

# AGENDA

## PLANNING COMMITTEE MEETING



Date: Thursday 6 November 2014

Time: 6.00 p.m.

Venue: Town Hall, High Street,  
Maidstone

### Membership:

Councillors Ash, Collins, Cox, Edwards-Daem,  
English (Chairman), Greer, Harwood,  
Hogg, Moriarty, Paine, Paterson,  
Mrs Robertson and J.A. Wilson

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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 Items withdrawn from the Agenda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 November 2014

**Continued Over/:**

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**Issued on 29 October 2014**

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*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 October 2014	1 - 13
11.	Presentation of Petitions (if any)	
12.	Report of the Head of Planning and Development - Deferred Item	14
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## **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>		
23.	Exempt Appendices to the Report of the Head of Planning and Development Relating to Application MA/12/2255	3 – Financial/Business Affairs 183 - 357

**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 OCTOBER 2014**

**Present:** Councillor English (Chairman) and  
Councillors Butler, Chittenden, Cox, Edwards-Daem,  
Garland, Harwood, Hogg, Moriarty, Paine, Paterson  
and J.A. Wilson

**Also Present:** Councillors Mrs Blackmore, Burton, Ells,  
McLoughlin, D Mortimer, Newton, Round,  
Springett and de Wiggondene

#### 132. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from  
Councillors Ash, Collins, Greer and Mrs Robertson.

#### 133. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Butler for Councillor Collins  
Councillor Chittenden for Councillor Mrs Robertson  
Councillor Garland for Councillor Greer

#### 134. NOTIFICATION OF VISITING MEMBERS

Councillors Burton and McLoughlin indicated their wish to speak on the  
reports of the Head of Planning and Development relating to applications  
MA/13/1928 and 14/501895.

Councillor D Mortimer indicated his wish to speak on the report of the  
Head of Planning and Development relating to application 14/500261.

Councillors Newton and Springett indicated their wish to speak on the  
report of the Head of Planning and Development relating to application  
14/501895.

Councillors Ells and Round attended the meeting as observers.

It was noted that Councillor Mrs Blackmore had indicated her wish to  
speak on the report of the Head of Planning and Development relating to  
application MA/13/1928 and Councillor de Wiggondene had indicated his  
wish to speak on the report of the Head of Planning and Development  
relating to application 14/501895.



135. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

136. URGENT ITEM

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

137. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Harwood stated that he was a Member of Boxley Parish Council, but he had not participated in the Parish Council's discussions relating to application 14/501240, and intended to speak and vote when it was considered.

With regard to the report of the Head of Planning and Development relating to application 14/501895, Councillor Edwardes-Daem stated that her son had applied for work experience at Scarab Sweepers, a potential occupier of the development, but this would not influence her decision on the application.

138. EXEMPT ITEMS

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

139. MINUTES OF THE MEETING HELD ON 25 SEPTEMBER 2014

**RESOLVED:** That the Minutes of the meeting held on 25 September 2014 be approved as a correct record and signed.

140. PRESENTATION OF PETITIONS

There were no petitions.

141. DEFERRED ITEMS

MA/07/2133 - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A FIVE STOREY RESIDENTIAL DEVELOPMENT COMPRISING OF 52 STUDIO APARTMENTS AND 24 ONE-BED FLATS WITH 38 UNDERCROFT PARKING SPACES AND 22 EXTERNAL PARKING SPACES WITH VEHICULAR AND PEDESTRIAN ACCESS FROM HART STREET TOGETHER WITH LANDSCAPING - LAGUNA MOTORCYCLES SITE, HART STREET, MAIDSTONE

The Interim Development Manager advised Members that a revised viability assessment was awaited.

MA/12/2255 – OUTLINE PLANNING PERMISSION FOR THE ERECTION OF 53 RESIDENTIAL UNITS WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION – NURSES HOME, HERMITAGE LANE, MAIDSTONE, KENT

The Interim Development Manager advised Members that the applicant and the VOA had commented on the additional information provided and that it was hoped to report the application back to the next meeting of the Committee.

142. 14/501895 - HYBRID (PART OUTLINE/PART DETAILED) APPLICATION FOR RE-GRADING OF THE SITE TO FORM DEVELOPMENT PLATFORMS INCLUDING THE CREATION OF NEW BUNDS AND BATTERS; THE DEVELOPMENT OF A NEW INDUSTRIAL ESTATE COMPRISING UP TO 45,528M2 OF B1 LIGHT INDUSTRIAL, B2 GENERAL INDUSTRIAL AND B8 STORAGE AND DISTRIBUTION USES WITH ANCILLARY OFFICES; ANCILLARY CAFE AND CRECHE FACILITIES; CREATION OF A NEW ACCESS TO THE A20; NEW INTERNAL ACCESS ROADS; PARKING, INTERNAL DRAINAGE, STRUCTURAL LANDSCAPING AND THE DIVERSION OF THE EXISTING PUBLIC FOOTPATH. DETAILED PERMISSION SOUGHT FOR ERECTION OF NEW WAREHOUSE BUILDING (21,990M2) AND ASSOCIATED OFFICES (2,995M2) WITH ACCESS, SERVICE YARD, PARKING AND LANDSCAPING - WATERSIDE PARK M20 J8, ASHFORD ROAD, HOLLINGBOURNE, 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.

Dr White, an objector, Councillor Bennett, on behalf of Hollingbourne Parish Council (against), Councillor Spooner, on behalf of Bearsted Parish Council (against), Councillor Horne, on behalf of Leeds and Thurnham Parish Councils (against), Ms Spicer and Mr Buckwell, on behalf of the applicants, and Councillors Newton, Springett, de Wiggondene, Burton and McLoughlin (Visiting Members) addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, Members felt that the proposed development, by reason of its overall scale and the mass and design of the proposed buildings, together with the changes to the topography and landform of the site, would be detrimental to the character and appearance of the countryside hereabouts in general, the setting of nearby heritage assets to the south of the site and to the setting of the Kent Downs Area of Outstanding Natural Beauty in particular. To permit the development in the absence of any overriding quantitative need for employment development in this location, would be contrary to policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and the advice in the National Planning Policy Framework 2012.

**RESOLVED:** That permission be refused for the following reason:

The proposed development, by reason of its overall scale and the mass and design of the proposed buildings, together with the changes to the topography and landform of the site, would be detrimental to the character and appearance of the countryside hereabouts in general, the setting of nearby heritage assets to the south of the site and to the setting of the Kent Downs Area of Outstanding Natural Beauty in particular. To permit the development in the absence of any overriding quantitative need for employment development in this location, would be contrary to policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and the advice in the National Planning Policy Framework 2012.

Voting:        7 – For        5 – Against        0 – Abstentions

143. MA/13/1928 - ERECTION OF 124 DWELLINGS WITH PARKING, VEHICULAR AND PEDESTRIAN ACCESS, AND ASSOCIATED HARD AND SOFT LANDSCAPING - MARDEN CRICKET & HOCKEY CLUB, STANLEY 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 McCarthy, an objector, Councillor Mannington of Marden Parish Council (against), Mr Kennedy, for the applicant, and Councillor Mrs Blackmore (Visiting Member) addressed the meeting.

Councillors Burton and McLoughlin did not exercise their right to speak on this application.

**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 40% affordable residential units within the development;
  - A contribution of £2,360.96 per 'applicable' house and £590.24 per 'applicable' flat towards the build costs of extending Marden Primary School;
  - A contribution of £2,359.80 per 'applicable' house and £589.95 per 'applicable' flat towards the extension of secondary school buildings used by residents of Marden;
  - A contribution of £30.70 per dwelling to be used to address the demand from the development towards the provision of new/expanded facilities and services both through dedicated adult education centres and through outreach community learning facilities local to the development;

- A contribution of £8.44 per dwelling to be used to address the demand from the development towards youth services locally;
- A contribution of £100.79 per dwelling to be used to address the demand from the development towards additional book stock and services at local libraries serving the development;
- A contribution of £15.95 per dwelling to address the demand from the development for adult social services to be used towards the provision of new/expanded facilities and services both on site and local to the development including assistive technology and enhancement of local community facilities to ensure full DDA access;
- A contribution of £18,628.35 towards the extension of and works to the Marden Medical Centre;
- A contribution of £78,120.00 towards the provision of offsite outdoor sports facilities, children's and young people's equipped play areas, and allotment and community gardens;
- A contribution of £7,762.50 towards the improvement of public footpath KM276;
- A contribution of £25,956.92 towards improvement works to Marden Station; and
- The full build out, so as to be functional and available for public use, of the replacement sports facility already granted outline planning permission under MA/13/0358 or any further/replacement planning permission relating to the replacement sports facility prior to commencement of the development hereby being permitted,

the Head of Planning and Development be given delegated powers to grant permission subject to the conditions and informatives set out in the report, as amended by the urgent update report, the additional informatives set out in the urgent update report, and the amendment of condition 16 as follows:

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

Reason: In the interest of pollution and flood prevention.

2. That the details to be submitted pursuant to conditions 2 and 3 must be considered in consultation with Ward Members and the Parish Council.

Voting:        6 – For        3 – Against        3 – Abstentions

144. 14/500261 - ERECTION OF TWO SEMI-DETACHED BUNGALOWS AND ASSOCIATED ACCESS, CAR PARKING AND LANDSCAPING - LAND REAR OF 3 CRIPPLE STREET AND FRONTING MELROSE CLOSE, MAIDSTONE, KENT

Councillors Chittenden, Hogg, Moriarty, Paine and J. A. Wilson stated that they had been lobbied.

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

Mr Murphy, an objector, Mr Carter of the North Loose Residents' Association (against), Mr Hawkins, for the applicant, and Councillor D Mortimer (Visiting Member) addressed the meeting.

**RESOLVED:** That permission be granted subject to the conditions and informative set out in the report and the following additional condition and informatives:

Additional Condition

The development shall not commence until a Tree Protection Plan, which shall include details of all trees to be retained on and adjacent to the site and the proposed measures of protection, undertaken in accordance with BS 5837 (2012) 'Trees in Relation to Design, Demolition and Construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The development will thereafter be undertaken in strict accordance with the approved details.

Reason: To safeguard existing trees to be retained and ensure a satisfactory setting and external appearance to the development, and maintain the character and appearance of the surrounding area.

Additional Informatives

Vehicles in connection with the construction phase 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. Deliveries and other construction traffic should avoid arriving or leaving the site between 0800 and 0915 and 1430 and 1600 on school days.

As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway. Such measures shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances.

Voting:        6 – For        1 – Against        5 – Abstentions

145. MA/14/0475 - ERECTION OF 14 DETACHED DWELLINGS INCLUSIVE OF GARAGING/CAR BARNs AND OPEN AMENITY LAND TO THE NORTHERN BOUNDARY - LAND ADJACENT TO 103 EYHORNE STREET, HOLLINGBOURNE, KENT

The Chairman and Councillors Butler, Chittenden, Hogg and J. A. Wilson stated that they had been lobbied.

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

Mr Bedford, for objectors, Councillor Bennett of Hollingbourne Parish Council (against) and Mr Norton, for the applicant, addressed the meeting.

**RESOLVED:** 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:

- A contribution of £2,360.96 per 'applicable' house ('applicable' meaning all dwellings, excluding 1 bed units of less than 56sqm GIA), towards the build costs of additional school accommodation to ensure provision of sufficient pupil spaces;
- A contribution of £116.71 per household towards libraries and archives to address the demand from the development;
- A contribution of £30.70 per household to address the demand from the development towards the provision of new/expanded facilities and services both through dedicated adult education centres and through outreach community learning facilities within 3 miles of the application site;
- A contribution of £8.44 per household towards youth services to address the demand from the development;
- A contribution of £15.94 per household towards adult social care to address the demand from the development;
- A contribution of £360/occupancy rate of 58 persons=£20,880 towards service provision at three doctors' surgeries within a 2.5 mile radius of the application site; and
- A contribution of £1,575 per dwelling towards improvements to Hollingbourne Recreation Ground and Cardwell Play Area,

the Head of Planning and Development be given delegated powers to grant permission subject to the conditions and informatives set out in the report, the additional condition set out in the urgent update report and the following additional condition:

No development shall take place until details of all fencing, walling and other boundary treatments, which shall include, inter alia, gaps to allow

passage of wildlife (including hedgehogs), have been submitted to the Local Planning Authority and approved in writing. The development shall be carried out in accordance with the approved details before the first occupation of the development hereby permitted and maintained thereafter.

Reason: To ensure a satisfactory appearance to the development, provide biodiversity mitigation, and safeguard the setting of the neighbouring Grade II\* listed building.

Voting:            10 – For            1 – Against            1 – Abstention

Note: Councillor Garland left the meeting after consideration of this application (9.55 p.m.).

146. MA/12/0986 - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT FOR UP TO 112 DWELLINGS WITH ASSOCIATED DEVELOPMENT, INCLUDING DEMOLITION OF EXISTING DWELLINGS/POLICE BUILDING IN WEALD CLOSE WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION - LAND REAR OF POLICE HEADQUARTERS, SUTTON ROAD, MAIDSTONE, KENT

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

Mr Collins addressed the meeting on behalf of the applicant.

**RESOLVED:** 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 40% affordable housing;
- A contribution of £3,000 per dwelling towards highway capacity improvements at the Loose Road/Sutton Road junction (such as a roundabout or highway reconfiguration with physical traffic signal alterations and pedestrian and cycle connections to the town centre) and approaches to the Town Centre Bridge gyratory traffic signal junctions, necessary to mitigate against the severe impact of the development on congestion and highway safety at these junctions;
- A contribution of £4,000 per applicable house and £1,000 per applicable flat towards build cost, and £2,701.63 per applicable house and £675.41 per applicable flat towards land costs towards the construction of a new primary school;
- A contribution of £2,359.80 per applicable house and £589.95 per applicable flat towards the extension of a secondary school within Maidstone;

- A contribution of £1,575 per dwelling towards improvements to Mangravet Recreation Ground, Queen Elizabeth Square play area, sports facilities at Parkwood Recreation Ground or Mote Park Adventure Zone;
- A contribution of £56,440 based on an average occupancy of 2.34 persons per dwelling towards improvements at the named surgeries of Grove Park Surgery, Mote Medical Centre, Northumberland Court Surgery, Wallis Avenue Surgery, Boughton Lane Surgery, College Practice, Bearsted Medical Practice, Marsham Street Surgery and The Vine Surgery all of which are within 2 miles of the site;
- A contribution of £30.70 per dwelling towards community learning for adult learning classes or outreach adult learning in Maidstone;
- A contribution of £8.44 per dwelling towards youth services and the provision of staff and equipment for Maidstone Borough youth outreach services in the area;
- A contribution of £145.73 per dwelling to provide expansion of library services in Maidstone and additional book stock and equipment; and
- A contribution of £53.88 per dwelling towards adult social services being the provision of health linked care needs and assessment suite, the enhancement of local community facilities to ensure full DDA access to clients, a specialist changing place facility to enable clients with multiple needs to integrate and use everyday facilities and to provide assistive technology (Telecare) to enable clients to live as independently and secure as possible,

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, with the amendment of condition 7 and an additional informative as follows:

#### Condition 7 (amended)

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

Reason: In the interest of pollution and flood prevention.

#### Additional Informative

On site renewable energy sources should be built in to any subsequent reserved matters application(s) or application for full planning permission.



Voting:        10 – For        1 – Against        0 – Abstentions

147. MA/12/0987 - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT FOR UP TO 90 DWELLINGS WITH ASSOCIATED DEVELOPMENT WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION - LAND TO REAR OF KENT POLICE TRAINING SCHOOL, OFF ST SAVIOURS ROAD, MAIDSTONE, KENT

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

**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 40% affordable housing;
  - A contribution of £3,000 per dwelling towards highway capacity improvements at the Loose Road/Sutton Road junction (such as a roundabout or highway reconfiguration with physical traffic signal alterations and pedestrian and cycle connections to the town centre) and approaches to the Town Centre Bridge gyratory traffic signal junctions, necessary to mitigate against the severe impact of the development on congestion and highway safety at these junctions;
  - A contribution of £4,000 per applicable house and £1,000 per applicable flat towards build cost, and £2,701.63 per applicable house and £675.41 per applicable flat towards land costs towards the construction of a new primary school;
  - A contribution of £2,359.80 per applicable house and £589.95 per applicable flat towards the extension of a secondary school within Maidstone;
  - A contribution of £1,575 per dwelling towards improvements to Mangravet Recreation Ground, Queen Elizabeth Square play area, sports facilities at Parkwood Recreation Ground or Mote Park Adventure Zone;
  - A contribution of £45,489 based on an average occupancy of 2.34 persons per dwelling towards improvements at the named surgeries of Mote Medical Centre, Wallis Avenue Surgery, Grove Park Surgery, Northumberland Court Surgery, Boughton Lane Surgery and the College Practice all of which are within 2 miles of the site;
  - A contribution of £30.70 per dwelling towards community learning for adult learning classes or outreach adult learning in Maidstone;

- A contribution of £8.44 per dwelling towards youth services and the provision of staff and equipment for Maidstone Borough youth outreach services in the area;
- A contribution of £145.73 per dwelling to provide expansion of library services in Maidstone and additional book stock and equipment; and
- A contribution of £53.88 per dwelling towards adult social services being the provision of health linked care needs and assessment suite, the enhancement of local community facilities to ensure full DDA access to clients, a specialist changing place facility to enable clients with multiple needs to integrate and use everyday facilities and to provide assistive technology (Telecare) to enable clients to live as independently and secure as possible,

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, with the amendment of condition 6 and an additional informative as follows:

Condition 6 (amended)

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

Reason: In the interest of pollution and flood prevention.

Additional Informative

On site renewable energy sources should be built in to any subsequent reserved matters application(s) or application for full planning permission.

2. That the Heritage, Landscape and Design Team be requested to consider the making of a Tree Preservation Order to protect trees along the northern edge of the site.
3. That the Parks and Open Spaces Team be requested to discuss with Ward Members the precise allocation of S106 funds for parks and open spaces as outlined in the proposed Heads of Terms of the S106 legal agreement.

Voting:      10 – For      1 – Against      0 – Abstentions

148. LONG MEETING

Prior to 10.30 p.m., following consideration of the report of the Head of Planning and Development relating to application MA/12/0987, 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.

149. 14/501240 - DEMOLITION OF EXISTING GARAGES TO ALLOW FOR ERECTION OF DETACHED DWELLING AND ASSOCIATED WORKS - LAND ADJACENT 1 BAKERY COTTAGES, CHATHAM ROAD, SANDLING, KENT

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

**RESOLVED:** That permission be granted subject to the conditions set out in the report.

Voting:        11 – For        0 – Against        0 – Abstentions

150. 14/500825 - PROPOSED CAR SHOWROOM EXTENSION TO FRONT OF BUILDING AND PROPOSED 3 STOREY CAR STORAGE EXTENSION TO REAR OF BUILDING - CAVALLINO BUILDING, BOXMEND INDUSTRIAL ESTATE, BIRCHOLT ROAD, MAIDSTONE, KENT

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

**RESOLVED:** That permission be granted subject to the conditions and informative set out in the report.

Voting:        11 – For        0 – Against        0 – Abstentions

151. REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT - 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.

152. UPDATE ON MATTERS REFERRED TO CABINET MEMBERS

It was noted that there was nothing to report at present.

153. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that:

- Peter Hockney, Interim Development Manager, would be leaving the employment of the Council to take up a new position elsewhere. On behalf of the Committee, he would like to thank Mr Hockney for his services over the years and to wish him every success in the future.
- He wished to reiterate that whilst it was desirable for Members and Parish Councils to provide a material planning reason when requesting that an application be referred to the Planning Committee rather than dealt with under delegated powers, it was not a requirement to do so, and Officers would be reminded.

154. DURATION OF MEETING

6.00 p.m. to 10.40 p.m.

## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

**6 NOVEMBER 2014**

#### **REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT**

##### **DEFERRED ITEM**

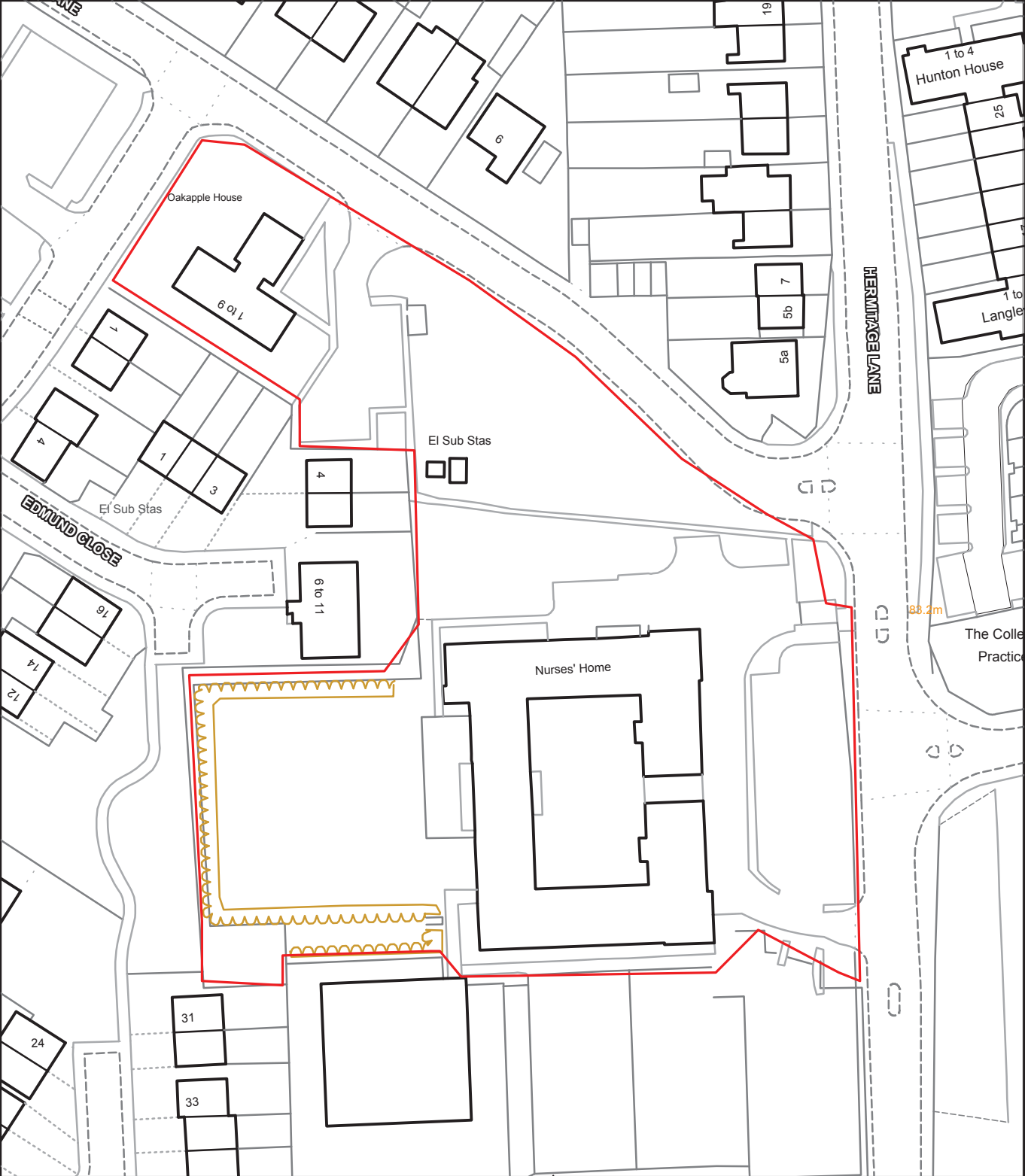
- 1.1. The following application stands deferred from a previous meeting of the Planning Committee. The Head of Planning and Development will report orally at the meeting on the latest situation.
- 1.2. MA/07/2133 - DEMOLITION OF EXISTING BUILDINGS, ERECTION OF A FIVE STOREY RESIDENTIAL DEVELOPMENT COMPRISING OF 52 STUDIO APARTMENTS AND 24 ONE-BED FLATS WITH 38 UNDERCROFT PARKING SPACES AND 22 EXTERNAL PARKING SPACES WITH VEHICULAR AND PEDESTRIAN ACCESS FROM HART STREET TOGETHER WITH LANDSCAPING - LAGUNA MOTORCYCLES SITE, HART STREET, MAIDSTONE Date Deferred  
10 April 2014
- 1.2.1. Deferred for the submission of a revised viability assessment which contains up-to-date figures and which is based on current market conditions to inform Members' discussions on matters including the provision of affordable housing, the achievement of Level 4 of the Code for Sustainable Homes, the provision of landscaping to the footpath to the west of the site and possible improvements to the design.

Agenda Item 13

THE MAIDSTONE BOROUGH COUNCIL

Nurses Home  
Hermitage Lane  
Maidstone  
Kent  
ME16 9NN

MBC Ref: MA 12/2255



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Rob Jarman  
Head of Planning

## REPORT SUMMARY

<b>REFERENCE NO - 12/2255</b>		
<b>APPLICATION PROPOSAL</b> Outline planning permission for the erection of 53 residential units with all matters reserved for future consideration as shown on drawings A/1, 100, 101, 102, 103, 108, 109, 110, 112 and 11150/P1 received 18th December 2014.		
<b>ADDRESS</b> Nurses Home, Hermitage Lane, Maidstone, Kent, ME16 9NN		
<b>RECOMMENDATION</b> subject to the prior completion of a suitable legal mechanism planning permission be granted subject to conditions.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> The omission of financial contributions from a previous Planning Committee resolution to grant planning permission was required to be scrutinised in full.		
<b>WARD</b> Heath Ward	<b>PARISH/TOWN</b> Maidstone	<b>COUNCIL</b>
		<b>APPLICANT</b> Mr Roy Maidstone & Tunbridge Wells Hosp Trust <b>AGENT</b> Frankham Consultancy Group Ltd.
<b>DECISION DUE DATE</b> 18/03/13	<b>PUBLICITY EXPIRY DATE</b> 18/03/13	<b>OFFICER SITE VISIT DATE</b> Various

### 1. BACKGROUND

- 1.1 This application, which seeks outline planning permission for the redevelopment of the site through the erection of 53 dwellings with all matters reserved, has previously been considered by Members at the Planning Committee meetings held on 21<sup>st</sup> November 2013, 12<sup>th</sup> December 2013 and 3<sup>rd</sup> July 2014. I attach a copy of the officer report to the meeting held on 3<sup>rd</sup> July 2014 as partially confidential Appendix 1 of this report, which contains copies of the reports to Planning Committee of 21<sup>st</sup> November 2013 and 12<sup>th</sup> December 2013 as appendices.
- 1.2 At the initial hearing of the application at the Planning Committee meeting on the 21<sup>st</sup> November 2013, Members resolved to defer the planning application to enable the viability of retaining and converting the existing building to be examined, and for more robust conditions to be suggested to seek to safeguard the delivery of a high quality development within the site. At the later Planning Committee meeting on the 12<sup>th</sup> December 2013, following receipt of a viability assessment, it was considered that it had been satisfactorily demonstrated that it would not be financially viable to convert the existing building for residential purposes. Further conditions and informatives were also attached to the original recommendation which sought to safeguard that any ultimate development be a high quality scheme that would respond positively to the character and appearance of the locality, whether at reserved matters or as an application for full planning permission.
- 1.3 Subsequent to the resolution of a grant of planning permission taken by the Planning Committee at the meeting on the 12<sup>th</sup> December 2013 it was recognised that the recommendation did not include all contributions sought by statutory consultees. In particular, the report to the Planning Committee of 21<sup>st</sup> November 2013 did not discuss the Kent County Council (KCC) contributions towards new build primary school costs, the extension of existing secondary schools local to the development, and adult social services in Section 5.10 (Section 106 Requirements) in detail, nor

were they carried forward within the recommendation (Section 7 of the report). Consequently, the sums were not carried forward to the Recommendation (section 5) of the report to the Planning Committee meeting held on 12<sup>th</sup> December 2013. The requested contributions towards primary school acquisition costs, library book stocks, community learning and skills, and open space were discussed in detail in the report, and have been secured by way of the resolution to confer delegated powers to the Head of Planning and Development to grant planning permission, as was the provision of 40% affordable housing within the development.

- 1.4 The omission was discussed with KCC who confirmed that the comments provided in support of the application remained valid, and that a legal mechanism omitting these elements would not be considered acceptable to mitigate the impact of the development on local services and social infrastructure.
- 1.5 The omission was addressed by way of an amendment to the recommendation on the papers for the Planning Committee meeting held on 20<sup>th</sup> March 2014, however it was withdrawn from consideration following the submission of a Viability Report and an Asset Valuation (VR/AV) by the applicant, which sought to demonstrate that the development would not be viable if the omitted sums referred to in paragraphs 1.3 and 1.4 above were provided. This VR/AV (together with subsequently submitted supporting information requested by the DVS (Valuation Office Agency)) was referred to the DVS who considered it and provided an Assessment of Viability Appraisal (AVA), which concluded that the scheme would be marginally viable if the missing contributions were to be sought. The VR/AV, additional information and AVA are attached as confidential appendices to the report to Planning Committee on 3<sup>rd</sup> July 2014, which is attached as partially confidential Appendix 1 to this report.
- 1.6 The application was referred back to Planning Committee on 3<sup>rd</sup> July 2014 with a recommendation that the omitted sums be included in the resolution to approve, as set out in the report attached as Appendix 1.
- 1.7 At the meeting held on 3<sup>rd</sup> July 2014, Members voted to defer further consideration of the application in order to allow the applicant additional time to rebut the requested sums.
- 1.8 Following the meeting, a response, comprising a Viability Assessment (VA) undertaken by Bespoke Property Consultants and supporting documentation from the agent, was provided by the applicant on 25<sup>th</sup> July 2014. These documents are attached to this report as confidential Appendix 2.
- 1.9 In addition to the above, an application for full planning permission has been received from a developer for the redevelopment of the site and adjoining land for a residential development of 69 units under reference 14/500412/FULL. This application is currently under consideration.

## **2. CONSIDERATION OF PROPOSED CHANGES TO S106 CONTRIBUTION REQUIREMENTS**

- 2.1 The rebuttal by the applicant was put to the DVS, who, following consideration of the material provided by the applicant attached as confidential Appendix 2, information provided by the Council in respect of the purchase of Magnolia House, and a meeting attended by representatives of the Council, applicant and DVS held on 22<sup>nd</sup> September 2014, concluded that the development, as proposed under the scope of MA/12/2255, would in fact be unviable in the event of the contributions previously



omitted being sought. The report of the DVS is attached as confidential Appendix 3 to this report.

- 2.2 As set out in paragraphs 2.3 to 2.6 inclusive of the report to Planning Committee on 3<sup>rd</sup> July 2014 (attached as partially confidential Appendix 1 to this report), the requests for contributions set out in paragraph 1.3 above (and in full in paragraph 2.1 of the report attached as partially confidential Appendix 1 to this report) satisfy the tests set out in S122 of the Community Infrastructure Regulations in being reasonable and necessary. However, it is considered that it has been adequately demonstrated, in the specific circumstances of this case, that the development for which planning permission is sought would be unviable in the event that the omitted contributions were sought. The evidence provided has been scrutinised in detail by the DVS, and as such this position is considered to be defensible.
- 2.3 In failing to provide financial contributions towards some elements of the social infrastructure required to mitigate the impact of the development, the application fails to satisfy the requirements of Maidstone Borough-Wide Local Plan 2000 policy CF1 and emerging Local Plan policy ID1, both of which require the impact of development on the local community to be addressed by way of the provision of infrastructure or commensurate financial contributions. However, set against this is the matter that approval of the application would provide a consent for 53 dwellings in a highly sustainable location on previously developed land, in accordance with the central government objectives set out in the National Planning Policy Framework 2012 (NPPF), which include the presumption in favour of sustainable development (paragraph 14), the provision of housing (paragraph 47) and the requirement to consider applications for housing development in the context of the presumption of sustainable development (paragraph 49).
- 2.4 Members will be aware that at the current time the Council has an objectively assessed housing need of 18,600, and can only demonstrate a 2.2 year housing land supply. This lack of a five year supply is a significant matter in the determination of planning applications for residential development, as it results in the adopted Local Plan being considered out of date, in accordance with central government planning policy as set out in the NPPF. In such circumstances, the NPPF advises that when planning for development through the Local Plan process and the determination of planning applications, the focus should be on land within or adjoining existing settlements. The development of this site is therefore in accord with the objectives of the NPPF and the presumption in favour of sustainable development identified in paragraph 14 of the NPPF. It follows (and is made explicit in the NPPF) that planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole. In the specific circumstances of this context, it is considered that the benefit of a major residential development providing 40% affordable housing in a highly sustainable location on previously developed land, together with some financial contributions towards social infrastructure and the previous resolution to grant, are material considerations in favour of a grant of planning permission such that the omitted contributions should be forgone by reason of the viability, and therefore deliverability, of the scheme.
- 2.5 It remains to be considered whether the sums requested towards education (primary school build out costs and secondary school extension) and adult education should be omitted from the recommendation (as was inadvertently the case in respect of the previous resolution by the Planning Committee), or the monies/infrastructure secured by way of the previously resolutions be redistributed between the competing interests. Members will be aware that the proposed development includes the

provision of 40% affordable housing, and contributions towards parks and open spaces, which are identified as the Council's key objectives, which is reflected in the fact that each of these elements of community infrastructure are the subject of adopted Development Plan Documents, and are carried forward as the first and third ranked infrastructure priorities in the draft Local Plan, as set out in policy ID1. Education and social services are ranked sixth and seventh respectively. As such, it is recommended that the contributions secured in respect of affordable housing and parks and open spaces remain unchanged.

- 2.6 However, social care and libraries are ranked lower than education in the draft Local Plan policy ID1, at seventh and ninth respectively, and as such it would accord with emerging Local Plan policy for the monies secured towards these aspects of community infrastructure to be put toward education rather than the actual purposes for which they were allocated in the previous recommendation and resolution. The sums secured are £7,665.92 and £1,521.63 respectively, a total of £9,187.55. The sums requested and previously omitted in respect of primary school build costs and secondary school extension are considerable, and have been calculated by the applicant and the DVS as amounting to £196,428. They could in fact be potentially significantly higher depending on the relative numbers of houses and flats within any detailed scheme. Given the significant disparity between the sums omitted and those secured in relation to community infrastructure ranked as a lower priority in the draft Local Plan, it is my view that it is more cost effective to allocate the full monies secured towards libraries and community learning and skills, than to divert them towards providing approximately 4.5% of the sums omitted in respect of education contributions.
- 2.7 Whilst it is regrettable that the sums listed were omitted from the original recommendation, it is considered that the appropriate course of action in light of the policy context and the history of this application (including scrutiny of its viability by an appropriately qualified third party), is that they should be omitted from the recommendation, and the resolution previously agreed by Planning Committee be ratified. This recommendation has been arrived at after careful consideration of the balancing exercise required in respect of the benefits of the development of the site for housing in a sustainable location against the failure of the scheme to accord with Maidstone Borough-Wide Local Plan 2000 policy CF1 and emerging Local Plan policy ID1, and in light of the conclusions of the DVS, the identified infrastructure priorities of Maidstone Borough Council, and the complexities of redistributing secured mitigation, which include not only financial contributions but also the provision of affordable housing within the fabric of the scheme.
- 2.8 As such, approval is sought from the Planning Committee for the ratification of the following contributions as set out in the recommendation of the previous reports to Planning Committee on 21<sup>st</sup> November 2013 and 12<sup>th</sup> December 2013, and the resolution to give the Head of Planning and Development delegated powers to grant planning permission subject to conditions, subject to the prior completion of an appropriate legal agreement, of the Planning Committee at the meeting held on 12<sup>th</sup> December 2013.
- (1) A minimum of 40% affordable housing;
  - (2) Contributions to KCC for primary school provision local to the site (being £2,701.63 per applicable house and £675.41 per applicable flat for land acquisition;
  - (3) Contributions to KCC for library book stock – to be spent within Maidstone (being £144.64 per dwelling or flat);

- (4) Contributions to KCC for community learning and skills – to be spent within Maidstone (being £28.71 per dwelling or flat); and
- (5) Contributions to MBC for the enhancement of open space within a 1 mile radius of the application site (being of £1,575 per residential unit).

2.9 The contributions set out above in paragraph 2.8 were included in the recommendation and discussed in the text of the report included in the agenda of the Planning Committee meeting held on 21<sup>st</sup> November 2013, and are not discussed in full here as they have previously been interrogated in the previous report and agreed by the Planning Committee. Similarly, there is no need for this report to reassess any other planning matters previously considered in respect of this application.

### **3. RECOMMENDATION**

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:

- (1) A minimum of 40% affordable housing;
- (2) Contributions to KCC for primary school provision local to the site (being £2,701.63 per applicable house and £675.41 per applicable flat for land acquisition;
- (3) Contributions to KCC for library book stock – to be spent within Maidstone (being £144.64 per dwelling or flat);
- (4) Contributions to KCC for community learning and skills – to be spent within Maidstone (being £28.71 per dwelling or flat); and
- (5) Contributions to MBC for the enhancement of open space within a 1 mile radius of the application site (being of £1,575 per residential unit).

The Head of Planning and Development BE DELEGATED POWERS TO GRANT PLANNING PERMISSION subject to the following conditions:

1. 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.

2. Pursuant to condition 1 a full arboricultural report, to the necessary standard shall be completed, and shall be submitted as part of any submission in order to address both the layout and the landscaping provision of any subsequent reserved matters application which shall include the retention of the protected trees;

Reason: To seek to protect the existing trees and to ensure a high quality layout.

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

Reason: To ensure a sustainable and energy efficient form of development in accordance with the NPPF 2012.

4. The height of the development shall be restricted to that shown on drawing no: /A/112.

Reason: To ensure that any development remains in scale and character with the area.

5. No part of the development hereby approved shall come closer than 10 metres to the back edge of the public highway fronting the site.

Reason: To ensure good landscaping provision and to secure an acceptable living environment for future occupiers in the interests of amenity.

6. The approved details of the accesses submitted pursuant to condition 1 shall be completed before the commencement of the use of the land or buildings hereby permitted and the sight lines maintained free of all obstruction to visibility above 1.0 metres thereafter;

Reason: In the interests of road safety.

7. The approved details of the parking/turning areas submitted pursuant to condition 1 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. As part of the reserved matters submitted pursuant to condition 1, details shall be provided of the siting of a ragstone wall no less than 900mm high running along the whole site frontage. The approved wall shall in place before first occupation of the development hereby permitted and retained as such at all times thereafter.

Reason: In the interests of amenity

9. The development shall not commence until, details of all fencing, walling (which shall include ragstone walling at the point of access, and 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.

10. 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.

11. 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.

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 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 in general.

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.

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

Reasons: To protect vulnerable groundwater resources.

16. 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.

17. No development shall take place until the applicants or their successors in title have submitted a full Transport Assessment which shall include the full mitigation required to address the harm of the proposal upon the highway network. Any mitigation that is required shall be provided prior to the first occupation of the dwellings hereby permitted, unless otherwise agreed in writing.

Reason: In the interests of highway safety.

18. 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.

19. 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.

20. No demolition of the existing building (Nurses Home) on site shall take place until a photographic record of its exterior and interior has been completed, and made available to a local public archive centre.

Reason: In order to retain an historical record of this important non-designated heritage asset.

21. Details submitted pursuant to condition 1 (reserved matters submission relating to landscaping) shall include details of tree planting (small leaf lime) at regular intervals along the site frontage onto Hermitage Lane together with a landscaped area between the highway and the built development. .

Reason: In the interests of visual amenity and air quality.

## INFORMATIVES

(1) You are advised that Southern Water seeks to emphasise the development must be served by adequate infrastructure.

(2) Given that the nurse's home is an imposing and prominent building only a building of exceptional design quality and detailing will be considered acceptable as a replacement. You are therefore advised that the proposed indicative design for the building to replace the nurse's home is wholly unacceptable on design grounds, and that any proposal that comes forward on this site would need to be of a high standard of design to reflect its historic setting. Should a contemporary approach be taken, the development would be required to

have a high level of articulation, and high quality detailing, responding positively to the character and appearance of the locality, and to mitigate the loss of the existing building.

(3) It is considered that the indicative layout concept generally represents an appropriate response in unlocking the development potential of this site in an acceptable manner. Nevertheless, and reserved matters application should incorporate a significant increase in soft landscaping to the front of the site (fronting Hermitage Lane), with the proposed car parking at a reduced level and well screened from the public vantage point.

(4) You are advised that the indicative layout shows potential privacy conflicts between 1st/2nd floor windows in the flats looking down into the rear garden of the houses attached to the flats. This will need to be addressed at the reserved matters stage

(5) Any reserved matters application should incorporate features to enhance biodiversity within the application site. The use of bat boxes, swift bricks, log piles (where appropriate) and a suitable landscaping scheme is requested to form part of any future submission.

(6) Any layout as submitted at reserved matters stage should respond positively to the siting and form of existing trees within the application site. Where possible, trees of value should be retained and utilised as positive features of any development.

(7) The design of the any proposed buildings within the site, and particularly those along the Hermitage Lane frontage shall be designed in such a way as to provide a good level of articulation, and 'layering' along the key elevations. These buildings should respond positively to the quality development within the locality, and to take reference from the existing building.

(8) Any building upon the Hermitage Lane frontage shall be provided with high quality fenestration, which shall respond to the form and quality of the existing building upon the site.

(9) The importance of providing a varied roofscape within the application site shall be fully considered when any reserved matters applications are formalised, and thereafter submitted.

(10) If any commemorative plaque referring to the opening of the building is located, then the applicants, or successors in title, are encouraged to seek to retain this feature within any new development upon the applicant site.

Case Officer: Catherine Slade

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

Appendix 1  
to MA/12/2255  
6/11/14.

## REPORT SUMMARY

<b>REFERENCE NO - 12/2255</b>			
<b>APPLICATION PROPOSAL</b> Outline planning permission for the erection of 53 residential units with all matters reserved for future consideration as shown on drawings A/1, 100, 101, 102, 103, 108, 109, 110, 112 and 11150/P1 and (confidential) viability appraisal.			
<b>ADDRESS</b> Nurses Home, Hermitage Lane, Maidstone, Kent, ME16 9NN			
<b>RECOMMENDATION</b> GRANT SUBJECT TO COMPLETION OF S106 LEGAL AGREEMENT			
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b>			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
<b>WARD</b> Heath Ward	<b>PARISH/TOWN COUNCIL</b> Maidstone	<b>APPLICANT</b> Mr Roy Maidstone & Tunbridge Wells Hosp Trust <b>AGENT</b> Frankham Consultancy Group Ltd.	
<b>DECISION DUE DATE</b> 18/03/13	<b>PUBLICITY EXPIRY DATE</b> 18/03/13	<b>OFFICER SITE VISIT DATE</b>	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>

### 1. BACKGROUND

- 1.1 This application has previously been considered by Members at the Planning Committee meetings held on and 21<sup>st</sup> November 2013 and 12<sup>th</sup> December 2013. I attach copies of the reports to Planning Committee of 21<sup>st</sup> November 2013 and 12<sup>th</sup> December 2013 as Appendix 1 of this report.
- 1.2 At the earlier Planning Committee meeting on the 21<sup>st</sup> November 2013, Members resolved to defer this planning application to enable the viability of retaining and converting the existing building to be examined, and for more robust conditions to be suggested to seek to deliver a high quality development within the site. At the latter Planning Committee meeting on the 12<sup>th</sup> December 2013, following receipt of a viability assessment it was satisfactorily demonstrated that it would not be financially viable to convert the existing building for residential purposes. Further conditions and informatives were also attached to the original recommendation which sought to safeguard that any ultimate development be of a high quality scheme that would respond positively to the character and appearance of the locality, whether at reserved matters or as an application for full planning permission.
- 1.3 Subsequent to the resolution of a grant of planning permission taken by the Planning Committee at the meeting on the 12<sup>th</sup> December 2013 it has been recognised that the recommendation did not include all contributions sought by statutory consultees. In particular, the Kent County Council (KCC) contributions towards new build primary school costs, the extension of existing secondary schools, and adult social services, whilst included



in the summary of contributions sought (paragraph 3.5 of Planning Committee report MA/12/2255 21<sup>st</sup> November 2013) were not discussed in full in Section 5.10 (Section 106 Requirements) of the main text of the report, nor were they included in detail within the recommendation (Section 7 of the report), and consequently were not carried forward to the Recommendation (section 5) of the report to the Planning Committee meeting held on 12<sup>th</sup> December 2013. I attach copies of the reports to Planning Committee of 21<sup>st</sup> November 2013 and 12<sup>th</sup> December 2013 as Appendix 1 of this report.

- 1.4 The omission has been discussed with KCC who have confirmed that the comments provided in support of the application remain valid, and that a legal mechanism omitting these elements will not be considered acceptable to it being insufficient to mitigate against the impact of the development on local services and social infrastructure. I attach a copy of the request for contributions from Mouchel (on behalf of KCC) as Appendix 2 to this report.
- 1.5 This amendment to the recommendation was on the papers for the Planning Committee meeting to be held on 20<sup>th</sup> March 2014, however it was withdrawn from consideration following the submission of a Viability Report and an Asset Valuation (VR/AV) by the applicant which sought to demonstrate that the development would not be viable if the omitted sums referred to in paragraphs 1.3 and 1.4 above. This VR/AV (together with subsequently submitted supporting information requested by the DVS (Valuation Office Agency)), which is attached to this report as confidential Appendix 3, was referred to the DVS who have considered it and provided an Assessment of Viability Appraisal (AVA), attached to this report as confidential Appendix 4.
- 1.6 In the meantime, an application for full planning permission has been received from a developer for the redevelopment of the site and adjoining land for a residential development of 69 units under reference 14/500412/FULL.

## 2. Amended S106 Contribution Requirements

- 2.1 Approval is sought from the Planning Committee for the substitution of the following sums for those set out in the recommendation of the previous reports.
  - (1) A minimum of 40% affordable housing;
  - (2) Contributions to KCC for primary school provision local to the site (being £2,701.63 per applicable house and £675.41 per applicable flat for land acquisition **and £5,559.96 per applicable house and £1,389.99 per applicable flat towards new build costs**);
  - (3) **Contributions to KCC for secondary school provision local to the site (being £2,359.80 per applicable house and £589.95 per applicable flat to support extension of existing secondary schools);**
  - (4) Contributions to KCC for library book stock – to be spent within Maidstone (being £144.64 per dwelling or flat);
  - (5) Contributions to KCC for community learning and skills – to be spent within Maidstone (being £28.71 per dwelling or flat);
  - (6) **Adult education services – to be spent within Maidstone (being £46.31 per dwelling or flat); and**
  - (7) Contributions to MBC for the enhancement of open space within a 1 mile radius of the application site (being £1,575 per residential unit).
- 2.2 Members will note that (2), (3) and (6) (in bold) set out in paragraph 2.1 above differ from those previously approved and I discuss these below; contributions included in the recommendation and discussed in the text of the report included in the agenda of the Planning Committee meeting held on 21<sup>st</sup> November 2013 are not discussed here as they have previously been interrogated in the previous report and agreed by the Planning Committee. Similarly, this report does not reassess any other planning considerations previously considered in respect of this application.

- 2.3 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.
- 2.4 The County have requested that £5,559.96 per house be provided towards primary school education (or £1,389.99 per flat) in addition to the land acquisition costs previously reported to Planning Committee. These sums would contribute to a new two form entry primary school within the locality that would be required due to the additional strain placed upon the existing school network by virtue of this development. There is an identified need for primary school provision within the locality, and there is a realistic opportunity for a new school to be provided through the site allocation process of the emerging Local Plan. This contribution would go towards meeting the additional strain placed upon the school facilities within the locality, and is considered to be a reasonable sum, related to the scale of the development. I am therefore satisfied that this contribution meets the tests as set out above.
- 2.5 The County have requested that £2,359.80 per house be provided towards secondary school education (or £589.95 per applicable flat). These sums would contribute to providing additional secondary accommodation within the locality that would be required due to the additional strain placed upon the existing school network as a result of this development. There is an identified need for secondary school provision within the locality, and there is a realistic opportunity for the expansion of existing secondary school facilities. This contribution would go towards meeting the additional strain placed upon the school facilities within the locality, and is considered to be a reasonable sum, related to the scale of the development. I am therefore satisfied that this contribution meets the tests as set out above.
- 2.6 A financial contribution of £46.31 per residential unit towards adult social services in Maidstone has also been requested by the County in order to provide new and expanded integrated dementia care, co-location with Health in Maidstone, a changing place facility and assistive technologies for older people and adults with learning or physical disabilities. Again, a significant level of justification has been submitted by the County for this provision, which would be brought about by the additional demand placed upon the facilities by the new development. I consider that the contribution would be necessary to make the development acceptable, and that it would be of a scale related to the development. I therefore consider that this would be in accordance with the regulations.
- 2.7 The VR/AV attached as confidential Appendix 3 has been provided by the applicant in response to the proposed changes to the recommendation to secure the previously omitted S106 contributions. It seeks to demonstrate that the omitted contributions would render the development unviable.
- 2.8 The VR/AV has been considered by DVS, who have provided the AVA attached as confidential Appendix 4. The AVA states that the figures used by the applicant in assessing the viability of the scheme in respect of ground rent yield, abnormals, contingency, professional fees, marketing and sales costs, and profit by the applicant were inappropriate for the reasons set out in the AVA. It also concluded that the original benchmark land value provided by the applicant was correct, rather than higher values subsequently suggested, for the reasons set out in the AVA.

- 2.9 The AVA concluded that “the scheme can viably support the additional Section 106 contribution, however, there is no surplus profit” in excess of that of the figures allowed for in the AVA.
- 2.10 The AVA provided by the DVS concludes that the inclusion of the S106 contributions omitted from the previous recommendation would not render the development unviable.

### **3. OTHER MATTERS**

- 3.1 Since this application was reported to Planning Committee on previous occasions, a Tree Preservation Order has been issued which protects a number of trees in the north of the site which would potentially be affected by the development. I therefore propose to amend the relevant condition to include reference to the protected trees and the need for their retention in the drawing up of reserved matters.

### **4. CONCLUSION**

- 4.1 The sums sought in respect of the mitigation of the proposal on social infrastructure are considered to satisfy the tests set out in S122 of the Community Infrastructure Regulations, and I have not been provided with any substantive evidence to suggest that they should not be secured for this purpose. Indeed, the DVS has confirmed that the development can “viably support” them. I am therefore satisfied that the amendments to the recommendation are reasonable and necessary, and would not prejudice delivery of the development under consideration. Furthermore, it is considered that to fail to recommend the amendments discussed above, the Local Planning Authority would be failing in its duties.
- 4.2 I am satisfied that, subject to the mitigation (including financial contributions) set out above and the conditions set out in the previous reports pertaining to this application (as amended in accordance with paragraph 3.1 above), the proposal would provide a high quality development, and it is for this reason that I am recommending that delegated powers be given to grant planning permission subject to the receipt of a suitable S106 legal agreement drafted in the terms set out above in paragraph 2.1.

### **5. RECOMMENDATION**

The Head of Planning and Development be given DELEGATED POWERS to GRANT PLANNING PERMISSION subject to:

The completion of a legal agreement in such terms as the Head of Legal Services may advise providing the following:

- (1) A minimum of 40% affordable housing;
  - a. Contributions to KCC for primary school provision local to the site (being £2,701.63 per applicable house and £675.41 per applicable flat for land acquisition and £5,559.96 per applicable house and £1,389.99 per applicable flat for new build costs);
  - b. Contributions to KCC for secondary school provision local to the site (being £2,359.80 per applicable house and £589.95 per applicable flat for extension of existing secondary schools);
  - c. Contributions to KCC for library book stock – to be spent within Maidstone (being £144.64 per dwelling or flat);
  - d. Contributions to KCC for community learning and skills – to be spent within Maidstone (being £28.71 per dwelling or flat);
  - e. Adult education services – to be spent within Maidstone (being £46.31 per dwelling or flat); and
  - f. Contributions to MBC for the enhancement of open space within a 1 mile radius of the application site of (being £1,575 per residential unit)

And subject to the following conditions:

1. 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.

2. Details submitted pursuant to condition 1 (reserved matters submission relating to landscaping) shall include details of tree planting (small leaf lime) at regular intervals along the site frontage onto Hermitage Lane together with a landscaped area between the highway and the built development. .

Reason: In the interests of visual amenity and air quality.

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

Reason: To ensure a sustainable and energy efficient form of development in accordance with the NPPF 2012.

4. The height of the development shall be restricted to that shown on drawing no: /A/112.

Reason: To ensure that any development remains in scale and character with the area.

5. No part of the development hereby approved shall come closer than 10 metres to the back edge of the public highway fronting the site.

Reason: To ensure good landscaping provision and to secure an acceptable living environment for future occupiers in the interests of amenity.

6. The approved details of the accesses submitted pursuant to condition 1 shall be completed before the commencement of the use of the land or buildings hereby permitted and the sight lines maintained free of all obstruction to visibility above 1.0 metres thereafter;

Reason: In the interests of road safety.

7. The approved details of the parking/turning areas submitted pursuant to condition 1 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. As part of the reserved matters submitted pursuant to condition 1, details shall be provided of the siting of a ragstone wall no less than 900mm high running along the whole site frontage. The approved wall shall in place before first occupation of the development hereby permitted and retained as such at all times thereafter.



Reason: In the interests of amenity

9. The development shall not commence until, details of all fencing, walling (which shall include ragstone walling at the point of access, and 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.

10. 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.

11. 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.

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 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 in general.

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. 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.

18. No development shall take place until the applicants or their successors in title have submitted a full Transport Assessment which shall include the full mitigation required to address the harm of the proposal upon the highway network. Any mitigation that is required shall be provided prior to the first occupation of the dwellings hereby permitted, unless otherwise agreed in writing.

Reason: In the interests of highway safety.

19. 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.

20. No demolition of the existing building (Nurses Home) on site shall take place until a photographic record of its exterior and interior has been completed, and made available to a local public archive centre.

Reason: In order to retain an historical record of this important non-designated heritage asset.

21. Pursuant to condition 1 a full arboricultural report, to the necessary standard shall be completed, and shall be submitted as part of any submission in order to address both the layout and the landscaping provision of any subsequent reserved matters application which shall include the retention of the protected trees;

Reason: To seek to protect the existing trees and to ensure a high quality layout.

### **Informatives set out below**

You are advised that Southern Water seeks to emphasise the development must be served by adequate infrastructure.

Given that the nurse's home is an imposing and prominent building only a building of exceptional design quality and detailing will be considered acceptable as a replacement. You are therefore advised that the proposed indicative design for the building to replace the nurse's home is wholly unacceptable on design grounds, and that any proposal that comes forward on this site would need to be of a high standard of design to reflect its historic setting. Should a contemporary approach be taken, the development would be required to have a high level of articulation, and high quality detailing, responding positively to the character and appearance of the locality, and to mitigate the loss of the existing building.

It is considered that the indicative layout concept generally represents an appropriate response in unlocking the development potential of this site in an acceptable manner. Nevertheless, and reserved matters application should incorporate a significant increase in soft landscaping to the front of the site (fronting Hermitage Lane), with the proposed car parking at a reduced level and well screened from the public vantage point.

You are advised that the indicative layout shows potential privacy conflicts between 1st/2nd floor windows in the flats looking down into the rear garden of the houses attached to the flats. This will need to be addressed at the reserved matters stage

Any reserved matters application should incorporate features to enhance biodiversity within the application site. The use of bat boxes, swift bricks, log piles (where appropriate) and a suitable landscaping scheme is requested to form part of any future submission.

Any layout as submitted at reserved matters stage should respond positively to the siting and form of existing trees within the application site. Where possible, trees of value should be retained and utilised as positive features of any development.

The design of the any proposed buildings within the site, and particularly those along the Hermitage Lane frontage shall be designed in such a way as to provide a good level of articulation, and 'layering' along the key elevations. These buildings should respond positively to the quality development within the locality, and to take reference from the existing building.

Any building upon the Hermitage Lane frontage shall be provided with high quality fenestration, which shall respond to the form and quality of the existing building upon the site.

The importance of providing a varied roofscape within the application site shall be fully considered when any reserved matters applications are formalised, and thereafter submitted.

If any commemorative plaque referring to the opening of the building is located, then the applicants, or successors in title, are encouraged to seek to retain this feature within any new development upon the applicant site.

## APPENDIX

APPLICATION: MA/12/2255 Date: 14 December 2012 Received: 18 December 2012

APPLICANT: Mr Roy Davis, Maidstone & Tunbridge Wells Hosp Trust

LOCATION: NURSES HOME, HERMITAGE LANE, MAIDSTONE, KENT, ME16 9NN

PARISH: Maidstone

PROPOSAL: Outline planning permission for the erection of 53 residential units with all matters reserved for future consideration as shown on drawings A/1, 100, 101, 102, 103, 108, 109, 110, 112 and 11150/P1 and (confidential) viability appraisal.

AGENDA DATE: 12th December 2013

CASE OFFICER: Chris Hawkins

### 1. BACKGROUND

- 1.1 At the previous Planning Committee meeting on the 21 November 2013, Members resolved to defer this planning application to enable the viability of the existing building to be examined, and for more robust conditions to be suggested to seek to deliver a high quality development within the site.

### 2. VIABILITY

- 2.1 In terms of the viability report, this has now been circulated to all Members of the Planning Committee, for them to view. It was circulated in advance as it consists of some 280 pages, and therefore would take some time to digest.
- 2.2 The report sets out that in 2009 it was proposed to convert the accommodation into office use, and for use as a birthing centre. However, the cost of this conversion would have been in excess of £6m. In addition to the conversion costs of such a development, the ongoing maintenance of the building would have been a figure in excess of £5m. Particular issues raised are the requirement for new windows to be installed, a new roof, and a full upgrade of all internal fittings, including lighting, power systems, and security systems. It is also likely that there would be a significant amount of asbestos within the building that would need to be removed – the cost of this is estimated at £100,000.
- 2.3 This demonstrates a significant cost to any developer, or potential purchaser to retain the building.



## **APPENDIX**

- 2.4 In terms of its conversion to living accommodation, the applicants opine that the building is too narrow to accommodate modern housing standards. The existing building would only allow for long, thin, rooms, with poor internal circulation. I agree with this assessment, having seen the building on site.
- 2.5 As such, any conversion of the building would require the removal of a significant number of internal walls, many of which would be load bearing. The costs of this would be in excess of the conversion costs given above. I therefore conclude that it would not be financially viable to convert the existing building for residential purposes.
- 2.6 It is my opinion however, that the viability report is not the crucial factor in the determination of the application, but rather a background paper for consideration. As set out within the previous report (which is appended to this report), the Council currently has a shortfall in its 5 year housing supply. There is a need to provide housing sites within the Borough, in sustainable locations, whether they be brownfield sites, or (less preferably in many instances) greenfield sites. In this case, the proposal is for the demolition of an unlisted building, within a sustainable location. To my mind, this carries significant weight when formulating my recommendation. Brownfield sites within urban areas remain preferable, both at a local and a national level when determining applications, and allocating sites.

### **3. CONDITIONS**

- 3.1 Members raised concerns at the previous meeting with regards to ensuring that the conditions placed upon the outline planning application ensured a high quality of development would be delivered at the reserved matters stage. To this effect, conditions were already suggested requiring the following detail (amongst others) to be provided:
- Level 4 of the Code for Sustainable Homes;
  - Tree planting to be provided along the Hermitage Lane frontage;
  - Restriction of heights of the buildings to that currently shown;
  - A soft buffer of 10metre from the rear of the existing highway;
  - The provision of a ragstone wall along the site frontage - 900mm in height.
- 3.2 Informatives were also suggested that would provide the following advice to any future developer:
- Any replacement building will be required to be of exceptional design quality to mitigate the loss of the existing building;

## APPENDIX

- The layout should address the position of the existing trees – be a landscape led approach;
  - Any reserved matters application should include the provision of swift bricks/bat boxes and log piles (where appropriate).
- 3.3 However, following the concerns raised, that the conditions could be made more robust, this has been re-assessed. As such, additional conditions are suggested that would address the following matters:
- Specific details of tree planting and landscaping along the road frontage;
  - Materials to reflect the local vernacular;
  - Retention of any trees of value within the site.
- 3.4 I would also suggest that the following matters be addressed through informatives upon any permission granted:
- Articulation of the buildings;
  - Details of fenestration;
  - The proposal should provide a varied roofscape.
- 3.5 Should these additional conditions and informatives be included, I am of the view that the outline proposal would provide any future developer/owner with a robust framework within which they could develop a high quality scheme, that would respond positively to the character and appearance of the locality.

### 4. Conclusion

- 4.1 As set out within the previous report, whilst the loss of the existing building is regrettable, as it is a building of some merit, the Council currently has a shortfall in housing provision for the next five years. This, together with the condition of the existing building, and the problems indicated with its conversion – which in any event is not proposed – leads me to conclude that its loss is acceptable.
- 4.2 Clearly, as a non-listed building, it could be demolished in any event – something which has to carry some weight when determining the application.
- 4.3 This site has however a former residential use, and is a brownfield site, within a sustainable location; I therefore consider it suitable in principle for residential use.
- 4.4 Members raised concerns at the last meeting with regards to ensuring that the conditions imposed provided a 'framework' to secure a high quality design. Additional conditions and informatives have been suggested to address this

## APPENDIX

concern. Whilst there are no numerous additions, these have been made with Circular 11/95 in mind, and the specific tests that are required to be applied.

- 4.5 I am satisfied however, that the proposal would now provide a high quality development, and it is for this reason that I am recommending that delegated powers be given, to grant planning permission subject to the receipt of a suitable S106 legal agreement.

### 5. **RECOMMENDATION**

The Head of Planning and Development be given DELEGATED POWERS to APPROVE subject to:

The completion of a legal agreement providing the following:

- (1) A minimum of 40% affordable housing;
  - (1) Contributions to KCC for primary school provision (£2,701.63 per dwelling and £675.41 per applicable flat);
  - (2) Contributions to KCC for library book stock – to be spent within Maidstone (£144.64 per dwelling or flat);
  - (3) Contributions to KCC for community learning and skills – to be spent within Maidstone (£28.71 per dwelling or flat)
  - (4) Contributions of £1,575 per residential unit for the enhancement of open space within a 1 mile radius of the application site.
1. 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.
2. Details submitted pursuant to condition 1 (reserved matters submission relating to landscaping) shall include details of tree planting (small leaf lime) at regular intervals along the site frontage onto Hermitage Lane together with a landscaped area between the highway and the built development. .
- Reason: In the interests of visual amenity and air quality.
3. The dwellings shall achieve at least Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.

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Reason: To ensure a sustainable and energy efficient form of development in accordance with the NPPF 2012.

4. The height of the development shall be restricted to that shown on drawing no: /A/112.

Reason: To ensure that any development remains in scale and character with the area.

5. No part of the development hereby approved shall come closer than 10 metres to the back edge of the public highway fronting the site.

Reason: To ensure good landscaping provision and to secure an acceptable living environment for future occupiers in the interests of amenity.

6. The approved details of the accesses submitted pursuant to condition 1 shall be completed before the commencement of the use of the land or buildings hereby permitted and the sight lines maintained free of all obstruction to visibility above 1.0 metres thereafter;

Reason: In the interests of road safety.

7. The approved details of the parking/turning areas submitted pursuant to condition 1 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. As part of the reserved matters submitted pursuant to condition 1, details shall be provided of the siting of a ragstone wall no less than 900mm high running along the whole site frontage. The approved wall shall in place before first occupation of the development hereby permitted and retained as such at all times thereafter.

Reason: In the interests of amenity.

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9. The development shall not commence until, details of all fencing, walling (which shall include ragstone walling at the point of access, and 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.

10. 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.

11. 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.

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;

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

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. 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.



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Reason: To ensure a high quality design.

18. No development shall take place until the applicants or their successors in title have submitted a full Transport Assessment which shall include the full mitigation required to address the harm of the proposal upon the highway network. Any mitigation that is required shall be provided prior to the first occupation of the dwellings hereby permitted, unless otherwise agreed in writing.

Reason: In the interests of highway safety.

19. 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.

20. No demolition of the existing building (Nurses Home) on site shall take place until a photographic record of its exterior and interior has been completed, and made available to a local public archive centre.

Reason: In order to retain an historical record of this important non-designated heritage asset.

21. Pursuant to condition 1 a full arboricultural report, to the necessary standard shall be completed, and shall be submitted as part of any submission in order to address both the layout and the landscaping provision of any subsequent reserved matters application.

Reason: To seek to protect the existing trees and to ensure a high quality layout.

### **Informatives set out below**

You are advised that Southern Water seeks to emphasise the development must be served by adequate infrastructure.

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Given that the nurse's home is an imposing and prominent building only a building of exceptional design quality and detailing will be considered acceptable as a replacement. You are therefore advised that the proposed indicative design for the building to replace the nurse's home is wholly unacceptable on design grounds, and that any proposal that comes forward on this site would need to be of a high standard of design to reflect its historic setting. Should a contemporary approach be taken, the development would be required to have a high level of articulation, and high quality detailing, responding positively to the character and appearance of the locality, and to mitigate the loss of the existing building.

It is considered that the indicative layout concept generally represents an appropriate response in unlocking the development potential of this site in an acceptable manner. Nevertheless, and reserved matters application should incorporate a significant increase in soft landscaping to the front of the site (fronting Hermitage Lane), with the proposed car parking at a reduced level and well screened from the public vantage point.

You are advised that the indicative layout shows potential privacy conflicts between 1st/2nd floor windows in the flats looking down into the rear garden of the houses attached to the flats. This will need to be addressed at the reserved matters stage

Any reserved matters application should incorporate features to enhance biodiversity within the application site. The use of bat boxes, swift bricks, log piles (where appropriate) and a suitable landscaping scheme is requested to form part of any future submission.

Any layout as submitted at reserved matters stage should respond positively to the siting and form of existing trees within the application site. Where possible, trees of value should be retained and utilised as positive features of any development.

The design of the any proposed buildings within the site, and particularly those along the Hermitage Lane frontage shall be designed in such a way as to provide a good level of articulation, and 'layering' along the key elevations. These buildings should respond positively to the quality development within the locality, and to take reference from the existing building.

Any building upon the Hermitage Lane frontage shall be provided with high quality fenestration, which shall respond to the form and quality of the existing building upon the site.

The importance of providing a varied roofscape within the application site shall be fully considered when any reserved matters applications are formalised, and thereafter submitted.





## APPENDIX

APPLICATION: MA/12/2255 Date: 14 December 2012 Received: 18 December 2012

APPLICANT: Mr Roy Davis, Maidstone & Tunbridge Wells Hosp Trust

LOCATION: NURSES HOME, HERMITAGE LANE, MAIDSTONE, KENT, ME16 9NN

PARISH: Maidstone

PROPOSAL: Outline planning permission for the erection of 53 residential units with all matters reserved for future consideration as shown on drawings A/1, 100, 101, 102, 103, 108, 109, 110, 112 and 11150/P1.

AGENDA DATE: 21st November 2013

CASE OFFICER: Chris Hawkins

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

- Councillor Gooch and Councillor Vizzard have requested it be reported for the reason set out in the report.

### 1. **POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV6, CF1, T13  
Government Policy: National Planning Policy Framework (2012).

### 2. **RELEVANT HISTORY**

MA/10/0365: Conversion of nurses home and training accommodation to office premises and training facility including demolition of existing rear extension the addition of disabled access ramps to external doors and the creation of an additional 61 car parking spaces with associated landscaping - APPROVED-01-Jun-2010

### 3. **CONSULTATIONS**

- 3.1 **Maidstone Borough Council Parks and Open Space Officer:** Raises no objection subject to contributions of £1,575 per dwelling being sought. These contributions would be spent on the enhancement of open spaces within the locality of the application site.

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### **3.2 Maidstone Borough Council Conservation Officer** made the following comments:

- 3.2.1 'The site contains two existing buildings – the original, large Nurses' Home and Oakapple House, a smaller building of late 20<sup>th</sup> Century date. The latter is a building of no architectural or historic value and I have no objections to its demolition, but the original home is a grand building of architectural quality, historic interest and townscape importance which I consider should be regarded as a non-designated heritage asset.
- 3.2.2 The NPPF refers to the importance of heritage assets as a consideration when determining planning applications. Paragraph 131 states that in determining planning applications local planning authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - the desirability of new development making a positive contribution to local character and distinctiveness.
- 3.2.3 Heritage assets are defined in the NPPF as:
- 3.2.4 "A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing)".
- 3.2.5 The Historic Environment Planning Practice Guide originally published to accompany and elucidate PPS5 still remains as the latest Government guidance on historic environment matters and was not cancelled with the PPS. The Practice Guide describes the distinction between designated heritage assets, which include listed buildings, conservation areas, scheduled ancient monuments and registered parks and gardens, and other heritage assets which are not the subject of national or statutory designations but nevertheless have heritage value in their local area. Paragraph 15 of the Practice Guide notes that these may be formally identified by a local authority, for example by local listing, but continues to say that the "process of deciding planning permissions...may also lead to the recognition that a heritage asset has a significance that merits some degree of protection."
- 3.2.6 The original nurses' home comprises a large and impressive building developed around a central courtyard. It is in an attractive neo-Georgian style with Baroque touches to the impressive central gateway feature. It was designed by the Kent

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County Architect, Wilfrid Harold Robinson, probably in 1926. It was formally opened on 7<sup>th</sup> June 1927 by H R H The Princess Mary, an event which was extensively covered in The British Journal of Nursing in July 1927, which noted:-

- 3.2.7 "...the many excellencies of the design selected. A handsome, substantial, red-brick building, standing four square on rising ground, with steeply pitched roof covered with red tiles, and having dormer windows, being painted white, it is a Home to which the Nurses of the Hospital can point with pride, as comparable with any, and superior to most, of the Nurses' Homes attached to hospitals in this country. Owing to the form adopted every room is light and airy, looking out either on to the green sward of the quadrangle, or over the beautiful Kentish Downs"
- 3.2.8 The Home not only provided living accommodation for the nurses but also acted as a training centre and included a lecture room, a silent room, a demonstration room and recreation rooms.
- 3.2.9 I am of the opinion that this building should be considered as a non-designated heritage asset for the following reasons:-
- i) Architectural Quality – It is a fine example of the inter-war neo-Georgian style which was particularly popular for civic and public architecture at the time. Buildings by the architect, W H Robinson, were widely published in the architectural press of the day.
  - i) Townscape Quality – It is an impressive building which is a prominent feature in Hermitage Lane and adds to local distinctiveness.
  - ii) Group Value – although separated by Hermitage Lane, the Nurses' Home forms a good group with the statutorily listed original hospital buildings to which it was also functionally related. It adds to the significance of this group of listed buildings.
  - iii) Social Historical Value – It is a fine example of a modern nurses' home of its day, a period when such facilities were expanding with the increasing view of nursing as a profession trying to attract a well-educated intake. It is particularly apposite that such a well-regarded facility was provided at Oakwood Hospital which had gained a reputation as being one of the more progressive mental hospitals in the early 20<sup>th</sup> Century.
- 3.2.10 Paragraph 135 of the NPPF states that:-
- 3.2.11 "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of harm or loss and the significance of the heritage asset"

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3.2.12 In this particular instance, total demolition of the heritage asset is proposed, amounting to substantial harm to its significance; I also consider that harm would be caused to the significance of the listed buildings at the Oakwood Hospital site by the loss of this important ancillary facility.

3.2.13 I am not persuaded that the existing building could not be converted to some other viable use – either residential or office would seem to be possible – and should not, in my view, be any more difficult to achieve than the conversion of the listed hospital buildings already carried out on the main site. If the building were retained, additional new-build accommodation could still be developed on the remainder of the site. Although the current application is in outline with all matters reserved, reasonably detailed plans and elevations have been submitted as illustrative material; these do not indicate a scheme of equivalent or better architectural quality to that exhibited by the existing building. It does not appear to make a positive contribution to local character and distinctiveness.

3.2.14 Examples of appeal decisions exist elsewhere where development proposals have been dismissed on the grounds of loss of non designated heritage assets.'

**3.3 Kent Highway Services;** No objection subject to provision of a Transport Assessment with any reserve matters planning application, should this application be approved. **Chase**

**3.4 Southern Water:** Raised matter of capacity within the locality but are satisfied **that an informative upon any permission would suffice** to ensure that the proposal would provide adequate infrastructure.

**3.5 KCC Developer Contributions:** These are sought as follows:

- Primary School Requirements: Identification and acquisition of a new primary school site local to the development. This is to be funded on the basis of £1389.99 per applicable flat and £5559.96 per applicable house towards the new build costs. An additional contribution is sought of £675.41 per applicable flat and £2701.63 per applicable house for land acquisition costs.
- Secondary Schools: Funding to support extension of existing secondary school local to the site on the basis of £589.95 per applicable flat and £2359.80 per applicable house.
- Local Libraries: £7667.64
- Community Learning: 1521.57
- Adult Social Services: 2454.68

**3.6 UK Power Networks:** No objection.

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### 4. REPRESENTATIONS

**4.1 Councillors Vizzard and Moss** were consulted and made the following comments:

- 4.1.1 'The proposed application will have a great impact to the existing poor road infrastructure. As a nurses home, the building formally served Maidstone Hospital and prior to that, Oakwood Hospital with nursing staff. This meant little or no vehicular movement as the staff simply walked across the road.
- 4.1.2 If this application is granted, a building of local historical value will be lost and, with the provision of over 50 houses, create something in excess of 200 vehicle movements daily onto an already excessively used, poor road network that has been in excess of its design capacity for many years.
- 4.1.3 The Integrated Transport Strategy had identified this area of Hermitage Lane as being in need of both air quality improvement and traffic management improvement at the junctions.
- 4.1.4 A further 200 additional traffic movements will cause harm to the residents in health problems and cause immense inconvenience and danger from the traffic. This brings into question, the volume of properties proposed to be built on the site.'

**4.2 Neighbouring properties** were notified and three letters of objection have been received. The concerns raised in these letters are summarised below:

- Noise;
- Increased traffic;
- More careless and inconsiderate parking;
- A greater risk of road accidents;
- Further difficulties with access to and from our estate;
- General disruption during development;
- The design is poor;
- The number of units proposed is excessive;
- Impact upon the existing trees;
- Where will all of the bins go?
- Will there be sufficient bicycle storage?
- Will the properties be built to a lifetime homes standard?
- The proposal would change the character and appearance of the locality;
- A buffer zone of planting should be provided to protect existing residents;
- The density should be reduced.

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4.3 In addition, Teston Parish Council (the site does not fall within their Parish) made the following representation:

4.3.1 The proposed application will have a great impact to the existing poor road infrastructure. As a nurses home, the building formally served Maidstone Hospital and prior to that, Oakwood Hospital with nursing staff. This meant little or no vehicular movement as the staff simply walked across the road. If this application is granted, a building of local historical value will be lost and, with the provision of over 50 houses, create something that is in excess of its design capacity for many years.

## 5. CONSIDERATIONS

### 5.1 Site Description

5.1.1 The application site is located within the urban confines of Maidstone. The nurses building, which is unoccupied, occupies an extremely prominent position on the west side of Hermitage Lane just opposite the junction with Marigold Way. The site also fronts Oakapple Lane to the north.

5.1.2 Immediately in front of the nurses building fronting Hermitage Lane is an area of hardstanding used for parking. The nurses building has a rectangular footprint set around a quadrangle. Immediately abutting the building to the north and east are open areas. Abutting these areas are a mix of mainly two storey residential development however abutting the north west corner of the site is a three storey block of flats.

5.1.3 On the opposite side of Hermitage Lane the street scene is characterised by a wide grass verge and footpath. Beyond this is a ragstone wall which is a significant boundary feature along this part of Hermitage Lane separating the road from new housing and existing open space.

5.1.4 In a wider context the area has been the subject of significant recent, mainly housing development, principally in the form of terraced housing and flats.

### 5.2 Proposal

5.2.1 Outline planning permission is sought, with all matter reserved, to redevelop the site for 53 dwellings (involving demolition of the nurses building and Oakapple House) and development on the open areas abutting the site to the north and west. The application has been accompanied by indicative design and layout details seeking to demonstrate that it is possible to develop the site for the



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number of units proposed while still meeting the Councils design and layout standards.

- 5.2.2 A dwelling mix has been specified being 12 no: 4 bedroom three storey houses, 4 no: 4 bedroom two storey houses though with rooms in the roof; 8 no: 3 bed three storey houses as affordable rented units, 5 no: 3 bed three storey houses for private sale along with 6 no: two bedroom flats and 18 no: 1 bed flats. The applicants advise that the affordable units will be 'lifetime' homes while the private houses would have the capacity to meet lifetime homes standard if required.
- 5.2.3 The indicative site layout shows a U shaped three storey block fronting Hermitage Road and separated from it by an area of communal parking. The forward line of the block shows it coming significantly closer to the Hermitage Lane than the existing nurses building.
- 5.2.4 To the rear/west of the block, the currently open area is shown developed by a mix of terrace and semi-detached houses. To the north of the proposed U shaped block and on currently open land, three storey terraced development is shown while fronting onto Oakapple Lane and returning along Springwood Road for a short distance two storey terraced housing is proposed.
- 5.2.5 Indicative vehicular site access is shown being gained onto Hermitage Road and Oakapple Lane.

### 5.3 Determining Issues:

- 5.3.1 The key issues in relation to this proposal are considered to be as follows being (a) Principle (b) Density (c) Loss of non- designated heritage asset (c) Design and layout (d) Impact on development overlooking and abutting the site (e) highway and parking considerations (f) sustainability and (g) affordable housing and developer contributions.

### 5.4 Principle of Development

- 5.4.1 The application site lies within the urban area on brownfield i.e. previously developed land. The site occupies a sustainable location well related to existing infrastructure, services and public transport. Irrespective of the Council's position regarding the five year supply of housing land and emerging Local Plan, given (a) the general presumption in favour of sustainable development in built up areas and (b) the past use of the site for nurse's accommodation, no objection is identified to the principle of redeveloping the site for housing and matters therefore turn on detailed considerations.



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5.4.2 The Council do not currently have a five year land supply for housing, and as such, the provision of new housing is a strong material consideration in the determination of planning applications. This is not to say that it overrides all other considerations, but that it gains increased weight when a 'balancing up' exercise is undertaken. In this instance, as this is a brownfield site, within the urban area, with facilities close by, this is a suitable site for housing provision.

### 5.5 Density:

5.5.1 Concern has been raised that the density of development is excessive and will appear out of character with the local area. However in assessing the impact of density regard must be had to existing built mass commitments on a site. In this case, there is already the significant bulk and site coverage of the existing nurses home. Whilst the plans are illustrative, it is shown that it would be possible to erect on the footprint of this a building of similar size and scale to accommodate both flats and three storey houses. This would sit comfortably within the pattern and grain of the existing development.

5.5.2 Turning to the remainder of the development, this comprises a mix of mainly two and three storey terraced houses. As such it is not dissimilar in density terms to the mix of flats and houses already characterising the immediate area. Again, this is illustrative only, and as such, I am of the view that alternative layouts could be achieved within the site. This may result in a lower density, but likewise, should more flats be incorporated see the density increase. To my mind, the key consideration is the scale, and the form of the blocks, and the ability for these to assimilate with the development within the locality.

5.5.3 There is also the need to maximise the development potential of a site where the opportunity exists. Given the sustainable location of the site and nature of the surrounding area, it is considered that subject to the development meeting accepted planning criteria, it represents an appropriate response to securing the proposed development mix.

5.5.4 As such it is considered that it would be difficult to sustain an objection on development density having regard to the existing character of the site and that of the surrounding area.

### 5.6 Loss of non-designated heritage asset

5.6.1 A key concern raised in connection with this application is the loss of the nurses building. This is an imposing building of some character and historic significance occupying a highly prominent position in the street scene. While not Listed it is considered to represent a Non Designated Heritage Asset as set out in the NPPF.

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- 5.6.2 Given the weight that must be afforded to heritage issues and the significance of this building on the local area, the Council must first be satisfied that it is not possible to renovate the building and incorporate it into a development package for the site before agreeing to its demolition. Certainly the Council's own heritage advisor is strongly opposed to the demolition of the building given its architectural and historic significance while he also contends that its loss would harm the significance of the listed buildings at the Oakwood Hospital site.
- 5.6.3 The applicants advise that the building is surplus to requirements of the Hospital Trust no longer providing facilities meeting modern standards. Furthermore the building has a maintenance backlog such that the Trust no longer considers it viable to refurbish and reuse it.
- 5.6.4 Nevertheless, it is considered that demolition of this non-designated heritage asset would represent a considerable loss to the area. As such its loss can only be justified on the basis that the building had deteriorated to such an extent that it was wholly unviable to restore and that its retention would stand in the way of much needed housing.
- 5.6.5 The applicant has submitted a viability report which it is considered, demonstrates that it is not viable to convert the building to housing or be retained as part of wider proposals capable of delivering a viable housing scheme. It should also be noted that the building, although prominent, is not listed, and as such could be lost in any event. As such, given the pressing need for housing in Maidstone and in order to minimise the possibility of releasing fresh land for housing outside the existing built confines, though highly regrettable, it is considered that, on balance, the loss of this significant, imposing and highly prominent heritage asset is justified in the circumstances.

### **5.6 Design and layout considerations:**

- 5.6.1 Acknowledging that loss of the nursing building is justified for the reasons set out above, it needs to be assessed whether the indicative siting and layout details demonstrate that the site can be redeveloped for the number of units proposed in an acceptable manner.
- 5.6.2 Given the imposing physical presence and highly articulated detailing of the heritage asset to be lost and the longstanding impact that this building has had on the urban fabric, grain and character of the wider area, any building replacing it must self-evidently be of sufficient design quality and presence to replicate this impact.
- 5.6.3 The indicative size and siting details of the U shaped block intended to replace the nurse's home show a three storey building having a similar frontage width

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and height coming slightly closer to Hermitage Lane. Given the design quality and presence of the nurse's home, any replacement building of contemporary design must, it is considered, be of exceptional design quality to compensate for what is being lost. It must also be taken into account that development surrounding the nursing home is all relatively recent. The nursing home represents to all intents the last remaining heritage asset in this section of Hermitage Lane and its very difference compared to modern development surrounding and encroaching onto its setting, further emphasises the need to ensure that any replacement building seeks to replicate this. I would however, not expect to see the large amount of car parking provision to the front of the site, as set out within the submitted plans, instead, the provision of soft landscaping should be encouraged here at reserved matters stage.

- 5.6.4 The applicants state that the replacement building is intended to take on a townhouse form with projecting bay windows lending a vertical emphasis with the main elevations having a render finish. The long façade facing onto the key Hermitage Lane frontage when compared to the highly articulated nursing home façade, lacks design articulation and visual interest not helped by the suggested use of render. As such it is not considered that the illustrative details indicate a scheme of equivalent or better architectural quality to that exhibited by the existing building while failing to make a sufficiently positive contribution to local character and distinctiveness. As this is outline in form at present, and because the plans are illustrative only, I am satisfied that this can be addressed within any future submission - appearance is not for consideration at this stage.
- 5.6.5 As such, any permission which may be granted should include an informative making clear that the proposed indicative design substantially fails to meet the design threshold acceptable as a replacement for the nurse's home.
- 5.6.6 Moving onto the remaining elements of the proposal, it is considered that the principle of a three storey block sited to the north of and set well back from Hermitage Lane, will respect the primacy and setting of the main block fronting Hermitage Lane. This approach will, it is considered help retain the 'memory' of the former nurses home as the prime building along this part of Hermitage Lane. It is also considered that this siting will not materially harm the outlook of the flats and houses abutting the site to the west.
- 5.6.7 Regarding the two storey housing fronting Oakapple Lane and returning for a short distance along Springwood Road, and that proposed to the west of the U block, given the character and layout of prevailing development, no objection is raised to the indicative design and layout approach of these parts of the development.

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- 5.6.8 As a general comment, it is considered that the indicative layout demonstrates that it is possible to achieve block spacing, privacy and garden size standards for development of the scale proposed. Regarding the flats fronting Hermitage Lane in the U Block, a small private communal space is shown to serve these and in conjunction with the likely provision of balconies provides sufficient indication that the need of the occupants of the flats can also be met. The only significant conflict relates to potential privacy issues from 1<sup>st</sup>/2<sup>nd</sup> floor windows in the flats looking down into the rear garden of the houses attached to the flats. At this stage there is no indication how this could be addressed but by a combination of the use of oriel windows and internal flat layout, there is no reason why this could not be satisfactorily resolved.
- 5.6.9 There is also the matter of parking provision and the indicative layout shows mainly communal parking scattered in relatively small parcels around the site. It is considered that this demonstrates that the site is capable meeting parking requirements in a manner that can be acceptably integrated into the wider layout.
- 5.6.10 The layout also shows areas of communal open space/landscaping mainly on the site frontage and along Oakapple Lane. Given that the nurse's home stands in an open landscaped setting, it is considered that the proposed landscape approach will serve to maintain this impression when seen from the principal Hermitage Lane perspective.
- 5.6.11 The key landscaping area to be secured is along the Hermitage Lane frontage. Bearing in mind that surrounding development includes the provision of ragstone walls with planting, it is considered that this proposal should also reflect this approach. A condition is therefore recommended requiring provision of a ragstone wall no less than 900mm high along the whole site frontage in a position to be agreed with tree planting at regular intervals along its length.
- 5.6.12 It is also recommended that a condition be imposed requiring development to be set back at least 10 metres from the highway, to ensure good landscaping provision and to secure an acceptable living environment for future occupiers.
- 5.6.13 It would also normally be the case for a development of this size and dwelling mix to incorporate an area set aside for on site play provision. No such provision is being made. However subject to the applicants entering into a legal agreement to secure financial contributions to carry out improvements to nearby play areas likely to be used by children from the development, it considered that matter of play provision can be addressed.
- 5.6.14 Finally it is considered that though the illustrative proposal is generally unacceptable in design terms, the indicative layout provides a largely acceptable

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solution to unlocking the development potential of the site for the proposed number of units – the purpose of this outline submission. In addition, to ensure that any development remains in scale and character with the area the height of the development should be restricted to that shown.

### **5.7 Impact on development overlooking and abutting the site**

- 5.7.1 The negative impact of the development on the Hermitage Lane street scene has already been addressed above. With regards to any material impact on residential amenity of houses abutting and overlooking the site in Oakapple Lane and Springwood Road, the indicative layout shows that existing flank to flank siting arrangements and separation distances are capable of being maintained. As such it is considered that the indicative details demonstrate that the site can be developed at the scale proposed without materially harming the amenity of houses abutting and overlooking the site in Oakapple Lane and Springwood Road.

### **5.8 Highway and parking considerations**

- 5.8.1 Concern has been raised regards the impact upon the existing road network should planning permission be granted on this site. As Members are aware, significant work has been undertaken with regards to the potential strategic sites within the locality. Given the potential existing use of the site, and given that the application does not provide details of numbers of units at present, I consider it appropriate, should permission be granted to request the submission of a full Transport Assessment as part of any reserved matters application. This would identify the level of harm to the nearby highway, together with the mitigation that would be required to address this harm.
- 5.8.2 I am mindful of the potential existing use of the site, as well as the potential use for offices which has previously been approved. This previous permission included the provision of an additional 61 parking spaces. This site lies on a busy road, but it is not considered that the additional movements are likely to be unacceptable, subject to mitigation being provided, once the number of units proposed is known.
- 5.8.3 The draft Integrated Transport Strategy has identified a number of particular projects that would require funding should housing proposals come forward within the North West of Maldstone. However, these have not yet been through full consultation, and the strategy has not yet been adopted. As such, it would be inappropriate to seek specific contributions to any enhancements at this stage. Nonetheless, any contribution for mitigation could be sought at a later stage should it prove necessary – and this would be known once the certainty of housing numbers was provided at reserved matters stage.



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5.8.4 In terms of parking provision, from the plans submitted to date, I am of the view that there would be suitable land within the site to be able to provide the necessary parking spaces within the development. This would ensure that there would not be overspill on to the neighbouring highways to the detriment of highway safety. As such, no objection is raised on this basis.

### **5.9 Sustainability Considerations:**

5.9.1 The application has not been accompanied by a detailed sustainability appraisal. However given that this is an outline application, it is not considered that this represents a fundamental omission and is a matter that can be left to be addressed by condition.

5.9.2 Nevertheless, given the brownfield nature of the site, and the fact that the proposal is well served by local facilities, I do consider this a relatively sustainable location. I would seek to further enhance this by requesting that the development be constructed to a minimum of level 4 of the code for sustainable homes. This would be controlled by condition.

### **5.10 Section 106 Requirements**

5.10.1 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.

5.10.2 The applicants have submitted a draft Section 106 agreement that sets out that a minimum of 40% affordable housing would be provided within the development. This is in accordance with the Council's adopted Development Plan Document (DPD) and accords with the requirement through the National Planning Policy Framework for authorities to provide affordable housing. I consider that the provision of affordable housing is necessary to make the development acceptable, and is related and reasonable in scale. I therefore consider that this element of the proposal is acceptable in accordance with the regulations.

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- 5.10.3 The County have requested that £2,701.63 per dwelling be provided towards primary school education (or £675.41 per flat). This would contribute to a new two form entry primary school within the locality that would be required due to the additional strain placed upon the existing school network by virtue of this development. There is an identified need for primary school provision within the locality, and there is a realistic opportunity for a new school to be provided through the site allocation process of the emerging Local Plan. This contribution would go towards meeting the additional strain placed upon the school facilities within the locality, and is considered to be a reasonable sum, related to the scale of the development. I am therefore satisfied that this contribution meets the tests as set out above.
- 5.10.4 A financial contribution of £144.67 per residential unit towards the provision of new bookstock within the existing library in Maidstone has also been requested. Again, a significant level of justification has been submitted by the County for this provision, which would be brought about by the additional demand placed upon the facilities by the new development. I consider that the contribution would be necessary to make the development acceptable, and that it would be of a scale related to the development. I therefore consider that this would be in accordance with the regulations.
- 5.10.5 A financial contribution of £28.71 per dwelling towards community learning within the locality of the application site. Suitable justification has been submitted with regards to the proposal, and is considered to meet the test as set out above.
- 5.10.6 Maidstone Borough Council Parks and Open Space were consulted and requested that a contribution of £15.75 per dwelling be provided to enhance the existing facilities within the area, to address the additional strain placed upon them by this development. There is an existing playing field and children play area to the south of the site that would benefit from the contributions, as it is most likely that residents of this development would use that facility. The contributions sought are in accordance with the Council's Open Space DPD. I consider that this request is reasonable, and is directly related to the development. I also consider it to be necessary to make the development acceptable.
- 5.10.7 The National Health Service have not requested that any contributions be made as they are selling the site, and will therefore receive the capital receipts from the sale.
- 5.10.8 The applicant has agreed to make all of the contributions set out above.

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### 6. CONCLUSIONS

6.1 These are considered to be as follows:

- Given that the site lies within the built up area, is already surrounded by residential development and proposes redevelopment of brownfield land, there is no objection to the principle residential redevelopment of the site which is located within a sustainable location, close to local services and amenities.
- Given the lack of a 5 year land supply for housing, the need to provide for housing to address this shortfall, I consider that this proposal would go some way to reducing the reliance upon greenfield development.
- Having regard to existing built mass on the site, nature of the surrounding area and requirement to maximise the development potential of sites where appropriate, no objection is identified on density grounds.
- Notwithstanding the undoubted contribution that the nurse's home makes to the character of the area and despite that it comprises a non-designated heritage asset as defined within the NPPF, it is acknowledged that its condition is such that it is not capable of being viably renovated or integrated into the development proposals for this site.
- The indicative design of the building to replace the nurses home is wholly unacceptable.
- The principle of a three storey block sited to the north of and set well back from Hermitage Lane is considered acceptable while the illustrative details showing the siting and size of the remainder of the development, parking provision and landscaping all demonstrate that the site is capable of accommodating the scale of the development proposed while meeting the Councils normal standards and maintaining the outlook and amenity of development overlooking and abutting the site.

6.2 In the circumstances, despite the regrettable loss of the nurses home and subject to its replacement with a building of high design quality to compensate for its loss, it is considered, that, on balance, the proposal is acceptable and the grant of outline planning permission is justified accordingly.

### 7. RECOMMENDATION

The Head of Planning and Development be given DELEGATED POWERS to APPROVE subject to:

The completion of a legal agreement providing the following:

- (1) A minimum of 40% affordable housing;



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- (2) Contributions to KCC for primary school provision (£2,701.63 per dwelling and £675.41 per applicable flat);
  - (3) Contributions to KCC for library book stock – to be spent within Maidstone (£144.64 per dwelling or flat);
  - (4) Contributions to KCC for community learning and skills – to be spent within Maidstone (£28.71 per dwelling or flat)
  - (5) Contributions of £1,575 per residential unit for the enhancement of open space within a 1 mile radius of the application site.
- 
1. 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.
  2. Details submitted pursuant to condition 1 (reserved matters submission relating to landscaping) shall include details of tree planting at regular intervals along the site frontage onto Hermitage Lane.  
  
Reason: In the interests of visual amenity.
  3. The dwellings shall achieve at least Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.  
  
Reason: To ensure a sustainable and energy efficient form of development in accordance with the NPPF 2012.
  4. The height of the development shall be restricted to that shown on drawing no: /A/112.  
  
Reason: To ensure that any development remains in scale and character with the area.
  5. No part of the development hereby approved shall come closer than 10 metres to the back edge of the public highway fronting the site.  
  
Reason: To ensure good landscaping provision and to secure an acceptable living environment for future occupiers in the interests of amenity.

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6. The approved details of the accesses submitted pursuant to condition 1 shall be completed before the commencement of the use of the land or buildings hereby permitted and the sight lines maintained free of all obstruction to visibility above 1.0 metres thereafter;

Reason: In the interests of road safety.

7. The approved details of the parking/turning areas submitted pursuant to condition 1 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. As part of the reserved matters submitted pursuant to condition 1, details shall be provided of the siting of a ragstone wall no less than 900mm high running along the whole site frontage. The approved wall shall in place before first occupation of the development hereby permitted and retained as such at all times thereafter.

Reason: In the interests of amenity.

9. 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;

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Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

10. The development shall not commence until, details of all fencing, walling (which shall include ragstone walling at the point of access, and 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.

11. 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.

12. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the 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.

13. 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

## APPENDIX

### Planning Authority;

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

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. 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

## APPENDIX

site.

Reason: To ensure a high quality design.

19. No development shall take place until the applicants or their successors in title have submitted a full Transport Assessment which shall include the full mitigation required to address the harm of the proposal upon the highway network. Any mitigation that is required shall be provided prior to the first occupation of the dwellings hereby permitted, unless otherwise agreed in writing.

Reason: In the interests of highway safety.

### **Informatives set out below**

You are advised that Southern Water seeks to emphasise the development must be served by adequate infrastructure.

Given that the nurse's home is an imposing and prominent building only a building of exceptional design quality and detailing will be considered acceptable as a replacement. You are therefore advised that the proposed indicative design for the building to replace the nurse's home is wholly unacceptable on design grounds, and that any proposal that comes forward on this site would need to be of a high standard of design to reflect its historic setting. Should a contemporary approach be taken, the development would be required to have a high level of articulation, and high quality detailing, responding positively to the character and appearance of the locality, and to mitigate the loss of the existing building.

It is considered that the indicative layout concept generally represents an appropriate response in unlocking the development potential of this site in an acceptable manner. Nevertheless, and reserved matters application should incorporate a significant increase in soft landscaping to the front of the site (fronting Hermitage Lane), with the proposed car parking at a reduced level and well screened from the public vantage point.

You are advised that the indicative layout shows potential privacy conflicts between 1st/2nd floor windows in the flats looking down into the rear garden of the houses attached to the flats. This will need to be addressed at the reserved matters stage

Any reserved matters application should incorporate features to enhance biodiversity within the application site. The use of bat boxes, swift bricks, log piles (where appropriate) and a suitable landscaping scheme is requested to form part of any future submission.

## APPENDIX

Any layout as submitted at reserved matters stage should respond positively to the siting and form of existing trees within the application site. Where possible, trees of value should be retained and utilised as positive features of any development.



P.R.	Correspondence?
REF:	
04 MAR 2013	init'
CHO. DET. &	
DRAWER	

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## APPENDIX

Director of Planning and Development  
Maldstone Borough Council  
Maldstone House  
King Street  
Maldstone  
Kent  
ME15 6JQ

Contact Jackie Collins  
Tel 01622 772926  
Mobile  
E-mail Jackie.s.collins@mouchel.com

FAO: Chris Hawkins

Your  
Ref: MA/12/2255

1<sup>st</sup> March 2013

Our Ref K/E/MA/12/2255/JSC

Dear Sir,

### Provision and Delivery of County Council Community Services

I refer to the above planning application which concerns proposed residential development at **Nurses Home, Hermitage Lane, Maldstone** and comprising: **53 households**.

The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (reg 122) require that requests for development contributions of various kinds must comply with three specific legal tests:

- 1) Necessary,
- 2) Related to the development, and
- 3) Reasonably related in scale and kind

These tests have been duly applied in the context of this planning application and give rise to the following specific requirements: (the evidence supporting these requirements is set out in the attached Appendices)

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## APPENDIX

- **Primary & Secondary Education Provision**

- **Primary school**

The identification and acquisition of a site for a new Primary school local to this proposed development. The Borough Strategic Site Allocations DPD refers.

A **Primary School** contribution of **£1389.99** per 'applicable' (excluding 1 bed units of less than 56m2 GIA) flat and **£5559.96** per applicable house towards the **new build cost** and a contribution of **£675.41** per 'applicable' flat and **£2701.63** per applicable house towards **land acquisition cost** for a new Primary school local to this proposed development.

Please note that site acquisition cost is based upon current local land prices and any section 106 agreement would include a refund clause should all or any of the contribution not be used. The school site contribution will need to be reassessed immediately prior to KCC taking the freehold transfer of the site to reflect the price actually paid for the land.

- **Secondary school**

A **Secondary School** contribution of **£589.95** per applicable flat & **£2359.80** per applicable house towards the extension of a Secondary school building local to this proposed development.

- **Libraries, Youth and Community Learning**

A financial contribution towards the provision of the following:

- |                                |                          |
|--------------------------------|--------------------------|
| • Local Libraries              | <b>£7667.64</b>          |
| • Youth facilities             | currently no requirement |
| • Community Learning           | <b>£1521.57</b>          |
| • <b>Adult Social Services</b> | <b>£2454.68</b>          |

Please note that these figures are valid for 3 months from the date of this letter after which they may need to be recalculated due to changes in district council housing trajectories, ongoing planning applications, changes in capacities and forecast rolls, and build costs.

**Justification for infrastructure provision/development contributions requested**

The County Council has modelled the impact of this proposal on the provision of its existing services and the outcomes of this process are set out in Appendices 1 to 3 below. Please see Appendix 4 for further details concerning the KCC Integrated Infrastructure Finance Model.

**Primary School Provision**

The impact of this proposal on the delivery of the County Council's Education service is assessed in Appendix 1.

A contribution is sought based upon the additional need required, where the forecast primary pupil product from new developments in the locality results in the maximum capacity of local primary schools being exceeded.

This proposal will give rise to additional primary school pupils from the date of full occupation of this development. This need can only be met through the provision of new accommodation within the locality.

Please note where a contributing development is to be completed in phases, payment may be triggered through occupation of various stages of the development comprising an initial payment and subsequent payments through to completion of the scheme.

The new primary school accommodation is intended to be provided by the building of new two form entry Primary Schools in south & west Maidstone and delivered in accordance with the Local Planning Authority's Infrastructure Delivery Plan (where available), timetable and phasing.

Please note this process will be kept under review and may be subject to change (including possible locational change) as the Local Education Authority will need to ensure provision of the additional pupil spaces within the appropriate time and at an appropriate location.

It is usual practice for the County Council to seek a site capable of accommodating a 2FE primary school (2.05ha) to allow for future expansion but the contribution sought from any particular developer is proportionate to the impact of their particular scheme including land cost.

## APPENDIX

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### Secondary School Provision

The impact of this proposal on the delivery of the County Council's services is assessed in Appendix 1

A contribution is sought based upon the additional need required, where the forecast secondary pupil product from new developments in the locality results in the maximum capacity of local secondary schools being exceeded.

The proposal is projected to give rise to additional secondary school pupils from the date of occupation of this development. This need can only be met through the provision of new accommodation within the locality.

Please note where a contributing development is to be completed in phases, payment may be triggered through occupation of various stages of the development comprising an initial payment and subsequent payments through to completion of the scheme.

The new secondary school accommodation will be provided in Maidstone and delivered in accordance with the Local Planning Authority's Infrastructure Delivery Plan (where available); timetable and phasing.

Please note this process will be kept under review and may be subject to change (including possible locational change) as the Local Education Authority will need to ensure provision of the additional pupil spaces within the appropriate time and at an appropriate location.

### Libraries and Archives

The impact of this proposal on the delivery of the County Council's services is assessed in Appendix 2. There is an assessed shortfall in provision for this service of 879 bookstock per 1000 population in Maidstone which is below the County average of 1349 and both the England and total UK figures of 1510 and 1605 respectively.

The County Council will mitigate this impact through the provision of additional bookstock and services at Maidstone Libraries local to the development and will be delivered as and when the monies are received and will accord with the LPA's Infrastructure Delivery Plan (where applicable).

.....

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**Community Learning**

The impact of this proposal on the delivery of the County Council's services is assessed in Appendix 2. There is a shortfall in provision for this service.

The County Council will mitigate this impact through the provision of new/expanded facilities and services both at Maidstone Adult Education centre and through outreach Community learning facilities in Maidstone local to the development.

The projects will be delivered as the monies are received and to accord with the LPA's Infrastructure Delivery Plan (where applicable).

.....

**Adult Social Services**

The impact of this proposal on the delivery of the County Council's services is assessed in Appendix 3. Facilities for Kent Adult Social Services (older people, and adults with Learning or Physical Disabilities) are already fully allocated. Therefore the proposed development will result in a demand upon social services which KASS are under a statutory obligation to meet but will have no additional funding to do so.

The County Council will mitigate this impact through the provision of new/expanded facilities and services in Maidstone which are local to the development.

The mitigation will comprise the following projects:

**Project 1: Integrated Dementia Care** – a centre for the frail and at risk to assist people to remain in their own homes, contributing to rehabilitation, promoting daily living skills, resources for social care and health, specialist dementia care, support & information for carers, and daytime activities to maintain client skills and well being.

**Project 2: Co-location with Health in Maidstone** providing health linked care needs and assessment suite

**Project 3: Changing Place facility:** A specialist changing place toilet facility for people with profound and multiple needs enabling them to integrate within the local community using everyday facilities without having the restriction of having to return home for personal care.

**Project 4: Assistive Technology** (also referred to as Telecare): enabling clients to live as independently and secure as possible in their own homes on this development through the use of technology items, including: pendants, fall sensors, alarms, etc.

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The contribution from this site (£2454.68) represents 1.01% of the total allocation (£243,111) for the Maidstone Urban Area. These projects will be delivered once all the moneys are collected to accord with the LPA's Infrastructure Delivery Plan (where applicable). Where the implementation of the proposed project(s) relies upon pooled funds, the project will commence as soon as practicable after the funding target has been reached. District IDPs will give a broad indication of the particular phase within the plan period when this will likely occur but this may be subject to amendment depending upon the completion rates of new housing in the area concerned.

.....

### **Superfast Fibre Optic Broadband**

To provide Superfast fibre optic broadband with connections to all buildings that is of adequate capacity for the current and future use of the buildings.

### **Implementation**

The County Council is of the view that the above contributions comply with the provisions of paragraph 122 of the Community Infrastructure Levy Regulations 2010 and are necessary to mitigate the impacts of the proposal on the provision of those services for which the County Council has a statutory obligation. Accordingly, it is requested that the Local Planning Authority seek a section 106 obligation with the developer/interested parties prior to the grant of planning permission. The obligation should also include provision for the reimbursement of the County Council's legal costs, surveyors' fees and expenses incurred in completing the Agreement.

Would you please confirm when this application will be considered and provide us with a draft copy of the Committee report prior to it being made publicly available. If you do not consider the contributions requested to be fair, reasonable and compliant with CIL Regulations 2010, paragraph 122, it is requested that you notify us immediately and allow us at least 10 working days to provide such additional supplementary information as may be necessary to assist your decision making process in advance of the Committee report being prepared and the application being determined.

I look forward to hearing from you with details of progress on this matter.

Yours faithfully,



Jackie Collins  
 Development Contributions Team  
*For and on behalf of Mouchel*

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## APPENDIX

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cc Maidstone & Tunbridge Wells Hospital Trust, c/o Frankham Consultancy Group Ltd, Frankham House, Wootton Business Park, Besselsleigh Rd, Wootton, Abingdon, Oxon OX13 6FD FAO Michael Simpson  
KCC, Education, Provision Planning, Sessions House— Bryan Fitzgerald  
KCC, Communities, Invicta House —  
KCC, Kent Adult Social Services — Charlotte Sims/ Nicola McLeish  
Kent Highways Services, Development Control Manager —  
KCC, Regeneration & Economy Division Chief Executive's Department - Janet Gale  
File

### Appendices:

The following Appendices contain the technical details of the County Council's assessment process.

1. Education assessment
2. Communities Assessment
3. Family and Social Care Assessment
4. KCC Integrated infrastructure and Finance Model

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<b>BOROUGH - MAIDSTONE</b>							
<b>SITE - Nurses Home, Hermitage Lane, Maidstone ME14 3HN</b>					18 1-bed		
Planning Application - MA/12/2265		Total Units:	53		0 Flats		
Date Researched - 1 February 2013					20 Houses		
		<b>Actual Roll Forecast Rolls - Spring Term</b>					
<b>Primary Schools Within 2 Miles</b>	<b>School Capacity</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Alington	420	413	414	408	422	391	395
Archie/Edw Courtney CEPS	295	183	201	218	238	267	274
Barning	420	401	416	421	424	426	430
Brickwork House	420	415	423	427	432	440	458
East Farleigh PS	210	208	209	203	204	212	215
North Borough Junior	300	224	255	252	280	281	285
Palace Wood	420	381	370	372	363	334	358
South Borough PS	210	199	199	201	211	223	226
St Francis' Catholic	340	291	343	340	339	349	388
St Michael's Inf	120	120	130	134	143	153	194
St Michael's Jnr	170	147	140	137	141	144	140
West Borough PS	420	352	306	350	421	412	430
Total forecast demand	3767	3397	3464	3504	3870	3960	3741
Required capacity inc 5% maintained surplus*		3576	3347	3368	3764	3883	3938
Resulting Primary Places Surplus/Deficit		172	105	65	-7	-91	-172
		<b>Actual Roll Forecast Rolls - Spring Term</b>					
<b>Secondary Schools Within 3 Miles</b>	<b>School Capacity</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Aylesford School	1060	973	960	935	917	905	904
Cornwall Academy	1805	1584	1543	1534	1614	1537	1624
Invicta Grammar	1187	1163	1251	1259	1263	1209	1307
Mapleodon Nookes	1040	1003	952	830	817	900	898
Maidstone GS	1248	1273	1268	1270	1280	1288	1280
Maidstone GSG	1222	1262	1288	1275	1274	1271	1284
The Mallory School	1020	865	859	812	834	880	880
New Line Learning Academy	1050	868	859	858	846	857	833
Onslow Park	1035	983	948	935	940	935	932
St Augustine Academy	900	835	809	805	800	807	803
St Simon Stock	1033	1031	1026	1030	1022	1034	1030
Valley Park	1051	1171	1212	1239	1233	1244	1250
Total forecast demand	13043	12173	12171	12197	12105	12194	12257
Required capacity inc 5% maintained surplus*		12610	12911	12939	12820	12906	12902
Resulting Secondary Places Surplus/Deficit		548	553	528	530	480	486
<b>*Bold Steps for Education, KCC 11 May 2012</b>							
		<b>Pupil Product</b>					
<b>Previous Applications in Vicinity</b>	<b>Houses</b>	<b>Flats</b>	<b>Total</b>	<b>Primary</b>	<b>Secondary</b>		
See accompanying sheet	1099	907	2303	403	415		
	0	0	0	0	0		
	0	0	0	0	0		
	1099	907	2303	403	415		
		<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
<b>Surplus/(Deficit) of Places</b>	<b>Primary</b>	-231	-290	-333	-410	-405	-475
	<b>Secondary</b>	134	138	112	124	45	82
		<b>Pupil Product</b>					
<b>Strategic Site Allocations 2012-13 to 2026-27</b>	<b>Houses</b>	<b>Flats</b>	<b>1-Beds</b>	<b>Total</b>	<b>Primary</b>	<b>Secondary</b>	
Bridge Nursery	165	0	0	165	40	33	
Vest of Hermitage Lane	300	0	0	300	84	60	
Land east of Hermitage Lane (see over)							
Luxley Park Farm West (for sec)	600	0	0	600			

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# APPENDIX

New Schools - Land Cost Calculation					
Site Address:		Nurses Home, Hermitage Lane, Maidstone			
Planning Ref:		MA/12/02255			
Unit Numbers:					
	Houses:	29			
	Flats:	6 applicable	(18 x 1 bed are assumed less than 56m2 and not applicable)		
	Total:	35			
Pupils generated:					
Primary					
	Per house	0.28	8.12		
	Per flat	0.07	0.42		
	Total New Prim Pupils generated		8.54		
Secondary					
	Per House	0.20	5.80		
	Per Flat	0.06	0.30		
	Total New Sec Pupils generated		6.10		
Calculations:					
	Residential Land prices	Maldstone	£800,000	per acre	
Primary:	2FE School	420 pupils	2.05	ha	5.065555 acres
Equation:					
(Prim School Site area x Residential Land Value) x Number of pupils generated by the proposed development/Number of pupils in New Prim School					
	5.065555 x	£800,000	x	8.54 /	420 =
					*Total: £82,399.59
					*Total above will vary if development mix changes
	**Cost	per pupil			£9,648.68
	**Cost	per house			£2,701.63
	**Cost	per flat			£675.41
Notes:					
*Totals above will vary if development mix changes and land prices change					
**Costs above will vary dependant upon Land Price at the date of Transfer of the School site to KCC					

# KCC Customer and Communities

Development Contributions Assessment over the period 1/1/2012 to 31/12/2031

Planning periods are 5 year blocks: 2012-16, 2017-21, 2022-26 and 2027-31

APPENDIX

Site Name	Nurses Home Hambridge Lane Maidstone
Reference No.	MA/12/02255
District	Maidstone
Location (Ward)	Heath (Maidstone)
Assessment Date	26/02/2013
Development Size	53

COMMUNITY LEARNING & SKILLS		
	Centres	Outreach
Current adult participation in Maidstone district	3,310	1,439
LESS Current Service Capacity	2,400	1,068
Initial capacity shortfall/surplus (Year ending 2011)	Shortfall	Shortfall
New adult participation from this development	2.39 clients	1.29 clients
New adult participation from proposed developments up to 2031	140.12 clients	75.45 clients
Will service capacity be exceeded in the next two planning periods?	YES*	YES*
* In the event that capacity is not exceeded until the third (or subsequent) planning period, consequential charges will not be passed to this development		
Additional capacity required for proposed developments to 2031	84.4 clients	45.45 clients
Overall Cost of increasing capacity for 129.85 clients by 2031		£93,016.46
Contributions required for this development		£1,521.57
(£93016.46 x 53 dwellings from this proposal/total dwellings to 2031)		£28.71 per dwelling
Contributions requested to provide financial support to ensure the viability of new small adult learning classes in the local area over an initial 5 year period		

YOUTH SERVICE		
	Centres	Outreach
Current youth participation in Maidstone district	2,610	148
LESS Current Service Capacity	1,599	401
Initial capacity shortfall/surplus (Year ending 2011)	Shortfall	Surplus
New youth participation from this development	1.98 clients	0.89 clients
New youth participation from proposed developments up to 2031	98.87 clients	49.26 clients
Will service capacity be exceeded in the next two planning periods?	NO*	NO*
* In the event that capacity is not exceeded until the third (or subsequent) planning period, consequential charges will not be passed to this development		
Additional capacity required for proposed developments to 2031	104.94 clients	0 clients
Overall Cost of increasing capacity for 104.94 clients by 2031		£0.00
Contributions required for this development		£0.00
(£0 x 53 dwellings from this proposal/total dwellings to 2031)		£0 per dwelling
No contributions requested for youth services in Maidstone at this time		

LIBRARIES		
	KHLC Library	Allington Library
Libraries assessed for this development		
Current overall library borrower numbers in assessed area	12,002	3,123
LESS Area Service Capacity	9,423	1,847
Initial capacity shortfall/surplus (Year ending 2011)	Shortfall	Shortfall
New borrowers from this development	2.68 borrowers	24.12 borrowers
New borrowers from proposed developments up to 2031	99.37 borrowers	97.56 borrowers
Will service capacity be exceeded in the next two planning periods?	YES*	YES*
* In the event that capacity is not exceeded until the third (or subsequent) planning period, consequential charges will not be passed to this development		
Additional capacity required for proposed developments to 2031	63.29 borrowers	64.0 borrowers
Overall Cost of increasing capacity for 118.19 borrowers by 2031		£52,424.50
Contributions required for this development		£7,667.54
(£52424.5 x 53 dwellings from this proposal/total dwellings to 2031)		£144.67 per dwelling
Contributions requested to expand library service capacity in Allington and KHLC Libraries and to provide additional book stock and equipment		

Net contributions requested for Customer and Communities' Services	£9,189.21
--------------------------------------------------------------------	-----------

# APPENDIX

IIFM		FSC			
Nurses Home Hermitage Lane Maldstone ME15 9NP					
MA/12/2255		83 Households			
Maldstone Final Housing Trajectory					
Area	Project	Site name	Net Project Cost	Cost per House	Cost for this site
Urban	2 Changing facilities within Maldstone Town - 1 already delivered	Heath (Maldstone) Ward	£7,604.00	£1.36	£29.84
Urban	Assistive Technology (Telecare)	Heath (Maldstone) Ward	£86.29	£2.57	£65.29
Urban	Co-location with health	Heath (Maldstone) Ward	£59,763.00	£10.46	£230.57
Urban	Integrated Dementia Care	Heath (Maldstone) Ward	£179,679.08	£31.61	£693.23
			£243,111.37	£46.31	£2,454.63

## APPENDIX

### Appendix 4

#### ***KCC Integrated Infrastructure and Finance Model: explanatory note***

Following the introduction of the Community Infrastructure Regulations 2010 and specifically Regulation 122 which sets out the legal tests to which any request for development contributions must comply, the County Council has adopted a new mechanism for assessing the additional impacts of new development on the provision of its services.

The model is based on district council housing trajectories which are used to forecast likely demands for the County Council's community services across the period of an extant Local Plan (core strategy and infrastructure delivery plan). The model comprises a three stage process:

The model looks to project the likely number of new households to be formed across the local plan period and seeks to identify the number of net new additional clients for a County Council service, having first deducted and subsequently isolated the projected growth of the indigenous population, allowing for demographic changes and changes to occupancy profiles. The result is a smoothed (corrected) projection of additional new households likely to arise in any one administrative district of the County.

An assessment is made of current service provision to establish whether the service is operating at full capacity. If an existing surplus is identified this is allocated to extant planning permissions in the locality.

Where a shortfall in provision is identified specific projects are produced which relate to the development, are reasonable in scale and kind and which will most effectively meet the additional need resulting from the development in question and mitigate its impacts. This mitigation may include both capital and revenue based projects.

The projects are individually costed, with the costs allocated locally to development sites contained within the specific District Housing Information Assessments. It should be noted therefore that as need for and capacity within existing infrastructure will vary between districts, so will the overall project requirements and their associated costs.

Aside from assisting in the identification and costing of contributions (excluding any associated land acquisition costs) towards particular development proposals this information is also being used to inform the preparation of Community Infrastructure Charging schedules.

Dated 9th day of December 2013

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Town and Country Planning Act 1990

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**THE MAIDSTONE BOROUGH COUNCIL**

**TREE PRESERVATION ORDER NO.15 OF 2013**

**Relating to Trees at Nurses Home, Hermitage Lane, Maidstone**

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## **Town and Country Planning Act 1990**

### **The Tree Preservation Order No. 15 of 2013**

The Maidstone Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order:-

#### **Citation**

**1.**

This Order may be cited as Tree Preservation Order 2013.

#### **Interpretation**

**2.**

- (1) In this Order "the authority" means the Maidstone Borough Council.
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2011.

#### **Effect**

**3.**

- (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

- (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

#### **Application to trees to be planted pursuant to a condition**

**4.**

In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 9<sup>th</sup> day of December 2013.

Signed on behalf of the Maidstone Borough Council

*R. L. Jarman*

Head of Planning and Development or Chief Executive [delete as appropriate]  
Authorised by the Council to sign in that behalf

**SCHEDULE**

**Article 3**

**Specification of trees**

**Trees specified individually** (encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Silver Birch	North-West of Oakapple House Adj Springwood Road, Maldstone
T2	Silver Birch	-----"
T3	Silver Birch	-----"
T4	Pine	North of Nurses Home, South of Oakapple Lane, Maldstone
T5	Pine	-----"
T6	Pine	-----"
T7	Pine	-----"
T9	Cedar	-----"
T10	Silver Birch	-----"

**Trees specified by reference to an area** (within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
NONE		

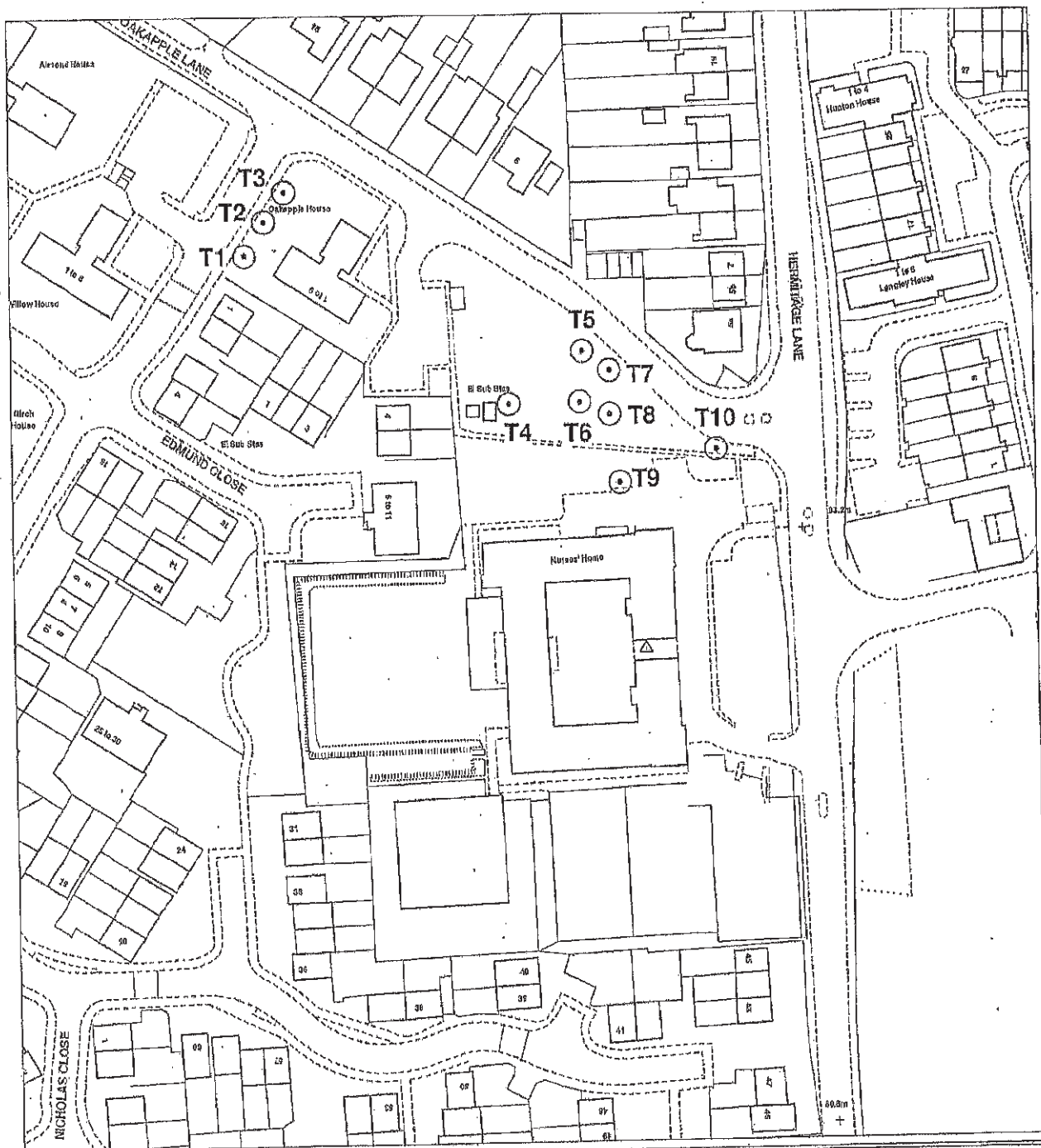
**Groups of trees** (within a broken black line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
NONE		

**Woodlands** (within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
NONE		





**THE MAIDSTONE BOROUGH COUNCIL**  
**Tree Preservation Order No. 15 of 2013**  
**Trees at The Nurses Home, Hermitage Lane,**  
**Maidstone.**

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**Schedule**

Individual Trees: T1 to T3 Silver Birch, T4 to T8 Pine, T9 Cedar, T10 Silver Birch.

Groups of Trees: None

Areas of Trees: None

Woodlands: None

Extract from OS Map TQ7355  
 Scale 1:1250

Signed *R. L. J. Jannan*

Date *9/12/13*

[Chief Executive]  
 [Head of Planning and Development]  
 [delete as appropriate]  
 as authorised signatory



#### CONFIRMATION OF ORDER

[This Order was confirmed by the Maidstone Borough Council without modification on the [ ] day of [insert month and year]

OR

This Order was confirmed by the Maidstone Borough Council, subject to the modifications indicated by [state how indicated], on the [ ] day of [insert month and year]

Signed on behalf of the Maidstone Borough Council

.....  
Head of Planning and Development or Chief Executive [delete as appropriate]  
Authorised by the Council to sign in that behalf

#### DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by the Maidstone Borough Council on the [ ] day of [insert month and year]

Signed on behalf of the Maidstone Borough Council

.....  
Head of Planning and Development or Chief Executive [delete as appropriate]  
Authorised by the Council to sign in that behalf

#### VARIATION OF ORDER

This Order was varied by the Maidstone Borough Council on the [ ] day of [insert month and year] by a variation order under reference number [insert reference number to the variation order] a copy of which is attached

Signed on behalf of the Maidstone Borough Council

.....  
Head of Planning and Development or Chief Executive [delete as appropriate]  
Authorised by the Council to sign in that behalf

#### REVOCATION OF ORDER

This Order was revoked by the Maidstone Borough Council on the [ ] day of [insert month and year]

Signed on behalf of the Maidstone Borough Council

.....  
Head of Planning and Development or Chief Executive [delete as appropriate]  
Authorised by the Council to sign in that behalf



14. 11. 2013

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14. 11. 2013

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14. 11. 2013





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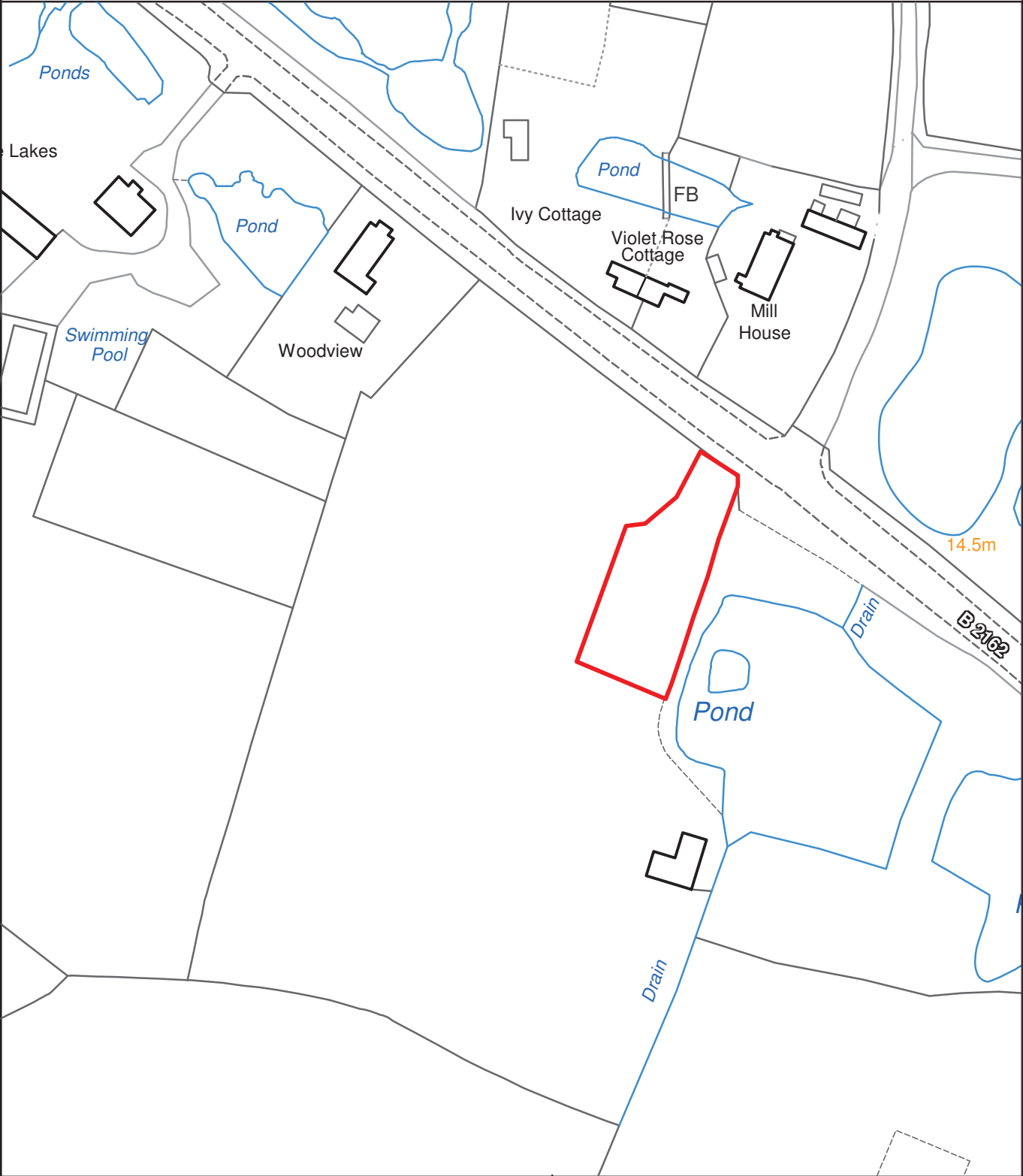
14. 11. 2013

# Agenda Item 14

## THE MAIDSTONE BOROUGH COUNCIL

The Orchard Place  
Benover Road  
Yalding  
Kent

MBC Ref: 14/0059



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**Rob Jarman**  
Head of Planning

## REPORT SUMMARY

<b>REFERENCE NO -</b> MA/14/0059		
<b>APPLICATION PROPOSAL</b> Change of use of land for the stationing of 1(no) residential caravan for Gypsy accommodation including resurfacing of site and associated works as shown on site location plan and covering letter received 13/01/14, Preliminary Ecological Assessment received 14/07/14 and amended block plan received 11/09/14.		
<b>ADDRESS</b> The Orchard Place, Benover Road, Yalding, Kent		
<b>RECOMMENDATION</b> PER – Approve with conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> 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.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Collier Street Parish Council wish to see the application refused.		
<b>WARD</b> Marden And Yalding Ward	<b>PARISH/TOWN COUNCIL</b> Collier Street	<b>APPLICANT</b> Mr Fuller <b>AGENT</b> SJM Planning
<b>DECISION DUE DATE</b> 08/06/14	<b>PUBLICITY EXPIRY DATE</b> 08/06/14	<b>OFFICER SITE VISIT DATE</b> 02/05/14
<b>RELEVANT PLANNING HISTORY:</b>		

MA/93/0048 - Continued use of land for stationing of mobile home – Refused (dismissed at appeal)

MA/86/1620 - O/A agricultural dwelling on small holding – Refused (dismissed at appeal)

MA/85/0480 - Temporary permission to continue to station residential mobile home – Refused (dismissed at appeal)

MA/82/0626 - Erection of agricultural dwelling and intensive stock-breeding pen building – Refused (dismissed at appeal)

MA/82/0625 - Retention of existing mobile home – Refused (dismissed at appeal)

Enforcement Notice (3/893) - Material change in use of land to use for purpose of caravan site (1980).

Enforcement Notice (3/1736) - Erection of barn without planning permission (1992).

## MAIN REPORT

### 1.0 Site description

1.01 The proposal site covers an area of approximately 1.4ha, taking on an irregular 'funnel' shape, and is currently the north-eastern corner of a larger field where horses are kept. The proposal site is some 325m to the south-east of the junction with Forge Lane. The site is defined by its northern boundary where there is an existing vehicle access onto Benover

Road; its eastern boundary that adjoins an area of land with a number of ponds; its western boundary that is lined by well established conifers; and its southern boundary that is currently open. The character of the wider area predominantly consists of sporadic residential development surrounded by agricultural land. The cluster of residential properties across the road from the site includes the Grade II listed 'Mill House'.

- 1.02 When approaching the site from the east or west along Benover Road (B2162), the site is screened by mature trees and shrubs along the southern edge of the road, with only glimpses of the site had through this planting and the existing vehicle access. The nearest public vantage point after this is Forge lane that runs in a north/south direction to the south-west of the proposal site, but this is some 250m away from the site.
- 1.03 The proposal site is within flood zone 1 outside the flood plain, with flood zones 2/3 more than 50m away to the south. The application site is in the countryside but does not fall within any other specially designated environmental area as shown by the Maidstone Borough-Wide Local Plan 2000 (MBWLP).

## **2.0 Proposal**

- 2.01 The proposal is for the change of use of the land for the stationing of 1 Gypsy/Traveller pitch with 1 tourer. The proposal would include the laying of permeable hardstanding; a new entrance gate; and the planting of a native hedge along the southern boundary of the site. The mobile home is shown to be set back some 35m from Benover Road. The remainder of the field would continue to be used for the keeping of horses and likely to be used by future occupants, with no new vehicle access proposed.
- 2.02 It is not known at this stage who will occupy the site, but it has been made clear that the site is for persons who qualify as a Gypsy or Traveller under central Government's guidance contained within 'Planning Policy for Traveller Sites' (PPTS) published in March 2012.

## **3.0 Policies and other considerations**

- Development Plan 2000: ENV6
- National Planning Policy Framework
- National Planning Practice Guidance
- Draft Local Plan policies: SP5, GT1, DM26

## **4.0 Local representations**

- 4.01 10 neighbours have raised concerns over;
- Visual harm and impact on countryside
  - Landscaping/ecology
  - Future use of the site and surrounding land
  - Highway safety
  - Flood risk/drainage
  - Neighbour amenity

- 4.02 Campaign to Protect Rural England (CPRE) raised concerns over who the future occupants would be; unacceptable development in the countryside; flood risk; and enforcement history on the site.

## **5.0 Consultations**

- 5.01 **Collier Street Parish Council:** Wish to see the application refused and request the application is reported to Planning Committee;

- *The application and the letter differ in the description of the planned development.*
- *We are concerned with the proposed sight lines*
- *The development would be an intrusion into the countryside*
- *In no way will the proposed landscaping mitigate this intrusion*
- *We are not convinced by the flood risk assessment – although the site is claimed not to be at risk of being flooded is an island site, in the Low Weald Flood Plain, surrounded by access roads and land which are liable to flooding which prevent an escape if an emergency occurred*
- *We support the points made by the CPRE (Protect Kent) letter of 12 May 2014*
- *A soak away will simple not work in this area*
- *We would wish to see an environmental impact assessment carried out in view of water within close vicinity to the site*
- *We would wish to see a survey/ impact assessment to confirm that there are no bats within the building that is to be demolished.*

- 5.02 **KCC Highways Officer:** Raises no objection.

- 5.03 **Landscape Officer:** Raises no objection.

- 5.04 **KCC Biodiversity Officer:** Raises no objection.

- 5.05 **Environmental Health Officer:** Raises no objection.

- 5.06 **Environment Agency:** Raises no objection.

## **6.0 Principle of development**

- 6.01 There are no saved Local Plan policies that relate directly to this type of development. Policy ENV28 of the 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."*

- 6.02 Policy ENV28 then outlines the types of development that can be permitted. This does not include gypsy development as this was previously covered under housing policy H36 of the MBWLP but this is not a 'saved' policy.

- 6.03 A key consideration in the determination of this application is central Government guidance contained with 'Planning Policy for Traveller Sites' (PPTS) published in March 2012. This places a firm emphasis on the need to provide more gypsy sites, supporting self-provision and acknowledging that sites are likely to be found in rural areas.

- 6.04 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

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

- 6.06 Regulation 18 version of the Draft Local Plan states that the Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTTSA) revealed the need for 187 permanent Gypsy and Traveller pitches to be provided in the borough during the period October 2011 and March 2031. Accommodation for Gypsies and Travellers is also a specific type of housing that councils have the duty to provide for under the Housing Act (2004). Draft Policy DM26 of the Regulation 18 version of the Draft Local Plan accepts that this type of accommodation can be provided in the countryside provided that certain criterion is met. The Draft Plan also states that the Borough's need for gypsy and traveller pitches will be addressed through the granting of permanent planning permissions and through the allocation of sites. The timetable for adoption is currently for the latter half of 2016.

- 6.07 Issues of need are dealt with below but in terms of broad principles Development Plan Policy and Central Government Guidance clearly allow for gypsy sites to be located in the countryside as an exception to the general theme of restraint. In the case of this specific site, there is no reason to object to a permanent unrestricted use as a gypsy site.

Need for Gypsy Sites

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

- 6.09 As stated above, the projection accommodation requirement 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

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

- 55 Permanent non-personal permissions
- 10 Permanent personal permissions
- 0 Temporary non-personal permissions
- 28 Temporary personal permissions

6.11 Therefore a net total of 65 permanent pitches have been granted since 1<sup>st</sup> October 2011. As such a shortfall of 40 pitches remains outstanding.

6.12 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.

#### Gypsy Status

6.13 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 dependants' 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."*

6.14 I do not raise an objection to this application on the grounds that the future occupiers are unknown. Indeed, as explained, there is a proven ongoing general need for pitches and future occupants of the site will have to fall within the Annex 1 of the PPTS definition, which will be ensured by way of condition.

## **7.0 Visual impact**

7.01 Guidance in the PPTS states that Local Planning Authorities should strictly limit new traveller development in the countryside (paragraph 23) but goes on to state that where sites are in rural areas, considerations are that sites do not dominate the nearest settled community and do not place undue pressure on local infrastructure. No specific reference to landscape impact is outlined, however, this is addressed in the NPPF and clearly under Local Plan policy ENV28.

7.02 Whilst the proposal would result in new development in the countryside, the parcel of land in question is well screened by the existing buffer of trees along the southern side of Benover Road, as well as the existing hedgerow along the western boundary of the site that is to be retained and the well planted eastern boundary of the site. The applicant will be expected to plant a native hedge along the open southern boundary of the site to further soften and enhance the development; and negotiations have also lead to the level of hardstanding to be significantly reduced to

further reduce any potential visual harm. So in terms of views, whilst there are glimpses of the site from short range along Benover Road, there are no significant medium to long distance views of the site from any other public vantage point. I therefore take the view that the site is not prominent in the wider landscape.

- 7.03 I am also satisfied that the proposal would not have an adverse impact on the character and setting of the near-by Grade II listed property 'Mill House'.
- 7.04 Given the site's location and the good level of well established landscaping that already surrounds the site, and the re-enforced landscaping that will be ensured by way of condition, I am of the view that this development would not appear visually dominant or incongruous in the countryside hereabouts and raise no objections in this respect.

## **8.0 Residential amenity**

- 8.01 A residential use is not generally a noise generating use; the nearest residential property on the southern side of the road is more than 60m away and the properties on the northern side of the road are separated from the site by the B2161. Given this, I am satisfied that the provision of 1 pitch in this location would not have a significant detrimental impact on the residential amenity of any neighbouring occupant, in terms of general noise and disturbance, privacy, light or being an overwhelming development. Any excessive noise from the site that does have a significant impact should be dealt with under Environmental Health legislation.

## **9.0 Highway safety implications**

- 9.01 The site benefits from an existing vehicle access onto Benover Road with adequate visibility and I am satisfied that the proposal would not result in any significant intensification of traffic movements to and from the site. The gate would also be set back a suitable distance to enable it to be negotiated with a vehicle parked off the highway. There would also be adequate turning facilities within the site. I am therefore satisfied that this proposal would not have an adverse impact on highway safety and the KCC Highways Officer has also raised no objections.

## **10.0 Landscape and biodiversity implications**

- 10.01 One of the principles of the National Planning Policy Framework is that "*opportunities to incorporate biodiversity in and around developments should be encouraged*". In the first instance no ecological information had been submitted with this application, and the KCC Biodiversity Officer was of the view that the proposal did have the potential to result in ecological impacts, and in particular on Great Crested Newts. Indeed, the proposal site is adjacent to a pond within an area known to have great crested newts, and there is a risk that the construction of the hardsurfacing could result in Great Crested Newts being killed or injured. I considered this conclusion to be reasonable and duly requested an



ecological survey to be carried out assessing the potential for Great Crested Newts to be present and impacted by the proposed works. The applicant subsequently submitted a Preliminary Ecological Assessment, and the Biodiversity Officer is satisfied that this has been carried out to an appropriate standard and advise that no further ecological survey work is necessary at this time.

10.02 The submitted report did conclude that the site has limited ecological interest and recommendations are provided to minimise the potential for ecological impacts, which are in summary:

- *The implementation of the precautionary approach to the works specified in Table 1;*
- *Vegetation removal and demolition of existing structures takes account of the potential for breeding birds, as specified in Table 1.*

10.03 In the interest of biodiversity, a condition will be imposed requesting that a detailed mitigation strategy and enhancement measures (which shall accord with the recommendations and biodiversity enhancements as set out in the Preliminary Ecological Assessment) is submitted for approval prior to the commencement of any works.

10.04 In response to the objection raised by Collier Street Parish Council, the Biodiversity Officer is satisfied with the ecological work undertaken and has not recommended that further bat surveys should be carried out. Indeed, the Preliminary Ecological Assessment shows the near-by building referred to, to be unsuitable for roosting bats. In any case, this building is not within the proposal site.

10.05 There are no protected trees on, or immediately adjacent to this site, but there are significant hedgerow trees to the west of the existing access. The Landscape Officer is concerned that the laying of hard surfacing could potentially adversely affect these trees. So whilst there are no arboricultural grounds on which to object to this application, a pre-commencement condition requiring an arboricultural method statement in accordance with the recommendations of BS5837:2012 (including a decompaction specification and details of no-dig permeable driveway construction) will be imposed. A landscaping scheme will also be ensured by way of condition to ensure that new planting, particularly along the southern boundary, will be native species.

## **11.0 Flood risk and drainage**

11.01 The Environment Agency have raised no objection to this proposal as their flood maps do show that the site lies in flood zone 1 outside the flood plain. The Environment Agency also comment, although not object, that because the geology of the site is weald clay, it may have problems with surface water disposal, dampness and means of access during flood events.

11.02 In terms of surface water drainage, soakaways may not be the best option here and permeability testing would be required to ensure infiltration can

occur. This is not a reason to object to this application and future occupants will be advised of this by way of an informative. In terms of foul drainage, where it is not possible to be connected to the main sewer, the Environment Agency recommends the installation of a Package Treatment Plant and not Septic Tanks. The applicant will be advised by way of informative that they may require an Environmental Permit from the Environment Agency. To clarify the situation and as requested by the Environmental Health Team, a condition will be imposed to provide full details of a scheme of foul and surface water drainage.

- 11.03 In terms of access to the site during flood events, this issue is a matter for the Council to consider as part of the emergency planning process, to see if it is a 'safe' development. This said, it is not within the capacity of the Council's Emergency Planning Team to refuse or allow a development on the basis of the Council's 'Major Emergency Plan', and future occupants should make arrangements to monitor flood alerts and have a plan in the event of an imminent flood. Given that the site is within flood zone 1 outside the flood plain, I do not consider it necessary or reasonable to pursue this issue any further and I am satisfied that flood risk could be affectively managed and therefore the consequences of flooding are acceptable.

## **12.0 Other considerations**

- 12.01 The objections raised by Collier Street Parish Council and the local residents have been addressed in the main body of this report. However, I would like to add that the planning enforcement history is from the 1980's and the 1990's and is of little relevance on this application which is being fully considered on its own merits. I am also of the view that the proposal is clear, and I am able to determine this application based on the detail submitted and the site visit undertaken. I can only consider the proposal that has been submitted and any future development would have to be assessed by the Council as and when it happened. An environmental impact assessment is also not required.

## **13.0 Conclusion**

- 13.01 I am of the view that the proposed development would not result in severe visual harm to the character and appearance of the countryside hereabouts, and consider it an acceptable development in the countryside. I am therefore satisfied that a permanent (non-restrictive) consent would be appropriate in this instance.
- 13.02 I consider that this proposed development would not cause any demonstrable harm to the character, appearance or vitality of the area, and would not significantly harm the amenities of existing residents. It is therefore considered that the proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant; and recommend conditional approval of the application on this basis.

**RECOMMENDATION** – GRANT 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 site shall not be used as a caravan site by any persons other than gypsies or Travellers, as defined in Annex 1 of the Planning Policy for Traveller Sites 2012;

Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted.

3. No more than 1 static caravan or mobile home, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time;

Reason: To safeguard the character and appearance of the countryside.

4. No commercial activities shall take place on the land, including the storage of materials;

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

5. The development shall not commence until details of the proposed permeable materials to be used in the hardsurfacing 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 that the development positively responds to the character and appearance of the locality and to ensure adequate drainage.

6. 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.

7. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping using indigenous species which shall be in accordance with BS:5837 (2012) 'Trees in relation to design, demolition and construction -

Recommendations' and include a programme for the approved scheme's implementation, maintenance and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall include the following;

- i) Details of the species, size, density and location of all new planting within the site;
- ii) Native hedge planting along the southern boundary of the site.

Reason: In the interests of visual amenity and biodiversity.

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 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.

9. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority an Arboricultural Method Statement which shall be in accordance with BS 5837 (2012) Trees in relation to design, demolition and construction - Recommendations and shall include a decompaction specification and details of no-dig permeable driveway construction;

Reason: To ensure the retention of existing trees within and adjacent the site.

10. The development shall not commence until a detailed mitigation strategy and enhancement measures (which shall accord with the recommendations and biodiversity enhancements as set out in the Preliminary Ecological Assessment received 14/07/14), have been submitted to and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy unless any amendments are agreed in writing by the local planning authority.

Reason: In the interests of ecology and biodiversity.

11. The development shall not commence until details of a scheme of foul and surface water drainage for the site have been submitted to an approved by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To ensure adequate drainage arrangements.

12. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways;

Reason: To prevent pollution of the water environment.

13. No floodlighting shall be installed on the site without the prior written consent of the Local Planning Authority;

Reason: To prevent light pollution in the interests of the character, amenity and biodiversity of the area.

14. The development hereby permitted shall be carried out in accordance with the amended block plan (1:500) received 11/09/14;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

## INFORMATIVES

1. All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention, the applicant should refer to the Environment Agency's guidance "PPG1 - General guide to prevention of pollution", which is available on their website at <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>
2. The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2), provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore its handling, transport, treatment and disposal is subject to waste management legislation which includes:
  - i. Duty of Care Regulations 1991
  - ii. The Waste (England and Wales) Regulations 2011
  - iii. Hazardous Waste (England and Wales) Regulations 2005
  - iv. Pollution Prevention and Control Regulations (England and Wales) 2000
  - v. Environmental Permitting (England and Wales) Regulations 2010
3. Future occupants of the site are advised to periodically maintain the frontage within their control on the western side to enable nearside visibility from this direction.
4. Any watercourse within the boundary of the site would be classified as an ordinary watercourse and would not be maintained by the Environment Agency. In the absence of any express agreement to the contrary, maintenance is the responsibility of the riparian owners.

5. In terms of surface water drainage, soakaways may not be the best option in this location because the geology of the site is weald clay and permeability testing would be required to ensure infiltration can occur. Future occupants are advised to contact the Environment Agency for further advice on this issue.
6. Foul drainage should be connected to the main sewer, and where this is not possible the Environment Agency recommends the installation of a Package Treatment Plant and not Septic Tanks. If these are installed and it is proposed to discharge treated effluent to ground or to a surface watercourse, the applicant may require an Environmental Permit. The granting of planning permission does not guarantee the granting of a permit under the Environmental Permitting Regulations 2010, and a permit will only be granted where the risk to the environment is acceptable. To help choose the correct option for sewage disposal, additional information can be found in the Environment Agency's Pollution Prevention Guidelines (PPG) 4: Treatment and Disposal of Sewage where no Foul Sewer is available which can be found at: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>
7. The applicant is advised that it will be necessary to make an application for a Caravan Site Licence under the Caravan Sites and the Control of Development Act 1960 within 21 days of planning consent having been granted. Failure to do so could result in action by the Council under the Act as caravan sites cannot operate without a licence.
8. 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.
9. 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.

Case Officer: Kathryn Altieri

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

2. 5. 2014





2. 5. 2014





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2. 5. 2014



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WIGMER HILL  
FARM

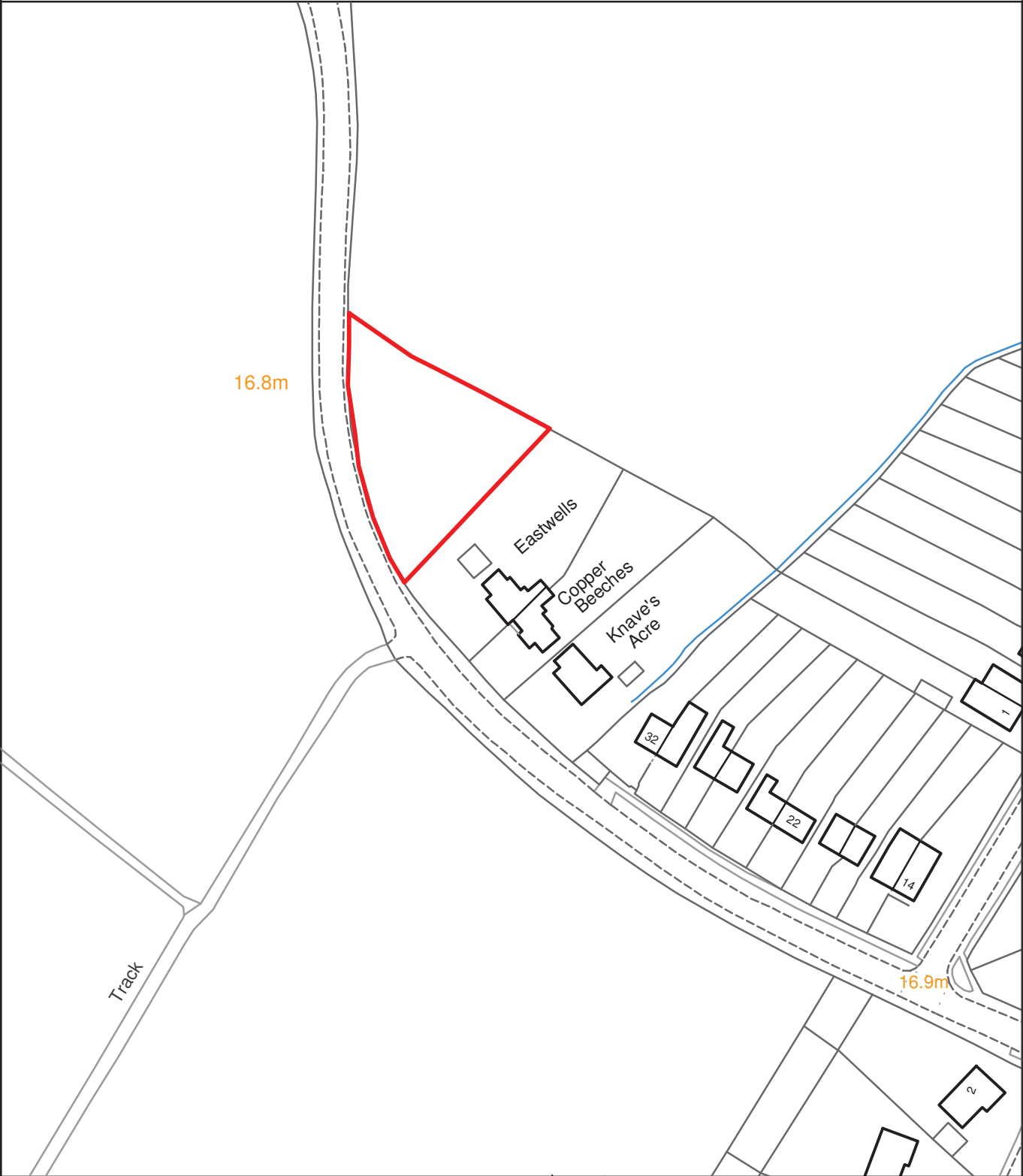
2. 5. 2014

# Agenda Item 15

## THE MAIDSTONE BOROUGH COUNCIL

Eastwells  
Kenward Road  
Yalding, Maidstone  
ME18 6JP

MBC Ref: 14/0539



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**Rob Jarman**  
**Head of Planning**



## REPORT SUMMARY

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

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

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

## **2.0 PROPOSAL**

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



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

### **3.0 POLICY AND OTHER CONSIDERATIONS**

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

### **4.0 LOCAL REPRESENTATIONS**

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

### **5.0 CONSULTATIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **6.0 BACKGROUND PAPERS AND PLANS**

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

## **7.0 APPRAISAL**

### **Principle of Development**

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

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

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

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

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

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

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

- 7.7 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge and Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Local Plan (2011-31). The SHMA (January 2014) found that there is the "objectively assessed need for some 19, 600 additional new homes over this period which was agreed by Cabinet in January 2014. Following the publication of updated population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014.
- 7.8 Most recently calculated (April 2013), the Council had a 2.2 year supply of housing assessed against the objectively assessed housing need of 19,600 dwellings.
- 7.9 Taking into account housing permissions granted since April 2013 and the lower need figure, this position will have changed very marginally and would still remain well below the 5 year target.
- 7.10 This is a significant factor and at paragraph 49 the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a five year supply cannot be demonstrated. The presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.
- 7.11 In terms of the location of the site, the NPPF advises that when planning for development i.e. through the Local Plan process, the focus should be on existing service centres and on land within or adjoining existing settlements. The site lies immediately adjacent to the settlement boundary of Yalding, within walking distance of its centre which has a number of facilities expected within a larger village including a shop post office, GP surgery and train station. As

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

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

### **Landscaping and Visual Impact**

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

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

### **Design and Residential Amenity**

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



## **Highways**

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

## **Ecology**

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

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

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

### **Flood Risk and Drainage**

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

### **Other Matters**

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

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

## **8.0 CONCLUSION**

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

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

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

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

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

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

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

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

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

Reason: In the interests of amenity.

5. No development shall commence until a detailed scheme for parking and turning areas has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be completed before the commencement of the use of the building or land hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order (or any subsequent re-enacting Order) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them.

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

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

Reason: In the interests of highway safety and amenity.

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

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

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

Reason: In the interests of pollution and flood prevention.

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

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

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

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

Reason: In the interests of biodiversity protection.

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

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

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

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

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

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

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

14. The development shall not commence until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways with the site, and the design of the kerb stone/crossing points which shall be of a wildlife friendly design, have been submitted to, and approved by, the Local Planning Authority. The development shall thereafter be undertaken with the subsequently approved details.

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

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

Reason: To protect vulnerable groundwater resources.

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



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

Reason: In the interest of amenity.

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

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

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

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

The applicant/developer should enter into a legal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel. 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

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

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

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

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

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

## **REASON FOR APPROVAL**

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

Case Officer: Annabel Hemmings

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

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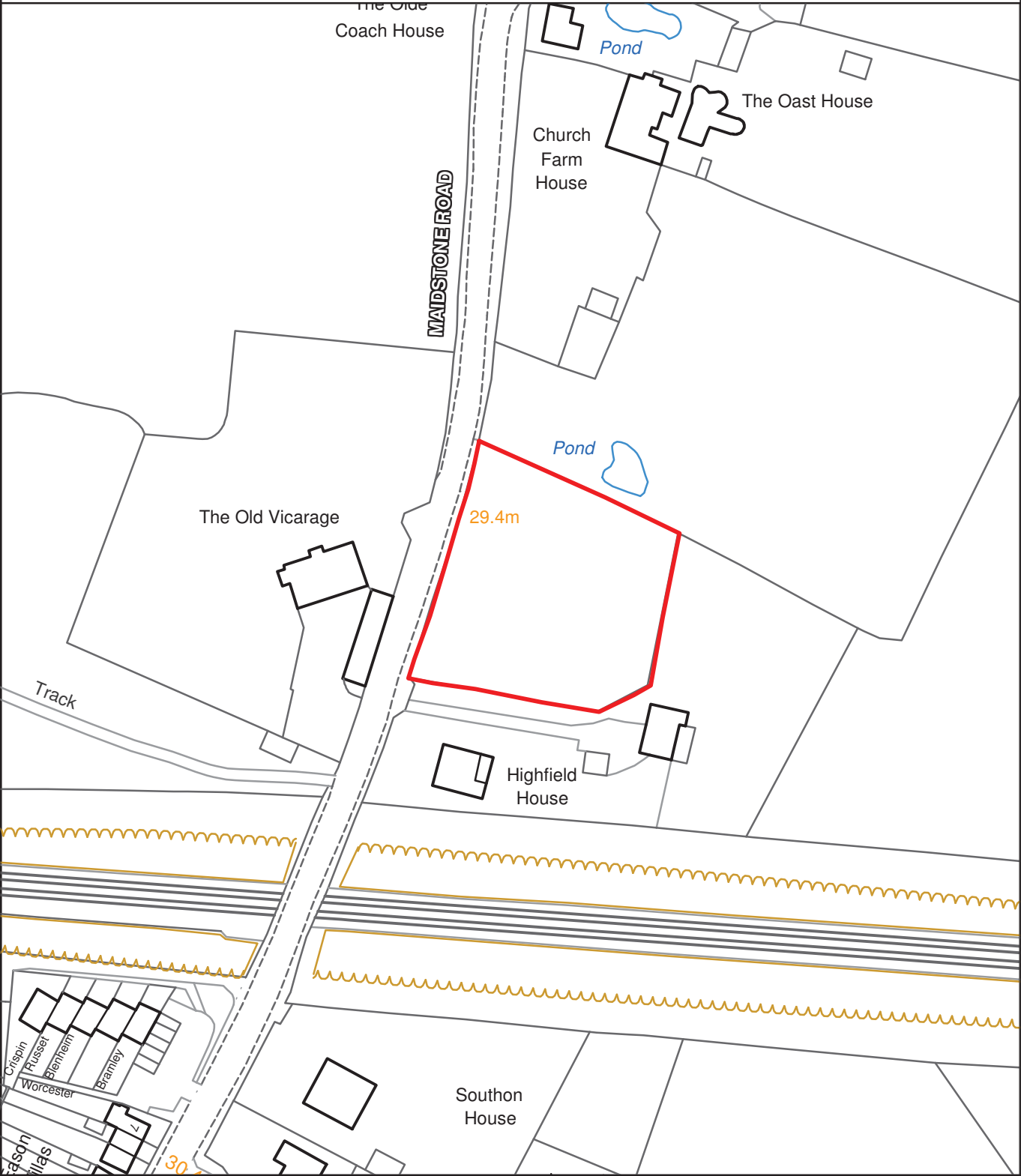
10. 4. 2014



THE MAIDSTONE BOROUGH COUNCIL

Land Adj. Highfield House  
Maidstone Road, Marden  
Maidstone, Kent  
TN12 9AG

MBC Ref: 14/0679



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Rob Jarman  
Head of Planning

## REPORT SUMMARY

<b>REFERENCE NO - 14/0679</b>		
<b>APPLICATION PROPOSAL</b> Erection of 6No. new build affordable houses with associated access, parking and amenity space.		
<b>ADDRESS</b> Land Adj Highfield House, Maidstone Road, Marden, Maidstone, Kent, TN12 9AG		
<b>RECOMMENDATION</b> subject to the prior completion of a suitable legal mechanism planning permission be granted subject to conditions.		
<b>REASON FOR REFERRAL TO COMMITTEE</b>  The proposal is a departure from the Development Plan.  Councillor Nelson-Gracie requested that the application be reported to Planning Committee in the event of a recommendation for approval for the reasons set out in the report.		
<b>WARD</b> Marden And Yalding Ward	<b>PARISH/TOWN COUNCIL</b> Marden	<b>APPLICANT</b> Golding Homes <b>AGENT</b> Calfordseaden
<b>DECISION DUE DATE</b> 16/10/14	<b>PUBLICITY EXPIRY DATE</b> 16/10/14	<b>OFFICER SITE VISIT DATE</b> Various
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>		
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>
MA/12/2100	Erection of 8No. new build affordable houses with associated access, parking and amenity space	REFUSED, DISMISSED AT APPEAL
MA/05/1746	Outline application for the erection of 1 number detached house with means of access to be considered at this stage and all other matters reserved for future consideration	REFUSED, DISMISSED AT APPEAL
MA/00/1881	Erection of 2No. detached dwelling with associated garaging and new access	REFUSED
MA/85/1842	Formation of new vehicular access	APPROVED SUBJECT TO CONDITIONS

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

1.01 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.

1.02 The site comprises a level overgrown field with an area of approximately 0.235Ha likely to represent a former orchard, as evidenced by the fruit trees located in the north west corner of the site, and is considered to have a current lawful use as agricultural land. The

site has an existing agricultural access central to the frontage onto Maidstone Road, the B2079, and its boundaries are marked by mature native hedges of variable quality.

1.03 As stated above, the application site is located in open countryside, the boundary of the village of Marden being marked approximately 50m to the south of the site by the railway line which runs east to west in a cutting. Notwithstanding this, the site is surrounded by residential development, the closest residential properties being Highfield House located 13m to the south of the site; The Old Vicarage located 15m to the west of the site on the opposite of Maidstone Road; and Church Farm House and The Oast House, located 71m to the north of the site. The land to the rear (east) of the site appears to be in use as garden land associated with Highfield House. Further residential development is located to the north of Church Farm House, which comprises rural dwellings and converted agricultural buildings including barns and oasthouses. The immediate neighbouring properties are substantial detached dwellings, however in the wider vicinity of the site are detached and semi-detached conversions and pairs of semi-detached cottages. These dwellings vary in scale and appearance, but are predominantly of a traditional Kentish vernacular.

1.04 A number of these buildings are Grade II listed, including The Old Vicarage, Church House Farm and The Oast House. Highfield House, whilst not itself listed, is an impressive Victorian property, and this and some of the other unlisted dwellings may be considered to constitute undesignated heritage assets. There are a number of ponds in close proximity to the site, and mature trees both within and on land adjacent to the proposal site.

## **2.0 SITE HISTORY**

2.01 The site has been the subject of various applications for residential development in the past, none of which has been successful. Most recently planning permission was refused for an application for the erection of eight dwellings for the provision of local needs housing under the scope of MA/12/2100. The application was refused on the grounds that the proposed development, by way of its mass, design and layout, would fail to “respect, respond and relate to the established pattern of built development in the immediate surroundings and the wider context of Marden,” and thus cause harm to the character and appearance of the open countryside and fail to represent good design. The drawing showing the site layout of the scheme proposed under MA/12/2100 is attached as Appendix 1 to this report. A second reason for refusal related to the absence of an appropriate legal mechanism to secure the development for the intended use.

2.02 The decision of the Council was supported at appeal, the Inspector determining that the design, and in particular, the layout and scale, of the development was unacceptable in design terms, concluding that “due primarily to the width of built development and the disposition of the buildings, the proposal would appear out of place and incongruous in this sensitive location at the transition between countryside and village. The Framework indicates that the potential of sites should be optimised but equally development should reflect the identity of local surroundings. This would not be achieved here and the proposal would harm the character and appearance of the surrounding area.” The appeal decision is attached as Appendix 2 to this report.

2.03 The Inspector did not dismiss out of hand the potential of the site for the provision of local needs housing, and provided clear indications of what might be considered acceptable. The applicant, Golding Homes (a Registered Social Landlord), has engaged in post refusal, pre-application discussions with the Planning Department to address the design concerns of the Council and the Inspector, and these have fed into the proposal currently before Members.

## **3.0 PROPOSAL**

3.01 The application seeks planning permission for the erection of six dwellings which would provide local needs housing in its entirety. The dwellings would be arranged in two terraces of three, and would provide four 2-bed units and two 3-bed units.

3.02 Each terrace would be asymmetric, however the two blocks would be arranged to be symmetrical in respect to each other, the northern and southern most properties being larger than the central dwellings, anchoring the two ends of the built development. The northern most of the two terraces would be stepped back by approximately 0.7m in relation to the southern one. Both terraces would have a width of 30m and a maximum depth of 10.5m, the smaller units having a depth of 9.2m. The form of the terraces would incorporate a main ridge with a height of 10.2m running along the main axis of the building, truncated at the northern and southern most dwellings by the ridge of the larger end unit which would run at 90° to this with a height of 8.2m, incorporating front and rear gable projections. The ends of the terraces adjacent to the access to the site would be barn hipped. The eaves of the terraces would have heights of 5m. The design of the terraces would be in a simple Kentish vernacular, incorporating such design elements as gables, barn hips, storm porches and chimney stacks, and utilising typical local materials such as red brick, hanging tiles, weatherboarding and plain roof tiles.

3.03 The terraces would be arranged in such a way as to have a traditional relationship to the highway, fronting onto Maidstone Road, and would be sited so as to maintain the building line established by Highfield House, the nearest property to the south, as suggested by the Inspector in the appeal decision referred to above in paragraph 2.02. The land between the building frontages and the site boundary with Maidstone Road, which would have a minimum depth of 12m, will provide shared amenity space, whilst private garden areas are provided to the rear of the dwellings.

3.04 Car parking comprising ten spaces and associated turning and manoeuvring space would be provided to the rear of the gardens in the east of the site; this would be accessed by way of a vehicular access to the rear of the site located centrally between the two terraces.

3.05 The applicant has sought to address concerns in respect of the “suburban” character of the previous scheme by way of the adoption of a more conventional, cottage style relationship between the dwellings and highway. Car parking has been relocated to the rear of the site where it is screened in public views by the proposed dwellings, and from the countryside to the east by landscaping.

3.06 The objections to the previous scheme in respect of the scale, mass and width of the development, and its resultant relationship to the physical constraints of the site have been addressed by way of a reduction in the number of units, with a commensurate decrease in the extent of the built development on the site, and in particular the width of the buildings relative to the site frontage. The diminished scale and number of the proposed dwellings allows for a greater separation between the north and south end elevations and the side boundaries of the site, whilst providing an access point between the terraces and adequate space for the provision of robust landscaping, which would contribute towards a visual gap in the physical form of the development.

3.07 No objection was previously raised by either the Local Planning Authority or the Inspector in relation to the detailed architectural design of the development; these elements of the proposal remain similar to those considered under the scope of MA/12/2100.

#### **4.0 SUMMARY INFORMATION**

	Proposed
Site Area	00.24Ha
Number of buildings	2
Approximate ridge height	10.2m
Approximate eaves height	5m
Approximate maximum depth	10.5m (and 0.8m porch)
Approximate width	14.6m
No. of Storeys	2
Approximate minimum set back from public highway	12m
Parking spaces	10
No. of residential units	6
No. of affordable (local needs) units	6

## 5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG) and PPS5 Planning and the Historic Environment – Practice Guide  
Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, T13, T21  
Supplementary Planning Documents: Affordable Housing Development Plan Document (2006)  
Maidstone Borough Council Draft Local Plan: NPPF1, SP5, H2, DM2, DM4, DM6, DM10, DM23, DM25, DM30

## 6.0 LOCAL REPRESENTATIONS

6.01 A site notice was displayed on 16<sup>th</sup> May 2014, and a press notice, expiring on 6<sup>th</sup> June 2014, was published on 23<sup>rd</sup> May 2014.

6.02 **Councillor Rodd Nelson-Gracie** has requested that the application be reported to Planning Committee in the event of a recommendation for approval, on the following grounds:

- *This land, north of the London to Ashford railway line is not identified as housing land, with a portion of this land, north west of Marden being allocated as employment land and the remainder remaining as open countryside. This has been backed up by appeal decisions in the past (most recently APP/U2235/A/13/2196505).*
- *The recently approved large schemes in the village, together with further schemes in the pipeline, all of which require 40% affordable housing, will more than cover the need for affordable housing in Marden. These applications will result in over 200 affordable homes, which compares with 23 local people identified as needing homes locally in the latest survey.*
- *There are a number of heritage assets in the vicinity of the proposed site, including listed buildings. The development will have an adverse effect on their setting. In addition there will be light and noise impacts in this rural area.*
- *The erection of a further 6 houses at this entry point to the village will create a potential traffic hazard. Most traffic entering the village is not following the 30mph limit.*
- *The site has not been identified in the latest SHLAA as a potential housing site. Indeed Church Farm (opposite the site) has been rejected as a possible site for development.*

6.03 Five objections from three households, and two copies of the same objection from the Marden History Group, were received. These raised the following concerns:

- *The principle of new residential development in the open countryside.*
- *Absence of need in light of existing consents for large residential developments in and around Marden.*
- *The remoteness of the site from Marden and the breaching of the railway line as a barrier to development.*
- *Poor design, in particular the arrangement of car parking in the rear of the site and the density of the development.*
- *Harm to the character and appearance of the open countryside, and in particular the green corridor into Marden from the north.*
- *Highway safety concerns including traffic generation and the use of an access onto Maidstone Road.*
- *Impact upon ecology.*
- *Impact on the setting of heritage assets.*
- *Harm to residential amenity by way of light and noise.*

## 7.0 CONSULTATIONS

7.01 **Marden Parish Council** support the application on the basis that “it is a rural exception site for Local Needs Housing only and not for any other development”, and wished the application to be reported to Planning Committee.

7.02 **Maidstone Borough Council Housing Officer:** supports the application, and confirms the need for affordable homes, and specifically local needs housing, in Marden, and the robustness of the Marden Local Needs Housing Survey, making the following detailed comments:

*“The Marden housing needs survey was published in August 2011 with the support of Marden Parish Council. This identified a need for up to 23 homes for local people who are in need of affordable housing with 1, 2 and 3 bed properties required.*

*However, since the publication of this survey the Council’s allocation policy has changed (April 2013) so some households who were eligible in August 2011 may no longer be eligible whilst some new households may now be registered with us.*

*As of today, there are 63 households who are on the Councils housing register who have indicated that they are interested in moving to Marden and 11 who have indicated that they have a local connection. However, it is important to point out that these figures may not be 100% accurate as the applicants details are only verified once they are being considered for a property.*

*Moving on to the developments that are in the pipeline, the only site that has an agreement to provide local needs housing is the MAP Depot Site in Goudhurst Road. At 4.10.4 of the signed s106 agreement for this development it states that, ‘10 affordable units and 5 shared ownership units,’ will be available for local people but it goes on to state, ‘Or other such numbers and size of local needs housing as may be agreed between the owners and the Borough Council which variation shall be effected through the deed of nomination rights.’*

*Due to the sizes of the two developments, it is reasonable to believe that the 6 units at Highfield House would be complete before the much larger MAP Depot site. As the above wording is in the s106 agreement this gives us the flexibility to decrease the number of units*



*for local needs at the larger site if the need is not there at the time of completion due to the 6 units at Highfield House already being occupied.*

*With regards to the various other developments that are at the planning stage for Marden, whilst these will provide affordable housing as required by the Council's adopted policy, none of these will provide specific local needs housing for Marden as the two sites mentioned previously.*

*So to summarise, we believe that there is an identified need for specific local needs housing in Marden. This will be addressed by the Highfield House application and the MAP Depot site, the latter whose s106 agreement can be amended when the units are nearing completion to take account of local need at that time. Other planned developments (if approved) will provide affordable housing in accordance with Council policy but not specifically for local needs."*

**7.03 Kent County Council Highway Services Engineer:** raises no objection to the proposal subject to the imposition of conditions securing the parking and turning places in perpetuity for that use and the use of bonded gravel in the construction of the access, details of cycle storage and surface water drainage, and implementation of the approved access arrangement.

**7.04 Kent County Council Biodiversity Officer:** raises no objection subject to the imposition of a reptile mitigation strategy, making the following detailed comments:

*"We have reviewed the ecological information which has been submitted with the planning application and we are satisfied that sufficient information has been provided with the planning*

*When we commented on planning application MA/12/2100 we were satisfied with the results of the ecological surveys. However the same surveys were submitted for this application and as they were over two years old we had concerns that the submitted ecological information was no longer valid.*

*As a result an updated ecological scoping survey has been submitted with the planning application which has satisfied us that the information contained within the Reptile and GCN survey is still valid and there is no requirement to carryout updated surveys.*

#### *Reptiles*

*A medium population of slow worms and a small population of grass snakes have been recorded on site.*

*We advise that if planning permission is granted a detailed reptile mitigation strategy is submitted for comment. The reptile mitigation strategy must include the following:*

- Location of receptor site*
- Reptile survey of the receptor site*
- Confirmation that the carrying capacity of the receptor site will not be exceeded;*
- Details of any enhancements required on the receptor site;*
- Detailed methodology to translocate the reptiles*
- Timetable of the proposed works.*
- Details of proposed monitoring for the receptor site.*

*No work can be carried out on site until the reptile mitigation has been agreed by the LPA and implemented.*

### *Great Crested Newts*

*Although we are satisfied with the results of the GCN surveys – due to the large number of ponds within the surrounding area it is impossible to rule out the possibility of GCN being present.*

*If GCN are identified during the works all works must cease and they must seek advice from their ecologist and/or Natural England.*

### *Breeding Birds*

*There is suitable habitat present within the site for breeding birds. All nesting birds and their young are legally protected under the Wildlife and Countryside Act 1981 (as amended). As such we recommend that the suitable vegetation is removed outside of the bird breeding season (March – August). If that is not possible an ecologist must examine the site prior to works starting and if any breeding birds are recorded all works must cease in that area until all young have fledged.*

*As there are reptiles present on site which may be impacted by the vegetation removal -we advise that the applicants take advice from their ecologist for the best time of year for the work to be carried out.*

### *Bats*

*Lighting can be detrimental to roosting, foraging and commuting bats. We advise that the Bat Conservation Trust's Bats and Lighting in the UK guidance is adhered to in the lighting design.*

### *Stag Beetle*

*As detailed within the ecological survey there is suitable habitat present for Stag Beetle. When any dead wood, wooden posts, shrubs, stumps, hedges or trees are removed an ecologist must be present so that larvae or adults that are disturbed/dug up can be spotted, retrieved and placed out of harms way.*

*We advise that if planning permission is granted an ecological map of the site is submitted, as a condition of planning permission, clearly showing where suitable stag beetle habitat will be created.*

### *Enhancements*

*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 scoping survey has made recommendations for a number of ecological enhancements which can be incorporated in to the site.*

*We advise that if planning permission is granted detail of the ecological enhancements to be incorporated in to the site are detailed on to the ecological map (as detailed above)."*

**7.05 Natural England:** raise no objection, making reference to standing advice.

**7.06 Maidstone Borough Council Conservation Officer:** raises no objection to the proposal subject to the imposition of materials and landscaping conditions (including the

retention of the hedgerow along the frontage of the site), making the following detailed comments:

*“The development proposed is of a modest scale and in a vernacular style. It will only have a minor and acceptable impact upon the setting of the listed building immediately opposite.”*

**7.07 Maidstone Borough Council Landscape Officer:** initially raised concern over inconsistencies in the reports originally submitted, however after the provision of an amended arboricultural survey and planning integration report confirmed that no objection is raised to the proposal subject to the imposition of landscaping, landscaping implementation and tree protection conditions, making the following detailed comments:

*“The revised arboricultural survey and planning integration report dated 7<sup>th</sup> July 2014, produced by Quaife Woodlands, clarifies the inconsistencies mentioned in my comments of 02/06/14.*

*I am surprised at the effort being taken to retain T23, a C grade Sycamore tree, when a more sustainable solution would be to remove and replace it as part of a landscape scheme. However, I appreciate that it would not be possible to remove and replace T8, T11, T13 if they are located outside of the site boundary.*

*In summary, I raise no objection to this proposal on arboricultural grounds subject to a pre commencement condition requiring a landscape scheme which should include the provision of protective fencing around the areas of proposed new planting in accordance with BS5837: 2012 in order to avoid compaction/contamination of the soil.”*

**7.08 Maidstone Borough Council Environmental Health Manager:** raises no objection to the proposal subject to the imposition of conditions requiring compliance with the recommendations of the Grant Acoustics Noise Assessment reference GA-2012-0058-R1-RevA dated 25<sup>th</sup> March 2014, submission of details and implementation of the approved details of external lighting, and dealing with contaminated land, making the following detailed comments:

*“The site lays to the east of Maidstone Road on the northern outskirts of the village of Marden. A noise assessment, Report ref GA-2012-0058-R1-Rev A and dated March 2014, has been carried out by Grant Acoustics. All the recommended measures as set out in Section 7 of the assessment should be followed, including the advised provision of mechanical ventilation to ensure that residents will benefit at night from adequate ventilation without the need for windows to be opened and the possible disturbance from freight trains and road traffic noise.*

*As the site is composed of only 6 dwellings it is not expected to have any material impact on the existing transport system.*

*The Design and Access Statement identifies that the area is well served by public transport as the railway station is nearby and the location is on the edge of the village.*

*The site is currently a derelict orchard and no contaminated land report has been submitted. The Council has no evidence that the location is contaminated but the developer should be aware that there is always the potential for pockets of contamination to be found during development works. Should any be found on site works should cease and an appropriate remediation scheme be submitted to the Council for approval.”*

7.09 **Southern Water** raise no objection to the proposal subject to conditions requiring the submission of details of surface drainage and implementation of the approved details, and confirm that foul sewerage disposal can be accommodated subject to a formal application for a connection to the public sewer.

7.10 **Southern Gas Networks** raise no objection to the proposal, but draw attention to the presence of gas mains within the vicinity of the site.

5.11 **UK Power Networks** raise no objection to the proposal.

## 8.0 BACKGROUND PAPERS AND PLANS

8.01 The development is shown on drawing numbers 100 rev A, 130 rev A, 131 rev A, and 150 rev A, supported by a Design and Access Statement, Planning Statement, Quaife Woodlands Arboricultural Survey and Planning Integration Report reference AR/2758a/jq dated 7<sup>th</sup> April 2014, KB Ecology Preliminary Ecological Assessment reference 2011/11/08 dated 21<sup>st</sup> June 2012, KB Ecology Greater Crested Newt Survey Report reference 2012/02/07 dated 19<sup>th</sup> June 2012, KB Ecology Reptile Survey Report reference 2012/02/07 dated 16<sup>th</sup> May 2012, Grant Acoustics Noise Assessment reference GA-2012-0058-R1-RevA dated 25<sup>th</sup> March 2014, Calford Seaden Flood Risk Assessment reference K14/0103 dated 1<sup>st</sup> April 2014 and Golding Homes covering letter, all received 23<sup>rd</sup> April 2014; Quaife Woodlands Arboricultural Survey and Planning Integration Report reference AR/2758b/jq dated 7<sup>th</sup> July 2014 and KB Ecology Preliminary Ecological Assessment reference 201/07/14 dated 16<sup>th</sup> July 2014 received 18<sup>th</sup> July 2014; and drawing number 113 rev B received 20<sup>th</sup> August 2014.

## 9.0 APPRAISAL

### Principle of Development

9.01 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.

9.02 Notwithstanding this presumption against new development, including residential development, on sites in the open countryside such as this, the National Planning Policy Framework 2012 provides qualified support for development of rural exceptions sites where housing development would address local needs, as set out in paragraph 54 as follows:

*"In rural areas (...) local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate."*

9.03 This accords with the Maidstone Borough Council Affordable Housing Development Plan Document, which puts forward the principle of "allocating releasing sites solely for affordable housing, including using a rural exceptions site policy". This has been carried forward in emerging Local Plan policy DM25, which supports local needs housing on sustainable sites.

9.04 The application has been submitted by a Registered Social Housing Landlord, Golding Homes, who has proposed that 100% of the development would provide local needs

housing, whilst the Marden Housing Needs Survey evidences the fact that there is a demonstrable need for affordable housing for local people, identifying a local need (at that time) for 23 residential units. Whilst the survey is dated August 2011, its contents are supported by both the Maidstone Borough Council Housing department and Marden Parish Council, and I have no reason to doubt that the need for local needs housing still exists. To my mind, therefore, the site should be considered as a rural exception site.

9.05 Whilst the site is on Greenfield land located in the open countryside, and therefore would not normally be considered acceptable for new residential development, the application has been put forward as a proposal to provide local needs housing by a recognised Registered Social Landlord, and as such it falls to be considered as a local needs rural exception site. In respect of the location of the site, whilst it is located in the open countryside to the north of a clear boundary to the main body of the village, namely the railway line, which has been historically supported through development management decisions by both the Borough Council and the Planning Inspectorate, it is considered, as set out in previous appeal decisions that by virtue of the proximity of the site to the village of Marden, it is in a sustainable location in respect of services and facilities. This is set out in paragraph 2 of the appeal decision relating to MA/12/2100 which describes the site as being *“just beyond the defined settlement boundary of Marden”* and refers to the services and facilities provided there as being accessible to any future occupiers of the site.

9.06 For these reasons, I therefore consider that whilst located in the open countryside, the proposed development represents a rural exception site for the purpose of providing local needs housing, and furthermore that its location is such that it represents a sustainable location for such a site, in accordance with the key National Planning Policy Framework 2012 objective of achieving sustainable development.

9.07 I am aware of concerns that the provision of affordable and rural needs housing should be dealt with in a strategic manner by way of adopted plans and policy, however it is not considered to be appropriate to refuse, or refuse to determine, the application on these grounds, and in any case, the NPPF and the Council's adopted Affordable Housing Development Plan Document support the use of rural exception sites such as this. I am also aware of five planning applications for major residential development within and around Marden which have either been recently consented, all of which include the provision of 40% affordable housing to address a general need for such housing within the borough of Maidstone (MAP depot site [110 dwellings of which 44 would be affordable] and Howland Road [44 dwellings, of which 18 would be affordable]) or have resolutions to grant subject to legal mechanisms (Marden Cricket and Hockey Club [124 dwellings of which 49 would be affordable], Parsonage Farm [144 dwellings of which 58 would be affordable] and Stanley Farm [85 dwellings, of which 34 would be affordable]). These developments, if all built out, would provide a total of 44 local needs housing units (MAP depot site) and 159 affordable housing units (the other developments).

9.08 However, of the sites detailed above in paragraph 9.07, whilst the development proposed for the former MAP Depot site is currently in the process of being built out, the permissions granted in respect of the developments proposed at Parsonage Farm, Stanley Farm and Howland Road are outline at the current time, and as such require the further submission and approval of reserved matters or a subsequent full planning application prior to realisation of the proposals, and in the case of the Marden Cricket and Hockey Club site, the replacement facility (which currently only has outline consent) is required to be provided for public use prior to the commencement of the residential development. As such, there is limited prospect of these schemes coming forward in the immediate future. In this context, it is not considered that the identified need has been yet fully addressed by way of the recent development management history of Marden.

9.09 Furthermore, the Council's Housing Officer, who supports the current application, has confirmed that firstly, there is an identified need for affordable homes for local people (i.e. a local need rather than a general borough wide need), and secondly, that this specific need will not necessarily be addressed by way of the developments for which planning permission exists or is pending as a result of the absence (in most cases) of a legal mechanism restricting occupation to persons of local connection, due to the requirement for the Council to build in flexibility of tenure in order to address the needs of all its residents, not just those of a very limited group. As such, whilst the developments listed above provide affordable housing, only in the case of the MAP depot is this provision restricted by way of the relevant legal mechanism for the provision of local needs housing specific to persons with strong local connections to Marden. In any case, this provision is flexible as a result of the wording of the legal agreement in order to open the occupation of these to a wider population, including potentially the 63 households identified by the Council's Housing Officer as being willing to consider moving to Marden.

9.10 As is clearly set out in the Inspector's decision relating to the previous application, *"it may well be that affordable housing will be forthcoming at Marden through planned provision. However, rural exception sites are not just a 'last resort' should other options have failed."*

9.11 It is also the case that "affordable housing" is only secured for a single cycle of tenureship for that purpose; this is a significant difference to the proposal before Members, which would provide "local needs" housing, i.e. for persons (and their dependents) who can demonstrate a strong connection to the parish of Marden, in perpetuity. In this context, notwithstanding the extant and pending planning permissions and the location of the site in open countryside, it is considered that the proposal for the provision of local needs housing by way of the rural exception site mechanism set out in the NPPF and local policy documents is sound in policy terms for the reasons (including need) set out above, subject to consideration of all other material considerations, including those of design (including layout and scale) and impact on the open countryside and streetscene; highway safety; impact in respect of ecology and biodiversity; impact on heritage assets; and other matters.

### **Visual Impact and Design**

9.12 The National Planning Policy Framework sets out a clear presumption in favour of sustainable development which is defined as having three dimensions, the economic, the social, and the environmental (paragraph 7). Although the National Planning Policy Framework 2012 identifies the provision of new housing by way of various means of delivery as a priority, as evidenced by paragraph 54, it also makes clear that this is not to take place at the expense of either the built or natural environment, and should be balanced against the need for new development to be sustainable. The National Planning Policy Framework 2012 goes on to set out core planning principles, including high quality design which should take account of the different characters of different areas whilst recognising the intrinsic character and beauty of countryside and contribute to conserving and enhancing the natural environment. This is supported by section 7 of the document, which underlines the importance of good design, and its intrinsic role in sustainable development. As well as setting out the need for development proposals to be high quality, the document requires development to add to the overall character of areas, and to respond to local character and reflect the local surroundings in respect of overall scale, massing, height and layout (paragraphs 58 and 59). Paragraph 64 states that "permission should be refused for development of poor design", which, as set out above, can be in respect of a failure to properly relate and respond to the local area.



9.13 In the case of the previous scheme proposed for the site, the Council and Planning Inspectorate were in agreement that the scale of the development, and its layout within the site and relationship to the surroundings, were such that it did not represent good design. The key objections to the design of the previous scheme related to the scale of the proposed terraces; the positioning of the terraces within the site which was of an urban form; the width of the terraces and lack of visual gaps within the development, particularly along site boundaries; and the inclusion of large areas of car parking on the site frontage.

9.14 As set out above in paragraphs 3.05 and 3.06, the applicant has sought to respond in a positive fashion to the points raised in both the Council's refusal of planning permission and the dismissal of the appeal, in particular through a reduction in the number of units and the adoption of a more conventionally rural approach in respect of the relationship of the development to the highway.

9.15 To my mind, this approach has been largely successful in addressing the objections to the design of the previous scheme; the proposed dwellings, which of themselves are of a good quality of traditional design, address the highway whilst respecting the established building line and maintaining much of the existing landscaping to the western boundary of the site. The car parking, which in terms of its extent satisfies the requirements of Kent County Council Highway Services, is located in the rear of the site, and is therefore subordinate in views of the development and allows substantial landscaping of the site frontage to soften the relationship between the development and the public realm. I note concerns in respect of this element of the design, however the use of rear garden land to provide ancillary car parking is not uncommon in rural settings, and is preferable in design and safety terms to the use of forecourt parking to the front of dwellings directly off/onto Maidstone Road.

9.16 The reduction in the number of units, and therefore the width of the terraces from 18m to 14.6m, allows them to be set in from the site boundaries by 6m in regard to the southern boundary (formerly 3.2m) and 5m in relation to the northern boundary (formerly 1m), which helps to maintain the sense of spaciousness to the development. This sense of spaciousness is also reinforced by way of the provision of a wide visual gap of 10m (formerly 6m) between the terraces for the access and additional landscaping.

9.17 Concern has been raised in respect of overdevelopment of the site and the density of the proposed development. The density of the scheme is 25.5 dpha, which is considered to be appropriate to this location, and not to constitute over development of the site. In the circumstances of this case, the proportions of the buildings within the site are considered to be more or less in keeping with the traditional forms of rural cottages in the wider area, albeit not in relation to the substantial detached and rural conversions which are located in closer proximity to the site. It is recognised that residential development on sites such as this which are Greenfield sites in rural settings will inevitably have some effect on openness and the character of the area, and this is acknowledged in the NPPF. The key consideration is whether that impact is unacceptable. This is reiterated in the appeal decision, in which the Inspector states that *"any rural exception site will inevitably be on land where development would not normally be permitted. As a consequence, it is bound to have some impact on the open, unspoilt nature of undeveloped land in the countryside. This should be taken into account in any assessment so it does not follow that the unacceptability of a single market house in 2006 means that the proposal should automatically fail. Rather any development should be designed so that it appears to 'belong' in its setting."*

9.18 It is my view that the amendments to the scheme are such that the proposal currently under consideration satisfactorily addresses the concerns previously raised in terms of the scale and layout of the development, and notwithstanding the inevitable erosion of the openness of the site dealt with in paragraph 9.17, the design of the proposal fits within the

site, and to borrow the words of the Inspector, belongs in, and pays respect to, its rural setting. The detailed design is considered to be of an acceptable standard, however in order to secure an appropriate level of quality in the building out of the development, conditions should be imposed requiring the submission of details (and where appropriate, samples) of materials and architectural details, and the implementation of the approved details. I also propose a condition restricting permitted development rights in order to prevent dilution of the quality of the scheme and harm to the residential amenity of future occupiers.

9.19 I am aware of concerns in regard to the erosion of the green corridor into Marden from the north along Maidstone Road, however the site is not subject to any environmental designations, either locally or nationally, which would support a refusal on this basis. Furthermore the perception of a green corridor in the specific vicinity of the site is to some extent eroded by virtue of the proximity of the outbuilding associated with The Old Vicarage to the highway opposite the southern part of the site. It is noted that the developer has sought to retain landscaping to the site frontage by paying respect to the building line established by Highfield House, and that this can be safeguarded by way of robust landscaping, landscaping implementation and tree protection conditions.

9.20 For these reasons, it is considered that the visual impact of the proposal and its design is acceptable, subject to the conditions set out above.

### **Highways**

9.21 The proposal includes the improvement of an existing access to Maidstone Road (including the provision of visibility splays), as shown on drawing number 113 rev B received 20<sup>th</sup> August 2014. The detail of the access has been arrived at in close consultation with Kent County Council Highway Services Engineers, and is considered to be appropriate to the scale of the development and the speed/traffic volume of Maidstone Road.

9.22 Although the on site parking provision is one less than the level required by Kent County Council, no objection has been raised in this regard. It is my view that to provide additional spaces would compromise the layout and character of the development, and that ten off road parking spaces for the development is adequate.

9.23 The conditions sought by the Highway Engineer, as set out in paragraph 7.03 above, are considered to be reasonable and necessary, and subject to their imposition, no objection is raised to the development on the grounds of highway safety.

### **Ecology and Biodiversity**

9.24 The applicant has, following initial concerns from the Kent County Council Biodiversity Officer, provided updated ecological information which supports the information previously provided and makes recommendations for mitigation. Subject to the implementation of these recommendations, some of which will be incorporated into other conditions for the purposes of completeness, and the submission and implementation of a detailed reptile mitigation strategy, it is not considered that there is any objection to the proposal on the grounds of ecology.

### **Conservation**

9.25 It is recognised that there are a number of designated and non-designated heritage assets in close proximity to the site, and within the wider context, which provide the setting for the site. However, the Council's Conservation Officer has raised no objection to the proposal, subject to conditions safeguarding the quality of the development, regarding the impact to be restricted to that on The Old Vicarage, and to be in any case "minor". This is

supported by the previous appeal decision, which related to a larger scheme of less sensitive design, in which the Inspector opined that *“although the appeal site contributes towards semi-rural character it is separated from The Old Vicarage, which is a listed building, by an outbuilding and the road. Church Farm House and the Oast House to the north are also listed but are about 125m away. Because of these factors the impact on their setting would be minor. Highfield House is a non-designated heritage asset although not formally recognised as such. However, its value derives mainly from its Victorian architecture. Therefore, the proposal would accord with the Framework in conserving them in a manner appropriate to their significance.”*

9.26 For these reasons there is not considered to be any objection to the proposal on the grounds of harm to heritage assets.

### **Legal Mechanism**

9.27 The proposal is for the provision of local needs housing, and this provides justification for approval of the scheme where an unrestricted residential use would normally be considered unacceptable. In these circumstances, a legal mechanism is necessary to ensure that the proposed dwellings are secured for the intended purpose.

9.28 No legal mechanism has been provided in support of the application, however local connection criteria may include –

- Having lived, or having immediate family who have lived in the Parish for a continuous period of at least 5 years immediately preceding the date of application for accommodation.
- Having full time employment in the Parish for at least 1 year
- Having been forced away from the Parish (having satisfied the above requirements) due to a lack of suitable accommodation.

9.29 If these criteria cannot be met then the same criteria would be applied to an applicant from a neighbouring Parish.

9.30 The Council’s housing and legal sections would be required to be entirely satisfied with the terms of the agreement in respect of whether it would adequately ensure that the housing remains affordable and will meet a local need in perpetuity, however this would be the subject to negotiations between the legal representatives of the relevant parties.

### **Other Matters**

9.31 Some trees would be lost as a result of the development, however these have been assessed as being of limited value, whilst higher quality trees are proposed to be retained within the scheme. As such, the Council’s Landscape Officer raises no objection to the proposal, subject to the imposition of landscaping, landscaping implementation and tree protection conditions, which shall, inter alia, include the retention of existing boundary planting.

9.32 Concern has been raised in respect of harm caused to residential amenity. The proposed use is residential, and as such there is no reason to expect this to conflict with neighbouring residential land uses. I note the concerns over the lighting of the scheme, and as such a condition is proposed requiring the submission and implementation of an approved external lighting scheme, which should provide the minimum level of lighting required, designed so as to minimise any impact on the occupiers of dwellings and bats.

9.33 The site is located close to the railway line between London and Ashford, and a Noise Assessment has been provided in support of the application. The condition suggested by the Council's Environmental Health Manager requiring compliance with its recommendations in order to safeguard the residential amenity of future occupiers is considered to be reasonable and necessary, as are the other conditions requested, which relate to land contamination.

9.34 The site is not located on land recorded by the Environment Agency as being prone to flood, however it is considered appropriate and necessary in this case to require the submission and approval of details of surface water drainage. Members will note that Southern Water have not objected to the proposal, and have not raised any concern in respect of the capacity of the existing foul drainage system, however in the circumstances of this case I consider it appropriate to request details of foul drainage to be considered in consultation with Southern Water, and to require implementation of the approved details of surface and foul water drainage prior to occupation of the dwellings.

9.35 The proposal will result in the loss of a small area of Grade 2 agricultural land, however this is located between a highway, garden land and the site of the replacement Marden Cricket and Hockey Club site, and as such is unlikely to be brought into productive agricultural use. As such the loss of the land to agriculture is not considered to be significant, or prejudicial to approval of the current application.

9.36 The dwellings would be constructed to Lifetime Homes standards, and Level 4 of the Code for Sustainable Homes, and as such is compliant with emerging Local Plan policy.

## **10.0 CONCLUSION**

10.01 For the reasons set out above, whilst the proposed development constitutes a departure from the Development Plan, it is supported by national and emerging Local Plan policy, and the scheme currently under consideration addresses the matters resulting in the refusal, and dismissal at appeal, of the previous proposal. For these reasons, I recommend that the Head of Development and Planning be given delegated powers to approve the application subject to an appropriate legal mechanism such as to secure the development for local needs housing in perpetuity, and the conditions set out above.

**11.0 RECOMMENDATION** – Subject to the prior completion of a S106 legal agreement, in such terms as the Head of Legal Services may advise, to secure the provision of the dwellings for local needs housing in perpetuity, the Head of Planning and Development BE DELEGATED POWERS TO 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, which shall include brick, plain clay tiles and timber weatherboarding, and incorporate bat boxes to the proposed buildings, 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. The development shall thereafter be constructed using the approved materials unless otherwise agreed in writing by the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development and a high quality of design.

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 window and door joinery (which shall be of timber), and recesses/reveals (which shall be a minimum of 70mm).
- iii) Details of the junction of the timber boarding and the brickwork.
- iv) Details of brick courses and the brick plinth (which shall have a minimum projection of 50mm).
- v) Details of the storm porches.

The development shall be undertaken in accordance with the approved details and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and a high quality of design.

4. The development shall not commence until, written details and samples of the materials, which shall be of permeable construction and include a bound surface to the first 5m of the access from the public highway, to be used in the construction of the hard surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved materials unless otherwise agreed in writing by the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development and a high quality of design.

5. The development shall not commence until details of all fencing, walling and other boundary treatments, which shall not include closeboarded fencing of a height greater than 1.8m, or closeboarded fencing or solid walling of a height of greater than 1m to the boundary of any public space, the provision of ground level gaps of a height of 120mm in any solid boundary treatment to allow the unfettered passage of wildlife, and shall include the retention and where necessary reinforcement of boundary hedges to the site, have been submitted to the Local Planning Authority and approved in writing. The development shall be carried out in accordance with the approved details before the first occupation and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and secure the amenity of future occupiers.

6. The development shall be undertaken in strict accordance with the recommendations of the KB Ecology KB Ecology Greater Crested Newt Survey Report reference 2012/02/07 dated 19th June 2012 and KB Ecology Reptile Survey Report reference 2012/02/07 dated 16th May 2012, both received 23rd April 2014 and KB Ecology Preliminary Ecological Assessment reference 201/07/14 dated 16th July 2014 received 18th July 2014, and maintained thereafter;

Reason: To secure appropriate management and enhancement within the site in the interests of ecology and biodiversity.

7. Notwithstanding the details and recommendations set out in KB Ecology Reptile Survey Report reference 2012/02/07 dated 16th May 2012, both received 23rd April 2014 and KB Ecology Preliminary Ecological Assessment reference 201/07/14 dated 16th July 2014 received 18th July 2014, the development shall not commence until a detailed reptile mitigation strategy undertaken by a suitably qualified person has been submitted to and approved in writing by the Local Planning Authority. The content of the reptile mitigation strategy shall incorporate the following:

- i) Appropriate receptor site provision;
- ii) A reptile survey of the receptor site;
- iii) Confirmation that the carrying capacity of the receptor site will not be exceeded;
- iv) Details of any enhancements required on the receptor site;
- v) Detailed methodology for the translocation of reptiles;
- vi) Timetable for any proposed works; and
- vii) Details of monitoring of the receptor site.

The development shall be undertaken in accordance with the approved details and maintained thereafter;

Reason: To secure appropriate management and enhancement within the site in the interests of ecology and biodiversity.

8. Notwithstanding the details and recommendations set out in the KB Ecology Preliminary Ecological Assessment reference 201/07/14 dated 16th July 2014 received 18th July 2014, the development shall not commence until an ecological map of the site, including on site provision of stag beetle habitat will be provided on the site, undertaken by a suitably qualified person, has been submitted to and approved in writing by the Local Planning Authority.

The development shall be undertaken in accordance with the approved details and maintained thereafter;

Reason: To secure appropriate management and enhancement within the site in the interests of ecology and biodiversity.

9. The development shall be undertaken in strict accordance with the recommendations of the Grant Acoustics Noise Assessment reference GA-2012-0058-R1-RevA dated 25th March 2014 received 23rd April 2014, and maintained thereafter. No dwelling shall be occupied until the recommendations of the report have been implemented in full;

Reason: To safeguard the residential amenity of future occupiers of the development.

10. If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.



Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
- c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included;

Reasons: To prevent pollution of the environment and protect controlled waters.

11. The development shall not commence until details of any external 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 and in order to minimise any impact upon residential amenity, the character and appearance of the rural setting, and ecology. The development shall be carried out in accordance with the approved details and maintained thereafter;

Reason: To prevent light pollution in the interests of the character, amenity and biodiversity of the area.

12. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species 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 landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines (Low Weald landscape type) and shall be based on the principles shown on drawing number 113 rev B received 20th August 2014 and shall include, inter alia, the retention of all trees and hedges identified as such in the Quaife Woodlands Arboricultural Survey and Planning Integration Report reference AR/2758b/jq dated 7th July 2014 received 16th July 2014 with the exception of T23 which should be removed and replaced with a Cherry (*Prunus avium*) or Hawthorn (*Crataegus monogyna*), and a wild flower meadow to the west of the front path to the dwellings.

The implementation and long term management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens.

The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details over the period specified;

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

13. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the 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 external appearance to the development.

14. The development shall not commence until a Tree Protection Plan, which shall include details of all trees to be retained on and adjacent to the site and the proposed measures of protection, undertaken in accordance with BS 5837 (2012) 'Trees in relation to design, demolition and construction - Recommendations' has been submitted to and approved in writing by the Local Planning Authority. The development will thereafter be undertaken in strict accordance with the approved details;

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

15. The development shall not commence until details of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The approved details shall be implemented in full prior to the first occupation of the development.

Reason: In the interest of pollution and flood prevention.

16. 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 (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.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by 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 and G and Schedule 2, Part 2, Class A 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 future occupiers.

18. 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.

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. 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 or above has been achieved;

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

21. The dwellings hereby permitted shall not be occupied until details in the form of drawings of the cycle storage areas have been submitted to the Local Planning Authority and approved in writing. The approved details shall subsequently be implemented and maintained as such thereafter;

Reason: To ensure a satisfactory appearance to the development and to encourage sustainable travel choices.

22. The approved details of the access to the site as shown on drawing number 113 rev B received 20th August 2014 shall be completed in full before occupation of the development and maintained thereafter;

Reason: In the interests of highway and pedestrian safety.

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

drawing numbers 100 rev A, 130 rev A, 131 rev A, and 150 rev A, supported by a Design and Access Statement, Planning Statement, Quaife Woodlands Arboricultural Survey and Planning Integration Report reference AR/2758a/jq dated 7th April 2014, KB Ecology Preliminary Ecological Assessment reference 2011/11/08 dated 21st June 2012, KB Ecology Greater Crested Newt Survey Report reference 2012/02/07 dated 19th June 2012, KB Ecology Reptile Survey Report reference 2012/02/07 dated 16th May 2012, Grant Acoustics Noise Assessment reference GA-2012-0058-R1-RevA dated 25th March 2014, Calford Seaden Flood Risk Assessment reference K14/0103 dated 1st April 2014 and Golding Homes covering letter, all received 23rd April 2014; Quaife Woodlands Arboricultural Survey and Planning Integration Report reference AR/2758b/jq dated 7th July 2014 and KB Ecology Preliminary Ecological Assessment reference 201/07/14 dated 16th July 2014 received 18th July 2014; and drawing number 113 rev B received 20th August 2014;

Reason: In the interests of clarity and to secure a high quality of development.

## INFORMATIVES

(1) If GCN are identified during the works all works must cease and they must seek advice from their ecologist and/or Natural England.

(2) Bats and Lighting in the UK

Bat Conservation Trust and Institution of Lighting Engineers - Summary of requirements

The two most important features of street and security lighting with respect to bats are:

1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.
2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

#### UV characteristics:

##### Low

- o Low pressure Sodium Lamps (SOX) emit a minimal UV component.
- o High pressure Sodium Lamps (SON) emit a small UV component.
- o White SON, though low in UV, emit more than regular SON.

##### High

- o Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps
- o Mercury lamps (MBF) emit a high UV component.
- o Tungsten Halogen, if unfiltered, emit a high UV component
- o Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

##### Variable

- o Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output.
- Glass glazing and UV filtering lenses are recommended to reduce UV output.

#### Street lighting

Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels.

Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided.

If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

#### Security and domestic external lighting

The above recommendations concerning UV output and direction apply. In addition:

- o Lighting should illuminate only ground floor areas -light should not leak upwards to illuminate first floor and higher levels;
- o Lamps of greater than 2000 lumens (150 W) must not be used;
- o Movement or similar sensors must be used -they must be carefully installed and aimed, to reduce the amount of time a light is on each night;
- o Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;

- o Light must not be directed at or close to bat roost access points or flight paths from the roost -a shield or hood can be used to control or restrict the area to be lit;
- o Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;
- o Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

(3) There is suitable habitat present within the site for breeding birds. All nesting birds and their young are legally protected under the Wildlife and Countryside Act 1981 (as amended). As such suitable vegetation should be removed outside of the bird breeding season (March - August). If that is not possible an ecologist must examine the site prior to works starting and if any breeding birds are recorded all works must cease in that area until all young have fledged.

(4) When any dead wood, wooden posts, shrubs, stumps, hedges or trees are removed an ecologist must be present so that larvae or adults that are disturbed/dug up can be spotted, retrieved and placed out of harms way.

(5) 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 Manager regarding noise control requirements.

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

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

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.

Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

We recommend that the developer produces a Site Waste Management Plan (for any development which is over £300,000); in order to reduce the volumes of waste produced, increase recycling potential and divert materials from landfill. This best practice has been demonstrated to both increase the sustainability of a project and maximise profits by reducing the cost of waste disposal.

(6) A formal application for connection to the public sewerage system is required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or [www.southernwater.co.uk](http://www.southernwater.co.uk)).

(7) The following measures should be adopted during the construction period:

Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.

Provision of measures to prevent the discharge of surface water onto the highway.

Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.

(8) There is a low pressure main close proximity to the site. No mechanical excavations should take place within 0.5m of this main.

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed.

The applicant/agent was provided formal pre-application advice.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

Case Officer: Catherine Slade

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

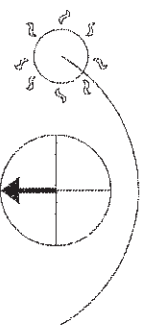
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.



12/21/09

THIS DOCUMENT IS KEPT LOCKED BY CALFORD SEADEN. SHOULD THE LOCAL PLANNING AUTHORITY REQUEST THE LOCAL PLANNING AUTHORITY TO REVIEW THE DOCUMENT, THE LOCAL PLANNING AUTHORITY SHALL BE PROVIDED WITH A COPY OF THIS DOCUMENT. THE LOCAL PLANNING AUTHORITY SHALL BE PROVIDED WITH A COPY OF THIS DOCUMENT. THE LOCAL PLANNING AUTHORITY SHALL BE PROVIDED WITH A COPY OF THIS DOCUMENT.

NORTH



## KEYS AND NOTES

Schedule of Accommodation:

2 No. 3 Bed 5 Person Houses at 75 sqm

6 No. 2 Bed 4 Person Houses at 70+ sqm

Site Area = 0.4723 hectares

Minimum access width 3m, Kant Design Guide Lane shared surface (max 40m passing bay)

Planting Area

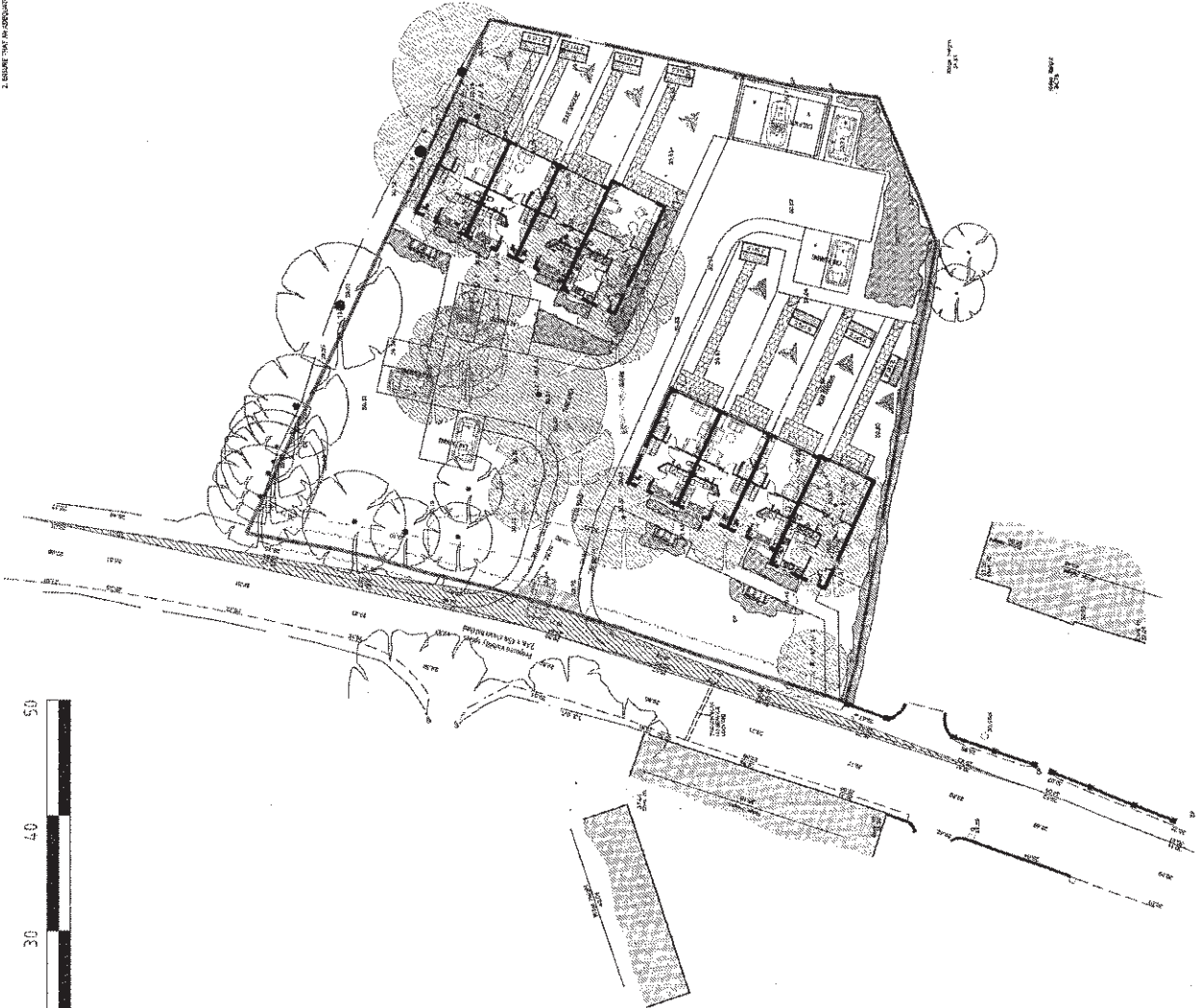
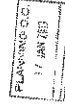
2.4m x 4.5m Sight Lines

Dwellings to be provided with robust clothes line, accessible from patio

Standard size garden shed

Garden paving 450mm x 450mm  
Minimum 100mm depth  
All dwellings provided with min. 1800mm x 1800mm patio area with 900mm footpaths

Trees to be removed - refer arboricultural survey



PLANNING

1. Plans submitted in accordance with the Planning and Development Act 2007.  
2. Plans submitted in accordance with the Planning and Development Act 2007.  
3. Plans submitted in accordance with the Planning and Development Act 2007.

construction & property consultants

caifordseaden

Golding Homes

Land adjacent to Highfield House, Mordstone Road, Morden, Kent, TN12 9AG

Proposed Site Plan - Scheme 7

1:2000/A1 15-11-12

15-11-12

15-11-12

15-11-12

15-11-12

15-11-12

15-11-12

## Appeal Decision

Site visit made on 15 November 2013

**by David Smith BA(Hons) DMS MRTPI**

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

**Decision date: 22 November 2013**

**Appeal Ref: APP/U2235/A/13/2196504**

**Land adjacent to Highfield House, Maidstone Road, Marden, Kent, TN12 9AG**

- 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 Golding Homes against the decision of Maidstone Borough Council.
- The application Ref MA/12/2100, dated 20 November 2012, was refused by notice dated 4 April 2013.
- The development proposed is erection of 8 no new build affordable houses with associated access, parking and amenity space.

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

### Reasons

3. Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 provides that development in the countryside will be confined to certain categories. The proposal does not fall into any of these. However, the National Planning Policy Framework indicates that local planning authorities should plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. The conflict with this part of the development plan is outweighed by these provisions. Moreover, the site is just beyond the defined settlement boundary of Marden as delineated by the railway line so services and facilities would be accessible to future residents.
4. The second limb of Policy ENV28 establishes that permission will not be given for development which harms the character and appearance of the area. Although the Local Plan is of some age paragraph 211 in Annex 1 of the Framework confirms that policies should not be considered out-of-date simply because they were adopted prior to its publication. Indeed, the policy is consistent with the core planning principles of securing high quality design and recognising the intrinsic character and beauty of the countryside.
5. The appeal site is overgrown and contains a number of trees. In dismissing an appeal for a detached house on the land in 2006 an Inspector set the general scene in paragraph 3 (Ref: APP/U2235/A/06/2011982). He continued "... the railway line provides a definitive break between the more concentrated village development to the south and the scattered development to the north."

Attention was also drawn to the loose relationship between the well-spaced houses. These descriptions remain apt in detailing the context. The proposal is nevertheless most closely related to the immediate surrounding buildings and land rather than the group of buildings a little to the north.

6. In the previous appeal a single dwelling was found to be detrimental to the character of the area as it would have produced a more built-up feel and a more contiguous appearance. Nevertheless, any rural exception site will inevitably be on land where development would not normally be permitted. As a consequence, it is bound to have some impact on the open, unspoilt nature of undeveloped land in the countryside. This should be taken into account in any assessment so it does not follow that the unacceptability of a single market house in 2006 means that the proposal should automatically fail. Rather any development should be designed so that it appears to 'belong' in its setting.
7. However, there are several reasons why that would not be the case. Firstly, the terraces of 4 would have a rather curious staggered relationship to one another. This would not reflect the typical linear arrangement of cottages in rural situations which generally front directly and closely onto the road. This juxtaposition of buildings would appear odd and would accentuate the presence of parked cars and a turning area in front of the northern row. Although the position of the southern block is determined by Highfield House this does not explain the proposed siting of the other properties. In any event, the strong 'building line' of the neighbouring dwelling, which could have provided a valuable visual cue, has not been followed.
8. The proposed blocks would be more or less equivalent to Highfield House and The Old Vicarage opposite in terms of footprint and scale. The elevational design would have a vernacular flavour drawing on a traditional palette of materials. In itself the density of development would not be excessive and the amount of hardstanding has been minimised as far as possible. However, one of the identified characteristics of the locality is the spacious and sylvan setting of the buildings. The proposal would be very close to both return boundaries so that there would be little scope for greenery on either side. Although trees and hedging would be retained along the frontage this would not compensate for the lack of space at the ends of the blocks.
9. Therefore, due primarily to the width of built development and the disposition of the buildings, the proposal would appear out of place and incongruous in this sensitive location at the transition between countryside and village. The Framework indicates that the potential of sites should be optimised but equally development should reflect the identity of local surroundings. This would not be achieved here and the proposal would harm the character and appearance of the surrounding area contrary to Policy ENV28.

### **Other Matters**

10. The Framework refers to the setting of heritage assets. Although the appeal site contributes towards semi-rural character it is separated from The Old Vicarage, which is a listed building, by an outbuilding and the road. Church Farm House and the Oast House to the north are also listed but are about 125m away. Because of these factors the impact on their setting would be minor. Highfield House is a non-designated heritage asset although not formally recognised as such. However, its value derives mainly from its

Victorian architecture. Therefore, the proposal would accord with the Framework in conserving them in a manner appropriate to their significance.

11. There is anecdotal evidence that drivers exceed the 30mph speed limit past the site. However, the requisite visibility splays would be provided and there are no technical objections from the Highway Authority. The road is straight and there is therefore no reason to suppose that highway safety would be compromised. Other than in respect of visitors the standards in the Interim Parking Guidance would be met and it is unlikely that anyone would choose to park along the narrow road as some fear.
12. The garden of Highfield House is secluded and bounded by open land. The extent of any overlooking in angled views from upper floor windows into this area would not be so great as to seriously erode privacy. The rear aspect would change but there is no right to a view over adjoining land. Noise from vehicles within the site and their lights could cause a nuisance but would be separated by a new planted area. Therefore living conditions would not be altered to the extent that this amounts to a further objection.
13. The Council has approved an outline planning application for a new sports club ground to the east of the appeal site including various pitches and facilities and a clubhouse. Although this decision indicates that development can be accommodated to the north of the railway line it does not provide a rationale for sanctioning a scheme for local needs units.
14. It may well be that affordable housing will be forthcoming at Marden through planned provision. However, rural exception sites are not just a 'last resort' should other options have failed. Furthermore, the Framework does not indicate that housing to meet local needs should only come forward via the plan-led system. Following the Marden Housing Needs Survey of 2011 it is accepted that there is a demonstrable need for affordable housing for local people. The proposal has the support of the Parish Council and would deliver social benefits in accordance with the intentions of the Affordable Housing Development Plan Document. However, this does not override the harm identified as a result of the proposed layout.
15. A planning obligation has been submitted. However, the Council has a number of criticisms of the undertaking in relation to land ownership; reference to its own performance; nominations; enforceability and tenure mix. All of this indicates that the obligation would not be an effective mechanism to secure affordable housing in perpetuity as anticipated by the parties. These deficiencies are a further reason to turn down the appeal.

## **Conclusion**

16. The proposal would harm the character and appearance of the surrounding area and would conflict with the development plan. There are no material considerations which outweigh these findings. Therefore, for the reasons given, the appeal should not succeed.

*David Smith*

INSPECTOR



12.12.2012



12.12.2012



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12.12.2012





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12.12.2012



12.12.2012



Agenda Item 17

THE MAIDSTONE BOROUGH COUNCIL

7 Cavendish Way  
Bearsted  
ME15 8PW

MBC Ref: 14/00583



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Rob Jarman  
Head of Planning

**REPORT SUMMARY**

<b>REFERENCE NO - 14/500583/FULL</b>			
<b>APPLICATION PROPOSAL</b> Proposed first floor and rear extension and creation of new dwelling to create pair of semi-detached houses as shown on Plan numbers PL-01, PL-02, PL-03, PL-04, PL-05, PL-06, Design and Access Statement and Application Form received 17 <sup>th</sup> June 2014.			
<b>ADDRESS</b> 7 Cavendish Way Bearsted Kent ME15 8PW			
<b>RECOMMENDATION - Approve with conditions</b>			
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b> The proposed development is in a sustainable location within the defined urban area and within an established residential area. The proposed additions are not considered to cause any significant visual harm and given the current shortfall in the required five-year housing supply, the development is considered to be in compliance with the National Planning Policy Framework and as such, approval subject to conditions is recommended.			
<b>REASON FOR REFERRAL TO COMMITTEE</b> The application is contrary to the views of the parish council.			
<b>WARD</b> Bearsted	<b>PARISH/TOWN COUNCIL</b> Bearsted	<b>APPLICANT</b> Mr & Mrs Ryder <b>AGENT</b> Mr Matthew Woodhams	
<b>DECISION DUE DATE</b> 12/08/14	<b>PUBLICITY EXPIRY DATE</b> 12/08/14	<b>OFFICER SITE VISIT DATE</b> 25/08/14	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
MA/88/1555	Extension of bungalow.	Refused	Nov 1988
MA/14/0349	Single storey dwelling in garden	Refused - (Appeal in progress)	July 2014

**MAIN REPORT****1.0 DESCRIPTION OF SITE**

- 1.01 The application site comprises a rectangular shaped residential plot located within the urban area of Maidstone. The site lies within an established residential area with comprises a range of dwellings of different styles, and ages. These dwellings are generally two storey in

scale, although the application property and its neighbours to the eastern side of Cavendish Way are bungalows. The pattern of development and building line is generally consistent within this part of Cavendish Way.

- 1.02 The dwelling has been the subject of a number of past extensions to both side elevations as well as a rear conservatory. There is a significant south east facing rear garden which extends some 38m in overall length which includes some border planting and 1.8m high boundary fencing.
- 1.03 The application dwelling has a front paved drive which provides some parking provision. There is also a single garage and access to the rear of the site providing further parking. This is accessed via a bridleway running north east to south west along the rear boundary of the site (Public Right of Way KM79).

## **2.0 PROPOSAL**

- 2.01 Planning permission is sought for the erection of a detached garage and the erection of a first floor extension and rear extension to facilitate the creation of a new dwelling to create pair of semi-detached houses.
- 2.02 The proposed first floor additions would extend the hipped roof to the flank elevations and include side dormer windows. This would extend the roof by some 2m to each side with the dormer windows projecting a further 1.5m. The proposed rear addition would continue the hipped roof appearance of the dwelling extending the roofline some 9.1m from the existing ridge at the current ridge height. This rear extension would have a total width of some 10.8m and an eaves height of approximately 4m.
- 2.03 The proposal also comprises a detached 3 bay garage within the rear garden. This would measure some 9.3m in width and 5.8m in depth. The garage would have a pitched roof with a ridge height and eaves height of 5.1m and 2.2m respectively.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Development Plan: ENV6  
Supplementary Planning Documents: MBC Residential Extension SPD 2009

## **4.0 LOCAL REPRESENTATIONS**

- 4.1 No representations have been received.

## **5.0 CONSULTATIONS**

**Bearsted Parish Council** - Raises objections to this proposal and requests that it is reported to the planning committee for the following reasons:-

*"Bearsted Parish council objects to this application because it comprises a massive over-development of the site, seriously out of character with the existing dwelling and most significantly, with the character of the street scene and because it will be severely detrimental to the amenities of the dwellings on either side 5 and 9 therefore Bearsted Parish Council would like to see the application refused".*

**KCC Highways** - Raise no objections with the following comments:-

*"I write to confirm on behalf of the Highway Authority that I have no objection to this proposal. I consider that the car parking allocations proposed at the front of the property are suitable and I also wish to confirm that it is my understanding that Cavendish Way is an unclassified road. I understand that this authority's rights of way team wish to be consulted regarding arrangements to the rear of the property.*

*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: 03000 418181) in order to obtain the necessary Application Pack".*

**KCC Public Rights of Way** - Raise no objections with the following comments:-

*"Thank you for your letter received concerning Full Planning permission for the site indicated above. The proposed development site can be accessed via Public Right of Way bridleway KM79 from the end of the garden. The location of this bridleway is indicated on the attached map extract. The existence of the right of way is a material consideration. The Definitive Map and Statement provide conclusive evidence at law of the existence and alignment of Public Rights of Way. While the Definitive Map is the legal record, it does not preclude the existence of higher rights, or rights of way not recorded on it.*

*I note that the vehicular access route for the development uses this Public bridleway. I must make the applicant aware that it is an offence under Section 34 of the Road Traffic Act 1988 to drive a mechanically propelled vehicle along a Public Bridleway, except with lawful authority. Also the County Council has a controlling interest in ensuring that Public Bridleways are maintained to a level suitable for use by pedestrians and equestrians. Any maintenance to a level required for private vehicular access would be the responsibility of the landowner or those granted private vehicular access rights. and any damage caused by motor vehicles would need to be repaired by them.*



*I also note that at present there is an authorised fixed bollard on the bridleway preventing vehicular access from the northern end/A20 to the development site. Due to specific local considerations it will not be possible to remove this bollard, even temporarily, to allow vehicular access to the site from the north. I would expect a condition in the planning permission in light of the specific local circumstances stating Public bridleway KM79 is not to be used for vehicular access from the A20 end to the development site at any time.*

*If this condition can be added to the planning permission then I have no objection to the application.*

*Please inform the applicant of the following General Informatives:-*

- 1. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority:*
- 2. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development without the permission of this office.*
- 3. There should be no new close board fencing or similar structure over 1.2 metres erected which will block out the views:*
- 4. No hedging or shrubs should be planted within 1.0 metre of the edge of the Public Path.*
- 5. No Materials can be stored on the Right of Way.*

*Please also make sure that the applicant is made aware that the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority”.*

## **6.0 Principle of Development**

- 6.01 In terms of the principle of development, the site is located in a sustainable location, within the urban area, where a range of uses, including new housing, is acceptable in principle.
- 6.02 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should; “Identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.”

- 6.03 The Council does not currently have a five year supply of housing land which is a significant factor. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development which I consider this site to be.
- 6.04 Being the extension of an existing dwelling to create an additional property, the site does partly comprise garden land and therefore, as stated within the NPPF, this comprises Greenfield land. However, in light that the site is a sustainable site, I consider that a residential development at the site is possible. The key issue is whether there would be any adverse impacts as a result of this development which would therefore warrant refusal. This will be assessed within the sections to follow.

### **Visual Impact and Design**

- 6.05 In terms of the design and scale, I consider the proposed first floor additions would relate well to the overall form of the building in maintaining its hipped style. The proposed front and side dormer windows are also of an appropriate scale in relation to the roof slope. The rear addition proposed is more dominant by virtue of the maintained ridge height, projection and width including rear dormers, although this would only project 1m beyond the existing conservatory and I do not consider this would cause significant harm to the appearance of the dwelling. As such, I consider the scale and design proposed to be acceptable.
- 6.06 In terms of the wider area, the application dwelling is particularly prominent being opposite the junction with Shirley Way, although it is viewed in the context of Cavendish Way. The character of the neighbouring dwellings generally includes hipped roofs; although there are examples of roof extensions and dormers within this row of dwellings. The proposal would differ from this general appearance with a different roof form as well as front and side dormer windows, however, the ridge height would be maintained and in my view, this proposal would not appear visually harmful to the character and appearance of this streetscene overall. Views of the garage would be possible from the bridleway to the rear, although ancillary buildings in rear gardens are common within the neighbouring properties. The proposed garage is larger than existing, although I do not consider this would cause any significant visual harm.

### **Residential Amenity**

- 6.07 In terms of neighbouring amenity, whilst there would be some impact as a result of the increased bulk of the application property, I do not consider this would cause a significant loss of light, outlook or overshadowing by virtue of the maintained separation between the dwellings. In terms of privacy, whilst the proposal does include side dormer windows, they would not afford significant views of the neighbouring dwellings due to their position within the side elevations. Two rooflights are also shown to each elevation which are further to the rear and consequently, a condition will

be imposed to restrict these to be obscure glazed in the interests of privacy.

- 6.08 In terms of amenity for future occupiers, the rear garden space has been separated to form two amenity areas for the dwellings. This is not equal to allow sole use of the proposed garage to one dwelling. I consider the amenity space shown to be sufficient for a property of this size.

### **Highways**

- 6.09 In terms of the impact upon highways, the proposal involves the retention of the parking areas to the frontage of the dwellings which would provide two spaces per dwelling. There would also be the additional parking for one dwelling within the detached garage to the rear. KCC Highways have been consulted on this and they have raised no objections. I agree that this proposed provision is acceptable.
- 6.10 Comments have also been received from KCC Public Rights of Way with regard to the impact upon the impact upon the bridleway which extends along the rear boundary of the site. They have raised concerns regarding the impact from vehicular movements upon the bridleway but have not raised objections. Vehicular travel is already restricted by a permanent bollard to the northern entrance and therefore no through travel is possible. A condition has been suggested to restrict this further, although I do not consider this is reasonable or necessary given that the bollard is permanently in place.

### **Landscaping**

- 6.11 There are no protected trees or any significant planting with a high amenity value within the site. There is some border planting within the site and some would be lost as a result of this application. There is also a significant level of hardstanding to the front of the dwelling. I will therefore impose a condition requiring details of additional soft landscaping to the front and rear of the site to be provided.

### **Ecology**

- 6.12 In terms of ecology, whilst there are some established hedge and shrubs to the rear, the garden is in a maintained state and to my mind, is unlikely to support any protected species. I therefore do not consider an ecology survey is necessary in this case.
- 6.13 In terms of biodiversity enhancement, discussions have taken place with the agent concerning the provision of bird boxes within the detached garage which will be secured by a suitable condition. Appropriate native landscaping is also encouraged to support this.

## **7.0 CONCLUSION**

- 7.01 Overall, having regard to the provisions of the Development Plan, National Government Guidance and all other material considerations, I conclude that this proposal would be acceptable in its design and would not have a

significant impact upon the character or appearance of the streetscene or locality.

## **8.0 RECOMMENDATION**

For the reasons outlined above, I therefore recommend approval with the following conditions:-

### **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 materials to be used in the construction of the external surfaces of the building hereby permitted shall match those used in the existing building;

Reason: To ensure a satisfactory appearance to the development.

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping for the site including planting to the front of the dwellings, 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. 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.

4. 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.

5. 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, Part1, Class(es) A,B,C 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.

6. 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.

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 for the provision of bird boxes within the development has been submitted to and approved in writing by the Local Planning Authority;

Reason: In the interests of ecology and biodiversity.

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

Plan numbers PL-01, PL-02, PL-03, PL-04, PL-05, PL-06, Design and Access Statement and Application Form received 17<sup>th</sup> June 2014.

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

## INFORMATIVES

1. The applicant should be aware that the granting of this planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority. You should contact the highways authority for further information regarding the use of the affected bridleway (KM79).
2. The applicant should be aware of the following informatives of in relation to the bridleway.
  - No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority:
  - There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development without the permission of this office.
  - There should be no new close board fencing or similar structure over 1.2 metres erected which will block out the views:
  - No hedging or shrubs should be planted within 1.0 metre of the edge of the Public Path.
  - No Materials can be stored on the Right of Way.

Case Officer: Kevin Hope

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







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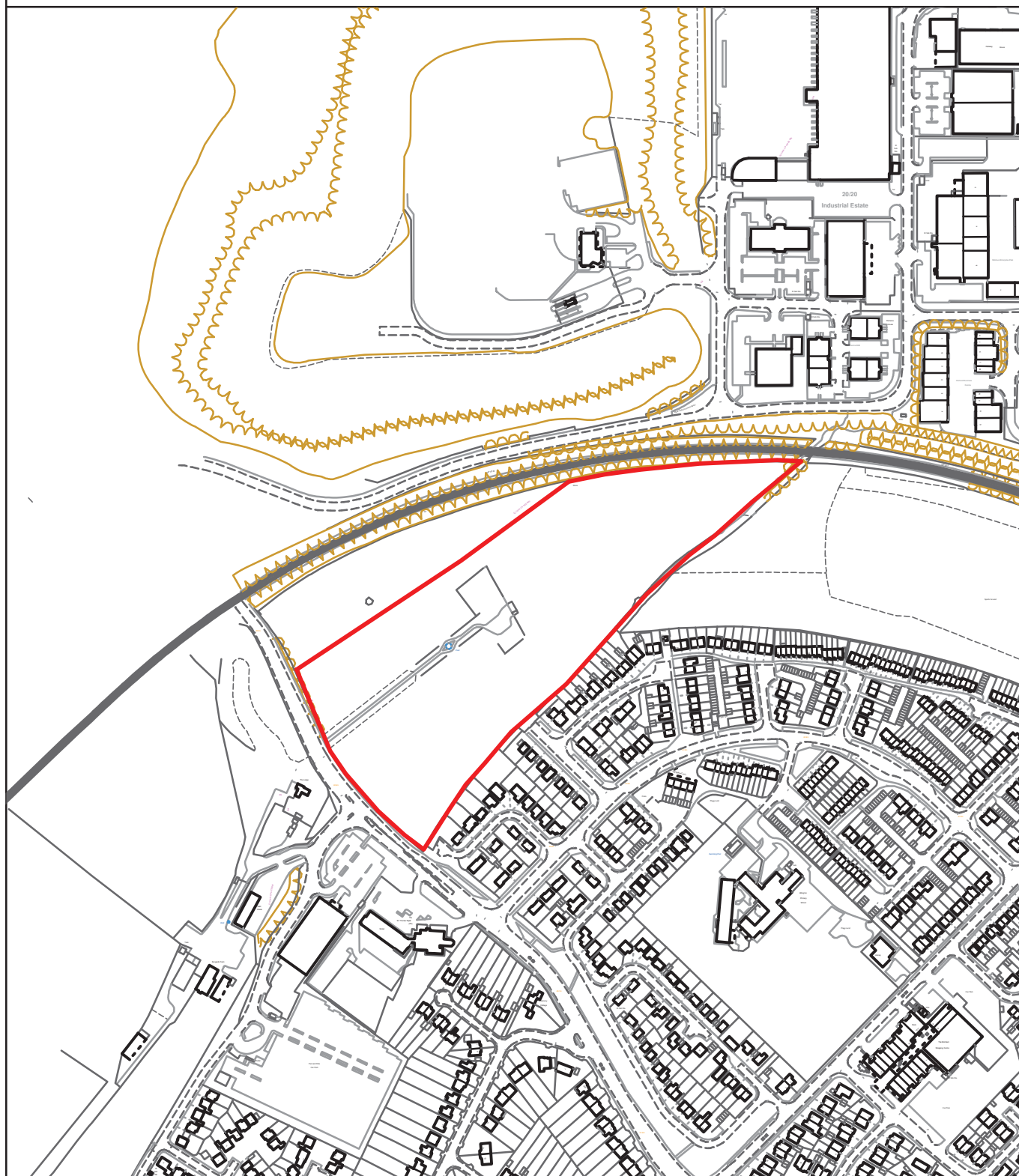


# Agenda Item 18

## THE MAIDSTONE BOROUGH COUNCIL

Bridge Nursery  
London Road  
Maidstone  
Kent

MBC Ref: 14/501209



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**Rob Jarman**  
Head of Planning

## REPORT SUMMARY

<b>REFERENCE NO - 14/501209/FULL</b>			
<b>APPLICATION PROPOSAL</b>			
The development of the site for 140 two, three, four and five bed dwellings, new access road off A20, new estate roads, car parking, landscaping and amenity open space.			
<b>ADDRESS</b> Bridge Nursery London Road Maidstone Kent			
<b>RECOMMENDATION – DELEGATED POWERS TO GRANT PLANNING PERMISSION</b>			
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b>			
The development of the site for residential would represent sustainable development and accord with the emerging housing allocation.			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
Cllr Mrs Robertson has called the application to planning committee on the grounds that the application will have impacts on Allington and the wider area.			
Cllr Daley endorses Cllr Mrs Robertson’s call-in.			
<b>WARD</b> Allington Ward	<b>PARISH/TOWN COUNCIL</b> N/A	<b>APPLICANT</b> Ward Homes And UCC Strategic Land Ltd <b>AGENT</b> Martin Hull	
<b>DECISION DUE DATE</b> 29/09/14	<b>PUBLICITY EXPIRY DATE</b> 29/09/14		
<b>RELEVANT PLANNING HISTORY:</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
MA/00/1712	A residential development application for 80 no. two storey dwellings, associated garaging, provision of public open space and play area, and creation of new highways	REFUSED	May 2002
<i>This was refused on the grounds that the Council had adequate brownfield land to meet the housing need and in the absence of such need the development of this site would result in the extension of the town into the countryside.</i>			
MA/88/1123	Outline application for a residential development.	REFUSED	June 1988
<i>This application was refused on eight grounds. Five of these grounds all predominantly centred around the lack of an overriding need for housing and in the absence of such a need the development of the site would result in harm and the encroachment of Maidstone into the countryside. Three of the grounds referred to traffic impacts and concern with either using the existing Hildenborough Crescent junction or from a new access onto London Road.</i>			

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The application site relates to a former nursery site in Allington on the edge of the urban area of Maidstone. The site is allocated as a housing site within the Maidstone Borough-Wide Local Plan (2000) under policy H13. It is located adjacent to the A20 London Road and near to the 20/20 roundabout

- 1.02 The land within the applicant's control is generally triangular in shape and straddles the Borough boundary with Tonbridge and Malling. The application site for the proposed housing would be wholly within Maidstone's administrative area.
- 1.03 The south west boundary of the site is characterised by a strong boundary hedge that runs alongside the A20 London Road. The northern boundary of the land in the applicant's ownership is an arc that follows the railway line, between Maidstone East and Barming train stations. The south east boundary of the site runs alongside the rear boundaries of properties of Lamberhurst Road and Fordwich Close and the side boundaries of 11 and 14 Blackmanstone Way. In addition, part of this boundary is adjacent to the area of open space that is accessed from Castle Road.
- 1.04 The foundations of the nursery building can be found in the centre of the site but otherwise the site is undeveloped. There are trees on site that are protected by Tree Preservation Order 2 of 2002 these are contained in an area in the centre of the site, along the eastern part of the south east boundary, a group to the rear of 12 Lamberhurst Road and some individual trees lining the former access road into the nursery. The existing access onto London Road that was previously used by vehicles entering the nursery has now been left to grass over.
- 1.05 There are no public rights of way across the site, although the public appear to have been accessing the site for general recreation despite it being private land. The site is designated as Grade 2 agricultural land.
- 1.06 In the northern part of the wider Bridge Nurseries site (within Tonbridge and Malling Borough) there is an old world war two pill box.
- 1.07 The character of the surrounding area is predominantly residential with some commercial in the form of the DFS furniture store and Thomas Wyatt public house. Allington Primary School is nearby and on the northern side of the railway lane is the 20/20 industrial estate. The site is within easy reach of the Mid Kent Shopping Centre and the Park and Ride site. The facilities in the area and links into the town centre make this a sustainable site for development.

## **2.0 PROPOSAL**

- 2.01 The application is a full planning application for the erection of 140 dwellings with a mix of 2, 3, 4 and 5 bedroom properties. The majority of units would be family houses with a small number of flats within the development. There would be 30% of the units (42 dwellings) for affordable housing.
- 2.02 The main access into the site would be from London Road almost immediately opposite Beaver Road. There would be a pedestrian access from the development onto London Road in the south east corner of the site. There is an existing informal pedestrian access through Blackmanstone Way. This access is across third party land and is clearly used by the public to access the site at this time and this arrangement will be retained under the proposed layout.
- 2.03 The design and layout of the scheme has been created to enable the retention of the areas of the site with good quality trees that are covered by a Tree Preservation Order. The main access road into the site would be lined with trees to create an attractive entrance to the development. The main route through the development is identified by the tarmac road surface and snakes through the site. The main route is characterised by pockets of green space with a large central area of open space. The



northern part, adjacent to the railway line will be retained for ecological enhancement area with a further habitat area in the western corner of the site.

- 2.04 The principles of the development replicate the general densities and layout of the adjacent housing estate. The properties that are close to and that overlook the areas of open space are looser in their pattern with larger properties in larger plots. This design rationale fits with the pattern of the development and the looser arrangement adjacent to the areas of open space would create a more spacious edge to the development.
- 2.05 The properties proposed along the boundary with London Road would not explicitly front the road, however, they would face the road and from the approach into the site would address the public vantage points. The entrance to the development would have two double fronted properties either side of the access that would provide a feature to the entrance.

### 3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	approx 5.5ha	approx 5.5ha	0
No. of Storeys	0	2, 2.5 & 3	2, 2.5 & 3
Parking Spaces	0	373	373
No. of Residential Units	0	140	140
No. of Affordable Units	0	42	42

### 4.0 PLANNING CONSTRAINTS

- The site contains a variety of trees within parts of the site that are covered by TPO 2 of 2002.
- The site is within an Air Quality Management Area.
- The site falls within Flood Zone 1
- The site is an allocated housing site in the Maidstone Borough-Wide Local Plan (2000) and the Emerging Local Plan.

### 5.0 POLICY AND OTHER CONSIDERATIONS

- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Maidstone Borough-Wide Local Plan (2000): ENV6, ENV24, H1(xviii), H13, CF1, CF6, CF8
- Maidstone Borough Local Plan Regulation 18 Consultation 2014: SS1, SP2, H1(2), DM2, DM4, DM10, DM12, DM14, DM16, DM24
- Supplementary Planning Documents: Affordable Housing DPD (2006), Open Space DPD (2006)

### 6.0 LOCAL REPRESENTATIONS

**Cllr Cynthia Robertson** has called the application to planning committee in view of its implications for Allington and the wider area.

**Cllr Dan Daley** endorses Cllr Robertson's call in.

**Helen Grant MP** has written in with the results of a survey she had sent to nearby residents and raises concerns in relation to traffic and infrastructure as well as the residents concerns about the loss of Bridge Nurseries as a recreation area.

**12 Letters of objection** have been received on the following summarised grounds:-

- Traffic impact.
- Impact on flora and fauna on the site.
- Loss of open space for recreation.
- Impact on the aquifer.
- Shortage of doctors and schools.
- Erosion of a green corridor.
- The design is not inkeeping with the area.

## **7.0 CONSULTATIONS**

**Tonbridge and Malling Borough Council** raise no objections in principle to the development subject to a more rigorous transport assessment on the cumulative impact of the development on the Coldharbour roundabout and junction 5 of the M20. Measures to mitigate environmental impacts of traffic and sustainable transport solutions along with the promotion of public transport.

**Southern Water** raise no objections to the application although they state that there is currently inadequate capacity in the existing network and that additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. A condition is recommended to secure adequate sewage capacity is provided.

**The Highways Agency** offers no objection to the application.

**Kent Highway Services** have considered the access and traffic generation and confirm that I do not wish to raise objections subject to the following conditions:-

1. A S106 contribution is required: £1350 per dwelling for the A20 Coldharbour Lane junction improvement and £86 per dwelling for the M20 junction 5.
2. All highway works required at the junction of the A20 and Beavers Road/site access as shown in principle on drawing number 10256/SK05 rev. P3 and SL-01 Rev D to be completed in accordance with a S278 Agreement.
3. Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
4. Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
5. Provision of measures to prevent the discharge of surface water onto the highway.
6. Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
7. Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
8. Provision and permanent retention of the vehicle turning facilities shown on the submitted plans prior to the use of the site commencing.
9. Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.
10. The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway

gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.

11. Completion of the following works between a dwelling and the adopted highway prior to first occupation of the dwelling:

- (a) Footways and/or footpaths, with the exception of the wearing course;
- (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

**The Environment Agency** raise no objections to the application and recommend conditions be imposed in relation to contamination and sustainable urban drainage.

**Natural England** raise no objections to the application and direct consideration to their standing advice. Encouragement is given to enhancements of in relation to biodiversity and landscape.

**Kent County Council Ecology** raise no objections to the application stating:-

*"We are satisfied with the survey information which has been provided but we have some concerns with the proposed mitigation.*

*An outline mitigation strategy has been submitted but we advise that there is a need for a more detailed mitigation strategy is required.*

*The mitigation strategy for all the species must be designed to take in to account all species present within the site collectively and not looking at each species individually. We advise that the finalised landscape plan must reflect the requirements of the mitigation strategy."*

Conditions are recommended to be imposed on any approval.

**Rural Planning Limited** comments that the application relates to a significant area of Grade 2 agricultural land and states:-

*"...the land here falls into the "best and most versatile" category and thus potentially this would be a "significant" development of agricultural land, and subject, in principle, to the NPPF policy that points (where the development is demonstrated to be necessary) to areas of poorer quality land being sought in preference.*

*This particular issue does not appear to have been addressed, as far as I can see, in the submitted Planning Statement.*

*That said, the overall balance of benefits, and adverse impacts, is a matter for a Planning judgement, and it is understood that some or all of the site is already subject to a Housing allocation under existing and emerging local plan policies."*

**Kent Police** raise no objections to the application and they are encouraging the applicant to incorporate measures to design out crime within the development.

**The NHS** request contributions of £111,996 due to the fact that 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 local surgery premises:

- Allington Clinic
- Allington Park Surgery
- Aylesford Medical Practice
- College Practice
- Lockmedow Surgery
- Blackthorne Practice

The above surgery is within a 1.5 mile radius of the development at London 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.

Predicted Occupancy rates	Total number in planning application	Total occupancy	Contribution sought (Occupancy x £360)
2	1	2	£720
2.8	57	159.6	£57,456
3.5	29	101.5	£36,540
4.8	10	48	£17,280
<b>Total</b>			<b>£111,996</b>

**Kent County Council** raise no objections to the application subject to the following contribution requests:-

Primary Education (new build)	£1000.00 per applicable flat	£4000.00 per applicable house
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Primary Land (acquisition cost)	£675.41 per applicable flat	£2701.63 per applicable house
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Secondary Education	£589.95 per applicable flat	£2359.80 per applicable house
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Community Learning	£30.70 per dwelling
Youth Service	£8.44 per dwelling
Libraries	£79.71 per dwelling
Adult Social Care	£53.88 per dwelling

**Kent County Council Archaeology** raise no objections to the application stating:-

*"The site lies in a general area of prehistoric activity. Some Iron Age cinerary urns, pottery and brooches were discovered in Tassells Quarry c.600m to the east and further Iron Age and Roman remains are known to the south. The site contains a known pillbox – Type 22 WWII pillbox – part of a line of pill boxes around Maidstone and along major routeways. I note that this pillbox seems to have been preserved in situ and is not within the main housing area which is of positive heritage benefit and a welcome outcome.*

*I would like to encourage the applicant to undertake some minor heritage enhancement works and secure the long term conservation of the pill box with some interpretation. In addition, in view of the general potential for prehistoric and later remains, some archaeological works would be appropriate."*

**UK Power Networks** have no objections to the application.

**Kent Public Rights of Way** raise no objections to the application as it has no affect on any existing rights of way.

**Kent Wildlife Trust** initially raised objections to the application. However, following the submission of an addendum to the ecological strategy a response has been received stating:-

*"Whilst I am satisfied that the ecological strategy addendum is now generally consistent with the original Lloyd Bore report, I remain concerned about the absence of clear objectives for a long term ecological management of green spaces on the development site. In fact, my concerns were heightened when I read of a commitment to only 3 annual interventions at the reptile receptor site (paragraph 3.16 and table 1)."*

**MBC Open Space** request £402.96 per dwelling towards the provision of public open space in lieu of the shortfall of on site provision. The offsite contribution would be used within a one mile radius of the development for the improvement, refurbishment and maintenance of existing areas of open space and equipped play, outdoor sports facilities and allotments.

Such sites as Adisham Drive and Midley Close are within 1km of the site and would be used by the development as they are the nearest sites with areas of equipped play, whilst the likes of Allington Open Space and Giddyhorn Lane are areas that would benefit in terms of outdoor sports facilities.

**MBC Environmental Health Manager** raise no objections to the development in terms of contamination or air quality and recommend the imposition of conditions and informatives.

## **8.0 APPRAISAL**

### **Principle of Development**

- 8.01 The application site is a greenfield site on the edge of the urban area. It is a site that is allocated for housing in the Maidstone Borough-Wide Local Plan (2000) under policy H1. However, following the publication of PPG3, which required housing to be developed on brownfield sites before releasing greenfield sites the Council undertook an Urban Capacity Study to establish the level of housing land availability without utilising greenfield sites.
- 8.02 A planning application, MA/00/1712 was submitted in 2000 and the Council refused the application for the following reasons:-

*The proposal involves the development of a greenfield site for housing. Maidstone Borough Council has, by an Urban Capacity Study, demonstrated that there is sufficient previously developed land within the Borough to meet Structure Plan*



*requirements for the period 2001-2006. There is no need for further release of greenfield sites before this time and in the absence of any demonstrated need the development would be contrary to the advice contained in Planning Policy Guidance Note 3: Housing.*

*In the absence of need for the land to be developed for housing purposes the proposal would result in an extension to the built up area of Maidstone into the open countryside detrimental to the character and appearance of the area and setting of the town.*

- 8.03 The Urban Capacity Study did identify sufficient housing land on brownfield sites and as a result a moratorium was issued on the greenfield allocations in the Maidstone Borough-Wide Local Plan (2000). Although this decision was not appealed an Inspector on another similar allocation dismissed that appeal and accepted the Council's argument.
- 8.04 The emerging Local Plan has identified the site as a suitable housing site and it was allocated in the Strategic Sites Allocations: Public Consultation Document 2012. The site was carried forward and forms part of the housing allocations in the Regulation 18 Consultation 2014, site H1(1).
- 8.05 It is certainly the Council's view that in general terms the site is appropriate for residential development. It formed part of the Local Plan allocations that were adopted almost 14 years ago and is now a strategic site in the emerging plan. Furthermore, it is clear that there is insufficient brownfield land to meet the Borough's housing need and the fact that the Council does not have a 5 year land supply means that some housing on greenfield sites is inevitable.
- 8.06 The application is for 140 dwellings on the site at an approximate density of 25.5 dwellings per hectare for the gross site area. This is approximately 15% lower than the anticipated numbers in the emerging policy, which allocated the site for 165 dwellings. The reason for the lower numbers is due to the space that has been set aside in the site for the retention of the protected trees and areas for ecological enhancements. I consider that the reduced numbers from the emerging local plan policy are justified due to the site specific constraints.
- 8.07 I consider that the general principle of residential development of the numbers proposed on this site to be acceptable. The key considerations are the impact on highways and junction capacity and the visual impact on the landscape.

### **Visual Impact**

- 8.08 The site is a greenfield site and its development for residential and other development would clearly have an impact visually on the site. This section will deal with the overall visual impact of the development of this greenfield site whereas the appraisal of the design of the scheme will be dealt with under the Design and Layout section.
- 8.09 When the Inspector assessed the site for allocation purposes at the Public Inquiry into the Local Plan (pre-2000) it was Taylor Wimpey who were proposing the site for housing at that time. The Inspector set out the proposal in his report stating:-

*"I found on my visits to the area that the western edge of Maidstone adjoining this site is well defined by a line of trees, which marks a clear distinction between the town and the unused open land which adjoins. This distinction is reinforced by the*

*mature hedge along the A20 frontage of the site and the open land to the south. Nevertheless, seen from the A20, the setting of the eastern part of the site on which houses are proposed is strongly influenced by the urban character of the edge of the town. Approaching the site from the west, the Travel Inn which adjoins the public house is prominent, as is the new furniture warehouse. There is a traffic light controlled junction giving access to the park and ride site and housing, both existing and proposed in this Plan. There are also signs on the roadside which add to the urban influence. I accept that there was an earlier building on the site of the furniture warehouse, but I have no doubt that this urban character has increased significantly since the appeal decision in 1988 to which the Council referred at the inquiry."*

- 8.10 The Inspector went on to consider the visual impact of the development of the site for housing stating:-

*"In this context, and with careful control of the roadside hedge and trees within the site along the western edge of the proposed housing, it seems to me that the impact of new housing on the area proposed in this objection would be limited."*

- 8.11 The Local Plan Inspector then considered the longer distance views of the site and stated:-

*"I looked at the site from Blue Bell Hill on the North Downs. The site can be seen, but I did not find it prominent at this distance because of its limited size and the screening provided by trees and hedges around it and on the railway embankment. Whilst its undeveloped nature is clearly part of Maidstone's countryside setting, I found that the impact of houses on the Gap would be limited in this view because they would not project as far as to the west as the furniture warehouse."*

- 8.12 The Inspector's assessment remains relevant in the consideration of this site today. There has been little change to the site and in terms of the surroundings what changes have occurred have introduced further development in the areas such as the incinerator that can be seen in the foreground from views from Blue Bell Hill, the housing allocation in the Maidstone Borough-Wide Local Plan (2000) at the former Kent Garden Centre has been completed and a public house, The Poppy Fields, has been built on the 20/20 roundabout on the other side of the railway bridge. I agree with the Inspector's assessment of this site.

- 8.13 The Inspector in the Local Plan Inquiry considered the visual impact of the housing to be acceptable on this site. I accept that the site was for 80 units then on a smaller parcel of land. However, that being the case I do not consider that the additional area of the allocation is so significant that it would result in harm to the character and appearance of the area in general and the principle of the Inspector's findings hold true for this proposal. This case is even stronger given the additional development that has taken place in the intervening period.

### **Highways**

- 8.14 The proposal involves the creation of a new access from the site onto London Road. The geometry of the junction has been created to include an easy left turn into the development from London Road. There would be no vehicular access through the adjacent housing estate. There would be pedestrian access, although informal, onto Blackmanstone Way and also onto London Road.
- 8.15 The traffic implications of the development have been extensively assessed. The Highways Agency has assessed the impact on junction 5 of the M20 and raises no

objections to the application. Kent Highway Services have assessed the access and traffic volumes within the Transport Assessment. There have been discussions between the applicant's transport consultants and Kent Highway Services and amendments have been made to the design of the access to overcome concerns relating to safety and capacity. A safety audit has been completed on the revised design and this is satisfactory subject to the designer's response comments being implemented.

- 8.16 The Maidstone bound queue length has been analysed further due to concerns raised regarding queuing causing obstruction under the railway bridge. With regard to queue lengths on the Maidstone bound approach to the junction there is no significant difference during the AM peak and during the PM peak the development would add 2 passenger car units (PCUs) and 11m to the queue length. This queue length is not constant and the mean maximum queue (MMQ) includes traffic arriving as vehicles in the front of the queue are moving as the lights become green and therefore this is not a solid queue but a moving queue. This is considered acceptable to Kent Highways and I agree that the development would not result in a severe impact on the highway network.
- 8.17 There is a request for contributions of £1,350 per dwelling for the A20 Coldharbour Lane junction improvement. This is based on the MBC estimate from the Infrastructure Delivery Plan of £2,600,000 and £86 per dwelling for the interim improvement of Junction 5 of M20 with a white lining scheme to be the subject of a condition. Initial estimate of costs £30,500.
- 8.18 I consider that the proposed mitigation is necessary and securing the contributions through a Section 106 agreement would meet the requirements of the three tests of Regulation 122 of the CIL Regulations 2010 and paragraph 204 of the NPPF 2012. These are set out below:-
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and
  - Fairly and reasonably related in scale and kind to the development.
- 8.19 The development would provide 373 car parking spaces, which equates to 2.6 spaces per dwelling. The majority of these spaces would be on plot with some in communal areas. The proposed level is considered an appropriate level to ensure that there would not be any on street car parking that would impact on highway safety. The level of provision is also considered acceptable to Kent Highway Services.
- 8.20 In conclusion, the development would be accessed from London Road from a new access road that would not result in harm to road users. The traffic generation from the site would not result in harm to the capacity of the surrounding highway network including queuing traffic on London Road, subject to the mitigation sought through the proposed contributions to the Coldharbour roundabout and junction 5 of the M20. The proposed parking level within the development is acceptable and sufficient to prevent harm to highway safety. The development does not result in any objections from either the Highways Agency or Kent Highway Services and I consider that in highway safety terms the application is acceptable.

### **Design and Layout**

- 8.21 The scheme has been designed to offer a boulevard style entrance from London Road with double fronted dwellings on each corner and a row of trees along the

access. This would provide a good quality entrance feature to the development that would announce the scheme at the entrance. The boundary treatments in this location would be key and a condition for the provision of these boundary treatments to include a high quality finish to the development and prevent the use of close boarded fences at this, and other prominent places within the development.

- 8.22 Other than the entrance point the development maintains the established hedgerow alongside London Road. This hedgerow is an important feature within the immediate area and defines the site as an edge of urban area site. The hedgerow was seen by the Inspector in the previous Local Plan Inquiry as an important feature and its retention ensures that the character of the area is maintained.
- 8.23 Even though the majority of the development site would be screened from London Road by the existing boundary hedgerow it is important that the development does not turn its back on the main route and become too insular in its design. The proposed scheme ensures that the properties would address London Road and that glimpses through the hedge to the development would not see dead frontages.
- 8.24 The trees that are subject to a Tree Preservation Order have been accommodated within small greens running through the development. This would ensure that not only will the trees be retained but that they would also be offered long term protection by virtue of the fact that they would not be located within private gardens. The greens also link the main route through the development from London Road to the large central open space. This would draw the eye through the development and add to the visual interest. In addition, the greens have offered the opportunity for properties to be focused around these green spaces and fronting onto them.
- 8.25 The development adjacent to the habitat areas would be looser to signify the edge of the development and would typically comprise large detached dwellings in large plots. This design approach would ensure that the finish to the development would be appropriate to the context of providing the habitat areas within the applicant's ownership.
- 8.26 Existing development within the adjacent housing estate is characterised by detached and semi detached dwellings. The proposed scheme would replicate a similar style of development with semi detached properties and small rows of terraced properties.
- 8.27 The development would be a mix of 2, 2.5 and 3 storey dwellings. The majority of the development would be 2 storeys in height. The three storey dwellings would be predominantly the flats in the north east corner with a couple of feature properties within the development. This mix of heights would be appropriate in the context of the adjacent estate and the heights combined with the spacious layout would be appropriate for the edge of town location.
- 8.28 The proposed design would be a simple built form using appropriate detailing that complement Kent and local vernacular. Key feature buildings are proposed to be higher in height using the increased massing in some locations within the site. The wall construction would be predominantly soft orange/brown brick but there would be elements of render, tile hanging and boarding intermixed to add variety and interest to the development. The key to achieving a quality development would be the finish to the boundary treatments and using high quality walling on areas fronting public vantage points to avoid the proliferation of close boarded fencing.

## **Heads of Terms**

- 8.29 The consultees have requested a number of contributions to be secured through the application. It is important that any contributions that are secured through a Section 106 agreement would meet the requirements of the three tests of Regulation 122 of the CIL Regulations 2010 and paragraph 204 of the NPPF 2012. These are set out below:-
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and
  - Fairly and reasonably related in scale and kind to the development.
- 8.30 The land for a primary school is identified within the emerging policies of the Local Plan and contributions towards the land cost (£675.41 per applicable flat and £2701.63 per applicable house) and construction (£1000 per applicable flat and £4000 per applicable house) are sought from KCC. It is clear that the proposed development of 140 dwellings would result in additional demand placed on education facilities and I consider that it would be appropriate to secure the appropriate level of contribution.
- 8.31 There is an additional request from KCC as the education authority for a contribution towards secondary school provision. A contribution of £589.95 per applicable flat and £2359.80 per applicable house is sought based upon the additional need required, where the forecast secondary pupil product from new developments in the locality results in the maximum capacity of local secondary schools being exceeded. The proposal is projected to give rise to 26 additional secondary school pupils from the date of occupation of this development. This need can only be met through the provision of new accommodation within the locality. It is clear that the proposed development of 140 dwellings would result in additional demand placed on education facilities and I consider that it would be appropriate to secure the appropriate level of contribution.
- 8.32 The NHS have requested £111,996 towards improvements at the named surgeries of Allington Clinic, Allington Park Surgery, Aylesford Medical Practice, College Practice, Lockmedow Surgery and Blackthorn Practice all of which are within 1.5 miles of the site. It is clear that the proposed development of 140 dwellings would result in additional demand placed on the health facilities and I consider that it would be appropriate to secure the appropriate level of contribution.
- 8.33 The contributions towards highway improvements have been outlined in section 8.16 above and are deemed to meet the required tests of the CIL Regulations.
- 8.34 The Council's Parks and Open request £402.96 per dwelling towards the provision of public open space in lieu of the shortfall of on site provision. The offsite contribution would be used within a one mile radius of the development for the improvement, refurbishment and maintenance of existing areas of open space and equipped play, outdoor sports facilities and allotments. Such sites as Adisham Drive and Midley Close are within 1km of the site and would be used by the development as they are the nearest sites with areas of equipped play, whilst the likes of Allington Open Space and Giddyhorn Lane are areas that would benefit in terms of outdoor sports facilities. It is clear that the proposed development of 140 dwellings would result in additional demand placed on education facilities and I consider that it would be appropriate to secure the appropriate level of contribution.



- 8.35 Kent County Council has sought contributions of £30.70 per dwelling towards community learning. The contribution would be used to pay for adult learning classes and outreach centres. It is clear that the proposed development of 140 dwellings would result in additional demand placed on the community learning facilities and I consider that it would be appropriate to secure the appropriate level of contribution.
- 8.36 There is a request of £8.44 per dwelling sought by Kent County Council towards the provision of centre based youth services in the area. It is clear that the proposed development of 140 dwellings would result in additional demand placed on the youth facilities available in the area and I consider that it would be appropriate to secure the appropriate level of contribution.
- 8.37 There is a request from Kent County Council to provide £79.71 per dwelling to provide additional bookstock at Maidstone library to deal with the addition usage from this development. It is clear that the proposed development of 140 dwellings would result in additional demand placed on the bookstock at Maidstone library and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 8.38 Kent County Council have sought contributions of £53.88 per dwelling towards adult social services. The projects identified include the provision of health linked care needs and assessment suite, the enhancement of local community facilities to ensure full DDA access to clients, a specialist changing place facility to enable clients with multiple needs to integrate and use everyday facilities and to provide assistive technology (Telecare) to enable clients to live as independently and secure as possible. It is clear that the proposed development of 140 dwellings would result in additional demand placed on the social services provided by Kent County Council and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 8.39 The application proposes the provision of 30% affordable housing. The Council's adopted DPD (2006) on affordable housing indicates a level of 40% would be appropriate on such a scheme. However, the emerging policy DM24 of Maidstone Borough Local Plan Regulation 18 Consultation 2014 indicates a level of 30% to be appropriate. The applicant has justified this lower level through viability and the Peter Brett study undertaken on behalf of the Council used the Bridge Nurseries site as a case study. This study indicated the level of 30% to be appropriate if dwellings were constructed to level 4 of the Code for Sustainable Homes. However, the applicant is proposing code level 3 on the grounds that the requirement to set aside a significant portion of the site for the protected trees and ecological mitigation measures has lead to a significant reduction in the numbers of units. However, the cost for achieving many of the requirements for the development remain constant, for example, the need for a new pumping station, new junction design and noise insulation, which means the individual build costs for the dwellings are comparatively high. I will deal with the Code for Sustainable Homes issue in more detail later in the report but I consider that it is appropriate to secure 30% affordable housing.

#### **Other Matters**

- 8.40 The layout has been designed to ensure that the new dwellings would have their flank elevations facing the rear gardens of properties in Fordwich Close, Blackmanstone Way and Lamberhurst Road. This would ensure that there would be no overlooking that would warrant a reason for refusal and also reduce the perception of overlooking. The distances between the properties would ensure that

- there would be no unacceptable loss of light or an overwhelming impact from the development.
- 8.41 The proposed development would be predominantly family dwellings and there would be adequate garden space to ensure that the dwellings have a good level of amenity space.
- 8.42 The proposed World War II pill box is to be retained and secured in order to ensure that it is not vandalised, which is often the case at the current time. The retention of this feature has been welcomed by Kent County Council Archaeology and a condition can be imposed to ensure its retention.
- 8.43 The development is accompanied by ecological assessments in relation to protected species. The reports demonstrate that there are 3 species of reptile were present, 2 red listed species and 3 amber listed species of birds were recorded nesting or likely nesting, 1 red data book species invertebrate and 13 nationally scarce species. Common cudweed, a nationally scarce and listed as nationally threatened in the Red Data Book of GB was found. Foraging and commuting bats were also found. These have been examined by Kent County Council Ecology and also Kent Wildlife Trust who both confirm that they are happy with the methodology and findings of the reports. The application includes on site receptor sites and an outline mitigation strategy has been submitted to ensure that the site is suitable. Kent County Council Ecology raise some concerns regarding this mitigation strategy and recommend a number of conditions to ensure satisfactory mitigation is provided. A further more detailed mitigation strategy and management plan into the longer term would be required and appropriate for provision through a section 106 agreement. Further ecological enhancements have been secured through in the form of bat boxes and swift bricks as part of the fabric of the development and these can be secured by way of a condition.
- 8.44 As outlined earlier the application is proposed to achieve level 3 on the Code for Sustainable Homes. The reason given is due to the reduction of numbers to achieve an appropriate layout and retain the protected trees in appropriate locations, i.e. not in private gardens and to provide areas for ecological mitigation. This is disappointing, however, I consider that the benefit of retaining the trees as part of the overall layout and the associated reduction in numbers to be of greater benefit. As mentioned above, the applicant has agreed to include bat boxes and swift bricks as part of the fabric of the development. In addition, the applicants have agreed to examine the opportunities for using renewable energy sources within the development and also to explore the potential of including electric car charging points.
- 8.45 The site is located within flood zone 1 (least affected by flooding) and a flood risk assessment has been submitted as part of the application. The proposal includes the use of a sustainable urban drainage system and conditions should be imposed to ensure the management of this facility. The Environment Agency has commented on the application and do not raise objections to the application.
- 8.47 The matter of foul sewage drainage is examined by Southern Water who conclude that there is currently inadequate capacity within the system. However, the solution indicated by Southern Water relates to the additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. This can be secured through a planning condition.

- 8.48 Concern has been raised by residents on the grounds that the site will be lost for recreation. I give this little weight in view of the fact that the land is private land and there are no public rights of way that run through or around the site.

## **9.0 CONCLUSION**

- 9.01 The application site is allocated within the Maidstone Borough-Wide Local Plan (2000) as a housing site and is again allocated within the emerging Local Plan. It is a well located site close to schools and other facilities and is a sustainable location for development. The Council does not have a five year supply for housing and these factors mean that the principle of the development for housing is acceptable.
- 9.02 The visual impact of the development of this greenfield site is acceptable and would be similar to that envisaged by the Local Plan Inspector at the Inquiry prior to the adoption of the Maidstone Borough-Wide Local Plan (2000).
- 9.03 The access arrangements and traffic generation would be at a level that with mitigation to the Coldharbour roundabout and junction 5 of the M20 is considered acceptable to Kent Highway Services.
- 9.04 In terms of the design and layout of the development the scheme would result in a high quality development that would respect the edge of town location and morph from the existing housing estate to the more loosely developed parts adjacent to the open areas.

## **11.0 RECOMMENDATION – DELEGATED POWERS TO GRANT** subject to the prior completion of a legal agreement in such terms as the Head of Legal Services advises to secure the following:-

- The provision of 30% affordable housing.
- £1,350 per dwelling for the A20 Coldharbour Lane junction improvement.
- £86 per dwelling for the improvement of Junction 5 of M20.
- £4000 per applicable house & £1000 per applicable flat towards build cost, and £2701.63 per applicable house and £675.41 per applicable flat towards land costs towards the construction of a new primary school.
- £2359.80 per applicable house & £589.95 per applicable flat towards the extension of a secondary school within Maidstone.
- £402.96 per dwelling towards the provision of public open space within a one mile radius of the development for the improvement, refurbishment and maintenance of existing areas of open space and equipped play, outdoor sports facilities and allotments. Adisham Drive and Midley Close are within 1km of the site and would be used by the development as they are the nearest sites with areas of equipped play, whilst the likes of Allington Open Space and Giddyhorn Lane are areas that would benefit in terms of outdoor sports facilities.
- £111,996 towards improvements at the named surgeries of Allington Clinic, Allington Park Surgery, Aylesford Medical Practice, College Practice, Lockmedow Surgery and Blackthorn Practice all of which are within 1.5 miles of the site.
- £30.70 per dwelling towards community learning for adult learning classes or Outreach Adult Learning in Maidstone.
- £8.44 per dwelling towards youth services and the provision of staff and equipment for Maidstone Borough Youth Outreach services in the area.
- £79.71 per dwelling to provide expansion of Library services in Maidstone and additional bookstock & equipment.

- £53.88 per dwelling towards adult social services being the provision of health linked care needs and assessment suite, the enhancement of local community facilities to ensure full DDA access to clients, a specialist changing place facility to enable clients with multiple needs to integrate and use everyday facilities and to provide assistive technology (Telecare) to enable clients to live as independently and secure as possible.
- *A landscape and ecological management plan (LEMP). The content of the LEMP shall include the following.*
  - a) Description and evaluation of features to be managed.*
  - b) Ecological trends and constraints on site that might influence management.*
  - c) Aims and objectives of management.*
  - d) Appropriate management options for achieving aims and objectives.*
  - e) Prescriptions for management actions.*
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).*
  - g) Details of the body or organization responsible for implementation of the plan.*
  - h) Ongoing monitoring and remedial measures.*

*The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.*

and 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 any buildings and hard surfaces 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 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.

- 4 No development shall take place until an ecological design strategy (EDS) addressing all species mitigation (for all species recorded within site) has been submitted to and approved in writing by the local planning authority.

The EDS shall include the following,

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed method statements to achieve stated objectives – for each species
- d) Extent and location/area of proposed mitigation for all species on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long term maintenance.
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: In the interests of biodiversity and ecology.

- 5 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECow) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of biodiversity and ecology.

- 6 No development shall take place, including demolition, ground works and vegetation clearance, until a biodiversity monitoring strategy has been submitted to, and approved in writing by, the local planning authority. The purpose of the strategy shall be to ensure the success of the Ecological Design Strategy and Landscape and Environmental Management Plan. The content of the Strategy shall include the following:

- a) Aims and objectives of monitoring to match the stated purpose.
- b) Identification of adequate baseline conditions prior to the start of development.
- c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
- d) Methods for data gathering and analysis.
- e) Location of monitoring.
- f) Timing and duration of monitoring.
- g) Responsible persons and lines of communication.



h) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The monitoring strategy will be implemented in accordance with the approved details.

- 7 The development shall not commence until details of measures to provide for the installation of bat boxes and swift bricks within the site, 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: In the interests of biodiversity and ecology.

- 8 The development shall not commence until an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP), which shall include details of all trees to be retained, any facilitation pruning required and the proposed measures of protection, undertaken in accordance with BS 5837 (2012) 'Trees in Relation to Design, Demolition and Construction-Recommendations' has been submitted to and approved in writing by the Local Planning Authority. The AMS shall include full details of areas of hard surfacing within the root protection areas of retained trees which should be of permeable, no-dig construction and full details of foundation design, where the AMS identifies that specialist foundations are required. 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 sitting 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 ensure a satisfactory setting and external appearance to the development.

- 9 The development shall not commence until details of foul 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 and no dwelling shall be occupied until adequate foul water drainage has been provided.

Reason: In the interest of pollution prevention.

- 10 The development shall not commence until a detailed surface water drainage scheme for the site following the principles established in the flood risk assessment and drainage strategy, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The details shall include, inter alia, a long term management and maintenance plan for the SUDS included in the approved scheme. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: The site is located over a Principal Aquifer and within SPZII therefore to protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework. Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could

ultimately cause pollution of groundwater.

- 11 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: In the interests of human health.

- 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, verified and reported to the satisfaction of the Local Planning Authority.

Reason: The site is located over a Principal Aquifer and within SPZII therefore to protect vulnerable groundwater resources.

- 13 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of 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 ensure that features of archaeological interest are properly examined and recorded.

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

Reason: To ensure long term conservation of the pill box with heritage interpretation for understanding, awareness and enjoyment of the local heritage.

- 15 The dwellings shall achieve a minimum of Level 3 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 3 has been achieved;

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

- 16 No dwelling shall be occupied until all highway works required at the junction of the A20 and Beavers Road/site access as shown in principle on drawing number 10256/SK05 rev. P3 and SL-01 Rev D have been completed;

Reason: In the interests of highway safety.

- 17 Prior to commencement of work on site there shall be provision for construction vehicle loading/unloading and turning facilities prior and parking facilities for site personnel and visitors and for the duration of construction.

Reason: In the interests of highway safety.

- 18 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.

## INFORMATIVES

- 1 It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
- 2 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: 03000 418181) in order to obtain the necessary Application Pack.
- 3 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 Manager regarding noise control requirements.
- 4 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 Environmental Health Manager.

- 5 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.
- 6 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.
- 7 Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.
- 8 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.
- 9 The developer will be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. This should be available for inspection by the Local Authority at any time prior to and during the development.
- 10 There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of soakaways and the water table.
- 11 The applicant/agent is advised to seek the input of the Kent Police Crime Prevention Design Advisors (CPDAs) to ensure that all efforts are made to incorporate the principles of Designing out Crime (A Kent Design Guide for Developers Designers and Planners) into the high quality design of any proposal.  
  
The contact details of the Kent Police CPDAs are; John Grant & Adrian Fromm, Kent Police Headquarters, Sutton Road, Maidstone ME15 9BZ email: [pandcr@kent.pnn.police.uk](mailto:pandcr@kent.pnn.police.uk) Tel No- 01622 653209/3234.
- 12 The applicant should enter into a formal agreement with Southern Water to provide the necessary sewage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).
- 13 The proposed use of deep bore soakaways linked to outfalls from surface water ponds. Generally, we would accept roof drainage going direct to soakaway, but other surface drainage may need to go through appropriate mitigation/treatment systems.
- 14 Surface drainage from car parking for less than 20 private cars is normally acceptable, provided there are suitable pollution prevention measures in the system prior to the discharge point.
- 15 The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2), provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste.
- 16 Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore its handling, transport, treatment and disposal is subject to waste

management legislation which includes:

- i. Duty of Care Regulations 1991
- ii. The Waste (England and Wales) Regulations 2011
- iii. Hazardous Waste (England and Wales) Regulations 2005
- iv. Pollution Prevention and Control Regulations (England and Wales) 2000
- v. Environmental Permitting (England and Wales) Regulations 2010

- 17 In the interests of promoting public safety and reducing the risk of trespass and vandalism on the railway, the applicant should ensure that a suitable trespass resistant fence is located along the northern side of the site (adjacent to the railway). Any new fencing must be independent of existing Network Rail fencing and should leave sufficient distance to allow for future maintenance and renewal.

- 18 Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels.

Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided.

If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

- 19 Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.

Case Officer: Peter Hockney

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





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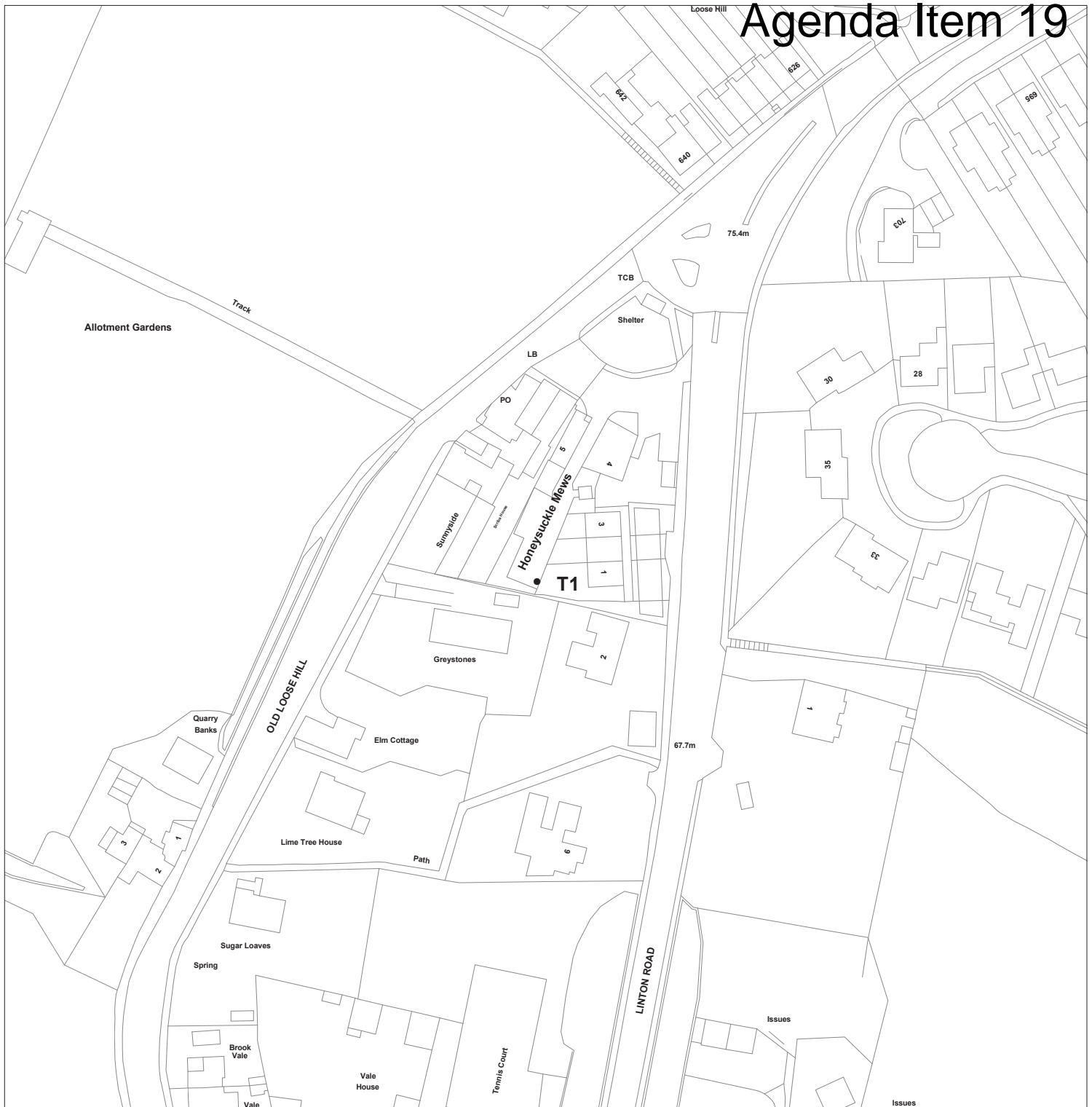


31. 10. 2014



31. 10. 2014





**THE MAIDSTONE BOROUGH COUNCIL**  
**Tree Preservation Order No.3 of 2014**  
**Tree at 1 Honeysuckle Mews, Loose Green,**  
**Maidstone ME15 0AF**

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## Schedule

Individual Trees: T1 Sycamore

Groups of trees: None

Areas of trees: None

Woodlands: None

Signed .....

Date .....

Scale 1:1250

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[Chief Executive]  
 [Head of Planning and Development]  
 [delete as appropriate]  
 as authorised signatory

**Maidstone Borough Council**

**PLANNING COMMITTEE**

**REPORT BY THE HEAD OF PLANNING SERVICES**

**The Maidstone Borough Council**

**TREE PRESERVATION ORDER NO. 3 of 2014**

**1 Honeysuckle Mews, Loose Green, Loose, Maidstone ME15 0AF**

**EXECUTIVE SUMMARY**

**This report seeks the permission of the Planning Committee to confirm without modification Tree Preservation Order No 3 of 2014 for which objections to the making of the Order have been received.**

**FOR DECISION**

**RELEVANT PLANNING HISTORY**

TA/0051/14- A notification of works within Loose Conservation Area being the intention to crown lift and reduce 1No. Sycamore by 30% (including removal of deadwood and reshaping). Registered as valid on 4 April 2014.

**SUMMARY TPO INFORMATION**

<b>TPO Served:</b> 16 May 2014		<b>TPO Expiry Date:</b> 16 November 2014
<b>Served on:</b> Landowner/neighbouring landowners where applicable		
<b>Copied to:</b> Parish Council/Ward Members		
<b>Representations</b>	Objections: One	

The tree is a mature Sycamore, growing in the rear garden of 1 Honeysuckle Mews. Stem diameter (dbh) is estimated to be in excess of 1 metre, with an average radial crown spread of 7 metres and height (measured with a clinometer) of 20 metres. The tree has a main fork at a height of around 1.8 metres. There is evidence of previous works including ivy removal and crown lifting (removal of lower branches). The latter has resulted in some minor decay, but this does not appear to be structurally significant.

The tree is located approximately 1m inside the boundary of the rear garden at 1 Honeysuckle Mews. The tree was retained as part of the recent Honeysuckle Mews development. Due to its large size and location at the top of the hill, it is a very prominent specimen, with much of the crown visible from some distance at a variety of public viewpoints on the A229 Loose Road and at various locations on Old Loose Hill, as far as the bottom of the hill. In an amenity evaluation, using the Council's standard assessment method, the tree scored 19 against a benchmark score of 17, indicating that the tree merits protection on amenity grounds.

The tree was the subject of conservation area notice TA/0051/14, which specified a 30% crown reduction. No reasons were given on the notification for the proposal and although it is not a requirement to give reasons when making such notifications, crown reduction works are not generally considered to be appropriate management unless there is appropriate justification. Pruning of trees opens wounds in the branch structure which may be colonised by wood decaying pathogens, particularly fungi. A 30% crown reduction would open a significant number of fairly large wounds throughout the crown, limits the tree's ability to photosynthesise carbohydrates and reduces the production and transport of hormones within the tree, all which have negative long term effects on tree vigour.

Furthermore, it was considered that the proposed works would degrade the visual amenity afforded by the tree and reduce landscape quality in the area. It was therefore considered that the proposed works were inappropriate arboricultural management and that the tree should be made the subject of a Tree Preservation Order.

The grounds for the making of the Order are:

'The mature Sycamore tree makes a positive contribution to the character and amenity of the area. Conservation area notification TA/0051/14 proposes works to the tree that the Council considers to be inappropriate management and would degrade the visual amenity afforded by the tree, reducing landscape quality in the area. Therefore, it is considered expedient to make the tree the subject of a Tree Preservation Order.'

## **OBJECTIONS AND CONSULTATIONS**

An objection to the TPO was received from the owner/occupiers of the adjacent property 'Greystones', Old Loose Hill. The objection is reproduced below, with the response to the objection being made in italics.

"I would like to make some comments regarding the tree on the property 1 Honeysuckle Mews and the proposed tree preservation order - Ref 406/124/06

- 1) The property is adjacent to our land at Greystones, Old Loose Hill, Loose, ME15 0BH and the tree in question hangs over our garden by around 6 metres and is of great height.
- 2) In autumn we get problems with huge amounts of leaves and the sycamore flyers.
- 3) They cause blockages in the guttering on our shed.



- 4) It causes the hard surfaces to become slippery.
- 5) It takes hours to clean the fallen leaves up. (perhaps the council would like to come and do it?)
- 6) The flyer seeds cause many saplings to grow in places they are not wanted, making constant work for us.
- 7) The roots/trunk of the tree is so close to our wall, that the wall (original ragstone) is starting to move.
- 8) It causes general nuisance to us by all of the above.

I am a tree lover and we have lots of trees in our garden, including a Silver Birch which has a preservation order on it. I would like to see the tree removed and another smaller tree planted in its place or alternatively retain the current tree, but it definitely needs pollarding regularly, which the owner would be unable to do, should a preservation order be placed on it."

*Trees drop leaves, seeds and other detritus as a natural occurrence. This can create sometimes considerable inconvenience to tree owners and neighbours.*

*This must be balanced against the need to protect trees which are valued for the contribution that they make to amenity, biodiversity and local landscape character. Tree Preservation Orders are the primary mechanism by which this is done. They enable Councils to control the type and extent of any proposed pruning works via applications and to resist proposals that are considered to be inappropriate on the basis that they would be damaging to the contribution that the tree makes to amenity, biodiversity and local landscape character.*

*Problems caused by litter from trees can be mitigated by additional land and property management measures such as modifying gutters or using netting or filters but can often only be fully resolved or alleviated through drastic pruning or felling. Such works are often likely to have a negative impact on the trees appearance, destroying its visual amenity value or reducing its safe useful life expectancy and are generally resisted.*

*The objection does not state how the trees cause hard surfaces to become slippery. Wet leaves might be a seasonal problem, or shading by the tree may slow drying of surfaces. Slippery paving is often the result of algae and lichen growth and unrelated to trees.*

*The existence of a confirmed Tree Preservation Order does not prevent applications for work. Each application is considered on its own merits, on the reasons put forward by the applicant. There is currently no fee for submitting applications for works to protected trees and where applications are refused, the applicant has a right of appeal against the Council's decision.*

*It is therefore not correct that the Tree Preservation Order will definitely prevent pollarding, as the objector suggests is needed for this tree. If an application for pollarding was received, together with appropriate justification for the works, consent*

*might be granted if it is considered that the detrimental impacts of the proposal are outweighed by the reasons put forward for the works.*

*No evidence has been received regarding the damage to the ragstone wall. If the tree is implicated in structural damage, then this can be considered as an application with the appropriate evidence for the matter to be fully considered. At this time, there is no evidence available to the Council to indicate that it would be inappropriate to confirm the TPO on the basis that it is responsible for structural damage.*

It is considered that the Sycamore continues to make a valuable contribution to the character and amenity of the area. The objection received to the making of the Order is not considered to raise any issues to suggest that Order should not be confirmed.

**RECOMMENDED**

That Tree Preservation Order No 3 of 2014 be confirmed without modification

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## **THE MAIDSTONE BOROUGH COUNCIL** **PLANNING COMMITTEE – 6.11.14**

### **APPEAL DECISIONS:**

1. **MA/13/2124** Outline application for the erection of 40 dwellings and associated works with garages/carports, public open space/play space, an estate road, access and pedestrian links with access to be considered and appearance, landscaping, layout and scale reserved for future consideration.

**APPEAL:** Withdrawn

Land South Of Court Lodge Road, Harrietsham, Kent

(Delegated Powers)

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2. **MA/14/0430** Extension to existing office building as shown on drawing nos. FSF:01, FSF:02, 2167/100, 2167/101, 2167/102, 2167/103, 2167/104, 2167/105, 2167/106 received on 18/3/14.

**APPEAL:** Allowed with Conditions

FRIDAY STREET FARM, FRIDAY STREET, EAST SUTTON, MAIDSTONE, KENT, ME17 3DD

(Delegated Powers)

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3. **MA/14/0254** Removal of condition 2 of planning permission MA/04/0875 to allow the use of the cabins as permanent residential homes.

**APPEAL:** Dismissed

CRADDUCKS FARM, GOUDHURST ROAD, STAPLEHURST, TONBRIDGE, KENT, TN12 0HQ

(Planning Committee)

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4. **MA/14/0744** Erection of detached triple garage with first floor store/office in roofspace above to replace existing detached garage and car port

**APPEAL:** Dismissed

THE BRACKEN, OLD DRIVE, MAIDSTONE, KENT, ME15 9SE

(Delegated Powers)

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**5. MA/13/2110**

Partly retrospective application for the stationing of a burger van (Use Class A5) and laying of hard surfacing, and the introduction of decking and additional hard surfacing as shown on a site location plan and block plan, supported by a planning statement, all received 23rd December 2013 and an additional highway supporting statement received 10th April 2014.

**APPEAL:** Dismissed

Newport Imports, Stockbury Valley, Stockbury, Kent, ME9 7QN

(Delegated Powers)

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**6. MA/14/0128**

Erection of 3 bedroom dwelling on land adjoining Willow Lodge as shown on drawing nos: 6586-P-01 and site location plan received on the 28th January 2014.

**APPEAL:** Dismissed

Willow Lodge, Smarden Road, Headcorn, Ashford, Kent, TN27 9HH

(Delegated Powers)

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