance with the principles and proposals contained in the Development Brief document submitted as part of the application unless provided for in any other condition attached to this permission.

Reason: The layout of the proposed development is the subject of an Environmental Impact Assessment and any material alteration to the layout may have an impact which has not been assessed by that process.

36. No building within any plot shall exceed the height specified for buildings within that plot as set out in the Development Brief and layout plan (showing heights of buildings) submitted with and forming part of the application.

Reason: The layout of the proposed development is the subject of an Environmental Impact Assessment and any material alteration to the layout may have an impact which has not been assessed by that process.

37. The development shall be carried out in accordance with the mitigation measures set out in the Environmental Statement submitted with the application unless provided for in any other condition attached to this permission.

Reason: The layout of the proposed development is the subject of an Environmental Impact Assessment and any material alteration to the layout may have an impact which has not been assessed by that process.

38. The development shall be carried out in accordance with the submitted travel plan.

Reason: To ensure that the proposal is delivered in a sustainable manner, and to reduce the impact upon air quality.

### **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](http://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.

Within any submitted landscape plan, full details of the retention of cordwood within the site shall be submitted.

**The proposal, whilst a departure from the local plan insofar as it does not provide for any employment provision, is considered to represent a well designed development that would provide housing within a sustainable location, and that would contribute to the provision of additional infrastructure within the locality. This, together with the Council's current lack of a five year supply of housing, results in this departure from the Development Plan being considered acceptable.**

294

11.05.2012

295

11.05.2012

296

11.05.2012































ST BOOT FAYRE  
ST EVENT  
304

[Large rectangular sign, partially obscured by foliage]

Agenda Item 20

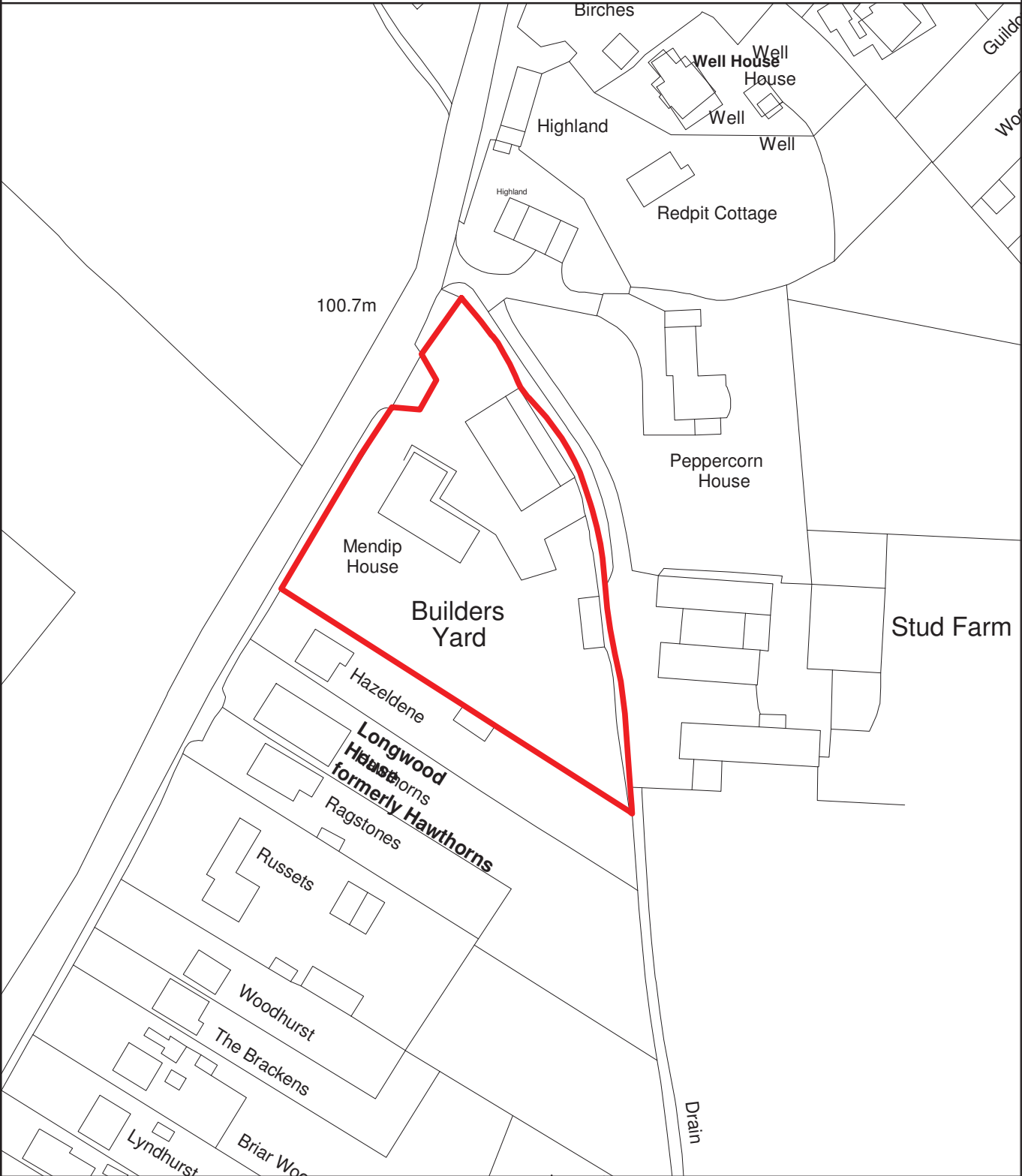
THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/1373

GRID REF: TQ8151

ROOFING CENTRE GROUP LTD.

MENDIP HOUSE, LEEDS ROAD, LANGLEY.



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 100019636, 2014. Scale 1:1250



Rob Jarman  
Head of Planning and Development

APPLICATION: MA/13/1373 Date: 2 August 2013 Received: 2 August 2013

APPLICANT: Swift & Styles

LOCATION: ROOFING CENTRE GROUP LTD, MENDIP HOUSE, LEEDS ROAD, LANGLEY, MAIDSTONE, KENT, ME17 3JN

PARISH: Langley

PROPOSAL: Outline application for the demolition of existing units on site and the erection of 6 detached houses with garaging, parking and access. With access to be considered at this stage and all other matters reserved for future consideration as shown on drawing no.s DHA/9747/02, DHA/9747/03, and indicated in the Design and Access Statement, Planning Statement, Tree Report dated 31st July.

AGENDA DATE: 6th February 2014

CASE OFFICER: Amanda Marks

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

- it is a departure from the Development Plan

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV28, T13
- Government Policy: National Planning Policy Framework

## **2. HISTORY**

MA/97/1597 Outline application for the redevelopment of the existing site with the erection of 5 dwellings with access, garaging and parking. Refused APPEAL ALLOWED 21/12/99

## **3. CONSULTATIONS**

- 3.1 Langley Parish Council: No comment
- 3.2 Landscape: There are no protected trees on this site. The tree survey is considered acceptable. The report clearly identifies potential post development pressure on existing boundary trees but recommends a schedule of tree works to



mitigate the risks of this. I therefore raise no objections on arboricultural grounds subject to pre commencement conditions requiring a detailed arboricultural method statement to include details of protective fencing and methods for excavating the hard standing to minimise disturbance within the RPAs of retained trees. A detailed landscape scheme will also be required together with implementation details and a long term management plan.

- 3.3 Conservation: No objections. The proposal would have no significant impact on the setting of the nearby listed barn.
- 3.4 Environmental Health Manager: No objection subject to a land contamination condition.
- 3.5 KCC Highways: No objections subject to conditions.

#### **4. REPRESENTATIONS**

- 4.1 Residents: no representations received.

#### **5. CONSIDERATIONS**

##### **5.1 Site Description**

- 5.1.1 The application site lies on the eastern side of the Leeds Road (B2163) to the south of the settlement of Langley Heath. In policy terms the site is located in the open countryside, it is not however subject to any site specific designation and is not identified as an employment site. The existing site is brownfield and contains two substantial buildings close to the site frontage and a wealth of open storage and smaller structures related to the use of the site by a roofing company. The site is broadly triangular in shape with established planting on the boundaries of the site. Within the site it is dominated by hard standing of some sort, with a smaller single storey building to the rear of the site and various racks and means of open storage.
- 5.1.2 Whilst opposite the site is farmland and wooded areas, to the north and south development of dwellings extends in both directions. In terms of character the existing dwellings are mixed, for example to the north can be seen two storey flat roof dwellings and to the south the range includes a small bungalow immediately adjacent to the site (Hazeldene), two further bungalows (Longwood and Ragstones) then two storey dwellings varying in scale and form. The site is on land at a higher level than buildings to the east (stud farm and agricultural buildings). There is a Grade II Listed dwelling 'Highland' which is located approximately 50m to the north of the application site.

## **5.2 Proposal**

- 5.2.1 Outline planning permission is sought for the demolition of all existing buildings and the redevelopment of the site for residential use. A layout plan has been submitted showing 6 detached dwellings with garaging, parking and access. Five of the dwellings are indicated to be 5 bedrooms and the remainder a 4 bedroom property. At this time only the means of access is to be considered and the remainder of the reserved matters are for future consideration.
- 5.2.2 The layout plan shows which of the existing trees would need to be removed, those to be retained and identifies their root protection area (RPA), the proposed tree planting and hedgerow.
- 5.2.3 The layout plan shows two of the dwellings to front the Leeds Road and the remaining four to be set back within the site. The gardens vary in depth and width but essentially all have gardens exceeding a depth of 10 metres. A garage to serve plot 6 is shown in the northern corner of the site and would be visible within the street scene – however, subject to design there is no reason that this should compromise the character of the site.
- 5.2.4 In addition to the Planning Statement, the application was accompanied by a Design & Access Statement, a Transport Statement and a Tree Survey.

## **5.3 Principle of Development**

- 5.3.1 The key issues for consideration are the principle of the development, the effect of the proposal on the setting, character and appearance of the village and the impact of the proposal on residential amenity in terms of privacy and light in particular.
- 5.3.2 The findings of the Inspector's decision in 1999 have also been taken into consideration in reaching the recommendation on this proposal. Planning application MA/97/1597 was refused on two grounds. These related firstly to the density, pattern of development and impact on the character of the area; and secondly to concerns over loss of privacy.
- 5.3.3 The application is before committee solely on the basis of being a departure from the local plan (Policy ENV28). This being said the NPPF affords a presumption in favour of development in sustainable locations unless any adverse impacts would significantly and demonstrably outweigh the benefits of the development as a whole. In this case whilst Policy ENV28 would normally be the overarching policy to assess this development against, in the absence of a 5 year housing supply the presumption in favour of development must prevail. The fact that the site is previously developed land and seen in the context of the residential

development both north and south of the site, it is not seen as 'open countryside'. I therefore consider the principle of redevelopment of this site for housing acceptable. This was also the view of the Planning Authority and Inspector on the 1997 application.

## **5.4 Visual Impact**

5.4.1 The existing dwellings along this stretch of Leeds Road have varying distances to the road frontage – as such there is no clear building line. Save for plots 1 and 2, the majority of the dwellings will be largely obscured from public view and accessed via the private drive. The existing landscaping on the site boundaries, particularly on the southern boundary and site frontage (west) are to be retained as fully as possible.

5.4.2 I consider the main concern over the visual impact of the development would be if the current level of screening is compromised. As can be seen from the layout plan, it is proposed to retain existing planting – all be-it after some crown reduction works being undertaken. I do not consider the proposal would cause harm to the character of the street scene provided the appropriate landscaping retention and new planting is secured through condition and the design of the dwellings are appropriate for the area.

5.4.3 With regard to the layout and form of the development, I agree with the findings of the Inspector in 1999 who stated '*The dwellings to the south have long back gardens, but this is not readily apparent from the road, nor is the form of development repeated to the north of the site. Therefore, I do not believe it is right to necessarily impose that development structure on this site ... I consider that development in depth as a small housing group would be acceptable.*' At the time of the 1999 planning application the Council had been trying to achieve frontage development only. However, with buildings to the north, east and south of the site, in my view there is no justification to restrict development in this manner.

5.4.4 I consider this to be a well thought out layout and in my view whilst there may be an additional dwelling to the scheme previously approved by the Inspectorate, I consider this layout works considerably better in terms of impact on Hazeldene and overall effectiveness within the site. In visual terms the loss of the substantial commercial buildings and associated hardstanding and open storage can be considered a betterment.

## **5.5 Residential Amenity**

5.5.1 It is my view that the proposal represents a benefit in terms of the immediate character of the area. By its nature the existing site with its associated vehicle

movements and vehicle type, the open storage and substantial buildings does not make a positive contribution to the predominantly residential character of the area. It is also anticipated that there would be a reduction in vehicle movements and of the potential for noise and disturbance. A residential use would be more cohesive in this location and in principle is clearly a better use for the site.

5.5.2 The closest property to the site is Hazeldene. This small bungalow is approximately 4m from the commonside boundary with the application site; it is a further 4m to the flank wall of plot 2 the nearest proposed dwelling. Plot 2 is shown to be set approximately 3.5m forward of the building line of Hazeldene; it does not extend to the rear past the original rear wall of Hazeldene. I am satisfied that due to the orientation and siting of plot 2 in relation to the neighbouring bungalow there would be no loss of light and privacy can be maintained.

5.5.3 A single storey rear extension has been added to Hazeldene which is not indicated on the block plan (most likely permitted development). The closest proposed buildings from the rear wall of Hazeldene are two detached double garages, these are set in from the commonside boundary 6m and 10m respectively, even taking into consideration the extension to Hazeldene there would still be approximately 16m from the rear of the bungalow until plot 3 which backs onto the rear garden at 90 degrees. In the main part plot 3 maintains a garden of 12m and again, I am satisfied that a dwelling can be accommodated in this location without compromising the amenity of the occupiers of Hazeldene. It should be noted that the substantial existing planting on the southern boundary will also be retained.

5.5.4 The property to the north of the site is separated by substantial boundary planting. The closest part of the new development would be a detached garage, the nearest dwelling is in excess of 40 distance. I am satisfied that no detriment to amenity would arise.

5.5.5 I therefore consider that the proposed layout can be accommodated without compromising the residential amenity of existing occupants.

## **5.6 Highways**

5.6.1 The existing site access will be utilised to serve the residential development. Swept path analysis and trip generation information has been provided. The site can readily be accessed by all relevant emergency service vehicles and pantechnican. Traffic generated from this site is considered to be less than existing. Two parking spaces per dwelling are proposed and considered

appropriate for this edge of settlement location. The Kent Highways officer has raised no objection to the scheme.

## **5.7 Landscaping**

- 5.7.1 The existing landscaping is substantially on the site boundaries. It is proposed to retain the vast majority of trees. None of the trees within the site are protected. The three trees to be removed are identified as being low quality in the tree report. The existing hedgerow on the western boundary will be retained with low level planting to enhance its robustness. A full landscaping scheme will be submitted as part of the reserved matters and it has been indicated that appropriate native species shall be used. There are no objections on arboricultural grounds. It should also be noted that the proposal represents a 76% reduction in hardstanding.

## **5.8 Other Matters**

- 5.8.1 Due to the significant level of hardsurfacing on the site, it is not anticipated that there would be any significant ecological concerns with regard to redeveloping this site. This being said there could be opportunity to enhance the potential for ecological habitats through the new planting – a condition is proposed to explore this. Ecology is acknowledged in the planning statement and it is suggested that through the submission of further detail at the reserved matters stage that improvements to biodiversity will be addressed through new planting.
- 5.8.2 The existing use of the site gives rise to the requirement to impose a contaminated land condition.
- 5.8.3 Matters of design, detailed landscaping and layout can be dealt with through the submission of reserved matters. There is no prevailing architectural style found locally; however it would be expected that inspiration will be taken from the different local materials and palettes at the design stage.
- 5.8.4 With regard to the Code for Sustainable Homes, the design of the dwellings has yet to be determined. However, I would expect Level 4 to be met in line with the draft policy of the local plan.

## **6. CONCLUSION**

- 6.1 In light of the above considerations, I find the proposal acceptable in principle and in terms of impact on amenity and the character of the village. I consider that the previous reasons for refusal have been overcome with a better designed layout. I therefore recommend approval.

## **7. RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

1. The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-
  - a. Scale b. Appearance c. Landscaping d. layout

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. 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.

3. 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 junction of the timber boarding and the brickwork, and other material change with brickwork.

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.

4. 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 development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of pollution and flood prevention.

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

Reason: To secure a high standard of design.

6. 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.

7. The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site have been submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages,



maintenance and arrangements for contingency action.

4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: To protect controlled waters.

8. No development shall take place until an ecological enhancement strategy in conjunction with a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be undertaken in the first available planting season after first occupation.

Reason: In the interests of maintaining and enhancing ecological interests within the site.

9. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

drawing no.s DHA/9747/02, DHA/9747/03, and indicated in the Design and Access Statement, Planning Statement, Tree Report dated 31July.

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

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

Reason: To safeguard the character, appearance and functioning of the surrounding area.

11. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees 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 for the approved scheme's implementation and long term management. 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.

12. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted 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.

13. The development shall not commence until, details of all fencing, walling, railings and other boundary treatments 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.

14. The development shall not commence until, details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be provided before the first occupation of the buildings or land and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity.

15. The development shall not commence until a detailed scheme for the parking/turning areas is submitted and approved in writing, the approved scheme 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.

16. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 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.

17. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) '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.

18. 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.

19. The development shall not commence until details of the proposed materials to be used in the surfacing of the access road, 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.

318



319



320





321



322





323

324



325



326





327







APPLICATION: MA/13/1523 Date: 30 August 2013 Received: 2 September 2013

APPLICANT: Redrow Home Limited

LOCATION: LAND WEST OF BICKNOR FARM COTTAGES, SUTTON ROAD, MAIDSTONE, KENT

PARISH: Maidstone, Otham

PROPOSAL: The erection of 100 dwellings together with associated new access road, car parking, landscaping, and open space in accordance with the submitted house types booklet; Landscape Visual Impact Assessment; Flood Risk Assessment; site layout SL.01 rev A; Affordable housing layout DML.01 rev A; Boundary Materials Layout BML.01 rev A; street elevations sheets (1 and 2) SE.01 (and 02) rev A; Plots 1-9 floor plans P.1-9.p1 rev A; Plots 1-9 floor plan sheet P.1-9p2 revA; Plots 1-9 floor plan sheet P1-9.p3 rev A; Plots 13-18 Elevations P.13-18.e; Plots 13-18 floor plans P.13-18.p; Plots 38-43 elevation sheet (1&2) P.38-38-43.el; Plots 38-43 Floor plans sheets (1&2) P.38-43.e1; Plots 92-100 floor plans sheets (1&2) P.92.100.pq (and p2) revA; Plots 92-100 elevations sheets (1&2) P.92-100.e1; House Type 3B5P floor plans and elevations HT3B5P.pe revA; House type 3B5P variation A floor plans and elevations HT.3B5P-A rev A; House type 3B5P mid terrace floor plans and elevations HT.3B5P-MT.pe rev A; House type 4B6P floor plans and elevations HT.4B6P.pe rev A; House type Broadway (4block elevations, and floor plans; House type Kenilworth floor plans and elevations; House type Letchworth floor plans and elevations; House type Oxford floor plans and elevations; House type Pembroke floor plans and elevations; House type Stratford floor plans and elevations; House type Worcester floor plans and elevations; single garage floor plans and elevations, double garage floor plans and elevations; substation SSB01.pe; Bin storage for flat block A and E BCS01.pe revA; Cycle store for flat block A and E BCS02.pe.revA; Bin and Cycle store flat block C BCS03.pe.revA; Landscape Masterplan 1506 03 Rev D; Detailed planting plan (1&2) 1506 04 and 05 revA; received on the 11 October 2013; and planning statement; noise and vibration assessment; transport assessment; sustainability assessment; statement of community involvement; air quality assessment; travel plan; preliminary geo-environmental risk assessment; construction management plan; utilities statement; ecological appraisal; design and access statement; cultural heritage assessment as received on the 2 September 2013.

AGENDA DATE: 6th February 2014

CASE OFFICER: Chris Hawkins

## **1. BACKGROUND**

1.1. **This application** was heard at the previous Committee meeting (held on the 16 January 2014) with a recommendation for approval given by Officers. However, following concerns by some Members, the application was deferred for further consideration.

### **1.2 Reasons for Deferral**

- Further consideration of the draft Heads of Terms for a S106 legal agreement specifically to examine alternative sustainable transport options to mitigate the impact of the development on Sutton Road which are not tied to road widening; and
- Receipt of a suitable viability assessment to establish whether the development can achieve 40% affordable housing in accordance with existing Plan policy.

## **2. PROPOSAL**

2.1 The proposal is as set out within the previous report which is appended to this paper.

## **3. MATTERS FOR CONSIDERATION**

3.1 The first ground for deferral relates to the provision of highway mitigation. The Council have since re-visited this matter, and have concluded that it is still appropriate to request contributions for highway improvements (contributions of £3000 per unit). This is on the basis that the applicants provide the contributions that would then provide highway enhancements that would include (but will not necessarily be exclusive to) the following:

- Improve carriageway capacity including prioritising the use of the existing carriageway;
- Bus prioritisation measures (at appropriate times of the day) for the length of the corridor;
- Enhancement of the corridor to benefit pedestrians and cyclists, including where appropriate enhanced and additional crossing points;
- Mitigation measures to protect residential amenities and the general environment;
- Structural native tree planting along the corridor where possible.

- 3.2 At present, there are two options on the table – the additional lane of vehicular traffic (with bus prioritisation measures), and 'do nothing'. The additional lane has been identified by the applicants as addressing this matter within their three transport assessments that accompany the applications; and this has been assessed, and agreed by Kent Highway Services (KHS). Indeed, consistently through the formulation of both the emerging Policy, and through the discussions relating to these proposals, the support of this additional lane from KHS has been clear. It is for this reason that it is embedded in the existing (T2 of the Maidstone Borough Wide Local Plan) and interim/emerging policies of this Council. The 'do nothing' approach would result in an objection from KHS on the basis that the development would result in traffic movements that would take the A274 beyond its capacity.
- 3.3 If the applications are approved, the contributions would be made to Maidstone Borough Council who (alongside Kent County Council) would be responsible for the delivery of the highway improvements.
- 3.4 Should the highway mitigation not be provided within a suitable timescale then any money given to the Authority would need to be returned to the applicants within an agreed timescale (usually five years).
- 3.5 With regards to the viability, discussions have taken place between the Council and the applicants, and further information will be made available for Members prior to the Planning Committee by way of an urgent update report, and will be based upon the Council's own evidence base.

#### **4. RECOMMENDATION**

- 4.1 Give the Head of Development Management DELEGATED POWERS TO APPROVE subject to the receipt of a suitable S106 legal agreement that provides the following:
- The provision of a minimum of 30% affordable housing;
  - Contributions of £3000 per residential unit for necessary enhancements of the Sutton Road as a transport corridor in order to mitigate the impacts of the development;
  - Contributions of £300 per residential unit for enhancements of the Willington Street junction;
  - Contributions of £73,656.00 towards improvements to health care provision within the locality;
  - Contributions for primary education of £14,285 per pupil\*. This would be to provide a new primary school on site – with land of not less than 2.05ha in area. This primary school should be provided prior to the completion of the

(cumulative) 350<sup>th</sup> dwelling of this site and the sites to the south and north of Sutton Road (MA/13/0951 and MA/13/1149).

- Contributions towards the land acquisition costs for the primary school on the land at Langley Park.
- Contributions for secondary education of £589.95 per flat and £2359.80 per house. This would be for the expansion of existing secondary schools that the application site falls within the catchment area of.
- Contributions for additional book stock within local libraries - £128.44 per dwelling.
- Contributions towards community learning of £30.34 per dwelling to be spent within the Maidstone Borough.
- Contributions towards youth services of £8.39 per dwelling to be spent within the Maidstone Borough.
- Contributions towards adult social care of £97.26 per dwelling to be spent within the Maidstone Borough.
- Contributions of £40,000 for the enhancement of sports and recreation facilities within a 2 mile radius of the application site.
- Contributions towards the provision of a community facility on the Langley Park site.
- The provision of an equipped play area that straddles this application site and that of the 'Bellway' site (MA/13/0951).
- The provision of a pedestrian controlled crossing between the application site and the Langley Park site. This should be provided prior to the first occupation of the proposed school, or commercial area – whichever is delivered first. The cost of this provision shall be split equitably between the applicants of this site, and the applicants of MA/13/0951.

1. 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 junction of the timber boarding and the brickwork.

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.

2. 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.

3. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted 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.

4. The development shall not commence until, details of all fencing, walling (which shall include ragstone walling along the point of access) and other boundary treatments 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.

5. The development shall not commence until, details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be provided before the first occupation of the buildings or land and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity.

6. The development shall not commence until, details of the colour of the external finish of 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: In the interests of visual amenity.

7. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 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.

8. The development shall not commence until, details of the means of vehicular access to the site, including the road width, kerb radii, visibility splays and details of finishing materials, have been submitted to and approved in writing by the Local Planning Authority;

Reason: No such details have been submitted and in the interests of highway safety and visual amenity.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 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.

10. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include:

- The retention of existing tree lines along the eastern and southern boundary, and enhancements to the boundary where necessary;
- The use of a range of natural flowering and berry bearing species of trees;
- Areas of grassland to be managed as rough grassland - both adjacent to tree belt, and within the area of open space within the southern part of the site;
- The provision of bird and bat boxes within the development;
- Deadwood habitat piles.

Together with indications of all existing trees and hedgerows on the land, and details of any to be retained, and measures for their protection in the course of development and a programme for the approved scheme's implementation and



long term management. 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.

11. 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.

12. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) '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.

13. 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.

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 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.

15. 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.

16. 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.

17. 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.

18. The open areas within the residential development site shall remain open and available for public access and no fences, gates or other means of enclosure shall be placed or erected to preclude access to these areas at any time without the prior approval of the Local Planning Authority.

Reason: In the interests of permeability throughout the site, and to maintain the character and appearance of the landscaped areas.

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

Reason: To secure a high standard of design.

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

Reason: To ensure a high quality design.

21. 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.

22. 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.

23. No development shall take place until precise details of the proposed water bodies 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.

24. 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.

25. The details of the landscaping of the site required to be submitted by Condition 10 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.

26. There shall be no occupation of the development hereby permitted until the provision of right hand ghost lane at the point of access from the Sutton Road (A274) has been provided. Full details of the proposed ghost lane shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

27. The development shall be carried out in accordance with the recommendations of the submitted ecological report.

Reason: To ensure the impact of the development is suitably mitigated.

28. The development shall be carried out in accordance with the submitted travel plan.

Reason: To ensure that the proposal is delivered in a sustainable manner, and to reduce the impact upon air quality.

### **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](http://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.

Within any submitted landscape plan, full details of the retention of cordwood within the site shall be submitted.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and the emerging Maidstone Local Plan, and there are no overriding material considerations to indicate a refusal of planning consent. The proposal does not however comply with the Affordable Housing DPD (which forms part of the Development Plan) however it is considered that in this instance this is considered to be acceptable by virtue of the policies within the emerging Local Plan.

APPLICATION: MA/13/1523 Date: 30 August 2013 Received: 2 September 2013

APPLICANT: Redrow Home Limited

LOCATION: LAND WEST OF BICKNOR FARM COTTAGES, SUTTON ROAD,  
MAIDSTONE, KENT

PARISH: Maidstone, Otham

PROPOSAL: The erection of 100 dwellings together with associated new access road, car parking, landscaping, and open space in accordance with the submitted house types booklet; Landscape Visual Impact Assessment; Flood Risk Assessment; site layout SL.01 rev A; Affordable housing layout DML.01 rev A; Boundary Materials Layout BML.01 rev A; street elevations sheets (1 and 2) SE.01 (and 02) rev A; Plots 1-9 floor plans P.1-9.p1 rev A; Plots 1-9 floor plan sheet P.1-9p2 revA; Plots 1-9 floor plan sheet P1-9.p3 rev A; Plots 13-18 Elevations P.13-18.e; Plots 13-18 floor plans P.13-18.p; Plots 38-43 elevation sheet (1&2) P.38-38-43.el; Plots 38-43 Floor plans sheets (1&2) P.38-43.e1; Plots 92-100 floor plans sheets (1&2) P.92.100.pq (and p2) revA; Plots 92-100 elevations sheets (1&2) P.92-100.e1; House Type 3B5P floor plans and elevations HT3B5P.pe revA; House type 3B5P variation A floor plans and elevations HT.3B5P-A rev A; House type 3B5P mid terrace floor plans and elevations HT.3B5P-MT.pe rev A; House type 4B6P floor plans and elevations HT.4B6P.pe rev A; House type Broadway (4block elevations, and floor plans; House type Kenilworth floor plans and elevations; House type Letchworth floor plans and elevations; House type Oxford floor plans and elevations; House type Pembroke floor plans and elevations; House type Stratford floor plans and elevations; House type Worcester floor plans and elevations; single garage floor plans and elevations, double garage floor plans and elevations; substation SSB01.pe; Bin storage for flat block A and E BCS01.pe revA; Cycle store for flat block A and E BCS02.pe.revA; Bin and Cycle store flat block C BCS03.pe.revA; Landscape Masterplan 1506 03 Rev D; Detailed planting plan (1&2) 1506 04 and 05 revA; received on the 11 October 2013; and planning statement; noise and vibration assessment; transport assessment; sustainability assessment; statement of community involvement; air quality assessment; travel plan; preliminary geo-environmental risk assessment; construction management plan; utilities statement; ecological appraisal; design and access statement; cultural heritage assessment as received on the 2 September 2013.

AGENDA DATE: 16th January 2014

CASE OFFICER: Chris Hawkins

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

- It is contrary to views expressed by the Parish Council.
- It is a departure from the development plan insofar as 30% affordable housing is proposed.

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: H1, T2, T13, ENV6, ENV49
- Emerging Maidstone Local Plan: SS2(b), Draft Integrated Transport Plan
- Government Policy: National Planning Policy Framework 2012; Ministerial Statement for Growth 2012.

## **2. HISTORY**

MA/01/0452      Land North of Sutton Road, Otham. An outline application for residential development including vehicular access, pedestrian and cycle access, open space and landscaping, with all matters reserved for future consideration except means of access. Refused. Appeal Dismissed.

MA/00/1133      Land North of Sutton Road, Otham. Outline application for residential development including vehicular access, pedestrian, cycle and emergency accesses, open space and landscaping, with external appearance and design reserved for future consideration. Withdrawn.

2.1 The previous application was refused for the following reason:

2.2 *'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 further release of greenfield sites before this time and in the absence of any demonstrable need for the development would be contrary to the advice contained in Planning Policy Guidance Note 3: Housing.'*

## **3. CONSULTATIONS**



3.1 **Maidstone Borough Council Parks and Open Space Officer** was consulted and made the following comments:

- 3.1.1 The main issue the department has is regarding provision of children's play. It appears that the developer wishes to provide a LEAP on the Western boundary in a partnership with an adjoining site also under a planning application for housing development. This other application is from a different developer and as such we would have concerns over ownership of the play area between the two developers to ensure the site is properly maintained. Information provided within the Design and Access statement is limited as to what would be provided within the play area and so this department would have reservations over the usefulness of its installation, especially if little thought and consideration is put into the type of equipment provided. We would also have reservations over the size of the play area if it is to be provided for two developments consisting of over 270 dwellings. Similarly we have reservations that the play area will only be targeted at under 8's. What provision (other than a 5 station trim trail) is there for older children? With the installation of a LEAP we would request that our department is consulted as to what type of equipment is installed
- 3.1.2 It is noted that there is planned provision for a trim trail to the east of the development alongside a circular path that encompasses the whole of the development, as well as amenity space around the borders of the development
- 3.1.3 With this in mind, this department would seek an additional off-site contribution for surrounding open space which is likely to see an increase in usage as a result of this development. Senacre Recreation Ground is approximately 250 metres away and is a large area of open space providing outdoor sports facilities. Parkwood Recreation Ground is just over 0.25 miles away from the proposed development and is a central location of play and outdoor sports facilities for the local community which also provides a pavilion for use alongside those facilities.
- 3.1.4 We would envisage an increase in usage of facilities at both of these sites as well as any others within a one mile radius of the development.
- 3.1.5 We would request that an offsite contribution be made towards both these sites for the improvement, maintenance, refurbishment and replacement of facilities within these areas. Facilities would include but not be restricted to pavilions, play equipment and play areas, ground works, outdoor sports provision and facilities.

GREEN SPACE TYPE	
	Requirements
Parks and Gardens	<i>No requirement but included in</i>

	<i>other categories.</i>
Natural and Semi-Natural areas	<i>No contribution required as included in the development</i>
Amenity Green Space	<i>Included in development.</i>
Provision for Children and Young People Equipped Play	<i>Onsite contribution indicated but a contribution towards improvements to existing facilities is requested.</i>
Green Corridors	<i>Not required.</i>
Outdoor Sports Facilities	<i>Onsite trim trail included in development.</i>
Allotments and Community Gardens	<i>Not included, contribution is requested</i>
Cemeteries and Grave Yards	<i>Not required</i>
	<b>Total off site contribution of £400 per property requested</b>

3.1.6 The table above condenses the types of green space and identifies what is potentially provided by the development. Bearing in mind that some types of green space are supplied the typical financial contribution requested per dwelling would be reduced. This department is aware that this is subject to change and we would be happy to reconsider our request should further information regarding supply of play etc become available.

3.1.7 We would in this instance seek to request a contribution of £400 per dwelling x 100 = £40000

3.1.8 As indicated this would be used primarily towards the improvement, provision and maintenance of outdoor sports facilities and provision for children and young

people equipped play and would be used at Senacre Recreation Ground, Parkwood Recreation Ground and other facilities within a one mile radius.

3.2 **Kent Highways Services** were consulted and made the following comments:

- 3.2.1 Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-
- 3.2.2 The planning application proposes a new priority vehicular access from the A274 Sutton Road and the erection of 100 residential dwellings, comprising a mixture of houses and flats and including a proportion of affordable housing.
- 3.2.3 Personal Injury Accident data has been reviewed for the three year period up to 30<sup>th</sup> June 2012 for the local highway network surrounding the site. A total of six accidents occurred on Sutton Road in the vicinity of the site during this period, all of which were classified as 'slight' in nature, which is relatively low for a heavily trafficked primary route. The majority of the recorded accidents were attributable to pedestrian or driver error, which does not provide cause for concern in relation to this application. Automatic Traffic Count (ATC) surveys were undertaken for a period of one week during April 2013 on the A274 Sutton Road in the vicinity of the proposed site access. The ATCs recorded an average weekday AM and PM peak hour two-way flow of approximately 1,100 vehicles on Sutton Road, which is consistent with KCC Highways and Transportation's own data.
- 3.2.4 Pedestrian and cycle facilities in the area surrounding the site are generally of a high standard and high-frequency bus services to Maidstone Town Centre are available within a reasonable walking distance. However, the closest bus stops to the site are of a poor standard. It is therefore considered that the applicant should undertake improvements to these bus stops, including the provision of covered waiting facilities and raised kerbs to permit level boarding. Furthermore, the westbound bus stop should be relocated to the east, in consultation with KCC Highways and Transportation, to avoid the heavily parked layby in which it is presently situated.
- 3.2.5 The proposed site access junction includes a three metre wide foot/cycleway along the site frontage to facilitate pedestrian and cycle demand towards Maidstone. Pedestrian and cycle refuge islands are also proposed on the A274 Sutton Road to facilitate crossing demand towards Bircholt Road and would have the further advantage of providing a sense of physical width constraint, which should act to reduce traffic speeds. The applicant, together with the applicant for the Imperial Park site to the west, should also provide a toucan crossing facility on the A274 Sutton Road to provide safe pedestrian and cycle access to the proposed community facilities within the Langley Park site to the south east.

3.2.6 The Transport Assessment states that the proposed development car parking provision has been set to meet the minimum standards prescribed in the Kent Design Guide Interim Guidance Note 3, which is acceptable. The internal site layout is also acceptable, although it should be noted that all street trees would be maintainable by the applicant and not KCC Highways and Transportation. The residential trip rates applied in the Transport Assessment for the proposed Langley Park development have been applied to identify the total trip generation for the site, which is as follows:-

#### **AM peak PM peak**

	In	Out	Total	In	Out	Total
Private Housing	11	31	42	22	16	38
Non-Private Housing	2	7	9	7	6	12
Total	13	38	51	29	21	50

3.2.7 KCC Highways and Transportation is in agreement with this assessment. These trips have been adjusted to the agreed assessment year of 2018 using growth factors derived from the TEMPRO database and have been distributed on to the local highway network using the 2001 Census workplace origin-destination dataset and the location of local primary and secondary schools, shops and leisure facilities, which is an acceptable methodology. This results in the following distribution of traffic on to the A274 Sutton Road:-

#### **Distribution Vehicles**

	AM Peak	PM Peak	AM Peak	PM Peak
East	24%	24%	12	12
West	76%	76%	39	38

3.2.8 KCC Highways and Transportation is in agreement with this assessment. Capacity analysis has been undertaken for the A274 Sutton Road / Bircholt Road junction. This indicates that the junction currently operates well within its design capacity and would continue to do so in 2018 with the addition of trips arising from the proposed development, the other strategic housing sites in South East Maidstone and background growth. KCC Highways and Transportation is in agreement with this assessment.

3.2.9 However, transport modelling undertaken on behalf of the developer of the nearby Langley Park site, which incorporates trips generated by the Land West of Bicknor Farm Cottages development, demonstrates that future year traffic flows would be greater than the actual carrying capacity of the A274 Sutton Road

(approximately 2,000 two-way vehicles per hour). The usual course of action in this scenario is to manage demand, reassign traffic and/or increase highway capacity. In this case, KCC Highways and Transportation is of the view that the inbound carriageway of the A274 Sutton Road should be widened between its junctions with Wallis Avenue and Loose Road to provide an additional traffic lane. Based on the total estimated cost of the scheme, a contribution of £3,000 per dwelling from each of the strategic housing sites in South East Maidstone - which will have the most significant and direct impact on the capacity of Sutton Road during the period of the Local Plan - will be sought.

3.2.10 The modelling undertaken on behalf of the developer of the Langley Park site further demonstrates that the A274 Sutton Road / Willington Street / Wallis Avenue junction would operate over its design capacity in the future year scenarios of 2018 and 2027. This would encourage drivers to 'rat-run' and/or retime their journeys to avoid the congestion. Policy SS2 of the draft Maidstone Local Plan seeks capacity improvements to this junction and therefore a scheme of mitigation has been designed and costed by the applicant for Langley Park. The improvements were agreed in principle by KCC Highways and Transportation at pre-application stage and comprise the widening of Sutton Road on the southern side to accommodate two lanes of traffic in both directions on the link between Willington Street and Wallis Avenue; the widening of the westbound Sutton Road approach arm to provide three lanes at the stop line; the widening of the eastbound Sutton Road approach arm; and the linking of the controllers of the two junctions to improve the efficiency of the whole intersection. The revised layout has been modelled and is shown to improve the operation of the junction to an acceptable extent. Whilst the junction is still projected to operate slightly over its design capacity during the AM peak hour, its operation would be better than if there were no development in South East Maidstone, no junction improvements and no public transport infrastructure enhancements. Moreover, there would be a degree of spare capacity during the PM peak hour, when the junction is projected to operate more effectively in 2027 with all of the proposed development in place than it currently does.

3.2.11 Based on the total estimated cost of the scheme, a contribution of £300 per dwelling from each of the strategic housing sites in South East Maidstone will be sought. Subject to the satisfactory resolution of these matters, I can confirm that provided the following requirements are secured by condition or planning obligation:

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

3.3.1 'The applicants have provided additional information which we have reviewed have updated the following comments:

## **Ancient Woodland**

- 3.3.2 Bicknor Wood is to the north of the site and it has been designated as ancient woodland. We are aware that the applicant was refused access to survey the woods, so we do acknowledge that it makes it more difficult to assess the impact the development will have on the wood.
- 3.3.3 The applicant has provided additional information detailing that a minimum of a 15meter buffer will be created adjacent to the woodland. The buffer will include fencing and planting of prickly native species to reduce the potential of people directly accessing the woodland from the proposed development site. We also note that the site has been designed to ensure no gardens back on to the buffer area to prevent informal garden extensions and reduce the potential of garden waste being dumped in the area.
- 3.3.4 We would expect the landscape design to compliment the landscaping proposed for the Land north of Sutton Road MA/13/0951. The proposed development will result in an increase in lighting as such there is a need to ensure that the lighting impacting the ancient woodland and buffer is minimised. If planning permission is granted we would expect a detailed lighting plan to be submitted as a condition of planning permission. We would expect the lighting plan to include maps showing the expected lighting spill.

## **Reptiles**

- 3.3.5 The reptile survey recorded a likely absence result. We had some concerns that as the majority of the reptile surveys were carried out in April and due to the unseasonably cold weather in March and April the reptile survey results were not correct. We have spoken to the ecologist in detail about this and we are satisfied that the results of the reptile surveys are correct and we require no additional information to be provided.

## **Bats**

- 3.3.6 Bats have been recorded foraging within the site (particularly along the boundaries) and a number of trees have suitable features to contain roosting bats. The ecological survey has recommended designing the lighting scheme to minimise the impact the proposed development will have on bats. We recommend a map is submitted of the proposed lighting to ensure that the recommendations are incorporated in to the site.

## **Birds**

- 3.3.7 The submitted report has detailed that based on the results of the survey work undertaken, the grassland fields dominating the site do not appear to support

significant bird interest. We had some concerns that there had been insufficient survey effort to make that assessment. The ecologist has detailed that although no specific bird surveys were carried out, they are satisfied that the presence of notable species would have been identified when the reptile/phase 1 and the NVC surveys were carried out. We are satisfied with this assessment and we require no additional information to be submitted for comment.

### **Management Plan**

- 3.3.8 The submitted landscaping plan has detailed that a native acid grassland site, scrub and suds will be created around the boundary of the site. The ecologist has provided the principles of the proposed management plan. Based on these principles we are satisfied that sufficient information has been provided at this stage. If planning permission is granted we require a detailed management plan to be submitted as a condition of planning permission.

### **Enhancements**

- 3.3.9 One of the principles of the National Planning Policy Framework is that *"opportunities to incorporate biodiversity in and around developments should be encouraged"*. The ecological survey has provided recommendations for ecological enhancements which can be incorporated in to the site. Details of the ecological enhancements must be incorporated in to the management.'

### **3.4 Maidstone Borough Council Landscape Officer** was consulted and made the following comments:

- 3.4.1 'There are three Tree Preservation Orders protecting trees on or adjacent to this site, namely TPO No. 36 of 1981, TPO No. 37 of 1981 and TPO No. 45 of 1981. Bicknor Wood to the north is also designated as Semi Natural Ancient Woodland.
- 3.4.2 The proposal aims to retain all the protected trees which consist of mainly grade B trees along with two grade As and one grade C within areas of open space. The principle of having a minimum 15m buffer zone adjacent to the ancient woodland and open space around the site boundaries allowing for the successful retention of the protected trees is welcomed. I would only comment that it is not clear if the woodland boundary denoted on drawing no. 230317-P-11 is the same as that denoted in the draft Ancient Woodland inventory.
- 3.4.3 In terms of the landscaping proposals I would want to ensure that the Sutton Road frontage is consistent with that proposed on the adjacent development site and I am not convinced that this is currently the case.'



- 3.4 **Maidstone Borough Council Environmental Health** were consulted and raised no objections to this proposal subject to the imposition of suitable conditions with regards to contamination.
- 3.5 **Kent Wildlife Trust** were consulted and raised no objections to the proposal.
- 3.6 **Southern Water** were consulted and raised no objections to this proposal.
- 3.7 **The Environment Agency** were consulted and raised no objections to the proposal subject to the imposition of conditions relating to drainage.
- 3.8 **The NHS** were consulted and raised no objections with regards to the proposal subject to the receipt of contributions of £73,656 towards health care provision within the locality. This is assessed within the main body of the report.
- 3.9 **Kent County Council Archaeology** were consulted and raised no objections to the proposal subject to the imposition of a safeguarding condition.
- 3.10 **Kent County Council Economic Development** section were consulted and raised no objections to this proposal subject to the following contributions being made towards the proposal:
- Primary education - £14,285 per pupil – with land of not less than 2.05ha in area)
  - Secondary education - £589.95 per flat and £2359.80 per house
  - Libraries - £128.44 per dwelling
  - Community learning - £30.34 per dwelling
  - Youth services - £8.39 per dwelling
  - Adult social care - £97.26 per dwelling

#### **4. REPRESENTATIONS**

- 4.1 **Otham Parish Council** were consulted and made the following comments:
- 4.1.1 'Whilst Otham Parish Council accepts the growing need to build new houses across the Borough of Maidstone, we find ourselves unable to support this application at this time, and request the application is reported to Planning Committee for the following reasons:
- Lack of integrated transport policy to support the additional traffic that this site (and the two other proposed development in the area) will generate, specifically a complete lack of traffic studies undertaken on the road systems through Otham and Downswood.

- Significant doubts being raised over the accuracy and integrity of the Ecology Appraisal in and area of potentially significant wildlife habitat.
- Significant legal evidence to suggest that the overall housing requirement calculation is fundamentally flawed and as a direct result of this, green field sites should not be sacrificed until all other more suitable land allocations can be exhausted.'

4.2 **Boughton Monchelsea Parish Council** were notified of the application(the site lies outside of the Parish but adjacent to the Boundary) and made the following comments:

4.2.1 Boughton Monchelsea Parish Council objects to the proposal for the following reasons:

- The Parish Council is extremely concerned at the proximity of the Bircholt Road junction to the new access to the development from Sutton Road. We believe road safety will be compromised due to this. In addition, the volume of traffic currently using Sutton Road would mean long waiting times for traffic trying to enter and exit the new development, creating queuing traffic beyond the filter lane created. We sincerely hope that MBC will satisfy themselves regarding road safety associated with this proposed arrangement and take full responsibility for this if they are minded to grant consent.
- It would appear that the application fails to make provision to secure the proper mitigation of the impact on the Parish communities of the provision of an additional 100 dwellings which appear to be only the first phase of a large scheme.
- The application contains insufficient information to fully assess the issue of community impact and is deficient in this regard.
- At the current time there is a proposal to release additional sites in the Borough to test the implications of a further 14,800 dwellings following the 'call for sites' exercise earlier in the year. Until such a time as the pattern of site allocation to secure the new Local Plan is known, it is not possible to test either the cumulative community impact or the cumulative transportation impact of the proposal and the application is deficient in this regard.
- Irrespective of objections 2-4 above, the application is submitted on the basis that the Council does not have a five year supply of housing land. The Parish Council is in receipt of an opinion from Leading Counsel to the effect that the conclusion that the Borough Council does not have a five year land supply is the result of Legal Misdirection (or Misdirections). The Parish Council objects to the proposal objects to the application because it is submitted on the invalid basis that they Borough Council does not have a five year land supply. If the Borough Council continues to grant planning permission to the application, on the basis that it does not have a five year land supply, then the Parish Council reserves the right to seek redress for this action through the Courts.

- The Parish Council reserves the right to make additional objections at a later stage, including further objections in response to any comments which might be made in relation to points 2-5 above.'

4.3 **Neighbouring occupiers** were notified of the application and 12 letters of objections have been received. The objections in this letter are summarised below:

- The housing would be getting near to the village of Otham;
- Increased congestion within the locality;
- Impact upon ecology;
- The existing doctors and dentists are already overloaded;
- Severe damage to the countryside which cannot be reversed;
- The electricity supply is unreliable in the area;
- There are no schools to accommodate this growth;
- The quality of water supply is unreliable;
- This is piecemeal development;
- The proposal would have a significant impact upon Bicknor Wood;
- The matter of the 5 year supply has not been fully considered;
- The proposal would result in overlooking of existing properties.

## **5. CONSIDERATIONS**

### **5.1 Site Description**

5.1.1 The application site lies to the east of Maidstone, and to the north-east of the Parkwood Industrial Estate. The site is designated with the Maidstone Borough Wide Local Plan (2000) for housing provision, and has been identified in the emerging Local Plan as a strategic housing allocation.

5.1.2 The land to the west of the application site also forms part of the allocation within the emerging Local Plan – the two sites only being separated by land ownership.

5.1.3 The application site is relatively flat, with a number of substantial trees within the site, a number of which are covered by Tree Preservation Order..... to the front of the site is a large hedge, although this is broken by a significant number of trees planted within. Many of these trees are now relatively substantial in size, and contribute to the rural character of this locality.

5.1.4 The land to the north of the site is Bicknor Wood, which is to be retained. This woodland extends down the eastern side of the application site towards the A274 – thinning out towards the road. Beyond the tree belt along the boundary is Bicknor Farm, a Grade II listed building that is surrounded by high fences, and

contains a number of buildings that appear to be in commercial use. The land to the north of Bicknor Farm is farmed.

- 5.1.5 To the south of the site is the Sutton Road, and beyond this the Parkwood Industrial Estate. Part of the (the south east corner) site would also 'face' on to the allocation at Langley Park Farm.
- 5.1.6 Views of the site are relatively restricted due to the tree planting along the northern and western boundary. Views from the south are limited by the industrial estate, and due to the topography of the land to the south – which rises, and then falls within the Langley Park Farm site.

## **5.2 Proposal**

- 5.2.1 This is a full planning application for the erection of 100 dwellings, new access road, play area and the provision of new landscaping. The layout of the proposal would see the creation of an internal access road that would be close to the western boundary of the application site. This would be flanked on either side by two apartment buildings of three storeys in height. It is proposed that the access road is designed to create a formal 'tree lined avenue' with houses on either side. The car parking on each side of the road – for the flats – would be provided with a ragstone wall, as would the store which would adjoin the wall. Amendments have been recently received which give greater symmetry and presence along this access road.
- 5.2.2 At the end of the access road, the development would have another apartment block – again three storey in height. This would provide a symmetrical 'end-stop' to the development, and would be an important vista. Initially parking was proposed to the front of this block, but this has since been moved to the rear.
- 5.2.3 To the western edge of the site, would be a further apartment block, as well as housing (which are located in the more northern section). These properties would overlook the open space within the centre of the allocation and in particular the play area.
- 5.2.4 The proposal includes the provision of a fully equipped play area, which would straddle the boundary with this site and the site being proposed by Bellway (MA/13/0951). The development brief that was submitted alongside this application identified this area as the most suitable for this provision, as it would be most accessible location for residents of both developments. The play area would be approximately 450 square metres, and would be surrounded by a suitable fence.

- 5.2.5 To the eastern end of the site a large area fronting the A274 would be left undeveloped, in order that the trees subject to a Preservation Order can be retained. This area would also provide part of the SuDs provision for the site.
- 5.2.6 Centrally within the site a square is proposed which would be fronted by dwellings on either side. This would be provided with some tree planting, as well as car parking for the properties. The area would be constructed of pavers and would therefore be set apart from the remainder of the development.
- 5.2.7 The land to the north of the site would be predominantly detached dwellings which would respond to the context of the locality insofar as the density reduces towards the edge of the site. These properties would all be set a minimum of 15metres from the woodland edge – a trim trail is proposed along the northern section of the site, which would also form part of a circular walk around the whole site. A footpath link is also proposed to the A274 in the south-eastern corner of the application site – linking the development with the proposed crossing to connect this site to the Langley Park development.
- 5.2.8 The development would be constructed to level 4 of the code for sustainable homes.
- 5.2.9 Within the south eastern corner of the application site would be a large SuDs feature and new drainage ditch that would service the development.
- 5.2.10 Significant S106 contributions are also being proposed – amongst other matters, these address the highway infrastructure concerns and the education provision. These are set out within the report. The applicant is proposing a 30% affordable housing provision in accordance with the emerging Local Plan policy.

### **5.3 Principle of Development**

- 5.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. The application site is allocated within the Maidstone Borough Wide Local Plan (2000) and is identified as a strategic allocation within the emerging Local Plan (policy SS2b). This emerging policy identifies this site, together with the land to the west for a housing provision of 285 dwellings. The land to the west of this site has an application to be determined for 185 dwellings.
- 5.3.2 This proposal therefore accords with both the development plan, and the emerging plan. As Members are aware, this site, amongst others was 'frozen' following the publication of PPG3 (superseded by PPS3), as the government at that time sought a greater emphasis on the development of brownfield land. The

Council, through its urban capacity study were able to demonstrate that it could meet its housing requirements through brownfield land, and as such, greenfield sites such as these were not permitted. This stance was confirmed through appeal decisions on a number of similar sites.

5.3.3 However, following the publication of the NPPF, and the recalculation of the Council's five year supply, it became apparent, that the Council could no longer solely rely on such sites, and as such, would have to revisit the possibility of releasing greenfield sites such as these.

5.3.4 As such, on the 13 March 2013, the Council agreed to lift the moratorium on greenfield sites, on the basis of a lack of a five year supply, the fact that the NPPF had replaced PPS3, and due to the lack of building of family, and affordable homes within the rural service centres. Once this moratorium was lifted, proposing housing upon these sites was once again in accordance with the Development Plan.

5.3.5 Nonetheless, concern has been raised by Boughton Monchelsea Parish Council (following the submission of an application on this site, and others) that the Council has incorrectly calculated its five year supply, and that there are suitable brownfield sites within the Borough that could accommodate this future growth – and as such, the moratorium should not have been lifted. The Council has sought the view of Counsel with regards to this matter, and are confident that it has worked out its supply in a correct manner.

5.3.6 Members will be aware of government advice in the National Planning Policy Framework that states (Para 47) that Councils should;

5.3.7 *'use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period; and*

*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;'*

5.3.8 The NPPF defines deliverable as:

5.3.9 *'To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.'*

5.3.10 What of the key questions recently asked has been 'against what target are we assessing our five year supply?' The five year supply has been assessed against the RSS figure of 11,080, and on this basis reveals a supply of 4.2 years. This has been the base figure used by the authority to calculate the figure. However, a recent (England and Wales) Court of Appeal decision between the City and District Council of St Albans and 'Hunstan Properties Limited' has indicated that this is an incorrect approach to be taking and that local authorities should be using the more up-to-date DCLG household projection figures.

5.3.11 The Council has recently undertaken a SHMA with the neighbouring Boroughs of Ashford and Tonbridge and Malling. These figures indicate that there is likely to be a significant up-shift in the housing need. Preliminary figures indicate that the housing need for the Borough until 2031 is likely to be 19,600 – which would result in the Council having a current five year supply of approximately 2 years. This reduction in the five year supply further emphasises the necessity to lift the moratorium to ensure greater delivery to address this shortfall.

5.3.12 I am therefore satisfied that it was appropriate to re-instate this land for housing purposes, and I am also satisfied that the proposal generally accords with the existing and emerging policy. As such, I raise no objections to the principle of development on this site, subject to all other material considerations being met.

## **5.4 Visual Impact**

5.4.1 This is a site that has been allocated for the purpose of pure housing provision for a number of years. Clearly therefore, the Inspector would have fully assessed the impact that this change would have and has concluded that the potential harm would be acceptable within this location. The site is bounded by trees on its eastern side, and to the north by Bicknor Wood. As such, long distance views of the site are severely restricted. From the south the site is bound by the A274, with the Parkwood Industrial Estate beyond, and also the allocation for Langley Park Farm – which also has an application submitted. As such, I do not consider views of this site to be prominent from this location.



5.4.2 Nevertheless, the proposal would alter the character of this entrance point of Maidstone – on what is a main thoroughfare. The loss of open fields with the further encroachment of built form would undeniably be a significant change. It is my view however, that this can be addressed through a high quality design, and good quality landscaping provision within the site, and in particular along the road frontage. It is on this basis that I am satisfied that the impact of this land being utilised for housing would be limited, and is acceptable subject to the detailed design.

## **5.5 Design**

5.5.1 Within the NPPF, theme 7: Requiring good design, and the Kent Design Guide (2005) (KDG) emphasise that design solutions should be appropriate to context and the character of the locality. In order to respect the context, the KDG states that development should achieve some or all of the following: reinforce positive design features of an area; include public areas that draw people together and create a sense of place; avoid a wide variety of building styles or mixtures of materials; form a harmonious composition with surrounding buildings or landscape features; and seek to achieve a sustainable pattern and form of development to reduce the need to travel and improve the local context. Through good design, using principles in the Kent Design Guide, the proposed development is expected to make efficient and effective use of this greenfield site, on the edge of Maidstone in a manner sensitive to the wider local environment. The emerging Development Plan, policy SS2b specifically refers to Land north of Sutton Road, referring to sustainable construction (point 4) and high quality, modern design that incorporates vernacular materials (point 11).

5.5.2 In this instance, assessing whether the development is appropriate to context cannot be divorced from the identification of the site as a strategic allocation in the Maidstone Borough-Wide Local Plan (2000) and the emerging Local Plan. In other words, it is inevitable that residential development extending into countryside would, to some extent, be out of context with the prevailing rural character. However, given the policy support for the urban extension, the test in this case should be how well the development responds to the sensitivities of an urban fringe location.

5.5.3 Responding to context also involves incorporating site specific constraints, opportunities and wider planning policy objectives which in this case include: the form and layout of the proposed development; highway safety/access considerations including parking; housing density; landscape structure; and appearance and detailing. The objective should be to imaginatively address these constraints to help deliver a distinctive place.

- 5.5.4 The application has been accompanied by a joint Development Brief (August 2013) with Bellway Homes for the site immediately to the west of the site. This has recently been amended and was consulted upon in tandem with the planning application(s). The document clearly sets out a comprehensive and co-ordinated vision across both sites with development, planning and design principles common to both. This helps to ensure an integrated approach especially in respect of the frontage facing onto Sutton Road, and spatial interface between the two developments and the boundary treatment. It does not however consider detailed design matters such as appearance and character, resulting in different architectural styles being built typical to each house-builder's standard products.
- 5.5.5 The application is also supported by a Design and Access Statement (D&AS) (August 2013) which explains the detailed design rationale for the proposed scheme. In this instance, it applies a predominantly landscape-led approach, setting the built development from the site's peripheral landscape structure, thereby limiting the developable areas of the site, but nevertheless allowing for an efficient layout. The D&AS refers to 4 distinct landscape character areas, namely the main entrance avenue and flats, the terraced housing, the detached housing, and the detached housing within the estate. The D&AS has also thoroughly considered local precedents within the immediate and surrounding context, including historic and modern traditional architectural styles, architectural elements and choice of materials.
- 5.5.6 The design approach for the scheme is traditional and of a good quality design, incorporating well designed house types and apartment blocks of a similar architectural theme. Discussions have been ongoing with the applicant to ensure that revised amendments undertaken reflect the quality applied to the detailing and appearance of the scheme.

### ***Form and layout***

- 5.5.7 The site is served by a main access from Sutton Road (A274) and is located immediately opposite Parkwood Industrial Estate. The site would be marked by prominent entrance features/apartment blocks, and an apartment block at the end of this main access which terminates the main vista into the development. The rest of the development is made up of a very loose-knit irregular development block pattern that although is set back from Sutton Road to retain existing trees, presents an active frontage onto Sutton Road. The layout encourages permeability, legibility and clearly defines public and private space, and key frontages.
- 5.5.8 Redrow Homes have worked closely with the Local Planning Authority, and changes have been willingly incorporated into the latest revised plans to resolve

some of the weaker elements in the layout of the scheme. These include the western section of the site, the spine road, and the centrally located 'square'. These are set out in more detail below:

- Western section of the site: here, the scheme has been integrated better and now has a stronger spatial relationship with the proposed Bellway Homes scheme. Long and short views into each of the sites to key spaces such as the LEAP and the central/dividing green corridor, particularly how primary vistas are terminated, have been reconsidered and are complimentary in landscape design terms. The new configuration for 'flats block B' is less 'leaky', i.e. loose spatially and has along with the plots 10 to 12 has a stronger edge to enclose the LEAP, thereby defining this more formal/denser part of the site;
- Spine Road: a symmetrical and formal approach has been applied in this section of the site. This now has a stronger built building line and by reconfiguring and introducing an additional unit on each side of the main access, creates an area of higher density to comply with the draft Development Brief (page 30). The removal of the visitor parking along the this main access road and redistributing these spaces elsewhere within the site has further strengthened this principal approach road; and
- Centrally located 'square': By re-orientating and changing one unit to the north of the square, this key space has greater definition, a strong building line, better vistas and better frontages to enclose the space more effectively.

5.5.9 The proposal's scale, density, and massing is appropriate to the site, with street scenes providing views to key spaces and glimpses of the existing tree belt to the north. Streets have active frontages, and open spaces are overlooked providing natural surveillance, and where possible all properties have dual aspects to avoid blank facing walls and 'dead' frontages.

#### ***Highway safety/access considerations and parking***

5.5.10 The proposal is well connected and applies a hierarchical approach to its road network with a primary (off- centre spine road) as the main access road that then diverts to serve the western and eastern sections of the site. The eastern road is the main secondary route within the site, serving 3 perimeter development blocks via a centrally located 'square'. There is also an extensive pedestrian and cycleway network within the site and along the northern side of Sutton Road.

5.5.11 According to the D&AS and the Planning Statement, car parking is planned at an adequate level appropriate to Kent County Council's standards as set out in Interim Guidance Note 3: Residential parking, as a 'suburban' site located on the

urban fringe. These are located within the plot curtilage or within communal parking courts with:

- 2 spaces for 4 bedroom houses;
- 2 spaces for 3 bedroom houses;
- 1.5 or 1 space for 1 and 2 bedroom dwellings; and
- 1 space for 1 and 2 bedroom flats.

### ***Housing density***

5.5.12 The KDG in the case of urban fringe locations states that density should remain compact to avoid urban sprawl and recommends a gross density of between 30-50 dph. The proposed scheme is of an appropriate medium to low density, and is complimentary to the adjacent Bellway Homes scheme. It proposes a density within the lower range of 30dph compatible with the other SE Strategic Housing Allocations, resulting in a development of 26dph, appropriate to the character and appearance of the locality.

### ***Landscape structure***

5.5.13 The landscape structure is a fundamental consideration for an urban edge development where landscaping should be used to soften the development, helping it to respond more sensitively to its semi-rural context. A landscape-led approach has been applied to the proposal, respectful of Bicknor Woods to the north of the site, retaining peripherally located natural features such as the existing trees situated along the southern and western boundaries, and providing 4 distinct landscape character areas that include extensive new planting to enhance the landscape setting of this key entrance into Maidstone and semi-natural habitats on site.

5.5.14 This proposal would visually 'open up' the site especially along the extensive Sutton Road frontage so it is in part, particularly the western section to approximately mid-way along the southern boundary, complimentary and integrated with the Bellway Homes proposal and its formal landscape treatment along the Sutton Road frontage; and the western edge fronting onto the 'joint' LEAP and southern pedestrian link. The planting structure where possible would continue along the frontage beyond the main access, and the green corridor between the two sites consisting of the avenue of trees along the LEAP edge southwards adjacent to the pedestrian path, to '*create a more robust, consistent and attractive landscape frontage along the Sutton Road frontage*' (page 9, D&AS), and '*to define a new eastern gateway to Maidstone*' (joint Development Brief).

5.5.15 There are also distinct and high quality areas of soft and hard areas of public realm, with the central 'square' and the landscaped trim trail, an accessible loop (or trim trail) with five stations around the periphery of the site encouraging informal play and recreation. SUDS attenuation areas (ponds and swales) are also provided to the northern and southern parts of the site, within the open space.

### ***Appearance, scale and detailing***

5.5.16 Redrow's 'standard' heritage-range house types are applied throughout the scheme. They are well considered, of a high standard and distinctive 'Arts and Craft'/Edwardian architectural style and identity, with simple yet standard detailing and a limited and carefully considered materials palette. This predominantly uses red brick thereby referencing the use of stock red brick as seen locally in Otham Conservation Area, buff-coloured stock bricks, rough-cast render, ragstone and plain tiles. The quality, bond and mortar joint of the brickwork will be important to avoiding a bland and uniform appearance to the street scene, and will be conditioned accordingly.

5.5.17 There are up to 9 house types including variations dispersed across the site consisting of a mix of detached, semi-detached, terraces and apartments. The majority of the dwellings are 2-storey with four 3-storey apartment blocks located at the entrance, and within the central part of the site fronting onto the LEAP and at the end of the main access road into the development. The limited use of 2.5-storey buildings, eleven in all, are centrally located near to and around the 'square' and the front street scene, to provide variation in roof forms.

5.5.18 The elevations have been well detailed especially the front elevations, with the introduction of half-gables, gable-verges, porches, well proportioned fenestration patterns including diamond windows, glazing bars, coloured glass adjacent to the front doors of the apartment blocks, varying roof forms with half-hips, dormers, eye-brow dormers, barge-boards and varying roof levels, referencing the vernacular buildings research outlined in the D&AS. Some chimneys have been used to 'break-up' and provide interest and variety to the rooflines. Boundary treatments show varied and quality solutions using brick and ragstone walls and/or metal estate railings in prominent locations, post and rail fencing, depending on the location of a particular building type within a streetscene of a particular character area.

### ***Code for Sustainable Homes***

5.5.19 The sustainability chapter of the D&AS and Sustainability Statement set out the measures to increase energy efficiency and reduce carbon emissions throughout the development. They identify a considerable commitment to minimising

environmental impacts, through sustainable design and construction methods. The residential development has been designed to comply with current Building Regulations (Parts L), and Code for Sustainable Homes, Code Level 4 (as set out in policy CS6: Sustainable Design and Development).

5.5.20 A range of measures are listed to achieve this including more than 20% energy use from decentralised/renewable/low carbon sources is also being sought. A number of options for incorporating renewable energy sources are also being considered. Buildings have been designed to reduce energy use, by taking into account building orientation, layout, overshadowing and materials selection to minimise energy consumption, to optimise solar gain and incorporate natural ventilation, wherever possible. I consider that the proposal is designed to a high standard of sustainable design, and as such I raise no objections to this element of the proposal.

## **5.5 Residential Amenity**

5.5.1 The application site is relatively divorced from existing residential properties, Bicknor Farm aside and as such, the impact upon residential amenity will be very limited. With regards to Bicknor Farm, it is noted that the property is already surrounded by high fences, and there is a significant level of commercial activity within the grounds. In any event, the layout that has been proposed would not result in any dwellings within close proximity of this aforementioned property.

5.5.2 Whilst a number of objections have been received with regards to the impact upon properties within Otham, due to the distance between this site and the village, I am satisfied that there would be no significant harm caused by this proposal to these residents – in terms of overlooking, overshadowing, or the creation of a sense of enclosure. Likewise, there would be very little, if any, harm caused by noise and disturbance.

5.5.3 With regards to the additional traffic movements, the majority of these will be along the main thoroughfares, and as such I do not consider that this would be likely to result in an unacceptable impact in terms of additional noise, or air quality to existing residents.

## **5.6 Highways**

5.6.1 As can be seen from the comments made by KCC Highways and Transportation, the principle of development of this scale within the site is considered acceptable. As part of the existing allocation, the Inspector considered this site to be relatively remote from the Town Centre, and also gave considerable weight with regards to the distance from the nearest railway station. As such, measures were proposed at that point in time to address this, together with the additional

traffic that would be generated by the proposal. It is for this reason that Policy T2 of the Local Plan included the provision of dedicated bus lanes, priority to buses at junctions, prioritisation (for buses) within traffic management schemes as well as enhanced waiting and access facilities and information systems for passengers, including those with disabilities.

- 5.6.2 To my mind, these measures remain key in the successful delivery of this site, and also to ensure that this proposal does not become an isolated island of development, overly reliant upon the private motor vehicle. As such, the Council will be seeking contributions of £3000 per dwelling to deliver a new inbound lane of traffic, with bus prioritisation measures from the Willington Street roundabout to the Wheatsheaf junction (A274 & A229 junction). Whilst KCC Highways and Transportation have requested that these simple be for vehicle movements, it is my opinion that there should be some bus prioritisation along this corridor to encourage greater use of the bus, and to reduce vehicles along an already busy highway. As such, I proposed that any additional lane of traffic should only be available for bus use between the hours of 7.30am and 9.30am. This lane could be available for other traffic at all other times. This would be consistent with the peaks shown for inbound traffic movements. Should this provision be made, then I consider that the proposal would address both the capacity issue within the A274, and also would ensure that the proposal would align with existing Local Plan Policy, and would be a more sustainable location than otherwise.
- 5.6.3 Intrinsic to the successful management of both inbound traffic, and traffic that seeks to head northwards to the A20 is the alteration to the Willington Street/Sutton Road junction. The improvements to this junction are set out within the Transport Assessment, which is agreed by Kent Highways and Transport. Again, I consider that this is a necessary part of any proposal for additional housing further along Sutton Road as it is acknowledged that this junction is already at capacity, and further strain will take it beyond capacity. The mitigation at this junction will include widening of the junction, which will see the removal of a tree. However, it has been agreed that this would be replaced should permission be granted.
- 5.6.4 Internally the site is to be served by a new access from the A274, provided with a right hand filter lane into the site. There would be no lights on this junction, as this would not be required for the number of dwellings proposed (100). This access road would run northwards into the site, and come to a conclusion at a T-junction. The access would then run in an east/west direction, with an informal 'square' at the end of the eastern spur.
- 5.6.5 This layout has been assessed and is considered to provide a safe passage through the site, as well as a safe entry and exit into the site.



- 5.6.6 The parking provision within the site has also been assessed, and no objections are raised. The majority of properties within the site have a minimum of two parking spaces, with only the smaller flats provided with one. As this is a site relatively divorced from the town centre, it is appropriate to provide a level of parking that reflects this. I consider the parking provision proposed is of an acceptable level that would not result in any highway safety issue.
- 5.6.7 There would also be a small number of visitor parking spaces within the site which would help to address the matter of on street parking. However, some on-street parking would still be likely to take place within the site; I am of the view that this would not give rise to any highway safety concern, as speeds throughout the site would be low.
- 5.6.8 The applicant is required to provide a new crossing adjacent to the south east corner of the site, to link in with the Langley Park site. This should be a controlled crossing, and should be provided prior to the completion of the school on this aforementioned site. This would ensure that the school, and commercial provision required on this site, can be safely accessed by the future residents of any development to the north of the A274.
- 5.6.9 I am therefore of the view that the proposal would address the infrastructure required to make the development acceptable, both in terms of highway impact, but also in terms of sustainability. The parking provision is also acceptable, and as such, I raise no objections to the proposal on highway safety grounds.

## **5.7 Landscaping**

- 5.7.1 There are a number of trees within the site that are subject of a Tree Preservation Order (36 of 1981) and the applicants have been advised to design a layout that would see the retention of these trees, and use them as focal points within the development. As such, the layout has been in part pushed back from the highway, and an open area proposed that would see the retention of the trees, which would be overlooked by a number of residential properties. I consider that this element of the proposal works well.
- 5.7.2 The Landscape Officer has requested that the landscaping provision responds to the proposal on the adjacent site, in its design, and the species proposed. Whilst this wish is understood, due to the change in character, caused by the position of the existing trees, I am of the view that the approach undertaken by the applicant is the correct one. The 'Bellway' scheme to the west would see the provision of tree planting along the frontage with the A274 in a regular manner – to create a vertical emphasis, and to indicate to motorists to reduce their speeds as there are houses, and thus residents nearby. This proposal would see a more informal landscaping proposal, however, this is a landscape led approach as the

existing trees are required to be retained. Whilst this would not provide for a continuous frontage along the A274, I am of the view that this would not be to the detriment of the character and appearance of the locality. I consider the retention of the trees to be of the utmost importance on this site.

- 5.7.3 Internally, the site would be provided with a good level of soft landscaping, with a high number of street trees proposed, and a number of properties provided with hedges to their frontages. Whilst a relatively dense scheme, the rear gardens are all considered to be of an acceptable size.
- 5.7.4 I have suggest a condition that would require the provision of long grass and wild flower mix planting within the large areas of open space, as well as along the tree belts. This is to enhance biodiversity where possible, and to create a layered planting provision. I am of the view that the landscaping masterplan is of a suitable standard, and should inform the details to be submitted as part of any condition discharged.
- 5.7.5 I am therefore satisfied that the landscape provision within the application site is acceptable, and will contribute to delivering a high standard of design quality within the application site.

## **5.8 S106 Contributions**

- 5.8.1 The applicant has submitted a draft S106 agreement following discussions with the Authority. Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of Community Infrastructure Regulations 2010. These stipulate that an obligation can only be a reason for granting planning permission if it meets 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.

- 5.8.2 As Members are aware, the Council has an adopted DPD which addresses the matter of affordable housing within the Borough. This requires that a 40% affordable housing provision be made on developments of 15 units or more. The Council have however 'banked' policies for the purposes of Development Management on the strategic sites. Policy SS2b relates specifically to Land to the North of Sutton Road, and requires that the level of affordable housing be provided in accordance with the Local Plan target, as detailed in Policy CS10. However, this policy (CS10) was not adopted for the purposes of Development Management and as such has less weight.

- 5.8.3 The level of affordable housing to be sought is therefore 30% of the overall provision. To my mind, this is a strategic site, which its own policy, which needs to be given weight. Whilst the Local Plan proposal in terms of affordable housing provision has yet to be adopted for the purposes of Development Management, I am of the view that this development will provide for a significant proportion of the Council's strategic provision and as such should accord with the requirements of this strategic vision as much as it can. Whilst no viability appraisal has been submitted, I am also mindful of the necessity for significant levels of contributions to be made with regards to the highways infrastructure in order for this site to be acceptable – a cost that it not borne by other developments (of a smaller scale) within the Borough. Whilst a departure from the Development Plan, I am of the view that in this instance there are material considerations that indicate that this is acceptable.
- 5.8.4 At present, this site together with the 'Bellway' site to the west of this application site (planning application MA/13/0951) and the Langley Park site (MA/13/1149) would see the provision of a total of (approximately) 886 dwellings, and KCC have indicated that this would necessitate the construction of a new primary school, as those within the vicinity could not be expanded to the extent required to address this additional strain. An area of land within the Langley Park site is to be set aside for a new two form entry primary school. Significant negotiations have taken place with Kent County Council education, and it has been agreed that the developers of this site, together with the developers of neighbouring land would all make contributions towards the land acquisition costs, and the cost of construction.
- 5.8.5 In order to ensure that this school could be delivered, it would be necessary for contributions of £14,280 per pupil together with the associated costs of purchasing the land. As stated, KCC Education consider it necessary to seek the provision of this school in order to accommodate the additional pupil numbers, and this is borne out by the fact that it is included within the emerging Local Plan Policy. Education provision is a strong material consideration with regards to the provision of community facilities, and the creation of good development. I therefore consider that this element of the proposal does meet the tests as set out above.
- 5.8.6 Clearly there is a direct interrelationship between this site and the two aforementioned sites to the south and to the north of the A274 in terms of delivery. Of particular importance is understanding the necessary trigger point to see the delivery of the school. KCC have indicated that the school would be necessary once the 350<sup>th</sup> dwelling (across the three sites) has been delivered. As such, any S106 legal agreement would need to be cross referenced with these

sites, in order to ensure that this would be delivered at the suitable point in time.

- 5.8.7 The school currently forms part of the outline element of the planning application (MA/13/1149), and as such, permission would need to be sought for its delivery. This time would need to be factored in to the delivery of the school.
- 5.8.8 Kent County Council have also requested that other contributions be made towards libraries, youth and communities and adult education. These contributions are considered to have been fully justified, and are related to the scale of development proposed. I therefore consider that they are in accordance the aforementioned regulations.
- 5.8.9 Significant contributions are also required with regards to the provision of an additional lane for vehicular traffic, which would also have bus prioritisation measures during the busiest period for inbound traffic (7.30am – 9.30am). The cost of such a provision has been provided, which demonstrates that a figure of £3,000 per residential unit would be required to fund this new provision. As has been set out within the submitted transport assessment, the A274 would exceed capacity without such provision. I also note that the existing local plan allocation requires improvements to this busy transport corridor. I am therefore satisfied that this is a necessary requirement of this development, and is directly related, and of a scale commensurate to the proposal.
- 5.8.10 Contributions would also be sought from any development to the south, and to the north of the Sutton Road (including applications MA/13/0951 and MA/13/1149) for the same figure. In order to ensure that this is delivered in good time, I would require the payment for this additional lane to be provided at the completion of the 350<sup>th</sup> dwelling across all three sites (in the same vein as the school would be required).
- 5.8.11 In addition, contributions of £300 per dwelling are required for improvements to the Willington Street junction. Again, as this junction would exceed its capacity should these developments be constructed, then there is a requirement for the work to be undertaken. Again, I consider that it would be prudent to request this money at the completion of the 350<sup>th</sup> dwelling (again across the three sites) in order that the works can be undertaken in good time for the remainder of the development.
- 5.8.12 Significant discussion have been held with the NHS with regards to the provision of contributions towards additional health services within the vicinity of the site – as no new provision is required on site. The NHS have indicated that the existing provision within the locality can be expanded to accommodate this growth. As such, contributions are sought, with extensive negotiations having taken place

between Maidstone BC, the applicant and the NHS to agree suitable provision. It has now been agreed that a figure of £73,656.00 be provided from the development. It is proposed that this money be spent within surgeries within the locality, which include Wallis Avenue surgery, Orchard Langley surgery, The Mote practice, and Cobtree surgery. All of these surgeries are within a two mile radius of the application site. I consider that this request meets the specific tests set out above.

5.8.13 Much of the provision of parks and open space is to be on site. The Council are satisfied that the play space within the development would be sufficient to address the needs of the residents. However, as no on-site provision has been made with regards to sport, contributions of £40,000 are requested to enhance the facilities within the nearest available sports pitches/facility. These are located within the Parkwood estate, and as such the money should be spent at this location. I consider that this request for contributions meets the tests of the CIL Regulations, and as such, require this to form part of the S106 agreement.

5.8.14 As the play area would straddle this site and the adjacent site, I consider it necessary for this element of the proposal to form part of a S106 legal agreement. This legal would then be signed by both parties to ensure that the equipped play area was provided in accordance with the approved details (as required by condition) by either one or both interested parties. Again, I consider this request to meet the tests set out above.

5.8.15 It is proposed that a new pedestrian crossing be provided on the A274 linking this site with the site at Langley Park. This has been requested as it is proposed to locate the school, and the commercial units on this site to the south, and as such, safe pedestrian links are considered key. However, it is my opinion that the cost of such a provision should be shared between the applicants of this site, and the site to the west ('Bellway') as residents of both sites would utilise this crossing. As such, this provision will be required to form part of the S106 legal agreement. I am of the view that this should be provided prior to the first use of the school, or commercial centre – whichever is delivered first.

5.8.16 I consider that the contributions sought would ensure that the provision of contributions and facilities would accommodate the impact made by the proposal upon existing infrastructure. I am therefore raise no objection to this element of the proposal.

## **5.9 Ecology**

5.9.1 Concern was raised with regards to the initial ecological report which stated that Grayling butterflies were identified within the site. This has since been confirmed as an error, as none were located within the site. Indeed, there has been

significant dialogue between the applicants and Kent County Council Ecology on this site, and it has now been agreed that suitable mitigation has been proposed. However, in order to ensure that this is delivered, it is recommended that a condition be imposed that would require the development to be carried out in accordance with the measures proposed within the submitted ecological report.

## **6. CONCLUSION**

- 6.1 This is a site that has been allocated for housing provision since 2000. However, due to the moratorium on greenfield sites it has seen applications submitted and refused in the past. However, the moratorium has now been lifted, and on this basis, the Development Plan identifies this site as suitable for housing provision. The site is also a site proposed for housing provision within the emerging Maidstone Local Plan. As such this proposal accords with the Development Plan. The proposal would provide much needed housing, within an acceptable, and sustainable location.
- 6.2 The design of the proposal is considered to be of a high quality, both in terms of the layout of the development, and the individual buildings. Likewise, the landscaping provision within the development would create an attractive environment for future occupiers.
- 6.3 The applicants are making significant contributions to infrastructure, both on site, and within the locality – in particular, contributions towards the additional highway works that would be required to take place along the A274 and A229, and the provision of a new school and community hall within the adjacent application site.
- 6.4 Clearly, as the Council does not currently have a five year housing supply, this proposal would contribute towards meeting the shortfall. This is a strong material consideration in the determination of this application, and should be given significant weight accordingly.
- 6.5 This is a proposal that would deliver a high quality development that would also provide significant (and necessary) infrastructure, and open space. It is also in accordance with the Development Plan. The material considerations are such that I recommend that Members give delegated powers to grant, subject to the receipt of a suitable S106 legal agreement, which should address the matters set out below.

## **7. RECOMMENDATION**

Give the Head of Development Management DELEGATED POWERS TO APPROVE subject to the receipt of a suitable S106 legal agreement that provides the following:

- The provision of a minimum of 30% affordable housing;
- Contributions of £3000 per residential unit for the provision of a bus lane/additional lane for vehicular traffic;
- Contributions of £300 per residential unit for enhancements of the Willington Street junction;
- Contributions of £73,656.00 towards improvements to health care provision within the locality;
- Contributions for primary education of £14,285 per pupil\*. This would be to provide a new primary school on site – with land of not less than 2.05ha in area. This primary school should be provided prior to the completion of the (cumulative) 350<sup>th</sup> dwelling of this site and the sites to the south and north of Sutton Road (MA/13/0951 and MA/13/1149).
- Contributions towards the land acquisition costs for the primary school on the land at Langley Park.
- Contributions for secondary education of £589.95 per flat and £2359.80 per house. This would be for the expansion of existing secondary schools that the application site falls within the catchment area of.
- Contributions for additional book stock within local libraries - £128.44 per dwelling.
- Contributions towards community learning of £30.34 per dwelling to be spent within the Maidstone Borough.
- Contributions towards youth services of £8.39 per dwelling to be spent within the Maidstone Borough.
- Contributions towards adult social care of £97.26 per dwelling to be spent within the Maidstone Borough.
- Contributions of £40,000 for the enhancement of sports and recreation facilities within a 2 mile radius of the application site.
- Contributions towards the provision of a community facility on the Langley Park site.
- The provision of an equipped play area that straddles this application site and that of the 'Bellway' site (MA/13/0951).
- The provision of a pedestrian controlled crossing between the application site and the Langley Park site. This should be provided prior to the first occupation of the proposed school, or commercial area – whichever is delivered first. The cost of this provision shall be split equitably between the applicants of this site, and the applicants of MA/13/0951.

*\*Based on the following formula:*

$$\text{Pupil Yield} = (A \times B) + (C \times D)$$



*Where:*

*A is the number of houses*

*B is the relevant multiplier being 0.28*

*C is the number of flats*

*D is the relevant multiplier being 0.07*

1. 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 junction of the timber boarding and the brickwork.

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.

2. 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.

3. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted 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.

4. The development shall not commence until, details of all fencing, walling (which shall include ragstone walling along the point of access) and other boundary treatments 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.

5. The development shall not commence until, details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be provided before the first occupation of the buildings or land and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity.

6. The development shall not commence until, details of the colour of the external finish of 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: In the interests of visual amenity.

7. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 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.

8. The development shall not commence until, details of the means of vehicular access to the site, including the road width, kerb radii, visibility splays and details of finishing materials, have been submitted to and approved in writing by the Local Planning Authority;

Reason: No such details have been submitted and in the interests of highway safety and visual amenity.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the

occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 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.

10. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include:

- The retention of existing tree lines along the eastern and southern boundary, and enhancements to the boundary where necessary;
- The use of a range of natural flowering and berry bearing species of trees;
- Areas of grassland to be managed as rough grassland - both adjacent to tree belt, and within the area of open space within the southern part of the site;
- The provision of bird and bat boxes within the development;
- Deadwood habitat piles.

together with indications of all existing trees and hedgerows on the land, and details of any to be retained, and measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. 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.

11. 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.

12. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) '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.

13. 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.

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 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.

15. 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.

16. 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.

17. 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.

18. The open areas within the residential development site shall remain open and available for public access and no fences, gates or other means of enclosure shall be placed or erected to preclude access to these areas at any time without the prior approval of the Local Planning Authority.

Reason: In the interests of permeability throughout the site, and to maintain the character and appearance of the landscaped areas.

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

Reason: To secure a high standard of design.

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

Reason: To ensure a high quality design.

21. 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.

22. 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.

23. No development shall take place until precise details of the proposed water bodies 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.

24. 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.

25. The details of the landscaping of the site required to be submitted by Condition 10 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.

26. There shall be no occupation of the development hereby permitted until the provision of right hand ghost lane at the point of access from the Sutton Road (A274) has been provided. Full details of the proposed ghost lane shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

27. The development shall be carried out in accordance with the recommendations of the submitted ecological report.

Reason: To ensure the impact of the development is suitably mitigated.

28. The development shall be carried out in accordance with the submitted travel plan.

Reason: To ensure that the proposal is delivered in a sustainable manner, and to reduce the impact upon air quality.

### **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](http://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.

Within any submitted landscape plan, full details of the retention of cordwood within the site shall be submitted.



The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and the emerging Maidstone Local Plan, and there are no overriding material considerations to indicate a refusal of planning consent. The proposal does not however comply with the Affordable Housing DPD (which forms part of the Development Plan) however it is considered that in this instance this is considered to be acceptable by virtue of the policies within the emerging Local Plan.

378

11.05.2012



380

11.05.2012



381























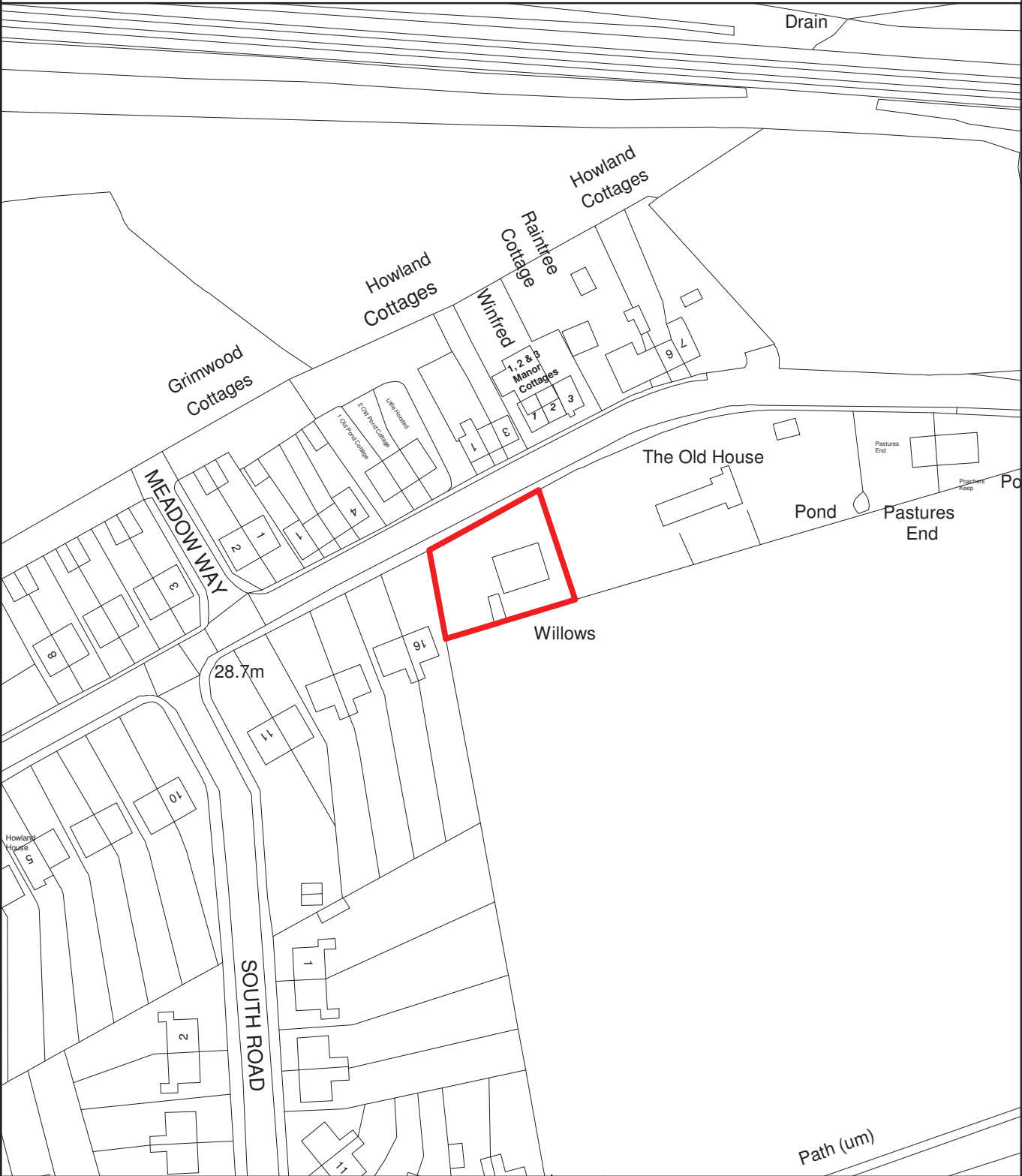
# Agenda Item 22

## THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/1541

GRID REF: TQ7544

WILLOWS, HOWLAND ROAD,  
MARDEN.



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 100019636, 2014. Scale 1:1250



**Rob Jarman**  
**Head of Planning and Development**

APPLICATION: MA/13/1541 Date: 2 August 2013 Received: 4 September 2013

APPLICANT: Mr Bruce Stuart

LOCATION: WILLOWS, HOWLAND ROAD, MARDEN, TONBRIDGE, KENT, TN12 9EP

PARISH: Marden

PROPOSAL: Outline application for a two storey dwelling with all matters reserved for future consideration.

AGENDA DATE: 6th February 2014

CASE OFFICER: Annabel Hemmings

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

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

### **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, T13
- National Planning policy Framework 2012: Chapters 4, 6, 7, 11, 12

### **2. HISTORY**

MA/68/0150/MK3 –Outline for two detached dwellings with garages. Refused 11<sup>th</sup> June 1968.

MA/71/0482/MK3 – Outline for erection of a bungalow and garage. Approved 1<sup>st</sup> May 1972.

MA/72/0646/MK3 – Erection of single storey dwelling with garage and access. Approved 19<sup>th</sup> February 1973.

### **3. CONSULTATIONS**

3.1 **Parish Council:** Wish to see the application refused and request the application is reported to the Planning Committee for the planning reasons set out below:

- Over intensification of site;
- Harm to the street scene;

- Harm to existing pattern of development – the introduction of a small two storey detached dwelling would be incongruous in the context of the nearby buildings;
  - Beyond the village envelope;
  - Close to a bend of restricted visibility – concern about highway safety.
- 3.2 However, if Maidstone Borough Council are minded to approve development on this site, Parish Councillors would prefer to see demolition of the existing bungalow and erection of a pair of semi-detached houses in a more appropriate design which would reflect the existing dwellings on Howland Road.
- 3.3 **Southern Water:** The applicant has not stated details of means of disposal of foul drainage from the site. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. Request that an informative stating this is attached to any consent.
- 3.4 Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer. The council's Building Control officers or the Environment Agency should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.
- 3.5 Southern Water's current sewage records do not show any public sewers to be crossing the above site. However, due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served and potential means of access before any further works commence on site.
- 3.6 **Conservation Officer:** No objection on heritage grounds.
- 3.7 **Highways:** Provided the following requirements are secured by condition or planning obligation, then raise no objection on behalf of the local highway authority:-
- Use of a bound surface for the access;
  - Provision of adequate parking in accordance with Interim Guidance Note 3 with space within the site to turn and leave in a forward gear;
  - Gates to open away from the highway and to be set back a minimum of 5.5 metres from the edge of the carriageway;
  - Provision and maintenance of 2 metres x 2 metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing;

- Provision and maintenance of 43 metres x 2 metres x 43 metres visibility splays at the access with no obstructions over 0.9 metres above carriageway level within the splays, prior to the use of the site commencing.

#### **4. REPRESENTATIONS**

4.1 Three letters of objection have been received from local residents. They make the following summarised comments:

- If another two storey dwelling is placed here will be overlooked and it will be a direct invasion of my privacy;
- The new driveway will interfere with my line of view when exiting my driveway;
- There are a number of issues with overflowing street drains and sewage. Adding further dwellings will only exacerbate this;
- The application site is not entirely owned by the Willows and there is an ancient right of way going across it;
- Part of the application site is under a restrictive covenant that would prohibit the proposal. When the land on which the Willows stands was sold by the then owners of The Old House a covenant was inserted that stipulated that only one single storey dwelling could be built (the Willows). The current application would infringe this;
- The erection of a two storey detached property in a small gap site is not in keeping with neighbouring properties;
- The proposal would result in significant loss of light for neighbouring properties;
- The green space lost for this application is needed to separate the different styles of houses within this part of Howland Road;
- The erection of the dwelling would lead to a terracing effect;
- Parking on Howland Road would be effected;
- The building would overshadow surrounding dwellings;
- There would be problems and issues for neighbours/existing occupiers during construction works;
- This application would have a cumulative effect with other applications/proposals within Howland Road;
- If this property were to be given planning to add additional homes to the land provided then the original bungalow should be removed and new dwellings erected within this space.

#### **5. CONSIDERATIONS**

##### **5.1 Site Description**

5.1.1 The application site lies to the south east of Howland Road, Marden. It is effectively square and measures 900sqm. The site currently contains a detached



bungalow and detached single garage. The remainder of the site is laid out as garden to serve the dwelling.

- 5.1.2 The site is surrounded to the north, west and east by residential dwellings, with the property adjoining the site to the east (The Old House) being grade II listed. The site borders open countryside to the south.
- 5.1.3 The application site lies outwith the defined built up area of Marden, as designated within the Maidstone Borough Wide Local Plan 2000. But whilst it must be considered as lying within the countryside for planning purposes, the western end of the site adjoins the edge of the built up area and the houses on the opposite side of the road lie within it.

## **5.2 Proposal**

- 5.2.1 This application seeks outline consent for an additional two storey dwelling to the west of the site. The existing detached garage would be demolished to facilitate this.
- 5.2.2 The application is a complete outline with all matters – access, appearance, landscaping, layout and scale - reserved for future consideration.
- 5.2.3 The application is accompanied by illustrative plans which show the proposed dwelling as a detached L-shaped property with a footprint of approximately 56sqm. Access from Howland Road would be gained via a shared access with the existing dwelling, The Willows and two car parking spaces are shown to serve each of the dwellings.

## **5.3 Principle of Development**

- 5.3.1 Saved policy ENV28 of the Maidstone Borough Wide Local Plan, adopted in 2000, seeks to protect the countryside for its own sake. The policy states that development will not be permitted if it would be harmful to the character and appearance of the countryside and will be confined to those specific activities that require a rural location – agriculture/forestry, the winning of minerals, open air recreation, public/institutional uses which require a rural location. This proposal would not meet any of the criteria set out in the policy.
- 5.3.2 The National Planning Policy Framework 2012 recognises the importance of protecting the countryside and advises that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances.

5.3.3 However, the Framework also advise that housing applications should be considered in the context of the presumption in favour of sustainable development and that in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Although the application site is outside the boundary of the village it is not in an isolated location. It is an infill site between existing residential development. Furthermore, the proximity of the site to Marden with its wide range of facilities weighs in favour of the proposal. Therefore, the Framework would not preclude a development on the site solely on the grounds of its location.

## **5.4 Visual Impact**

5.4.1 As mentioned above, the application is an outline with all matters reserved for consideration at a later date. Therefore, the design and siting of the proposed dwelling are not known at this stage.

5.4.2 The site is of sufficient size to accommodate a two storey dwelling and there is scope to locate it between The Willows and the adjoining dwelling to the west (no 16) so as to avoid any encroachment into the open countryside to the south of the site.

5.4.3 Howland Road contains a variety of scale, age and type of dwelling and there is no reason to doubt that an appropriate design could not be advanced for the proposed dwelling at the reserved matters stage.

5.4.4 On the basis of the above, there is no reason to conclude that the proposed dwelling would have an adverse visual impact.

## **5.5 Residential Amenity**

5.5.1 Again as a complete outline, it is difficult to gauge at this outline stage the exact impact of a two storey dwelling on the residential amenities of the occupiers of adjoining dwellings and those of the future occupiers of the proposed dwelling itself.

5.5.2 Given the mixed character of this part of Howland Road, it is noted that there is no set gap between dwellings. No 16 Howland Road is set in from its boundary with The Willows by approximately 4m and there is sufficient scope within the site for the proposed dwelling to be located to retain an adequate gap between it and no 16.

5.5.3 There is no reason to believe that given the scale and nature of the site and its relationship with adjoining dwellings that a two storey dwelling could not be

designed and located within the site so as to avoid an adverse effect on residential amenity.

## **5.6 Highways**

- 5.6.1 Whilst access is one of the matters reserved for future consideration, the submission shows a way that access could be achieved to serve the proposed new dwelling. This shows The Willows and the proposed dwelling served a shared vehicular access located centrally within the site.
- 5.6.2 The Highway Officer raises no objection to the proposal for an additional dwelling on the site, subject to a number of conditions securing vehicular and pedestrian visibility splays and onsite parking. The submission shows that these can be achieved and the detail of these will be reviewed and assessed at the reserved matters stage.
- 5.6.3 There are concerns expressed by local residents in relation to the impact of the proposed dwelling in terms of on road parking and highway safety. These concerns are not shared by the Highway Officer and based on this, I am satisfied that the proposed development could be designed to avoid an adverse impact in highway terms.

## **5.7 Landscaping**

- 5.7.1 Landscaping is one of the matters reserved for future consideration and it will be considered in detail at the reserved matters stage. It is, however, important for the Local Planning Authority to satisfy itself that the proposed development could be subject to adequate landscaping.
- 5.7.2 In this instance, the proposed development is an additional two storey dwelling and the Local Planning Authority would expect private amenity space to be provided within the site for the new dwelling whilst ensuring adequate garden space is retained to serve the existing dwelling (The Willows).
- 5.7.3 The illustrative drawings show the proposed dwelling as detached but does not show how the site would be broken down between the two dwellings. Given the size of the site, however, there is no reason to believe that adequate garden space can be secured for the two dwellings.
- 5.7.4 It is considered appropriate to attach a condition securing the submission of a landscaping scheme to ensure that this matter is dealt with.

## **5.8 Ecology**

- 5.8.1 Minimising impacts on biodiversity and providing net gains in biodiversity is an important part of the planning process.
- 5.8.2 The proposed site for the dwelling is part of the garden of Willows and has been maintained as such for a number of years. It is domestic in character and it is considered that the site is limited in terms of its ecological potential.
- 5.8.3 The proposal does provide an opportunity, however, to enhance the biodiversity potential of the site. The incorporation of bat boxes and swift bricks to the scheme is, therefore, secured by condition.

## **5.9 Other Matters**

- 5.9.1 The importance of achieving sustainable development is recognised and it is considered appropriate that any new dwelling should achieve Code for Sustainable Homes Level 4. A condition to this effect will be attached.
- 5.9.2 It is noted that local residents have raised a number of issues that have not yet been considered. These include issues with overflowing drains, the site not all in the ownership of The Willows, a covenant restricting more than one dwelling on the site, disruption during construction, the cumulative effect with other development on Howland Road and that the bungalow should be demolished and new homes erected within that space. These will be considered in turn.
- 5.9.3 Overflowing drains – there is no evidence that Howland Road is regularly flooded. Overflowing drains would appear to be a maintenance issue and it is not considered that the addition of one dwelling would exacerbate this issue.
- 5.9.4 Part of the site is outwith the ownership of The Willows – the applicants have signed Ownership Certificate B and have served notice on an additional three individuals. This would appear to correspond with the point raised by the local resident and it is considered that the application has been correctly submitted.
- 5.9.5 Restrictive covenant – It is noted that there is a restrictive covenant on the site dating back which restricts development on the site to one dwelling. This is not, however, a planning consideration and would not prevent planning permission being granted. It should be noted however, that a grant of planning consent does not override any other ties or restrictions which may be in place. The removal/variation of this covenant would need to be dealt with separately.
- 5.9.6 Disruption during construction – It is recognised that construction works have the potential to cause disruption. The disruption is normally for a temporary

period and is normally minimised and monitored by the Council's Environmental Health Team.

- 5.9.7 Cumulative effect with other development on Howland Road – The Council is currently considering an outline application for the erection of 47 dwellings on land on the opposite side of Howland Road. Each application must be assessed on its own merits and it is not considered that this proposal given that it is for a single additional dwelling on this site would have a significant cumulative effect.
- 5.9.8 The existing bungalow should be demolished and new houses erected in that space – this is not the proposal before the Council and considerations must be limited to the acceptability or otherwise of the current application.

## **6. CONCLUSION**

- 6.1 The proposed development is not in accordance with Development plan policy. However in this specific case, the proposed development would not represent an unjustified form of development that would cause unacceptable harm to the character and appearance of the countryside. For the reasons set out, it is considered there are circumstances that can outweigh the existing policies in the Development Plan and there are no overriding material considerations to indicate a refusal of planning.

## **7. RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Approval of the details of the layout, scale and appearance of the development, the means of access thereto and within the development and the landscaping of the site (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced. Development shall be carried out in accordance with the approved details.

Reason: The application as submitted does not give particulars sufficient for the consideration of the reserved matters and to accord with Section 92 of the Town and Country Planning Act 1990 as amended.

3. The plans and particulars submitted in accordance with condition 2 above shall include:
- (a) a plan(s) showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 meters above ground level, exceeding 75 mm, showing which trees are to be retained and the crown spread of each retained tree;
  - (b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;
  - (c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
  - (d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, [within the crown spread of any retained tree or of any tree on land adjacent to the site] [within a distance from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree];
  - e) details of the specification and position of fencing [and of any other measures to be taken] for the protection of any retained tree from damage before or during the course of development.
  - (f) the location, species and size of all new trees, shrubs and hedgerows to be planted, those areas to be grassed and/or paved, and for a programme of planting and transplanting. The landscaping scheme shall include details of all surfacing materials and existing and proposed ground levels. The landscaping scheme shall be completed during the first planting season after the date on which any part of the development is completed for occupation or in accordance with a programme of planting agreed in writing by the Local Planning Authority. Any newly planted tree, shrub or hedgerow dying, uprooted, severely damaged or seriously diseased or existing tree, shrub or hedgerow to be retained, dying, severely damaged or seriously diseased, shall be replaced within the next planting season with others of the same species and of a similar size, unless the Local Planning Authority gives prior written consent to any variation.

In this condition 'retained tree' means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

Reason: To ensure that the proposed development is satisfactorily integrated with its immediate surroundings and provides for the adequate protection of

trees Reason: To ensure that the proposed development is satisfactorily integrated with its immediate surroundings and provides for the adequate protection of trees.

4. 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 building hereby approved is occupied.

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

5. Prior to the first occupation of the development hereby permitted sight splays measuring 2 metres x 2 metres from the back of the footway shall be laid out each side of the proposed access with and the sight splays shall thereafter be permanently maintained free of any obstruction exceeding 600mm high when measured from the level of the adjoining highway carriageway.

Reason: In the interest of highway and pedestrian safety.

6. Prior to the first occupation of the development hereby permitted sight splays measuring 43 metres x 2 metres x 43 metres shall be provided at each side of the proposed access and shall thereafter be retained and maintained so that no obstruction is present over 0.9 metres above the level of the adjoining highway carriageway within the splays.

Reason: In the interest of highway and pedestrian safety.

7. Any access gates to open away from the highway and to be set back a minimum of 5.5 metres from the edge of the highway.

Reason: In the interest of highway and pedestrian safety.

8. No development shall take place until a scheme detailing the proposed access has been submitted to, and approved in writing by the Local Planning Authority. The details to be submitted shall include plans and sections indicating design, layout, levels, gradients, materials and method of construction together with a timetable for its construction. A bound surface shall be used for the access and it shall be constructed in strict accordance with the agreed details.

Reason: In the interests of highway safety and amenity.



9. Prior to the commencement of development details of loading, unloading, turning spaces and vehicle parking shall be submitted to and agreed in writing with the Local Planning Authority. The works shall be constructed in strict accordance with the agreed details prior to the commencement of the use hereby permitted and shall thereafter be permanently retained for such purposes.

Reason: In the interests of highway safety and amenity.

10. 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.

11. 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.

12. The development hereby permitted shall not commence until details have been submitted to and approved by the local planning authority showing the provision of swift bricks and bat boxes within the development. The development shall thereafter be undertaken in accordance with the subsequently approved details

Reason: In the interests of biodiversity.

13. The development hereby permitted shall be built to a minimum four star rating within the Government's Code for Sustainable Homes 2006. Prior to the first residential occupation of the development hereby permitted a copy of the post construction review certificate produced by the relevant assessor verifying that the aforementioned minimum star rating has been achieved shall be submitted to the Local Planning Authority.

Reason: To ensure that development takes place in an environmentally sensitive way and to assist the Government in meeting its targets of reducing carbon dioxide emissions.

14. Prior to the commencement of development hereby approved details of the foul and surface water drainage systems to serve the development, incorporating sustainable drainage principles and an assessment of the hydro-geological

context of the development and the site, shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented in strict accordance with the approved plans prior to the first occupation of the development hereby permitted.

Reason: To ensure that adequate drainage is provided for the development.

### **Informatives set out below**

This notice relates only to the requirements for planning permission under the Town and Country Planning Act 1990 (as amended). You may require consent from other statutory regulators before commencing with this development.

The applicant is reminded that under the Wildlife and Countryside Act 1981 (section 1) it is an offence to take, damage or destroy the nest of any wild bird while the nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1 March and 31 July. Any trees and scrub present on the application site should be assumed to contain nesting birds between the above dates unless survey has shown it is absolutely certain that nesting birds are not present. Both the RSPB booklet 'Wild Birds and the Law' and the Guidance Notes relating to Local Planning and Wildlife Law produced by Natural England are useful.

A formal application for connection to the public sewerage system is required in order to service this development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH or [www.southernwater.co.uk](http://www.southernwater.co.uk)

Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 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 regarding noise control requirements.

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

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

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

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

Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

The proposed development is not in accordance with Development Plan policy. However, in this specific case, the proposed development would not represent an unjustified form of development that would cause unacceptable harm to the character and appearance of the countryside. For the reasons set out, it is considered there are circumstances that can outweigh the existing policies in the Development Plan and there are overriding material considerations to indicate a refusal of planning.



30. 1. 2014



402

30. 1. 2014



403

30. 1. 2014



404



30. 1. 2014



405

30. 1. 2014





406



30. 1. 2014







408

30. 1. 2014



409

30. 1. 2014



410

30. 1. 2014

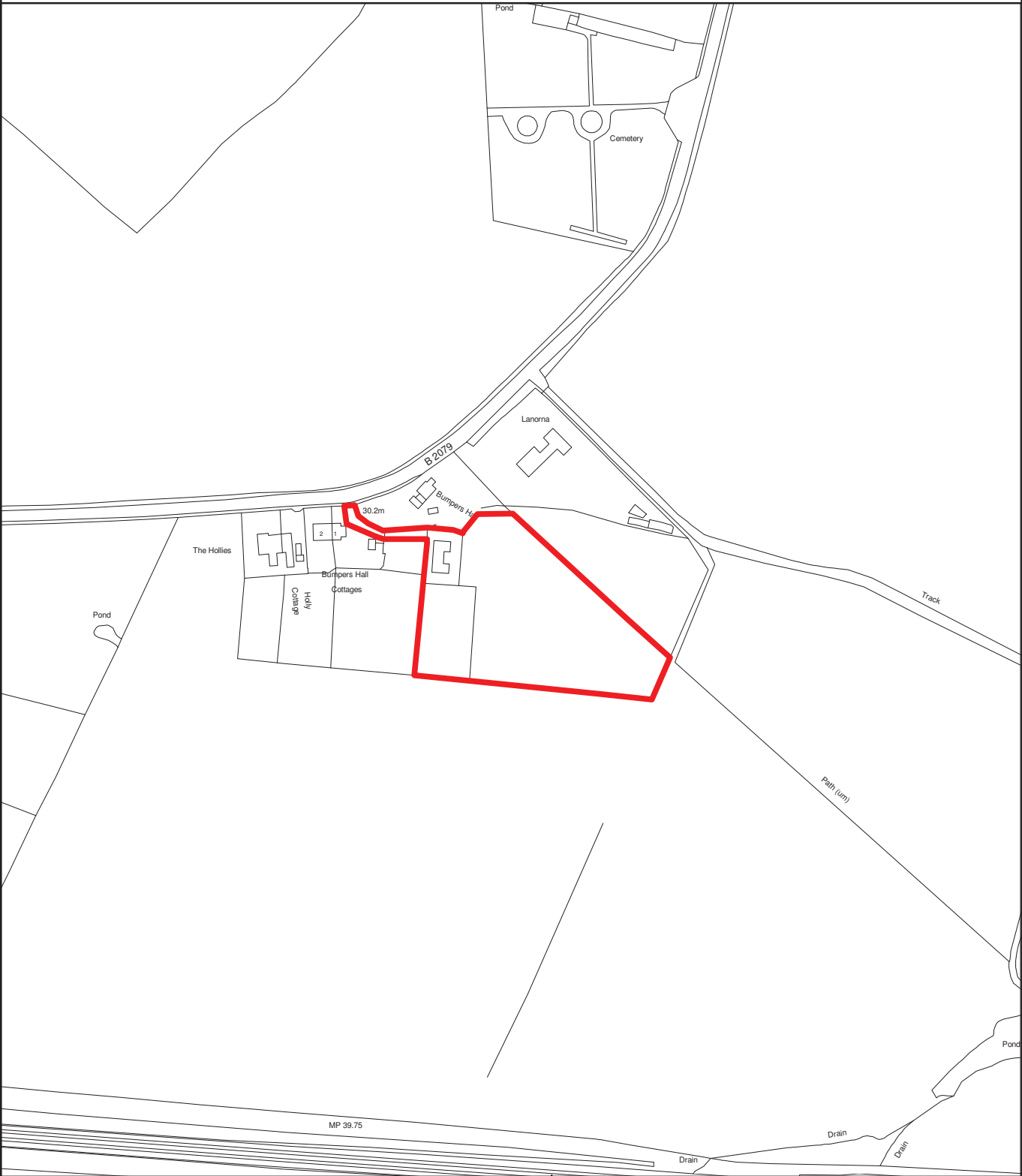
# Agenda Item 23

## THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/1635

GRID REF: TQ7544

BUMPERS HALL, MAIDSTONE ROAD,  
MARDEN.



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 100019636, 2014. Scale 1:2500



**Rob Jarman**  
**Head of Planning and Development**



APPLICATION: MA/13/1635 Date: 24 September 2013 Received: 24 September 2013

APPLICANT: Mr Paul Newton

LOCATION: BUMPERS HALL, MAIDSTONE ROAD, MARDEN, TONBRIDGE, KENT, TN12 9AG

PARISH: Marden

PROPOSAL: Demolition of existing structures and construction of a single dwelling (Use Class C3) with associated landscaping as shown on drawing numbers 077-ACME-GA1-00-1110, 077-ACME-GA1-00-1111, 077-ACME-GA1-XX-1201, 077-ACME-GA1-XX-1202, 077-ACME-GA3-XX-1301, 077-ACME-GA3-XX-1302, 077-ACME-GA3-XX-1303, 077-ACME-GA3-XX-1304, 077-ACME-GA3-XX-1305, 077-ACME-ST1-00-1001, 077-ACME-ST1-00-1005, 077-ACME-ST1-00-1006, supported by a Planning Statement all received 24th September 2013 and a design and access statement and covering letter received 25th November 2013.

AGENDA DATE: 16th January 2014

CASE OFFICER: Catherine Slade

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

- it is contrary to views expressed by **Marden Parish Council**.
- the application has been called in by **Councillor Nelson-Gracie** in the event of a recommendation for refusal for the reasons set out in the report.

## 1. **POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, T13
- Government Policy: National Planning Policy Framework 2012

## 2. **HISTORY**

MA/03/1443 - Creation of outdoor riding arena – APPROVED SUBJECT TO CONDITIONS

MA/03/0302 - A change of use of agricultural land for keeping of horses and the erection of a stable block with feed store and implement shed – APPROVED SUBJECT TO CONDITIONS

72/0338/MK3 – Outline application for residential development comprising bungalows and houses – REFUSED

- 2.1 The site has been the subject of recent applications for planning permission for the keeping of horses and associated operational development, although none are kept on the site at the current time. Condition 2 attached to MA/03/1443 requires the outdoor riding arena to be removed from the land once its use for the private schooling of horses in the ownership of the occupiers of the property known as 'Bumpers Hall', whilst condition 2 attached to MA/03/0302 granting planning permission for the change of use of the land and the erection of the stables requires the building to be removed in the event of the use ceasing. These conditions have not been complied with, although the use of the land, building and manege ceased some time ago.
- 2.2 Pre application advice was sought in respect of the erection of a dwelling on the land under the scope of PA/11/0530, at which time the applicants were advised that an application for residential development on the land would be unlikely to be successful.
- 2.3 Outline planning permission has recently been granted for the provision of a new sports club on land immediately to the south of the proposal site under the scope of MA/13/0358. This consent has not been implemented to date, and no application for reserved matters has been received by the Local Planning Authority.

### **3. CONSULTATIONS**

- 3.1 A site notice was displayed at the site on 9<sup>th</sup> October 2013.
- 3.2 **Marden Parish Council** wish to see the application approved and requested that it be reported to Planning Committee. The Parish Council made the following detailed comments:
  - 3.2.1 *"Cllrs viewed this application and following a lengthy discussion they recommend that there is the potential to APPROVE, in principle, this application if amendments were made to the window positioning. They feel the visual appearance could substantially be improved if the uppermost windows were lowered to be positioned at the level where the tapering started."*
  - 3.2.2 *"(On the basis that if this is a development in the open countryside the test of exceptional design quality/sustainable development should apply. In principle Cllrs feel that this application goes a long way of achieving this however they do have serious reservations over the fenestration arrangements, particularly in the tapering parts of the building.)"*
- 3.3 The **Kent County Council Highway Services Engineer** raises no objection to the proposal, and makes the following detailed comments:
  - 3.3.1 *"The application will not lead to a significant increase in traffic flows from the existing access and adequate parking and turning space is provided on site."*

- 3.4 The **Maidstone Borough Council Conservation Officer** raises concern over the quality of the design of the scheme, and makes the following comments:
- 3.4.1 *"The architects have chosen to try and reflect local vernacular design by developing a dwelling inspired by oast houses. However, they have chosen only to incorporate the kiln elements without the always-present stowage building. This results in a building form of somewhat alien appearance where the verticality of the design is over-pronounced in my view. The rather jazzy brickwork effects proposed also fail to reflect the true vernacular character, drawing attention to the building as a piece of conscious design rather than a functional structure blending in to its surroundings. It also appears to be proposed to clad the roof in brick for which there is no traditional precedent (in those cases where a brick structure has been used traditionally, it is rendered and tarred). This will lead, in my view, to an over-heavy and unrelieved appearance. It is proposed to vary the shades of bricks from dark to lighter as the height of the building increases, presumably in an attempt to overcome this; however, in my view this will result in a restless appearance and is unlikely to significantly "lighten" the overall effect.*
- 3.4.2 *I note that the architects also considered more "contemporary" designs but rejected these partly because of the footprint of these designs. Whilst the chosen design clearly has the smallest footprint it is very significantly taller than any of the alternatives, thus making it more visible and having a greater impact on the open nature of the countryside. Personally, I would prefer one of these lower, more contemporary designs which I consider could be successfully integrated into the site and have very little visual impact on its surroundings."*
- 3.5 The **Maidstone Borough Council Landscape Officer** raises concern over the quality and detail of the proposed landscaping scheme, but considers that these matters can be addressed by way of condition. The Officer makes the following comments:
- 3.5.1 *"This development proposal is located in Landscape Character Area 44, Staplehurst Low Weald. One of the area's key characteristics is small fields, orchards and ponds enclosed by thick native hedgerows, with Oak being the predominant hedgerow tree species. Generic guidance is to conserve the largely undeveloped landscape comprising scattered development and isolated farmsteads as well as to conserve and promote the use of local materials and consider views relating to the Greensand Ridge to the north and the High Weald to the south. More specifically, the guidance is also to enhance habitat opportunities around watercourses and ditches.*
- 3.5.2 *There are no protected trees on, or immediately adjacent to, the site. Whilst there are few internal trees there are significant trees on the site boundaries. No tree survey information has been provided by the applicant but the existing trees are not in locations likely to pose a constraint to the development proposal. I therefore raise no objection on arboricultural grounds.*

3.5.3 *I would add, however, that the proposed site plan which shows an indicative landscape scheme is not really appropriate in the context of the landscape character, both in terms of detail, layout and long term management objectives. The scheme needs to be more structured but rural in context with greater emphasis on habitat opportunities and connectivity, particularly in relation to what appears to be a formally edged pond. There are no details of the tree house and the tree it is proposed to be attached to. I also wouldn't expect to see apricot/ peach trees, nor Horse Chestnuts within the orchard (fruit and nut tree) planting. Clearly, whilst I have concerns over the landscaping, the issues can be dealt with by means of a pre commencement condition if you are minded to grant consent."*

#### **4. REPRESENTATIONS**

4.1 **Councillor Rodd Nelson-Gracie** requested that the application be reported to Planning Committee in the event of a recommendation for refusal, and made the following detailed comments in support of the application:

- *"Despite it being a dwelling in the countryside, the building will be on brownfield land (former stables and menage). It will also border the accepted application for the Marden Cricket and Hockey club with a clubhouse, equipment store, tennis courts parking and other non rural features.*
- *The proposed dwelling will be designed to Code 5 insulation and environmental standards and has hopes of being a "passive house" subject to passing the appropriate tests.*
- *There is no increase in traffic proposed compared to the existing use and there are no proposed changes to the access.*
- *The dwelling will be well screened from all sides causing minimal effect on the surrounding countryside."*

4.2 One neighbour representation was received which raised concern over new residential development in the Green Belt.

#### **5. CONSIDERATIONS**

##### **5.1 Site Description**

5.1.1 The proposal site is located in a rural location in open countryside with no specific environmental designations in the Maidstone Borough-Wide Local Plan 2000.

5.1.2 The site has an area of approximately 0.6Ha and mainly comprises a roughly triangular paddock and associated structures located to the rear (south east) of Bumpers Hall. The site makes use of an existing vehicular access to Maidstone Road, the B2079, which is located to the north west of the site, running between Bumpers Hall and 1 Bumpers Hall Cottages.

- 5.1.3 In respect of the main body of the site, its western section, comprising approximately 20% of the site, is occupied by a stable building with a manege to the south. Both are of conventional construction and appearance. As set out above, these remain in place contrary to conditions applied to MA/03/0302 and MA/03/1443; the development on the site therefore currently represents a breach of planning control as whilst the land has not been used for the keeping of horses for a considerable period of time, planning permission has not been sought for a variation of the conditions and the breach cannot be immune by virtue of the passage of time. Copies of the relevant decision notices are attached as Appendix 1 to this report. The remainder of the site comprises a level field which is kept as mowed grass with some orchard trees located within the southern and north east boundaries of the site.
- 5.1.4 The boundaries of the site are marked by mature native hedges to the north, south, east and west boundaries which are supported by mature Poplar trees along the western boundary, with treatments along the boundary with Bumpers Hall comprising a post and rail fence. The boundaries along the site access are of more domestic appearance. As a result of the existing landscaping and existing buildings the site is relatively visually contained, and as a result short distance views are limited. However, the surrounding landscape is flat with shallow undulations and rises to the north on the Greensand Ridge; as such the site is subject to long distance views from public rights of way to the north of Maidstone Road.
- 5.1.5 The site is bounded by residential properties to the north, and adjoins land apparently in use as garden land associated with 1 Bumpers Hall Cottages and Lamorna to the west and north east respectively. The six properties to the north of the site form an isolated ribbon development along the southern side of Maidstone Road, and separate the site from the public highway. These dwellings comprise two pairs of modest semi-detached cottages, and two larger detached dwellings. None of these properties is formed through the conversion of an agricultural building, and none is listed. The land to the south and south west of the site is currently in agricultural use as orchards, however there is an extant outline planning permission relating to this land for the provision of a new sports club, including a club house, and outdoor sports pitches for hockey, cricket and tennis, together with two multipurpose pitches (MA/13/0358).
- 5.1.6 As stated above, the application site is located in open countryside, the boundary of the village of Marden being marked approximately 250m to the south of the site by the railway line.

## **5.2 Proposal**

- 5.2.1 The proposed development is the erection of a single dwelling, together with associated on site parking and landscaping.

- 5.2.2 The proposed dwelling would be a detached two storey five bedroom property located in the west of the site in the north of the position of the existing, albeit unlawful, manège. The development would constitute a modern interpretation of an early nineteenth century traditional oast. A typical traditional Kentish oast was made up of either a two or three storey stowage, with between one and eight circular (or more rarely square) kilns (or roundels) which generally ranged in size from 12ft (3.66m) to 18ft (5.49m) in diameter, with a conical roof. External kilns were built from brick, ragstone, or ragstone and brick, with tiled or slated roof(s). The top of the roof was open and carried a cowl or louvred vent.
- 5.2.3 The proposal is for the erection of a dwelling comprising four roundels in a quatrefoil arrangement with a central atrium. The roundels would be bluntly truncated, each providing an apex rooflight to the interior of the mezzanine floor. The maximum diameter of the footprint of the building would be 16.282m, whilst eaves heights would be 4.8m. The maximum height of the building (to the pinnacles of the roundels) would be 12.8m. Bumpers Hall, one of the largest buildings in the ribbon development, for comparison, has eaves heights of 5m and a ridge height of 6.9m.
- 5.2.4 On site parking would be provided to the north of the main dwelling, in the approximate position of the unlawful stable building. The remainder of the land is shown on the submitted plans as providing private garden land associated with the dwelling.
- 5.2.5 The building would be constructed entirely of red brick. Whilst red brick represents a traditional Kentish material common in the locality, the use of it for roofing would differ from the vernacular use of tiles which traditionally provides a visual interface between walls and roofs. The use of rooflights to the roofs of the roundels would also be out of keeping with the historic character and appearance of oast buildings, as would the omission of cowls and the use of integral lights as an alternative. No further detail is provided in respect of the materials, although the design and access statement indicates an aspiration to use the materials to provide visual interest through variation of colour over the vertical and the use of textured brickwork, no specific details of how this would be achieved has been provided. Similarly, whilst the design and access statement places emphasis on the *"seamless appearance between wall and roof..., expressed by the use of the same cladding material"* no information has been provided in respect of how this would be achieved, such as details of rain water disposal and ventilation. Details of the fenestration, which would also be key in safeguarding the texture and visual interest of the building, is similarly omitted from the application documentation.

### **5.3 Principle of Development**

- 5.3.1 The application is located in open countryside outside the defined settlement boundary of Marden, and as such is subject to the normal constraints of development in such locations under policy ENV28 (Development in the



Countryside) of the Maidstone Borough-Wide Local Plan 2000, which seeks to protect the character and appearance of the open countryside, and restricts new development in the open countryside to certain defined exceptions as set out in the Local Plan. New residential development does not fall within the exceptions set out in the policy, or elsewhere in the Development Plan.

5.3.2 The National Planning Policy Framework 2012 (NPPF) supports this Local Plan resistance to residential development in the open countryside unless there are special circumstances, which are set out and defined as being:

- The essential need for a rural worker to live permanently at or near their place of work in the countryside;
- Where such development would represent the optimal viable use of a heritage asset or would be enabling development to secure the future of heritage assets; or
- Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- The exceptional quality or design or innovative nature of the design of the dwelling.

5.3.3 The proposal is not for a rural worker's dwelling, and would not constitute either the reuse of an existing building (whether a heritage asset or otherwise) or enabling development.

5.3.4 The comments of the Parish Council and Councillor Nelson-Gracie are noted in regard of the design and quality of the scheme. The proposal is undoubtedly an interesting, relatively bold design with excellent sustainability credentials reflecting some elements of a traditional agricultural oast and its kilns. However, its scale and massing is of a massive, monolithic scale, without the differentiation between the walls and roof form of the traditional form to provide visual interest and relief. The width (of up to 16m from the edge of one kiln to the opposite kiln), height, the radial plan with its four kilns and internal configuration is also considerably larger than a traditional kiln and has led a large footprint which has essentially dictated the overall scale of the structure.

5.3.5 The proposal is of a large scale and one which will have a significant visual impact on the surrounding countryside, and which would be visually incongruous in relation to the surrounding properties, which are of a more modest scale. It will appear as an oversized and enlarged oast structure, and its roofline, although tapering, would be seen from long distances. Although the proposal is of a traditional design displaying a modern approach, it cannot be considered to be of an exceptional design under the test set out in the NPPF's paragraph 55 (point 5), failing to be truly outstanding or innovative, to reflect the highest standards in architecture, significantly enhancing its immediate setting, and responding sensitively to the defining characteristics of the local area.

- 5.3.6 It is noted that the applicant does not indicate a reliance upon the “exceptional or innovative design” of the dwelling in putting forward an argument in favour of the proposal in the application documentation. I note the applicant’s argument that the reuse of previously developed land is in accordance with NPPF objectives, however this does not, in this case, outweigh the presumption against new residential development as set out in paragraph 55 of the NPPF. In any case, the applicant’s position is to my mind significantly weakened given the matter of the breach of planning control set out above in paragraphs 2.1 and 5.1.3.
- 5.3.7 In respect of the five year housing land supply, whilst this is a recognised issue, the very limited impact that the introduction of a single dwelling in an inappropriate location would have in addressing this matter does not outweigh the policy objection to the proposal.
- 5.3.8 For these reasons it is not considered that the proposed development represents any of the exceptions set out in the NPPF, and therefore that the proposal is unacceptable in principle. Notwithstanding this objection in principle, I will now discuss the harm caused by this proposal in more detail.

#### **5.4 Design and Visual Impact and Impact on the Open Countryside and Streetscene**

- 5.4.1 As set out above, the proposed development would take the form of a quatrefoil adoption of the traditional oast roundel form, and would as a result of its extensive footprint and overall form, have a height which would significantly exceed that of the surrounding properties. The disruption of the streetscene and visual harm to wider views of the open countryside that would result from the development would be exacerbated by way of the use of extensive glazing to the roofs of the roundels, and the monolithic appearance and bulk of the building.
- 5.4.2 Whilst oasthouses are widely recognised as a historic feature of the Kentish environment, the proposal fails to incorporate attractive traditional features which would relieve the oppressiveness of the design. I concur with the comments of the Council’s Conservation Officer that the external treatment of the building would emphasise the “over-heavy and unrelieved appearance” of the building, and thereby compound the limitations of the overall design of the dwelling, and consequently its detrimental impact in views of the open countryside. The dwelling would, as a result, be overly-dominant, intrusive and harmful to the character and appearance of this open countryside location, particularly in long views from public rights of way in the surrounding area.
- 5.4.3 Furthermore, the buildings which the proposed dwelling would be grouped with, whilst of conventional Kentish appearance, do not constitute buildings of a specific rural or agricultural character per se, and as such the introduction of a pastiche of an oast house would be visually incongruous in this location.

5.4.4 For these reasons, notwithstanding the objection in principle to the development, the proposal is considered to be unacceptable in respect of its detailed design and overall appearance and scale, and its failure to respect either the established pattern of development in the local vicinity or the wider rural built environment, and detrimental impact upon the character and appearance of the open countryside in this location. The proposal would furthermore set an unwelcome precedent for other isolated dwellings in the countryside, of an appearance resembling a collection of modern/new oast kilns, which fail to demonstrate any exceptional standard of design.

## **5.5 Other matters**

5.5.1 In addition to resulting in environmental harm by way of impact on the setting and the wider appearance and character of the open countryside and failure to achieve the necessary quality of design, the proposal site, whilst located in close proximity to an isolated group of dwellings, is essentially in a rural location remote from the facilities and services which future occupiers would be expected to rely upon. As such the proposal would introduce an unsustainable new development the occupiers of which due to the paucity of public transport and nearby facilities would be largely dependent on private motor vehicles for their primary access to shops, medical and educational facilities and other similar services.

5.5.2 The development therefore represents an unsustainable form of development.

5.5.3 The development would be served by an existing access to the public highway, and the Kent County Council Highway Services Engineer has raised no objection to the proposal on this ground or that of the level of on site parking proposed.

5.5.4 The Council's Landscape Officer has raised concern over the quality of the landscaping scheme proposed, however it is considered that this matter could be addressed by way of planning condition if necessary.

5.5.5 The character of the site is such that it is unlikely to provide habitat for protected species, comprising a manege, a reasonably well maintained stable building and a mown grass paddock surrounded by garden land and intensively farmed orchards.

5.5.6 The proposal is not located in close proximity to any heritage assets, and is not in a location recorded by the Environment Agency as being prone to flood. It is not considered that the proposal would give rise to harm to the residential amenity of the occupiers of neighbouring dwellings by virtue of the separation distances involved.

5.5.7 Whilst the extant permission on an adjacent site for the Marden Cricket and Hockey Club is noted, as set out above this consent has not yet been implemented, and as such, whilst a material consideration, has limited weight in the determination of the current application. Whilst I recognise that the

implementation of the extant permission (subject to approval of reserved matters) would inevitably change the character of the current application site, this would not overcome the policy objection to a new dwelling in the open countryside for which there is no planning justification, as set out above in section 5.3, which would remain regardless of the changes to the surrounding context.

- 5.5.8 It is also the case that a proposal for a single dwellinghouse which is contrary to local and national planning policy is not assessed in a similar manner to the application for a community facility for a high quality scheme which would result in wider social benefits and necessitates a rural location. The two applications are therefore not directly comparable in terms of their assessment against planning policy.

## **6. CONCLUSION**

- 6.1 For the reasons set out above, the proposal is considered to represent the introduction of an isolated dwellinghouse in a rural location which is not justified by way of complying with any Maidstone Borough-Wide Local Plan 2000 policy or Section 55 of the National Planning Policy Framework 2012, and would contribute towards sporadic development in an unsustainable location. In addition, the proposed development is poorly related to the surrounding pattern of development and fails to achieve the high quality of design sought by the National Planning Policy Framework 2012, and would thereby cause harm to the character and appearance of the open countryside.

## **7. RECOMMENDATION**

REFUSE PLANNING PERMISSION for the following reasons:

1. The proposal site lies within open countryside outside any defined settlement, and represents a form of development for which there is no policy justification. The proposal would introduce new residential development in an unsustainable location poorly related to public services and facilities where future occupants would be reliant on private motor vehicles and which, through the introduction of sporadic development, would harm the character and appearance of the countryside contrary to policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and national planning policy and central government planning policy, as set out in the National Planning Policy Framework 2012, which seek to secure sustainable patterns of development and safeguard the character and appearance of the open countryside.
2. The proposed development, by way of its mass, detailed design and overall appearance would fail to respect, respond and relate to the established pattern of built development in the immediate surroundings and the wider context of rural Marden, and would result in significant harm to the character and appearance of the open countryside and natural environment. For this reason

the proposed development would be contrary to policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and national planning policy and central government planning policy, as set out in the National Planning Policy Framework 2012, which seek to secure a satisfactorily high quality of design and safeguard the character and appearance of the open countryside.

**Informatives set out below**

The retention of the stables and manege on the land is in breach of conditions 2 attached to MA/03/0302 and 2 attached to MA/03/1443 following cessation of the use of the land for the keeping of horses; a breach of planning control has therefore occurred. Please regularise this matter, or formal enforcement action may be taken.



# APPENDIX

Directorate of Change, Planning and the Environment  
Maidstone House, King Street, Maidstone, ME15 6JQ

## DEVELOPMENT CONTROL

Peter Hewson Partnership  
Melville House  
The Street  
Betherden  
Kent  
TN26 3AE

My Ref: MA/03/0302  
Date: 12 June 2003

## TOWN AND COUNTRY PLANNING ACTS

**Town and Country Planning (General Permitted Development) Order 1995**  
**Town and Country Planning (Development Management Procedure) (England)**  
**Order 2010**

**TAKE NOTICE** that **THE MAIDSTONE BOROUGH COUNCIL**, The Local Planning Authority under the Town and Country Planning Acts, has **GRANTED PLANNING PERMISSION** in accordance with the details set out below:

APPLICATION: MA/03/0302

DATE RECEIVED: 12 February 2003

DATE VALID: 12 February 2003

APPLICANT: Mr & Mrs S Clews

PROPOSAL: A change of use of agricultural land for keeping of horses and the erection of a stable block with feed store and implement shed, as shown on 1 no. A3 sheet showing the plan and elevations and 1 No. A1 sheet showing the site location and block plan received on 4 February 2003 and as amended by 1 No. A1 sheet showing the revised block plan received on 16.05.03.

LOCATION: Bumpers Hall, Maidstone Road, MARDEN  
GRID REF: 575099, 144942

This permission is **SUBJECT** to the following conditions:

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.



Continuation of decision: MA/03/0302

2. The building hereby permitted shall only be used for the private stabling and keeping of horses in the ownership of the occupiers of the building edged in red on the attached plan and when no longer used for these purposes shall, together with any other related development, be demolished and the resulting material removed from the land to the satisfaction of the Local Planning Authority;

Reason: To ensure that adequate security and supervision is provided for the animals kept on the land in accordance with ENV46 of the Maidstone Borough-Wide Local Plan 2000.

3. The building shall not be used for, or in connection with, any livery, business or commercial use;

Reason: To prevent the introduction of an inappropriate commercial use onto the site in accordance with ENV46 of the Maidstone Borough-Wide Local Plan 2000.

4. No building or temporary structure, including horse jumps or field shelters, shall be erected, placed or allowed to remain on the land unless the prior written approval of the Local Planning Authority has been obtained;

Reason: To safeguard the character and appearance of the surrounding area in accordance with ENV28 of the Maidstone Borough-Wide Local Plan 2000 and ENV1 and ENV15 of the Kent Structure Plan 1996.

5. No new surface shall be placed or allowed to remain on the land unless the prior written approval of the Local Planning Authority has been obtained;

Reason: To safeguard the character and appearance of the surrounding area in accordance with ENV28 of the Maidstone Borough-Wide Local Plan 2000 and ENV1 and ENV15 of the Kent Structure Plan 1996.

6. Prior to the commencement of the development, details of a scheme for the means of storage prior to disposal and the method of disposal of faecal, bedding or other waste arising from the animals housed with the development shall be submitted to and approved in writing by the Local Planning Authority. Such waste material arising from the animals so housed shall also be disposed of solely in accordance with the approved details.

Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers and the amenities of the surrounding area, and to accord with policies ENV28 and ENV46 of the Maidstone Borough-Wide Local Plan 2000 and ENV1 of the Kent Structure Plan 1996.

**IMPORTANT:- YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES**

Continuation of decision: MA/03/0302

This application has been considered in relation to the following policies:

Maidstone Borough-Wide Local Plan 2000:

South East Plan 2009:

Signed

*R.L.L. Jarman*

Rob Jarman  
Head of Planning

Date 12 June 2003

~~~~~  
**THIS IS NOT A BUILDING REGULATION APPROVAL**

It is the responsibility of the developer to ensure, before the development hereby approved is commenced, that approval under the Building Regulations, where required, and any other necessary approvals, have been obtained, and that the details shown on the plans hereby approved agree in every aspect with those approved under such legislation.

**TAKE NOTICE** that this decision does not confirm compliance with Section 53 of The County of Kent Act, 1981 and, therefore, it will be incumbent upon the applicant to ensure they comply with the said requirement.

~~~~~

**IMPORTANT:- YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES**





Directorate of Development Services, 13 Tonbridge Road, Maidstone ME16 8HG

**DEVELOPMENT CONTROL**

Amy Broster,  
Charles Britton Equestrian Construction  
Gadlas Farm  
Eastwick Lane  
Dudleston Heath  
Ellesmere  
Shropshire  
SY21 9DY

My Ref: MA/03/1443  
Date: 1 September 2003

**TOWN AND COUNTRY PLANNING ACTS**

**Town and Country Planning (General Permitted Development) Order 1995**  
**Town and Country Planning (General Development Procedure) Order 1995**

**TAKE NOTICE** that **THE MAIDSTONE BOROUGH COUNCIL**, The Local Planning Authority under the Town and Country Planning Acts, has **GRANTED PLANNING PERMISSION** in accordance with the details set out below:

**APPLICATION:** MA/03/1443

**DATE RECEIVED:** 21 July 2003      **DATE VALID:** 21 July 2003

**APPLICANT:** Mr & Mrs Bamford

**PROPOSAL:** Creation of outdoor riding arena, as shown on drawing nos. 9920/2 and 9920/3 and 9920/4 received on 21.07.03 and drawing no. 9920/1 received on 4.08.03.

**LOCATION:** Bumpers Hall Maidstone Road MARDEN

**GRID REF:** 575101, 144956

This permission is **SUBJECT** to the following conditions:

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The riding arena hereby permitted shall only be used for the private schooling of horses in the ownership of the occupiers of the property known as 'Bumpers Hall', shown within the


Continuation of decision : MA/03/1443

blue line on the 1:500 scaled site plan, and when no longer used for these purposes shall be removed from the land to the satisfaction of the Local Planning Authority. It shall not be used in connection with any business or commercial operations.

Reason: To prevent the introduction of an inappropriate commercial use onto the site which would be detrimental to highway safety and harmful to the enjoyment of neighbouring properties by their occupiers, and therefore contrary to Policy ENV46 of the Maidstone Borough-Wide Local Plan 2000.

3. No floodlighting shall be installed on the site without the prior written consent of the Local Planning Authority;

Reason: To safeguard visual amenity.

  
Signed  
Director of Development Services  
Date 1 September 2003

---

**THIS IS NOT A BUILDING REGULATION APPROVAL**

It is the responsibility of the developer to ensure, before the development hereby approved is commenced, that approval under the Building Regulations, where required, and any other necessary approvals, have been obtained, and that the details shown on the plans hereby approved agree in every aspect with those approved under such legislation.

**TAKE NOTICE** that this decision does not confirm compliance with Section 53 of The County of Kent Act, 1981 and, therefore, it will be incumbent upon the applicant to ensure they comply with the said requirement.

**IMPORTANT:- YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES**

Continuation of decision : MA/03/1443

---

**IMPORTANT:- YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES**



Councillor Nelson-Gracie is unable to attend the Committee meeting, but has provided additional comments reiterating his views, as set out below:

"Unfortunately, although I called this item in to the Planning Committee, I will not be able to attend on 06-Feb-14. My reasons for calling in this application are set out on page 290 of the Officer's report, however I would like to highlight some of the issues I have raised:

- The site is on previously developed land (a brownfield site) and this application will tidy up an untidy site
- The area is not in a protected landscape area and is not an isolated dwelling
- The site will shortly be even less "in the countryside" once the Marden hockey and cricket club has been built out, as it adjoins this site
- The site is well related to the village, one of the reasons the hockey and cricket club was sited where it is
- The application represents a high quality sustainable design, aiming to attain code 5 environmental standards
- The landscaping proposals will strengthen the boundary treatment, delivering a number of ecological and bio-diversity enhancements
- It will respect and enhance the relationship with neighbouring properties, as part of a cluster of high quality residential properties
- As part of the NPPF, the Borough is not able to demonstrate a five year housing supply as part of the draft HLS, indeed the supply is currently around 2 years. Therefore the NPPF presumption in favour of sustainable development should be accorded full weight, and this additional residence will count towards the supply

For these reasons I would urge that you APPROVE this application."

**My recommendation remains unchanged.**

431

11.11.2013

432



11.11.2013

433

11.11.2013

434

11.11.2013

435

11.11.2013



436

11.11.2013

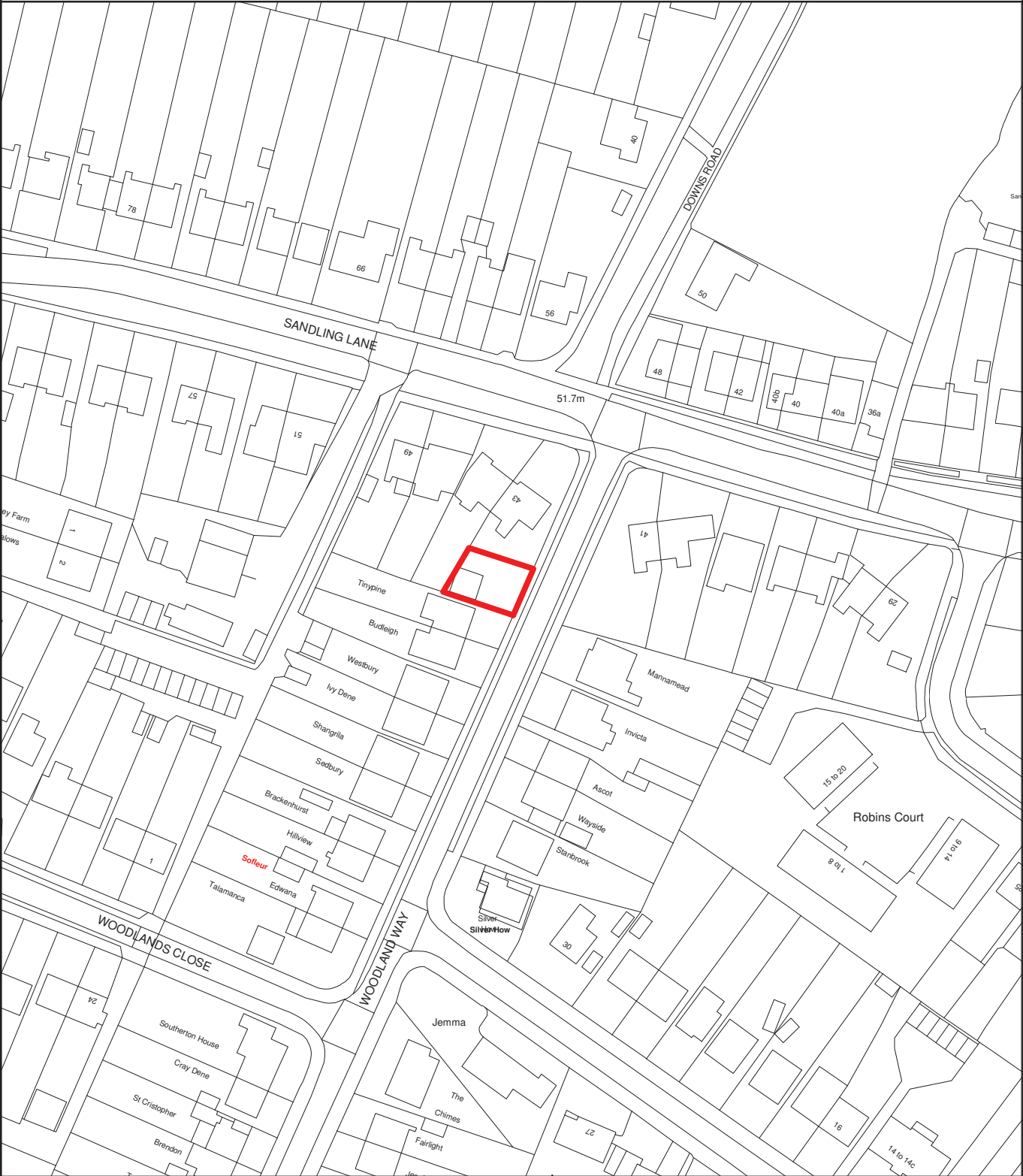
# Agenda Item 24

## THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/1652

GRID REF: TQ7657

LAND REAR OF 43,  
SANDLING LANE, MAIDSTONE.



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 100019636, 2014. Scale 1:1250



**Rob Jarman**  
Head of Planning and Development

APPLICATION: MA/13/1652 Date: 24 September 2013 Received: 25 September 2013

APPLICANT: Mr F Falcone

LOCATION: LAND REAR OF 43, SANDLING LANE, MAIDSTONE, KENT, ME14 2HU

PARISH: Maidstone

PROPOSAL: Erection of a detached dwelling (Amended design following previous refusal MA/13/0863) as shown on plan number 2231/4/A received 3rd January 2014 and Application Form received 25th September 2013.

AGENDA DATE: 6th February 2014

CASE OFFICER: Kevin Hope

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

- The application has been called to Planning Committee by Councillor Paterson for the following reasons:-

*"Locally controversial proposal and overly intrusive on this small sized site. Loss of privacy to rear garden of No43 Sandling Lane through overlooking from dining room side window".*

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6
- Government Policy: National Planning Policy Framework 2012

## **2. HISTORY**

MA/13/0625 - Erection of first floor side extension and single storey rear extension - Approved with conditions.

MA/13/0863 - Erection of detached chalet bungalow and associated works - Refused.

### 3. **CONSULTATIONS**

- **KCC Highways** - Raise no objections with the following comments:-

*"Provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority.*

*Provision and permanent retention of the vehicle parking space shown on the submitted plans prior to the use of the site commencing".*

- **Environmental Health** - Raised no objections and referred to comments provided on previous application (MA/13/0863) included below:-

*"The site is in a residential area and traffic noise is unlikely to be a problem. The site is within the Maidstone Town Air Quality Management Area and is just over 300m from a known air quality hotspot, but I do not consider the scale of this development and/or its site position warrant an air quality assessment. Any demolition or construction activities will definitely have an impact on local residents and so the usual informatives should apply in this respect.*

*There is no indication of land contamination based on information from the Maidstone Borough Council's contaminated land database and historic maps databases, and no indication from the latest British Geological Survey maps of any significant chance of high radon concentrations".*

### 4. **REPRESENTATIONS**

- 11 representations including 7 representations in support of the proposal have been received raising a number of points as listed below:-
- Impact upon parking provision and loss of parking to No43 Sandling Lane.
- This would be overdevelopment of the area and reduce garden space for a family home at No 43 with the possibility of children playing outside the garden area on a very busy road.
- The proposed development would reduce light to the adjacent bungalow (Tinypine) in Woodlands Way.
- The proposed development would overlook the garden and rear of 45 Sandling Lane.
- The proposed development is not in keeping with the area.
- Development of this nature reduces the grounds ability to absorb rain water.
- If there is need for more housing in Maidstone I feel that there are many more appropriate sites than infill of this nature.
- Loss of boundary hedging around site.
- Existing on road parking within road and narrow road width.

- Proposed dwelling would project forward of the building line.
- Overbearing impact upon neighbouring properties.
- Increase in noise and disturbance.
- Harm to neighbouring amenity.
- Loss of light to No45 Sandling Lane
- Cramped form of development.

## **5. CONSIDERATIONS**

### **5.1 Site Description**

- 5.1.1 43 Sandling Lane is a relatively large, two storey property that is set on the corner of Sandling Lane and Woodland Way (along its eastern boundary). The property is opposite the junction with Downs Road. The application site specifically relates to the rearmost (southern) part of this property's garden, where there is currently a detached, low level, garage.
- 5.1.2 This part of the site is now largely open, including the existing access from Woodland Way up to the garage, with most of the boundary fencing having been removed, although some temporary fencing is in place for security reasons.
- 5.1.3 The surrounding area largely consists of residential properties of differing scale, design and age; although there are three pairs of semi-detached bungalows to the south of the site. The application site is in the defined urban area as shown by the Maidstone Borough-Wide Local Plan 2000.

### **5.2 Proposal**

- 5.2.1 Planning permission is sought for the erection of a detached dwelling. This application is an amended design following a previously refused application (MA/13/0863).
- 5.2.2 The proposed dwelling would have 1 bedroom and would be single storey in scale. This would measure some 6.5m in width and 8.5m in overall length. The dwelling would have a hipped roof with an eaves height and ridge height of approximately 2.2m and 4.8m respectively.
- 5.2.3 The dwelling would be sited towards the rear of the site, set back from the road by approximately 5.5m providing a garden area and driveway to the front. The private garden area would be provided to the side of the dwelling measuring 4.4m in width and 9.8m in length.
- 5.2.4 A material consideration is the history relevant to this site (MA/13/0863). This application was refused for the following reason:-

*The proposed dwelling by virtue of its scale, design and siting relative to the narrowness of the site would create a cramped and visually incongruous development which would cause harm to the character and appearance of the area. To permit the development would be contrary to the aims of paragraphs 17, 56-57 and 64 of the National Planning Policy Framework.*

- 5.2.5 This proposal comprised a single chalet bungalow comprising two bedrooms including a side dormer window. This was considered to be inappropriate in design and scale which is reflected in the reason outlined above. The current proposal comprises a revised design in an attempt to address the previous concerns.

### **5.3 Principle of Development**

- 5.3.1 In terms of the principle of development, this proposal relates to an area of garden land. The National Planning Policy Framework 2012 (NPPF) states that:-

*"Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area."*

- 5.3.2 However, the NPPF does encourage new housing in sustainable urban locations as an alternative to residential development in more remote countryside situations; and according to the NPPF, *"Housing applications should be considered in the context of the presumption in favour of sustainable development"*. I have no argument against the site being in a sustainable area. Notwithstanding this, clearly the detail of any scheme must be appropriate and I consider the principle of this development to be acceptable where no significant harm is caused which would indicate refusal of permission.

- 5.3.3 The assessment detailed below will therefore assess the impact of the development in detail.

### **5.4 Design and Visual Impact**

- 5.4.1 The National Planning Policy Framework makes it clear that any new development should seek to positively integrate with the character of the surrounding area.

- 5.4.2 The design proposed incorporates a modest hipped roof design which relates well to the overall form and footprint of the dwelling. This is similar in pitch and angle to others within Woodland Way and is a reduction of 1.3m from the previously refused application. The elevations of the dwelling are simple and include a suitable level of fenestration. The front elevation is responsive to the



streetscene in its frontage incorporating a projecting element to break up and add interest to its overall. Again, this design principle is used on dwellings in the street which include projecting bay window style extensions. Overall, I consider the proposed design is modest in scale and creates an appropriate resulting form to the building.

5.4.3 With regard to the visual impact, clearly the proposed dwelling would be highly visible and prominent within the streetscene of Woodland Way by virtue of the location of the site. However, in my view, the subservient roof design and ridge height of the dwelling would integrate well in to the streetscene and would not appear overly dominant. In terms of the building line the submitted block plan clearly shows the proposed dwelling would be forward of its neighbour to the south by some 4m. However, the host dwelling No43 itself is set at an angle and is a further 3.2m closer to the road. Therefore, although forward of neighbouring dwellings to the south, the proposed dwelling would be behind the side elevation of No43 forming the entrance to Woodland Way. I do not consider this siting to be visually harmful to the appearance or building line of the streetscene.

5.4.4 The impact upon the spacing within the street is also a key issue and in this case, the proposed hipped roof and modest eaves and ridge heights of the dwelling help to reduce the impact upon the spacing between properties. I acknowledged the site itself is limited although I do not consider the resulting space of 4.5m to 'Tinypine' to the south and 4.6m to No43 to the north to be harmful to the spacing within the street. Overall, I do not consider that this proposal would cause significant harm to the character or appearance of the streetscene.

## **5.5 Residential Amenity**

5.5.1 Following comments received from Councillor Paterson, regarding the impact upon privacy to No43, a revised plan has been submitted showing only a high level window to the side northern elevation together with 1.8m high fencing. As a result, I consider the impact upon privacy of N43 has been addressed. With regard to neighbouring properties (45 Sandling Lane and Tinypine'), I consider that as the proposed plan indicates that 1.8m high close boarded fencing would form the boundary treatment to the northern and western boundaries, the privacy of these properties would be retained.

5.5.2 The proposed dwellings scale, location and separation distance from its immediate neighbours would also ensure that it would not appear overwhelming or cause a significant loss of light or outlook to any window or immediate outdoor amenity space.

- 5.5.3 No other property would be within a significant enough distance of the proposal to be adversely affected by it, consequently there would be no other amenity issues.

*Amenity for Future Occupiers*

- 5.5.4 The fenestration arrangements of the dwelling would result in acceptable levels of outlook, daylight and privacy for any occupant. Although on the side of the property, I consider the level of outdoor private amenity space to be acceptable for a dwelling of this size. Similarly, the resulting garden space retained for the occupants of No43 Sandling Lane, whilst modest, is not considered to be unacceptable.

## **5.6 Highways**

- 5.6.1 The proposed development would provide one off-road parking space. I consider this to be acceptable for a one bedroom property in a sustainable built up area such as this. It should also be noted that the 'Kent Design Guide – Residential Parking' has not been formally adopted by Maidstone Borough Council and that there are no minimum or maximum parking standards that residential development has to adhere to. The KCC Highways Officer also raises no objections.
- 5.6.2 I note that this proposal would see the loss of parking provision for the host dwelling 43 Sandling Lane, however, the applicant has already constructed a replacement parking area to the front of the property (accessed via Woodland Way) under permitted development providing two parking spaces.

## **5.7 Landscaping**

- 5.7.1 The site included some established hedging and conifer planting to the boundaries together with boundary fencing, however, much of this has now been removed. This did not include any protected trees or any that were worthy of protection. No additional landscaping has been shown on the submitted plans although suitable low level planting is expected within the garden area to the front and borders to the rear. As such, a landscaping condition requiring details of all boundary treatments and landscaping within the site to be submitted for approval prior to commencement will be imposed.

## **5.8 Other Matters**

- 5.8.1 Given the existing residential use of the site and that is largely laid in hardstanding and well compacted soil (surrounding the existing garage), I do not consider there to be any significant issues with regards to a possible impact

upon protected species. I therefore consider it unjustified to request any further details with regards to ecology or biodiversity.

5.8.2 The site is not within a Flood Zone, as designated by the Environment Agency and is not within close proximity of any noticeable watercourse. Therefore, this development would not be prejudicial to flood flow, storage capacity and drainage within the area.

5.8.3 A suitable condition has been included ensuring the dwelling achieves code level 4 of the code for sustainable homes. This is in accordance with the emerging policy within the draft local plan. Whilst I acknowledge that this is a draft policy, there is no other adopted policy requiring a lower level and therefore I consider the draft policy holds weight in this respect. I therefore consider it is reasonable to require level 4 to be achieved by condition.

## **6. CONCLUSION**

6.1 It is therefore considered overall that the proposal is acceptable with regard to the relevant provisions of the Development Plan and amenity impacts on the local environment and other material considerations. I therefore recommend that the application should be approved subject to the following conditions.

## **7. RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

2. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) 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.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008

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

Reason: To safeguard the character, appearance and functioning of the surrounding area.

4. The development shall not commence until, details of all fencing, walling and other boundary treatments 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 building(s) 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.

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees 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 for the approved scheme's implementation and long term management. 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.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the 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.

7. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall

thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety in accordance with the guidance contained within the National Planning Policy Framework 2012.

8. The development hereby permitted shall be carried out in accordance with the following approved plans:

Plan number 2231/4/A received 3rd January 2013.

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

9. The dwelling 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 at least Code Level 4 has been achieved;

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

### **Informatives set out below**

Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:2009 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 EHM regarding noise control requirements.

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

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

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

Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

Storage of waste and recyclable materials;  
Provision should be made for the separate storage of recyclables from household waste. Advice on recycling can be obtained from the Environmental Services Manager.

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 there are no overriding material considerations to indicate a refusal of planning consent.





449



450





451

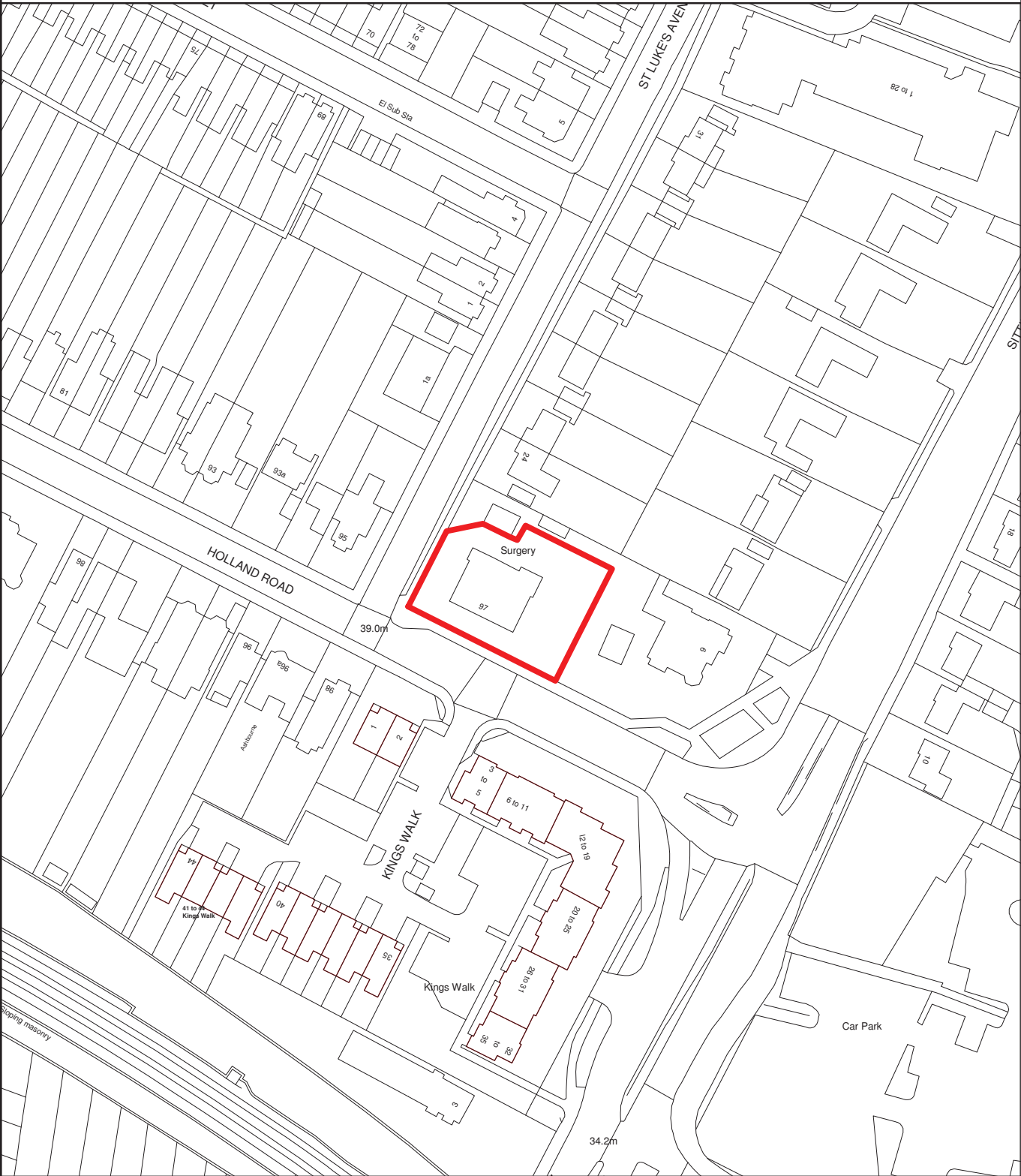


THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/1711

GRID REF: TQ7656

97 HOLLAND ROAD,  
MAIDSTONE.



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 100019636, 2014. Scale 1:1250



**Rob Jarman**  
**Head of Planning and Development**

APPLICATION: MA/13/1711 Date: 6 October 2013 Received: 21 November 2013

APPLICANT: Dr Peter Szwedziuk

LOCATION: 97, HOLLAND ROAD, MAIDSTONE, KENT, ME14 1UN

PARISH: Maidstone

PROPOSAL: An application for outline planning permission for the erection of 5No. town houses with all matters reserved for future consideration as shown on drawing numbers 1339PS-PP01, 1339PS-PP02, 1339PS-PP03, 1339PS-PP04 and 1339PS-PP05 supported by a design and access statement and covering letter, all received 7th October 2013; NHS Property Services letter received 24th October 2013; and Arboricultural Impact Assessment and drawing numbers 1339PS-PP-T1, 1339PS-PP-T2, 1339PS-PP-T3 and 1339PS-PP-T4 received 21st November 2013.

AGENDA DATE: 6th February 2014

CASE OFFICER: Catherine Slade

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

- it has been called in by Councillor Naghi for the reasons set out in the report.

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, T13, CF3
- Government Policy: National Planning Policy Framework 2012

## **2. HISTORY**

MA/97/0310	Single storey rear extension, conversion of garage to practice nurse/treatment room, and rear entrance ramp with extended car parking area – APPROVED SUBJECT TO CONDITIONS
MA/89/1097	Demolition of single storey garage and erection of 2 storey extension to surgery – APPROVED SUBJECT TO CONDITIONS
MA/79/1731	Extension for additional doctors surgery and W.C. – APPROVED SUBJECT TO CONDITIONS
MA/75/1369	Change of use from dwelling to doctors surgery – APPROVED SUBJECT TO CONDITIONS

MA/74/0770	Demolition of 97 Holland Road and erection of twelve flats – REFUSED
MA/74/0276	Three storey block and 3 No. 4 person flats and 23 car parking spaces – REFUSED
73/0833/MK1	The demolition of existing building and erection of two storey block of bed sitting units - APPROVED SUBJECT TO CONDITIONS
73/0535/MK1	Outline application for the demolition of the existing dwellinghouse and the erection of a three storey block comprising twenty one bed sitting units - REFUSED
61/0542A/MK1	Continued use of premises as additional accommodation for Maidstone College of Art – RAISE NO OBJECTION
61/0542/MK1	Use of premises as additional premises for College of Art – RAISE NO OBJECTION
60/0085/MK1	Erection of a detached bungalow and garage - APPROVED
59/0626/MK1	Outline application for the erection of a detached bungalow and garage - APPROVED SUBJECT TO CONDITIONS
53/0230/MK1	Outline application for the development land by the erection of houses thereon, having a frontage of approximately 340ft to Sittingbourne Road, and approximately 325ft to St Lukes Avenue and situated to the south of Riseholm – APPROVED SUBJECT TO CONDITIONS
51/0027/MK1	Change of use from two dwellings to two flats and one maisonette - APPROVED

### **3. CONSULTATIONS**

- 3.1 **Maidstone Borough Council Landscape Officer** raises no objection to the proposal and makes the following detailed comments:
- 3.1.1 *"There are no protected trees on or adjacent to this site.*
- 3.1.2 *The Arboricultural impact assessment produced by MWA Arboriculture Ltd is very thorough but I do have reservations about the number of units proposed on the site and potential issues around future pressure for removal of trees, particularly the Lime tree identified as T1.*
- 3.1.3 *If, however, you are minded to grant consent for this application you will need to ensure that there is a strong condition attached requiring compliance with the recommendations of the above arboricultural method statement prior to the submission of a detailed application."*

3.2 **The Kent County Council Highway Services** raise no objection to the proposal, and make the following detailed comments:

3.2.1 *"Zero off road parking provision at this location would be within the County's car parking standards. I write to confirm therefore on behalf of the Highway Authority that I have no objection to this application."*

3.3 **Southern Water** raise no objection to the proposal and make the following detailed comments:

3.3.1 *"Southern Water requires a formal application for a connection to the foul sewer to be made by the applicant or developer."*

3.3.2 *We request that should this application receive planning approval, the following informative is attached to the consent:*

3.3.3 *"A formal application for connection to the public sewerage system is required in order to service this development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688), or [www.southernwater.co.uk](http://www.southernwater.co.uk)".*

3.3.4 *Southern Water's current sewerage records do not show any public sewers to be crossing the above site. However, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site."*

3.4 **UK Power Networks** raise no objection to the proposal.

#### **4. REPRESENTATIONS**

4.1 **Councillor Naghi** has requested that the application be reported to Planning Committee on the grounds of "potential negative impact upon residential amenity and the streetscene." Concern was also raised in respect of the lack of on site parking.

4.2 5 representations were received. All representations raised concern over the proposal. The matters of concern are set out below:

- Insufficient on site parking provision.
- Impact on residential amenity.
- Loss of the existing medical facility.
- Lack of information relating to the scale and design of the proposed dwellings. Concerns over sustainability of development, including proposed level of Code for Sustainable Homes and option of refurbishment of existing building.
- Impact on services.



- Loss of view.

4.3 Concern was also raised over the publicity procedure due to the site notice slipping down the sign post that it was attached to.

## **5. CONSIDERATIONS**

### **5.1 Site Description**

5.1.1 The proposal site comprises a part two storey, part single storey detached mid twentieth century building originally built as a dwellinghouse. The building has been used as a medical surgery since the mid 1970's, and remains a community facility to the current day. The remainder of the site is largely given over to hard surfacing. The site is located to the north east of the junction between Holland Road, the B2012, and St Lukes Avenue, an unclassified road.

5.1.2 The existing building is of limited architectural or historic interest, and is visually severed to a degree from the wider streetscene by an existing 1.8m brick wall.

5.1.3 The surroundings predominantly comprise residential properties of varying scale, age and appearance. The streetscape along Holland Road to the west of the site is made up of two storey Victorian semi detached and detached dwellings, whereas the properties to the north of the site along St Lukes Avenue are a mixture of Victorian and mid twentieth century semi-detached and detached dwellings. On the opposite side of Holland Road, to the south of the site, is an early twenty-first century development of three storey town houses and a substantial three and four storey apartment block which extends along Holland Road and south of the junction with Sittingbourne Road.

5.1.4 Notwithstanding the above, two of the buildings closest to the proposal site are in non-residential use. These are St Lukes Studio, a modest detached pitched roof building to the north of the site separating it from 24 St Lukes Avenue. The other is 9 Sittingbourne Road to the east of the site, a prominent detached Victorian building located on the junction of Holland Road and Sittingbourne Road, the A249. These buildings are understood to be in institutional use.

5.1.5 Holland Road in the vicinity of the site is subject to parking restrictions due to the proximity of the junction between the two A roads, and south of the site the road becomes two lane to provide filter lanes to service the junction.

5.1.6 The site is located in a sustainable edge of town centre location, and is within easy reach of a wide range of facilities, services and transport options. The site has no specific environmental or economic designations in the Maidstone Borough- Wide Local Plan 2000.

### **5.2 Proposal**

5.2.1 The current application seeks outline planning permission for the erection of five dwellinghouses. As Members will be aware, applications for outline planning permission are assessed primarily in terms of the principle of the development,

together with any matters to be considered under the scope of the outline application. The application is for outline planning permission with all matters being reserved, and therefore the detail of the proposal is not for full consideration at the current time. Although the application documentation states that all matters are to be reserved, the applicant has confirmed that the proposed development would not provide any on site parking, and therefore that there will not be any matters of access to determine.

- 5.2.2 Members will be aware that, following legislation published in 2010, Local Planning Authorities can no longer, in cases where layout and scale are reserved matters, require the applicant to provide details of the location of buildings, routes and open spaces within the development, or upper and lower limits for the height, width and length of the buildings proposed. The application therefore falls to be determined on whether the principle of the redevelopment of the site for the provision of five dwellings is acceptable or not.
- 5.2.3 Notwithstanding the above, the submitted documentation indicates that the dwellings would be arranged within the site in a pair of semi-detached properties and a terrace of three fronting onto Holland Road with front and rear gardens. The documentation describes the properties as being "three storey town houses of 3/4 bedrooms each" with a "similar design and feel as Kings Walk opposite".

### **5.3 Principle of Development**

- 5.3.1 The planning policy context comprises the Development Plan (the saved policies of the Maidstone Borough-Wide Local Plan 2000, together with any other formally adopted planning policy documents), and national planning policy and guidance as set out in the National Planning Policy Framework 2012 (NPPF). There are no Local Plan policies relating to residential development in locations such as this, however the NPPF states that housing applications should be considered in the context of the presumption of sustainable development, which is identified as one of the key objectives of the planning system.
- 5.3.2 As stated above, the site is located in a sustainable location in close proximity to local facilities and services including shops, schools and health facilities within the defined settlement boundary of Maidstone. The site is considered to represent previously developed land and has no specific economic designations in the Local Plan. As such the principle of residential use in this location is considered to be acceptable in terms of the general principle of the siting of new residential development and sustainable development in general, as set out in the National Planning Policy Framework.
- 5.3.3 Notwithstanding the above, saved Local Plan policy CF3 seeks to prevent the loss of community facilities where an alternative facility has not been provided. In this case, the applicant has stated that there is an intention to merge with a second local surgery, the resultant practice being located in a new facility. This is supported by letter from NHS Property Services which indicates that an

application to them for a new surgery practice premises is in train. However, there do not appear to be any of the necessary planning permissions in place at the current time which would allow the relocation to the identified site to take place lawfully. However, to my mind a condition preventing any permission granted under the scope of MA/13/1711 commencing until such a time as a replacement facility or adequate compensatory facility at an existing surgery has been locally provided to the satisfaction of the Local Planning Authority, would adequately safeguard against the loss of the current facility. As such, planning permission could be granted without being contrary to the provisions of policy CF3.

- 5.3.4 For the reasons set out above, it is considered that the principle of the development is acceptable in policy terms, subject the condition stipulated in paragraph 5.3.2 above and all other material considerations.

#### **5.4 Assessment of indicative reserved matters**

##### **Layout**

- 5.4.1 As set out above, the applicant is not required to provide any details of layout when layout is a reserved matter under the current legislative regime, however an indicative layout has been provided which shows that the proposed dwellings would be arranged within the site as a pair of semi-detached dwellings, and a terrace of three, all fronting onto Holland Road with front and rear gardens. The dwellings are shown as having a depth of 12m and a width of 4.65m (55.8m<sup>2</sup>), which is comparable to that of other dwellings in the locality and adequate to provide a reasonable internal living space. As such, I am satisfied that the proposal site can accommodate the density of development proposed, and that the potential scale, arrangement and siting of the dwellings would not be out of keeping with the grain of the local area, which features terraces of modest proportions with diminutive front and rear gardens, as well as more substantial semi-detached and detached dwellings.
- 5.4.2 The indicative layout shows the front elevations of the dwellings to be set back from the highway by a distance approximate to that of the existing building, and to respond to the pattern of the surrounding built development to a satisfactory degree. The set back of built development can be secured by way of condition. It is also the case that, the loss of the existing frontage wall and the introduction of boundary treatments of a more domestic scale and appearance will have the effect of opening up the appearance of the site, which is to be welcomed, and would be controlled by way of condition.

##### **Access**

- 5.4.3 Although the matter of access is a reserved matter, it is clear from the application documentation that the proposal does not include any on site vehicle parking provision, and therefore does not include the provision of a vehicular access to the site. The highways in close proximity to the site are subject to

parking restrictions, either by way of double yellow lines or resident permit/time limited restrictions.

- 5.4.4 Whilst the concerns of Cllr Naghi and the occupiers of neighbouring dwellings in respect of the impact of the development in respect of on-street car parking are noted, Members will be aware that Maidstone Borough Council has no adopted parking standards, and as set out above Kent County Council Highway Services raise no objection to the proposal on the grounds of insufficient parking provision. In light of the highly sustainable location and the absence of any objection from the Highway Authority, there is not considered to be any justification for refusing the scheme on this ground.

### **Scale**

- 5.4.5 As described above, the application documentation describes the properties as being "three storey town houses of 3/4 bedrooms each" with a "similar design and feel as Kings Walk opposite".
- 5.4.6 The context is made up predominantly of dwellings of a variety of scales and types, from modest two storey Victorian terraces along the north side of Holland Road to the west and more substantial two storey detached and semi-detached dwellings along the south side of Holland Road to the west; substantial two storey mid twentieth century dwellings to the north of the site along St Lukes Avenue; and denser residential development formed of three and four storey flatted development and three storey townhouses to the immediate south of the site. The non-residential buildings in close proximity to the site are also variable in scale, the studio to the immediate north of the site being not dissimilar in scale to a early twentieth century detached garage, and the building to the east of the site being a prominent Victorian buildings of significant scale and visual impact in the streetscape.
- 5.4.7 In this context, the introduction of three storey buildings of a domestic appearance and scale would be acceptable in terms of their contribution to the overall streetscene, and would not appear overly dominant. However, a condition should be imposed restricting the development to three storeys in height in order to safeguard against overly tall development that would result in harm to the streetscene and a form of development that would be poorly proportioned.
- 5.4.8 The concerns over the potential impact of the proposed development on the residential amenity of the occupiers of neighbouring dwellings are noted. The detailed design of the proposal, which would be fully assessed at such a time as a application for reserved matters or full planning permission is submitted would be undertaken in such a way as to address any potential impact in respect of privacy.
- 5.4.9 Notwithstanding the above, in any case, to my mind the separation distances involved, and the presence in most cases of intervening public highways, are

such that harm to residential amenity would not result to the occupiers of existing properties from the proposed development.

### **Appearance**

- 5.4.10 As with the reserved matters of scale and layout, the applicant is not required to provide information pertaining to appearance where that matter is not to be considered at outline stage. In this case, the applicant has not provided any drawings of the proposed dwellings, only states that the proposed dwellings will be of a "townhouse" style, of a "similar design and feel as Kings Walk opposite." Kings Walk is a modern development of traditional form and contemporary appearance, primarily achieved by way of the use of red brick and render with Juliet balconies in terms of the elevational details, with slate roofs with eave height overhangs. This is considered to be a valid design approach to the development, however alternative visual palettes would potentially be acceptable in this location, and given that the matter of appearance is a reserved matter, I do not consider it appropriate in this case to impose a condition requiring the appearance to be in accordance with the limited details submitted.

### **Landscaping**

- 5.4.11 Landscaping is also a reserved matter, and as such no further details are required from the applicant at this stage. However, the applicant has indicated that the proposed dwellings would have front and rear gardens, the landscape details of which would be subject to scrutiny at the time of an application for approval of reserved matters or full planning permission.
- 5.4.12 Notwithstanding the above, the proposed development would be located in close proximity to a highway tree on St Lukes Avenue which is considered to be of significant amenity value. The Arboricultural Impact Assessment submitted in support of the applicant demonstrates that the specimen can be successfully retained. To this end, a condition requiring compliance with the submitted report is considered to be both reasonable and necessary for the purposes of safeguarding the contribution of this tree to the amenity of the area.
- 5.4.13 The comments of the Maidstone Borough Council Landscape Officer in respect of future pressure for removal of the tree are noted, however this is most likely to arise as a result of the provision of a window to the west elevation of the nearest property; this is a matter that can be addressed by way of the detailed design of this dwelling, which as set out above, is not a matter for consideration at this stage.

## **5.5 Other Matters**

- 5.5.1 There are no heritage or biodiversity assets which would be affected by the proposed development and the site is not in a location recorded by the Environment Agency as being prone to flood.

- 5.5.2 The applicant has confirmed in writing that the proposed dwellings would achieve Level 4 of the Code for Sustainable Homes, which in the circumstances of this case is considered to be appropriate and in accordance with both emerging Local Plan policy and the expectations of the Council in respect of residential development of this scale. The attainment of a minimum of Level 4 of the Code for Sustainable Homes can be secured by way of condition.
- 5.5.3 As Members will be aware, loss of views are not a planning matter and therefore cannot be taken into consideration in the determination of planning applications.
- 5.5.4 The comments received in respect of the publicity procedure are noted, however the Council has, in displaying a site notice, fulfilled the statutory publicity requirements. Whilst it is regrettable that the notice slipped down the post it was attached to, it is not considered that this prejudiced any party. Indeed, the presence of the notice was noted by at least two respondents. In addition to this, the Council wrote to a number of local residents.
- 5.5.5 It is therefore considered that the Council has therefore satisfactorily discharged its obligations in respect of publicising the application.

## **6. CONCLUSION**

- 6.1 In the circumstances of this case the application for the erection of five dwellings on this site is considered to be acceptable in principle, and it is not considered that the proposed development would be detrimental to the appearance of the streetscene or the character of the area.
- 6.2 For the reasons set out above and having regard to the policies of the Development Plan and any other material considerations, the proposed development is considered to be in accordance with the policies of the Maidstone Borough-Wide Local Plan 2000 and central government planning policy guidance and advice as set out in the National Planning Policy Framework 2012, and I therefore recommend the application for approval subject to the conditions set out above.

## **7. RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

1. The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-
  - a. Layout
  - b. Scale
  - c. Appearance
  - d. Access
  - e. Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the development 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 the provisions of the National Planning Policy Framework 2012.

3. The development shall not commence until, details of all fencing, walling and other boundary treatments 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. The details shall submitted shall include, inter alia, a boundary treatment of not greater than 1m to the site boundaries with Holland Road and St Lukes Avenue;

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 the provisions of the National Planning Policy Framework 2012.

4. The development shall not commence until, details of satisfactory facilities for the storage of refuse and recycling on the site have been submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be provided before the first occupation of the buildings or land and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity in accordance with the provisions of the National Planning Policy Framework 2012.

5. The dwellings hereby permitted shall achieve a minimum of Level 4 of the Code for Sustainable Homes;

Reason: to ensure a sustainable and energy efficient form of development in accordance with the provisions of the National Planning Policy Framework 2012.



6. The development shall not commence until details of the proposed materials to be used in the surfacing of all pathways within the site have been submitted to and approved in writing 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 in accordance with the provisions of the National Planning Policy Framework 2012.

7. The development shall not commence until details of foul and surface water drainage have been submitted to and approved by the Local Planning Authority, and the development shall thereafter be carried out in accordance with the approved details;

Reason: In the interest of the prevention of pollution and flood prevention in accordance with the provisions of to the National Planning Policy Framework 2012.

8. Details submitted pursuant to condition 1 (reserved matters submission relating to scale) shall show dwellings not exceeding three storeys in height;

Reason: To ensure that the development remains in proportion and in scale and character with the surrounding area in accordance with the provisions of National Planning Policy Framework 2012.

9. Details submitted pursuant to condition 1 (reserved matters submission relating to layout) shall show no part of the dwellings hereby approved being closer than 5 metres to the back edge of the public highway fronting the site;

Reason: To ensure good landscaping provision, safeguard the visual quality of the development, and secure an acceptable living environment for future occupiers in accordance with the provisions of National Planning Policy Framework 2012.

10. All planting, seeding or turfing comprised in the approved details submitted pursuant to condition 1 (reserved matters submission relating to landscaping) shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 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 in accordance with the provisions of the National Planning Policy Framework 2012.

11. The development hereby permitted shall be undertaken in complete accordance with the recommendations of the MWA Arboricultural Impact Assessment received 21st November 2013;

Reason: to safeguard trees of amenity value and secure the amenity of the surrounding area in accordance with the provisions of the National Planning Policy Framework 2012.

12. 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 prevent pollution of the environment in accordance with the provisions of the National Planning Policy Framework 2012.

13. The development hereby permitted shall not commence until a suitable local replacement surgery facility is operational. Details of the replacement facility shall be submitted to and approved in writing by the Local Planning Authority prior to any works on site commencing, and the approved details subsequently implemented;

Reason: to prevent the loss of a community facility for which a replacement has not been provided in accordance with policy CF3 of the Maidstone Borough-Wide Local Plan 2000 and the provisions of the National Planning Policy Framework 2012.

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

Reason: To ensure a satisfactory appearance to the development and safeguard the residential amenity of the occupiers of surrounding dwellings.

### **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.

You are advised that Southern Water seeks to emphasise the development must be served by adequate drainage infrastructure.

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](http://www.considerateconstructorsscheme.org.uk).

No vehicles, in connection with the construction of the development, 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).

A formal application for connection to the public sewerage system is required in order to service this development. For further details please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688), or [www.southernwater.co.uk](http://www.southernwater.co.uk).

Southern Water's current sewerage records do not show any public sewers to be crossing the above site. However, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

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 there are no overriding material considerations to indicate a refusal of planning consent.

467

21. 10. 2013



468

21. 10. 2013



469



21. 10. 2013



470

21. 10. 2013

471

21. 10. 2013



472

21. 10. 2013



# Agenda Item 26

## THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/1810

GRID REF: TQ7854

17 LAMBOURNE ROAD,  
BEARSTED.



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 100019636, 2014. Scale 1:1250



**Rob Jarman**  
**Head of Planning and Development**

APPLICATION: MA/13/1810 Date: 19 October 2013 Received: 22 October 2013

APPLICANT: Remake Ltd

LOCATION: 17, LAMBOURNE ROAD, BEARSTED, MAIDSTONE, KENT, ME15 8LZ

PARISH: Bearsted

PROPOSAL: Erection of an end of terrace dwelling as shown on drawings received on the 22nd October 2013.

AGENDA DATE: 16th January 2014

CASE OFFICER: Graham Parkinson

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

- It is contrary to views expressed by the Parish Council

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: H18
- Government Policy: NPPF

## **2 RELEVANT HISTORY**

- 2.1 12/0127: Erection of end of terrace dwelling- REFUSED –APPEAL DISMISSED  
(Copy of decision notice attached as Appendix 1)

## **3 CONSULTATIONS**

- 3.1 Bearsted Parish Council: Objects for the following reasons:

- Shoehorning of an additional dwelling at the end of an existing terrace will erode the limited amount of un-built spaces within the surrounding area and be at variance with the fundamental design principles of this estate;
- the proposed dwelling house will still have grossly inadequate garden and amenity space even if for only a one bedroom dwelling; and
- the additional parking generated by the proposal will significantly aggravate severe parking problem in Lambourne Road which, at present, creates serious difficulties for service and emergency vehicles needing to access the area.



3.2 Kent Highway Services: No objection

3.3 MBC Landscape: No objection subject to imposition of a condition to secure planting as proposed.

#### **4. REPRESENTATIONS**

4.1 Neighbours: 17 properties consulted- 6 objections received which are summarised as follows:

- Similar form of development previously refused and dismissed at appeal and addressed none of the objections raised by the Inspector.
- Though proposal described as a modest 1 bedroom dwelling it is of the same depth and only 500-600mm narrower.
- Other single bedroom houses built in the area maintain space to the side of the dwelling.
- Plot is too small and the proposal still results in cramped and overcrowded development.
- Will result in loss of garden land contrary to Government policy
- Insufficient parking that is also difficult to use – will worsen existing parking conflicts in the locality.
- Dwelling will appear out of character with its surroundings.
- Result in loss of privacy and overshadowing to properties abutting the site.

#### **5. CONSIDERATIONS**

##### **5.1 SITE DESCRIPTION:**

5.1.1 The application site forms part of the side garden area of 17 Lambourne Road an end of terrace unit abutting a parking and turning area. The immediate area is characterised by mainly terraced houses.

##### **5.2 DESCRIPTION OF PROPOSAL:**

5.2.1 The proposal involves the erection of end of terrace one bed unit to be sited on the area currently providing flank amenity space to 17 Lambourne Road. The proposed dwelling has been designed with a lower ridge and eaves height and is set at a slightly lower level than 17 Lambourne Road.

5.2.2 The proposed unit will have flank aspect onto the adjoining turning and parking and a rear amenity area 3.6 metres wide 5 metres deep. The amenity area remaining with 17 Lambourne Road will be just under 5 metres wide by just under 8 metres deep.

5.2.3 A total of 3 parking spaces are shown to serve the existing and proposed unit to be sited on the existing garage and parking area currently serving 17 Lambourne Road.

### **5.3 DISCUSSION:**

- 5.3.1 Given the recent refusal for a similar end of terrace dwelling (ref:MA/12/0127) which was dismissed on appeal, the key issue is whether the revised proposal materially addresses the objections raised by the Inspector. These are summarised below:
- Flank wall of the proposed dwelling would be positioned close to the back edge of the pavement and have a largely blank flank wall.
  - Proximity to the pavement and lack of features would make it appear dominant and intrusive in the street scene and in conjunction with loss of open space abutting 17 (although fenced off) and limited vegetation would result in a material urbanisation of the area.
  - Proposed dwelling would be only slightly narrower than other properties in the adjoining terrace. However restricted garden and external detailing would emphasise difference in size making it appear cramped in its setting.
  - Did not identify any material erosion in standards of privacy given the layout of the area and proximity of houses to one another.
  - Did not identify any material harm in parking terms.
  - Agreed that though the size of garden was small it was nevertheless usable. Given the proximity of the site to Mote Park and that future occupants would assess their own needs did not identify any harm in this respect.
  - The provision of an additional small dwelling was a material consideration in favour of the proposal but given the identified shortcomings was not sufficient to weigh in favour of the proposal.

### **5.4 Impact on character of area:**

- 5.4.1 The proposal now shows the flank wall of the dwelling set, on average, 1 metre back from the pavement with a landscaped strip intervening. In addition the dwelling now has a flank orientation with the main entrance door and two first floor windows on what was formerly a 'blind' elevation.
- 5.4.2 These measures combine to assist in reducing the dominance of the dwelling on the street scene. Consequently while some loss of the open area abutting the flank of 17 Lambourne Road is still proposed, it is considered that the amended design ensures that the proposed unit now makes its own design contribution to the street scene around this exposed corner thereby minimising the impact of the loss of openness to an acceptable level.
- 5.4.3 The proposal dismissed at appeal showed the terrace extended in identical manner to match the existing houses carrying through both the ridge and eaves line. It was however slightly narrower and the Inspector took the view that this and the external

detailing would emphasise the size difference compared to dwellings comprising the existing terrace making it appear cramped in its setting.

- 5.4.4 The current proposal now shows a subordinate design with lower ridge and eaves heights and reduction in width enabling the proposed dwelling to be set back from the flank pavement line. It now clearly represents a recessive feature in design terms such that if what was being proposed was a two storey flank addition (rather than a new dwelling) it could be seen to comply with the terms of the extensions SPD. As such it is considered that the Inspectors objections based on cramped and overcrowded development out of character with its setting no longer apply.
- 5.4.5 The asymmetric proportions and design and siting of windows on the front elevation still leave something to be desired in design terms. It is considered that the proposed dwelling effectively has two key frontages and design improvements are also required to the front (south elevation) in order to improve its contribution to this street scene. However it is considered that only minor design changes are necessary which can be secured by condition.

## **5.5 Impact on the outlook and amenity of properties overlooking and abutting the site**

- 5.5.1 Concerns have been raised that the proposal would result in loss of outlook, loss of privacy and loss of light to residents abutting the site.
- 5.5.2 Loss of outlook has been addressed above in that it is considered that in design and siting terms the revised proposal is now acceptable.
- 5.5.3 In relation to privacy the Inspector concluded that though a 'back to back' separation distance of 15 metres might in some circumstances be considered inadequate this would be no different to that between other properties in the two terraces. The current proposal maintains the same 'back to back' relationship as the appeal proposal. As such objection on these grounds cannot be sustained.
- 5.5.4 Regarding loss of sunlight and daylight, the Inspector concluded that there was unlikely to be any material impact on the amount of daylight and sunlight reaching neighbouring properties. Given that the height and width of the current proposal is less than the appeal proposal it is considered that it is also acceptable on daylight and sunlight grounds.
- 5.5.5 Turning to the remaining issues the Inspector raised no objection on overlooking or to the size of the amenity area/s. None of these matters has been materially altered as part of the current proposal.

## **5.6 Amenity of future occupants:**

- 5.6.1 Dealing first with the internal layout of the proposed unit, the rooms are well proportioned and of reasonable size. It will be served by a rear amenity area 3.6 metres wide 5 metres deep.

5.6.2 Concerns have nevertheless been raised that the amenity area is inadequate. At the appeal, the Inspector agreed that the size of garden was small but nevertheless concluded that it was usable. In making this judgement he took into account the proximity of the appeal site to Mote Park and that future occupants would assess their own needs. As such he did not identify any harm in this respect. As the current proposal has amenity area the same size as that serving the appeal proposal, it therefore follows that there can be no sustainable objection on these grounds.

5.6.3 As such it is considered that the proposed development will provide an acceptable living environment in line within modern standards. However in order to prevent overdevelopment of the site pd rights to extend the dwelling and erect outbuildings should be withdrawn.

#### **5.7 Highway and parking considerations:**

5.7.1 Concerns have been raised that the proposal would substantially worsen existing parking conflict within the locality. When the Inspector looked at this issue at the appeal in the absence of any evidence of harm he saw no reason to find the development unacceptable on these grounds. Given that the revised proposal is only for a single bedroom unit (the appeal proposal was for a two bedroom unit) but that parking provision remains the same, there is considered to be no reasons for objecting on these grounds and this view is supported by Kent Highway Services.

#### **5.8 Sustainability:**

5.8.1 Solar panels will be incorporated into the south facing roof slope of the building but no further details have been provided regarding sustainable construction. This is a matter that can be addressed by condition.

#### **5.9 Other matters:**

5.9.1 Concern has been raised that the proposal represents 'garden grabbing' and is therefore contrary to Government Guidance on such matters.

5.9.2 The National Planning Policy Framework at paragraph 53, states that Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

5.9.3 The Council does not have adopted Supplementary Planning Guidance addressing such concerns. Each application must therefore be considered on its merits. For the reasons set out above it is considered that there is no objection to the proposal on these grounds.

## **6. CONCLUSIONS**

- 6.1.1 It is considered that current proposal addresses the previous Inspectors objections to development of this site and as such, is now acceptable in its impact on the character and layout of the locality. Furthermore it will not materially harm the outlook and amenity of residents overlooking and abutting the site, provide an acceptable living environment for future residents of the dwelling while being acceptable in highway and parking terms. Finally it will also make material contribution to the stock of small dwellings in the Borough. In the circumstances it is therefore considered that the balance of issues fall in favour of the proposal and that planning permission should be granted.

## **7. RECOMMENDATION**

### **GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS:**

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

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

2. Notwithstanding the amended details to be approved under condition 8, the development hereby permitted shall be carried out in accordance with the following approved plans: as shown on drawings received on the 22nd October 2013.

Reason: To ensure the quality of the development is maintained in the interests of amenity.

3. External materials to be used in the development hereby approved shall match those used in the construction of 17 Lambourne Way.

Reason: To ensure a satisfactory appearance of the development.

4. The submitted landscaping scheme shall be carried out in the first available planting season following first occupation of the development hereby permitted. 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.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Classes A, B, and E shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by existing and prospective occupiers in the interests of amenity.

6. The dwelling shall achieve a minimum of Level 3 of the Code for Sustainable Homes. The dwelling shall not be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved;

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

7. The dwelling hereby approved shall not be occupied until access and parking provision has been provided wholly in accordance with the approved details which shall be retained at all times thereafter with no impediment to their intended use.

Reason: In the interests of the free flow of traffic and highway safety.

8. Before the development hereby approved commences revised details of the south facing elevation shall be submitted for prior approval in writing to the Local Planning Authority. The south elevation shall be amended to make it clear that it is a principal elevation. The approved shall be implemented as part of the development hereby approved.

Reason: In the interests of visual amenity.

### **Informatives set out below**

#### **Design Advice:**

In discharging the terms of condition 8 it is considered that this would be achieved by the provision a bay window or other forward projecting feature replicating the size and design of the existing porch at 17 Lambourne Road.

#### **Controls on site:**

1. 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.

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

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

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

5.Reasonable and practicable steps should be used during any demolition or removal of existing structure and fixtures, to dampen down, using suitable water or liquid spray system, the general site area, to prevent dust and dirt being blown about so as to cause a nuisance to occupiers of nearby premises. Where practicable, cover all loose material on the site during the demolition process so as to prevent dust and dirt being blown about so as to cause a nuisance to occupiers of nearby premises.

6.The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside the normal working hours is advisable. Where possible, the developer shall provide the Council and residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work, for example scaffolding alarm misfiring late in the night/early hours of the morning, any over-run of any kind.

#### Highways:

This 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 (web: [www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 0300 333 5539) in order to obtain the necessary Application Pack.

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 there are no overriding material considerations to indicate a refusal of planning consent.



---

## Appeal Decision

Site visit made on 27 February 2013

by **L Rodgers BEng (Hons) CEng MICE MBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 March 2013

---

**Appeal Ref: APP/U2235/A/12/2189043**

**17 Lambourne Road, Madginford, Maidstone, Kent ME15 8LZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Remake Ltd against the decision of Maidstone Borough Council.
  - The application Ref MA/12/0127, dated 26 January 2012, was refused by notice dated 1 November 2012.
  - The development proposed is an attached dwelling.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The site is in a sustainable location within the defined built up boundary of Maidstone. The Council finds the principle of residential development acceptable in this location and I agree. I therefore consider the main issues to be the effect of the proposed development on the character and appearance of the area and on the living conditions of neighbouring and future residents.

### Reasons

#### *Background*

3. No 17 sits on the eastern side of the turning head at the end of Lambourne Road. It is the end property in a short terrace of similar dwellings (Nos. 14-17) running away from the turning head to the east. Further terraces lie to both the north and south. The terrace to the north is in a back to back arrangement with a separation distance of around 15m whereas that to the south is in a facing arrangement across a footpath. This southernmost terrace is again around 15m away from the middle terrace - although it extends further to the west (across the end of the turning head) at which point a step in the layout puts Nos. 8 & 9 slightly in advance of the main body of the terrace.
4. To the west of the turning head are some garages and the rear of a staggered terrace that runs in a north/south direction; that terrace is around 35m away from the flank wall of No 17.
5. The proposed dwelling would extend the existing terrace westwards and would be built on land between the flank wall of No 17 and the pavement around the turning head of Lambourne Road. It would be similar in style and scale to the other properties in the terrace - although slightly narrower and with differing arrangements of the porch and windows.

*Character and appearance*

6. The housing in the area is generally modest in size and set in fairly small plots. In consequence the area is fairly densely developed. Despite this, Lambourne Road, including the turning head, does not feel particularly enclosed and at least in part has a suburban feel. This largely results from the set back of the surrounding properties and in particular the end properties in the two northernmost terraces (Nos. 17 and 18).
7. In contrast, the end property in the southernmost terrace (No 8) has been extended westwards and now sits hard alongside the access way that leads off the southern end of the turning head towards some nearby garages. That extension not only has a confining effect on the turning head but also makes the access way to the garages seem enclosed and harshly urban.
8. Despite a set back increasing to around 0.5m at the rear, the flank wall of the proposed dwelling would be positioned close to the back of the pavement and other than a small first floor window would be largely plain. In my view its proximity to the pavement and its lack of features would make it an intrusive and dominant feature of the street scene. Together with the loss of open space alongside No 17, albeit currently fenced off and with vegetation of only limited value, the overall effect would be an appreciable urbanisation of the area.
9. The proposed dwelling would be only slightly narrower than those in the remainder of the terrace. Nevertheless, the restricted garden area, the smaller windows and, on the front elevation, the greater dominance of the porch would emphasise this difference in size. In consequence the proposed dwelling would appear squeezed onto the plot and out of kilter with its already modestly proportioned neighbours - adding to my overall concerns with its effect on the area's character and appearance.
10. I accept that the extension to No 8 has already begun to erode the more suburban traits of the area. Nonetheless I must consider the appeal proposal on its own merits and in any event I understand that the extension to No 8 was permitted prior to the adoption of the current development plan.
11. Against this background I find that the proposed development would be to the material detriment of the area's character and appearance and as such would be in conflict with the thrust of Policies BE1 and CC6 of the South East Plan which seek to promote the character and distinctiveness of settlements, as well as to Paragraph 60 of the National Planning Policy Framework which acknowledges that it is proper to seek to promote or reinforce local distinctiveness.

*Living conditions of future and nearby residents*

12. Concerns have been raised by local residents with regard to such matters as loss of light, loss of privacy and loss of views. Although the latter is not something the planning system seeks to protect and, given the various separation distances and orientations, there is unlikely to be any material effect on the amount of daylight and sunlight reaching neighbouring properties I shall examine the effect of the proposal on the privacy of neighbours.
13. The proposed dwelling would be positioned around 15m from the rear of No 18 and the proposed window to Bedroom 2 would offer clear views towards its windows and rear garden. However, whilst a back to back separation distance

of 15m might, in some circumstances, be regarded as inadequate I have already noted that this is a densely developed area. The proposed separation distance would be no different to that between other properties in the two terraces and No 17 already offers similar, albeit slight angled, overlooking opportunities towards the rear of No18. In consequence I see no material harm arising.

14. As regards the relationship between the proposed house and No 9, although the separation distance would be somewhat closer than those between properties further along the terrace it would not be materially out of line with front to front relationships in other places. Although the change in level between the proposed dwelling and No 9 would exacerbate any overlooking effect I still do not see it as harmful enough to warrant dismissing the appeal on these grounds alone. The terrace to the west would be far enough away to avoid any harmful overlooking from the side window.
15. Residents have also raised concerns as to the effect of the proposed development on parking in the area. However, whilst I question the Council's calculation as to the existing number of spaces at No 17, the proposed development would nevertheless provide an average of 1.5 spaces per unit. Whilst this may not be sufficient to avoid some further street parking (to the possible inconvenience of local residents) neither the Highway Authority nor the Council has raised any substantive objections in this regard. I note that the proposed parking provision is said by the Council to exceed that for other properties in the area and without any firm evidence as to any harm that may be caused I see no reason to find the development unacceptable in this regard.
16. As far as the amenities of any future residents are concerned the proposed garden area is clearly limited. However, whilst the proposed house could be occupied by a small family, the amenity area would be of a useable shape and able to accommodate the needs of small children. I am also conscious that Mote Park is nearby and future occupiers could assess whether the amenity space met their needs.
17. Against this background, and notwithstanding the concerns of local residents, it is my view that the development would not result in material harm to the living conditions of existing neighbours or future occupiers.

### **Conclusion**

18. Although I have found no significant harm to the living conditions of neighbours or future occupiers I have found material harm to the character and appearance of the area - in conflict with the development plan. Whilst the creation of an additional dwelling must weigh in favour of the proposal I do not consider that benefit sufficient to outweigh the identified development plan conflict. Having had regard to all other matters before me, including the fact that the proposal was recommended for approval by the Council's Officers and the suggested conditions, I find nothing to change that balance. The appeal must therefore fail.

*Lloyd Rodgers*

Inspector



486



25. 11. 2013



487

25. 11. 2013

488



25. 11. 2013



489

25. 11. 2013

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/1917

GRID REF: TQ7655

TOWN HALL, MIDDLE ROW,  
MAIDSTONE.



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 100019636, 2014. Scale 1:1250



Rob Jarman  
Head of Planning and Development

APPLICATION: MA/13/1917 Date: 6 November 2013 Received: 11 November 2013

APPLICANT: Mrs Liz Tredget, Voluntary Action Maidstone

LOCATION: TOWN HALL, MIDDLE ROW, MAIDSTONE, KENT, ME14 1TF

PARISH: Maidstone

PROPOSAL: A planning application for the introduction of external LED light fittings as shown on the site location plan and 2No. drawing numbers PL(0)1 and design and access statement, all received 6th November 2013.

AGENDA DATE: 16th January 2014

CASE OFFICER: Catherine Slade

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

- The Council owns the building to which the application relates.

## **1. POLICIES**

- Maidstone Borough Wide Local Plan 2000: R8
- Government Policy: National Planning Policy Framework 2012, PPS5 Planning for the Historic Environment – Practice Guide.

## **2. HISTORY**

- 2.1 The site has an extensive planning history, much of which is not directly relevant to the current application. The relevant recent history is summarised as follows:

MA/13/1918 - An application for listed building consent for the introduction of external LED lights – CURRENTLY UNDER CONSIDERATION

MA/11/0752 - An application for listed building consent for works to the lead gutter serving the roof, including removal of redundant SV pipe from front elevation and replacement with cast iron downpipe – APPROVED WITH CONDITIONS

MA/10/0229 - An application for listed building consent for alterations to ventilation pipe work on the south elevation of the Town Hall, replacing 100mm

CI pipe with a 150mm CI pipe with bracket fixings and replacement of existing 150mm CI pipe with a new pipe and bracket fixings – APPROVED SUBJECT TO CONDITIONS

MA/08/1232 - An application for listed building consent for the fitting of a 450mm diameter plaque on the south elevation – APPROVED

MA/07/0474 - An application for listed building consent for the lowering of the public notices boards on the High Street elevation of the Town Hall – APPROVED SUBJECT TO CONDITIONS

### **3. CONSULTATIONS**

- 3.1 **Maidstone Borough Council Conservation Officer** raises no objection to the proposal, making the following detailed comments:

*"The proposals concern the fixing of 8 small light fittings to the Town Hall to be sited above the entrances from Jubilee Square and Middle Row. These are considered to be appropriately sited and will have no major impact on the character or appearance of the building."*

- 3.2 **English Heritage** did not wish to comment further than stating that the application should be decided in accordance with national and local policy and Maidstone Borough Council's specialist conservation advice.

### **4. REPRESENTATIONS**

- 4.1 **Councillor Mrs Wilson** raised concerns over the visual impact of the proposal on the character and appearance of the building.
- 4.2 No neighbour representations have been received.

### **5. CONSIDERATIONS**

#### **5.1 Site and Surroundings**

- 5.1.1 The application relates to the Grade II\* listed Maidstone Town Hall, which is located in a prominent position at the north east end of Middle Row between the High Street and Bank Street, both subject to traffic restrictions. The site is located within the Maidstone Town Centre Conservation Area and the secondary retail area as designated in the Maidstone Borough-Wide Local Plan 2000. The area is identified as having the potential for the finding of archaeological remains.



5.1.2 The Town Hall is a two storey building constructed during the 1760s and having undergone extensive refurbishment in the 1850s. The building is constructed of Portland ashlar at ground floor level with red brick with stone dressings above. The building has a stone modillion cornice and brick parapet with pediment. At ground floor level, the windows are large round-headed openings flanked by pilasters with two round-headed doorways with large semi-circular fanlights and doors of 6 moulded panels. Above the ground floor level is a stringcourse, above which are the first floor windows which have stone architrave surrounds with pediments over, alternately triangular and curved. The north east end of the building forms a canted bay of three windows at first floor level and two windows and a door at ground floor level.

## **5.2 PROPOSAL**

5.2.1 Planning permission is sought under this application for works to introduce four pairs of light fittings to the building at "fascia" level between the Portland stone of the ground floor and the string course above.

5.2.2 Two pairs would be introduced to the north east elevation of the building on either side of the main entrance, and two to the north west elevation of the building. These would be located to either side of the main entrance below the clock.

5.2.3 The lighting structures would be arranged in pairs providing up-lighting and down-lighting by way of LEDs. The individual lights would measure 345mm by 125mm, and would project from the building by 200mm.

## **5.3 ASSESSMENT**

5.3.1 The key issues arising from this application is the impact upon the historic and architectural integrity of the Grade II\* listed building and the Town Centre Conservation Area.

5.3.2 The works seek to provide feature lighting to highlight features of interest in the relevant facades. The proposed positions of the lighting and the use of up and down lighting have been determined in consultation with the Council's Conservation Officer, who has raised no objection to the proposal on the grounds of impact on the heritage asset. The introduction of these small structures would allow lighting to add interest and enhance visibility of features of architectural interest, whilst resulting in limited disruption to the fabric of the building.

5.3.3 The structures, and the lighting that would result, are limited in extent and in any case are located in a town centre location which is characterised by a significant amount of lighting and signage appropriate to the setting. It is not

considered that the proposal would result in harm to the amenity of the area, or the character or appearance of the Conservation Area.

5.3.4 The proposal would not result in harm to residential amenity or highway safety, would not be detrimental to the functioning of the secondary retail area, and in all other respects is acceptable in planning terms.

5.3.5 To summarise, therefore, the proposal would preserve and enhance the Grade II\* listed building and the Town Centre Conservation Area, and is acceptable in respect of all other planning considerations. As such, the proposal complies with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and national planning policy and guidance as set out in the National Planning Policy Framework 2012 and PPS5 Planning for the Historic Environment – Practice Guide, and planning permission should therefore be granted.

## **6. CONCLUSION**

6.1 The proposed works would preserve the historic and architectural integrity of the Grade II\* listed Town Hall building, its significance and its features of special interest. The proposal is therefore considered to comply with Central Government guidance as set out in the National Planning Policy Framework 2012 and PPS5 Planning for the Historic Environment – Practice Guide, and I therefore recommend approval subject to the conditions set out below.

## **7. RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

2No. drawing numbers PL(0)1 and design and access statement, all received 6th November 2013;

Reason: To ensure the quality of the development is maintained and safeguard the historic and architectural integrity of the Grade II\* listed building.

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 there are no overriding material considerations to indicate a refusal of planning consent.



496

24.11.2013

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/1918      GRID REF: TQ7655  
TOWN HALL, MIDDLE ROW,  
MAIDSTONE.



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 100019636, 2014. Scale 1:1250



**Rob Jarman**  
Head of Planning and Development

APPLICATION: MA/13/1918 Date: 6 November 2013 Received: 11 November 2013

APPLICANT: Mrs Liz Tredget, Voluntary Action Maidstone

LOCATION: TOWN HALL, MIDDLE ROW, MAIDSTONE, KENT, ME14 1TF

PARISH: Maidstone

PROPOSAL: An application for listed building consent for the introduction of external LED lights as shown on the site location plan and 2No. drawing numbers PL(0)1 and design and access statement, all received 6th November 2013.

AGENDA DATE: 16th January 2014

CASE OFFICER: Catherine Slade

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

- The Council owns the building to which the application relates.

## **1. POLICIES**

- Maidstone Borough Wide Local Plan 2000: Not applicable.
- Government Policy: PPS5 Planning for the Historic Environment – Practice Guide.

## **2. HISTORY**

- 2.1 The site has an extensive planning history, much of which is not directly relevant to the current application. The relevant recent history is summarised as follows:

MA/13/1917 - A planning application for the introduction of external LED light fittings – CURRENTLY UNDER CONSIDERATION

MA/11/0752 - An application for listed building consent for works to the lead gutter serving the roof, including removal of redundant SV pipe from front elevation and replacement with cast iron downpipe – APPROVED WITH CONDITIONS

MA/10/0229 - An application for listed building consent for alterations to ventilation pipe work on the south elevation of the Town Hall, replacing 100mm CI pipe with a 150mm CI pipe with bracket fixings and replacement of existing



150mm CI pipe with a new pipe and bracket fixings – APPROVED SUBJECT TO CONDITIONS

MA/08/1232 - An application for listed building consent for the fitting of a 450mm diameter plaque on the south elevation – APPROVED

MA/07/0474 - An application for listed building consent for the lowering of the public notices boards on the High Street elevation of the Town Hall – APPROVED SUBJECT TO CONDITIONS

### **3. CONSULTATIONS**

- 3.1 **Maidstone Borough Council Conservation Officer** raises no objection to the proposal, making the following detailed comments:

*"The proposals concern the fixing of 8 small light fittings to the Town Hall to be sited above the entrances from Jubilee Square and Middle Row. These are considered to be appropriately sited and will have no major impact on the character or appearance of the building."*

- 3.2 **English Heritage** did not wish to comment further than stating that the application should be decided in accordance with national and local policy and Maidstone Borough Council's specialist conservation advice.

### **4. REPRESENTATIONS**

- 4.1 **Councillor Mrs Wilson** raised concerns over the visual impact of the proposal on the character and appearance of the building.
- 4.2 No neighbour representations have been received.

### **5. CONSIDERATIONS**

#### **5.1 Site and Surroundings**

- 5.1.1 The application relates to the Grade II\* listed Maidstone Town Hall, which is located in a prominent position at the north east end of Middle Row between the High Street and Bank Street, within the Maidstone Town Centre Conservation Area. The area is identified as having the potential for the finding of archaeological remains.
- 5.1.2 The Town Hall is a two storey building constructed during the 1760s and having undergone extensive refurbishment in the 1850s. The building is constructed of Portland ashlar at ground floor level with red brick with stone dressings above.

The building has a stone modillion cornice and brick parapet with pediment. At ground floor level, the windows are large round-headed openings flanked by pilasters with two round-headed doorways with large semi-circular fanlights and doors of 6 moulded panels. Above the ground floor level is a stringcourse, above which are the first floor windows which have stone architrave surrounds with pediments over, alternately triangular and curved. The north east end of the building forms a canted bay of three windows at first floor level and two windows and a door at ground floor level.

## **5.2 PROPOSAL**

- 5.2.1 Listed Building Consent is sought under this application for works to introduce four pairs of light fittings to the building at “fascia” level between the Portland stone of the ground floor and the string course above.
- 5.2.2 Two pairs would be introduced to the north east elevation of the building on either side of the main entrance, and two to the north west elevation of the building. These would be located to either side of the main entrance below the clock.
- 5.2.3 The lighting structures would be arranged in pairs providing up-lighting and down-lighting by way of LEDs. The individual lights would measure 345mm by 125mm, and would project from the building by 200mm.

## **5.3 ASSESSMENT**

- 5.3.1 The key issue arising from this application is the impact upon the historic and architectural integrity of the Grade II\* listed building, its significance and its features of special interest.
- 5.3.2 The works seek to provide feature lighting to highlight features of interest in the relevant facades. The proposed positions of the lighting and the use of up and down lighting have been determined in consultation with the Council’s Conservation Officer, who has raised no objection to the proposal on the grounds of impact on the heritage asset. The introduction of these small structures would allow lighting to add interest and enhance visibility of features of architectural interest, whilst resulting in limited disruption to the fabric of the building.
- 5.3.3 To summarise, therefore, the proposal would preserve and enhance the Grade II\* listed building, its significance and its features of special architectural/historic interest. As such, the proposal complies with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPS5 Planning for the Historic Environment – Practice Guide, and Listed Building Consent should therefore be granted.

## **6. CONCLUSION**

- 6.1 The proposed works would preserve the historic and architectural integrity of the Grade II\* listed Town Hall building, its significance and its features of special interest. The proposal is therefore considered to comply with Central Government guidance as set out in the National Planning Policy Framework 2012 and PPS5 Planning for the Historic Environment – Practice Guide, and I therefore recommend approval subject to the conditions set out below.
- 6.2 As this is a Listed Building Consent application made on behalf of the Council, it must be referred to the Secretary of State for determination and consequently I have phrased my recommendation to Members accordingly:

## **7. RECOMMENDATION**

REFER THE APPLICATION TO THE SECRETARY OF STATE FOR DETERMINATION, RECOMMENDING THAT LISTED BUILDING CONSENT BE GRANTED subject to the following conditions:

1. The works to which this consent relates must be begun before the expiration of three years from the date of this consent;

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### **Informatives set out below**

For the avoidance of doubt, this consent does not grant listed building consent for any other works, including removal of existing lighting structures, than those set out in the description and necessary for implementation.

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 there are no overriding material considerations to indicate a refusal of planning consent.



502

24.11.2013

# Agenda Item 29

## **The Maidstone Borough Council** **Planning Committee on 6<sup>th</sup> February 2014**

### **APPEAL DECISIONS:**

1.      **MA/12/1280**      Change of use of land from agriculture to land for the keeping of horses for recreational purposes and the erection of stables, tack room, feed store and formation of a new vehicular access as shown on Chapelstone stable layout drawing, Chapelstone floorplan/elevations drawing and Chapelstone illustrative elevation drawing received on 10/7/12; drawing nos. 4396/100/A, 4396/101/B and 4396/102/A received on 20/7/12; and drawing nos. 4396/104 and PW/12/79/1 received on 12/12/12.

**APPEAL:** DISMISSED

WEALD GARDENS, LAND OPPOSITE FAIRFIELDS,  
MAIDSTONE ROAD, STAPLEHURST

(DELEGATED POWERS)

2.      **MA/12/1772**      Use of land as residential to provide 5 plots for gypsy families, with a total of 5 mobile homes, 10 touring caravans and 5 utility blocks with associated works as shown on drawing numbers MAI/29/PL/01A and WSP/ME/03 received on 30/1/13.

**APPEAL:** DISMISSED

LAND REAR OF THE MEADOWS,  
LENHAM ROAD, HEADCORN, KENT,  
TN27 9LG

(PLANNING COMMITTEE 25/04/13)

3.      **MA/12/2113**      Use of land as residential to provide 5 plots for gypsy families, with a total of 5 mobile homes, 10 touring caravans and 5 utility blocks with associated works as shown on drawing numbers MAI/29/PL/05A and MAI/29/PL/06 received on 30/1/13.

**APPEAL:** DISMISSED

PLOT 6 - 10 REAR OF THE MEADOWS,  
LENHAM ROAD, HEADCORN,  
MAIDSTONE, KENT, TN27 9LG

(PLANNING COMMITTEE 25/04/13)

**The Maidstone Borough Council**  
**Planning Committee on 6<sup>th</sup> February 2014**

4.     **MA/13/0994**     Demolition of existing chalet bungalow and erection of 2no. 4 bedroom semi detached dwellings and 1no. 4 bedroom detached dwelling as shown on drawing nos. P676/1, P676/2 RevB, P676/3 RevB, P676/4 RevB, P676/5, P676/6, P676/7, and A4 site location plan received on 4th June 2013.

**APPEAL:** DISMISSED

71, CHURCH STREET, BOUGHTON MONCHELSEA,  
MAIDSTONE, KENT, ME17 4HN

(DELEGATED POWERS)

5.     **MA/13/1436**     The erection of a two storey rear extension; a loft conversion including the insertion of dormer windows and other external alterations as shown on 708/P/01, 708/01, 708/02, 708/P/03 RevA, 708/03, 708/04, 708/P/04, 708/LOC and Application Form received 16th August 2013.

**APPEAL:** ALLOWED WITH CONDITIONS

ORCHARD RISE, WESTERHILL ROAD, LINTON,  
MAIDSTONE, KENT, ME17 4BS

(DELEGATED POWERS)

6.     **MA/13/1508**     Erection of ground floor front extension and roof extension that includes raising of ridge height and insertion of dormer windows to facilitate creation of first floor accommodation (resubmission of MA/13/0996) as shown on the site location plan and block plan, and drawing numbers JR/08/13/1, JR/08/13/2 and JR/08/13/3 received 29th August 2013.

**APPEAL:** DISMISSED

7, DOWNS VIEW ROAD, MAIDSTONE,  
KENT, ME14 2JB

(DELEGATED POWERS)



By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted