

AGENDA

PLANNING COMMITTEE MEETING



Date: Thursday 26 February 2015
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

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 Items withdrawn from the Agenda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 - 5 March 2015

Continued Over/:

Issued on 18 February 2015

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

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 5 February 2015 - to follow
11. Presentation of Petitions (if any)
12. Report of the Head of Planning and Development - Deferred Items 1
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23. Update on Matters Referred to Cabinet Members
24. Chairman's Announcements

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 12

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

26 FEBRUARY 2015

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

DEFERRED ITEMS

1.1. The following applications stand deferred from previous meetings of the Planning Committee. The Head of Planning and Development will report orally at the meeting on the latest situation.

1.2	<u>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</u>	<u>Date Deferred</u> 10 April 2014
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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.

1.3	<u>MA/13/1979 - OUTLINE PLANNING APPLICATION FOR UP TO 55 RESIDENTIAL DWELLINGS WITH MEANS OF ACCESS. ALL OTHER MATTERS RESERVED - LAND NORTH OF HEATH ROAD, COXHEATH, MAIDSTONE, KENT</u>	18 December 2014
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1.3.1 Deferred to:

Seek additional details of surface water drainage (to address Environment Agency comments);

Seek 40% affordable housing with appropriate viability evidence to demonstrate if this is not achievable; and

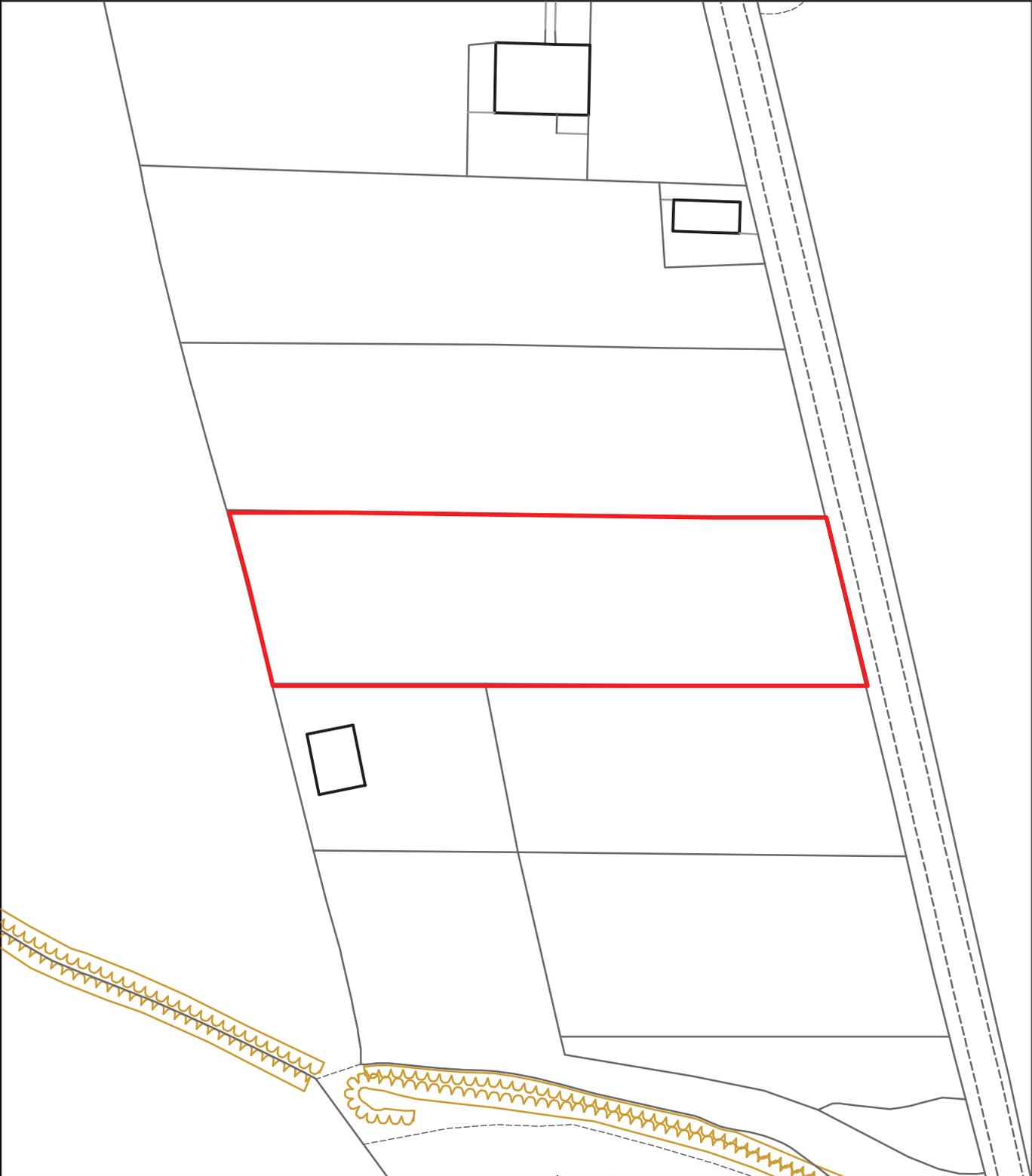
Seek further ecological surveys of the site.

Any S106 legal agreement should include a commitment from the developer to deliver the proposal.

THE MAIDSTONE BOROUGH COUNCIL

Fairway
Church Hill
Boughton Monchelsea
Kent
ME17 4BU

MBC Ref: 11/1194



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 11/1194		
APPLICATION PROPOSAL Retrospective application for the variation of Condition 2 of permission MA/09/1685 to allow the stationing of an additional mobile home		
ADDRESS Fairway, Church Hill, Boughton Monchelsea, Kent, ME17 4BU		
RECOMMENDATION Approve subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The site has the benefit of planning permission for the stationing of one mobile home and one touring caravan for residential use by persons of Gypsy status, a stable block and utility block. The approved structures are located within a hardstanding area formed on the Church Hill frontage of the site from where the site is accessed with the rear part of the site remaining as a paddock. The structures are relatively well screened from public views from Church Hill by hedging and fencing along the site frontage to the road, there are however views into the site from the access gateway on Church Hill. Retrospective planning permission is sought for the stationing of a second mobile home within the existing hardstanding area on the Church Hill frontage. The principle of the residential use of the site by persons of Gypsy status has been accepted with the previous grant of planning permission and whilst there is some increased visual impact as a result of the stationing of the second mobile home on the site, it is not considered that any increased visual and amenity impacts would be so significant as to be unacceptably harmful to the locality. Use of the site by persons other than Gypsies will remain restricted by planning condition.		
REASON FOR REFERRAL TO COMMITTEE The recommendation is contrary to the views expressed by Boughton Monchelsea Parish Council who wish to see the application refused and have requested that the application is reported to the Planning Committee.		
WARD Boughton Monchelsea And Chart Sutton	PARISH/TOWN COUNCIL Boughton Monchelsea	APPLICANT Mr B Lee AGENT WS Planning & Architecture
DECISION DUE DATE 11/09/11	PUBLICITY EXPIRY DATE 11/09/11	OFFICER SITE VISIT DATE 12/11/14
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

MA/09/1685 - Retrospective application for the change of use of land for the stationing of 1 no. mobile home and 1 no. touring caravan for residential purposes, stable block and utility building with associated works i.e. hardstanding and cess pool. Approved 25.02.10 subject to conditions. Conditions relating to no use of land as a caravan site by any persons other than gypsies, one static caravan and one touring caravan only to be stationed on the land, submission of a scheme of landscaping, approval of external materials of utility block, no external lighting to be erected, removal of all caravans and structures if permitted use ceases, and implementation of landscaping scheme.

MA/10/1544 (Adjoining plot to north) - Planning permission granted on appeal 20.01.12 for change of use of the land from agriculture to a mixed use of agriculture and the stationing of caravans in residential occupation and for related operational development comprising the laying of an area of hardsurfacing, the erection of fencing and gates, the erection of a television aerial mast and the installation of a cesspool. Conditions imposed preventing use of the site by any persons other than gypsies and travellers and no more than 3 caravans on the site at any time of which no more than 2 shall be incapable of being lawfully towed on the public highway.

MA/10/1542 (Plot 1 (next but one to north)) - Planning permission granted on appeal 20.01.12 for change of use of the land from agriculture to a mixed use of agriculture and the stationing of a caravan in residential occupation and for related operational development comprising the laying of an area of hardsurfacing, the erection of fencing and gates, the erection of two timber shed buildings, the erection of a brick utilities box, the erection of a television aerial mast and the installation of a cesspool. Conditions imposed preventing use of the site by any persons other than gypsies and travellers and no more than 2 caravans on the site at any time of which no more than 1 shall be incapable of being lawfully towed on the public highway.

MA/12/1835 (Adjoining plot to south) - Planning permission granted 16.05.13 for retention of breeding pens, bird runs, rearing unit, aviary and feed store; temporary stationing of a mobile home and touring caravan (office); and the siting of new brooding and rearing sheds. Conditions imposed restricting site to no more than one residential caravan and agricultural occupancy.

MA/10/1545 (Plot 5 (next but one to south)) - Planning permission granted on appeal 20.01.12 for change of use of the land from agriculture to a mixed use of agriculture and the stationing of a caravan in residential occupation and for related operational development comprising the laying of an area of hardsurfacing, the erection of fencing and gates, the erection of two timber shed buildings, the erection of a wooden wendy house, the erection of a brick utilities box and the installation of a cesspool. Conditions imposed preventing use of the site by any persons other than gypsies and travellers and no more than 2 caravans on the site at any time of which no more than 1 shall be incapable of being lawfully towed on the public highway.

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is located off the west side of Church Hill and forms part of the open countryside to the south of the village of Boughton Monchelsea. The site comprises a rectangular area of former grassland, approximately 38m by 130m (0.5 hectares approx.), with a frontage to Church Hill. The eastern part of the site fronting Church Hill comprises an area of hardstanding on which two mobile homes, a touring caravan, a utility building and a stable block are located together with associated parking and vehicle manoeuvring space. The remaining western part of the site is used as a paddock. Apart from the gateway opening where the site is accessed, the site is enclosed by hedging and fencing along the Church Hill frontage and woodland bounds the site to the west.
- 1.02 The site is adjoined by similar rectangular shaped plots along this section of Church Hill. Four of the plots, including the current application plot, have planning permissions for the stationing of mobile homes for occupation by gypsies and travellers only. The adjoining plot to the north has permission for a mixed use of agriculture and the stationing of caravans in residential occupation and is restricted by condition to no

more than 3 caravans at any one time. The adjoining site to the south has permission for the retention of breeding pens, bird runs, rearing unit, aviary and feed store, including the temporary stationing of a mobile home and touring (office). The next but one site to the south also has permission for a mixed use of agriculture and the stationing of a caravan in residential occupation and is restricted by condition to no more than 2 caravans at any one time. The parkland of Boughton Monchelsea Place is located on the opposite side of Church Hill to the east. Boughton Monchelsea Primary School is located approximately 100m to the north at the crossroads of Church Hill with Heath Road. As noted above, the application site forms part of the open countryside but does not fall within any other specifically designated environmental area as shown on the Proposals Map to the Maidstone Borough-Wide Local Plan 2000.

2.0 PROPOSAL

- 2.01 The site has the benefit planning permission granted 25.02.10 under application MA/09/1685 for the stationing of one mobile home and one touring caravan for residential use by persons of Gypsy status, a stable block and utility block. Condition 1 of the planning permission prevents the use of the land as a caravan site by any persons other than gypsies and condition 2 restricts the use of the land to the stationing of one static caravan and one touring caravan. A second mobile home has been stationed on the land in breach of condition 2 of the existing planning permission and the current retrospective application seeks to vary the condition to allow the retention of the currently unauthorized additional mobile home. The application states that the additional mobile home has been stationed on the site since February 2011.
- 2.02 The eastern part of the site fronting Church Hill comprises an area of hardstanding with a central access gateway into the site off Church Hill. The existing approved mobile home on the site is located on the northern side of the frontage to Church Hill within the area of hardstanding and the second unauthorised mobile home is also located within the area of hardstanding on the site frontage but on the southern side of the frontage where the approved touring caravan, utility building and stable block are also located.
- 2.03 In order to assist in the consideration and determination of this application, the applicant was requested to provide further information as to who resides in the additional mobile home that retrospective permission is sought for, information on the gypsy status of the occupiers, whether the occupiers have dependents, and if so, their ages, attendance at school, etc, and whether there are any health issues which need to be taken into consideration. The applicant has not responded to this request for the additional information.
- 2.04 When the original application (MA/09/1685) was considered in 2009 it was stated that the site at the time was occupied by Mr Bob Lee (the current applicant) and his new partner Jo. Mr Lee was no longer with his wife but had three children who would visit, including his son Bob Lee Junior who was expected to come and live on the site. It was further stated that Mr Lee is from a large gypsy family based in Kent and Essex and was based in Dartford before more recently moving to Havering on a temporary basis. It was stated that Mr Lee is a horse dealer who attends the main horse shows and that whilst not from the local area, Mr Lee had family connections with gypsy families in Coxheath, Maidstone, Kingswood and Charing Heath. It was stated that Mr Lee wished to establish a base on this site and no special circumstances (in terms of health, education, etc.) were claimed.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework 2012 (NPPF)
Planning Policy for Gypsy Sites 2012 (PPGS)
National Planning Practice Guidance 2014 (NPPG)
Maidstone Borough-Wide Local Plan 2000: Policies ENV6, ENV28, ENV49
Emerging Local Plan: Policies SP5, GT1, DM6, DM10, DM26, DM30

4.0 LOCAL REPRESENTATIONS

- 4.01 Five properties in the locality were formally notified of the application. A site notice was displayed at the site on 10th August 2011.
- 4.02 One representation has been received from a neighbouring property objecting to the application. The representation states that the stationing of an extra mobile home here should not be allowed, the huge mistake of allowing one in the first place should not be compounded, especially as attempts are being made to fight off mobile homes on adjoining plots.

5.0 CONSULTATIONS

- 5.01 **Boughton Monchelsea Parish Council** – Comment that they wish to see the application refused and request the application is reported to the Planning Committee for the following planning reasons:

1. The original planning application on this site (MA/09/1685) was personal to the applicant, Mr B Lee. The new application has again been submitted by Mr B Lee however no substantiating information has been provided as to why the applicant needs an additional mobile home on the site. The Borough Council should have requested proper documentation from the applicant prior to validating the application. As it stands, there is insufficient information to make a considered decision on the application and it should therefore be refused.
2. The proposed development, especially when considered cumulatively with other development on the site, would be visually intrusive and would cause unacceptable harm to the character and appearance of the open countryside, contrary to Policy ENV28 of the Maidstone Borough-Wide Local Plan and Policy C4 of The South East Plan 2009.
3. The reason the original condition was imposed by the Borough Council was so that the site conformed with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and Policy C4 of The South East Plan 2009. The Parish Council's view therefore is that, logically, to remove this condition would render the whole site in contravention of these policies.

- 5.02 **Environmental Health Officer** – Comments that the concerns raised in the original retrospective application (MA/09/1685) are outstanding and that the concerns this department raised regarding the suitability of the foul drainage have not been addressed. Comments further that the addition of an extra mobile home, to the stables (which may send roof drainage and yard drainage to the foul drainage system) as well as the utility block (which may also send grey water to the foul sewerage system) makes the assessment of drainage details essential to ensure they are fit for the proposed purpose. Comment that for this reason refusal is recommended until details of foul drainage have been submitted to and approved by the Local Planning Authority. Recommends refusal until foul drainage details have been supplied and approved by the Local Planning Authority. Recommends further

that if planning permission is to be granted, the following condition and informative are imposed:

Drainage:

Within 3 months of the date of this permission a scheme of foul drainage shall be submitted to and approved by the Local Planning Authority. Details should include the method of sealing the septic tank.

If a method other than a cesspit is to be used, the applicant should also contact the Environment Agency to establish whether a discharge consent is required. These details should be submitted to and approved by the Local Planning Authority.

Informative:

Caravan Site Licensing

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. The applicant is advised to contact the Environmental Health Project Manager on 01622 602145 in respect of a licence.

- 5.03 **KCC Highways Officer** – Raises no objections to the proposals in respect of highway matters subject to the following condition being attached to any permission granted;

Any entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum distance of 5.5m from the carriageway edge.

6.0 APPRAISAL

Principle of Development

- 6.01 In terms of policy, there are no saved Local Plan policies relating to this specific form of development, however policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 relates to development in the countryside in general, 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 The policy outlines the types of development which are acceptable in the open countryside, this does not include Gypsy development; this was formerly dealt with under the scope of housing policy H36, however this is not a saved policy in the Maidstone Borough-Wide Local Plan 2000.
- 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. This policy guidance effectively supersedes the policy of restraint set out in policy ENV28 in respect of Gypsy accommodation. Although work on the emerging Local Plan is progressing, however there are, as yet, no adopted Local Plan policies relating to the provision of Gypsy and Traveller sites.

- 6.04 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 Core Strategy period:-

Oct 2011 - March 2016	105 pitches
April 2016 - March 2021	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 13th March 2013 as the pitch target included in the consultation version of the emerging Local Plan, which states that 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, as set out above.
- 6.06 Accommodation for Gypsies and Travellers is a specific type of housing that Council's have a 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 criteria are met, as set out in the policy wording. This is in accord with central government planning policy as set out in the PGTS. The emerging Local Plan also confirms 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, emerging 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 set out in policy ENV28. In the case of this specific site, the principle has already been established as a permanent non-personal use for persons of Gypsy status by way of the previous consent, and therefore the principle of the development, subject to assessment of all other material considerations, is acceptable in the current national and local policy context.

Need

- 6.08 As outlined above, the accommodation need was agreed by Cabinet on 13th March 2013 to be 187 pitches for the emerging Local Plan period to 2031.
- 6.09 The current figures for pitches granted (net) since October 2011 is now as follows:
- 59 Permanent non-personal permissions
 - 16 Permanent personal permissions
 - 0 Temporary non-personal permissions
 - 33 Temporary personal permissions
- 6.10 Therefore a net total of 75 permanent pitches have been granted since 1st October 2011. 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. Therefore although the pitch target is high for the first five years, the immediate need does not appear to be overriding. However, the latest GTAA clearly reveals an ongoing need for pitches.

Gypsy status

6.11 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.”

6.12 The site has the benefit of the existing planning permission granted under application MA/09/1685 for the change of use of the land for the stationing of 1 no. mobile home and 1 no. touring caravan for residential purposes, a stable block and utility building with associated works i.e. hardstanding and cess pool. Condition 1 of the existing planning permission prevents use of land as a caravan site by any persons other than gypsies. The current application does not seek to vary this condition and therefore the condition will be re-imposed on any new permission granted. In the consideration and determination of the original application (MA/09/1685) it was accepted that the current applicant (Mr Lee) met the definition of gypsy.

6.13 As noted in 2.03 of the report above, in order to assist in the consideration and determination of this application, the applicant was requested to provide further information as to who resides in the additional mobile home that retrospective permission is sought for, information on the gypsy status of the occupiers, whether the occupiers have dependents, and if so, their ages, attendance at school, etc, and whether there are any health issues which need to be taken into consideration. Whilst the applicant has not responded to this request for the additional information, no overriding objection to the application is raised on the grounds that the occupiers of the additional mobile home are unknown. The principle of the use of the land for the stationing of a mobile home and touring caravan for residential occupation by persons of Gypsy status has previously been fully considered and found to be acceptable in this location, and the condition preventing the use of the land as a caravan site by any persons other than gypsies will remain in place. The condition will safeguard the occupation of the site in order to secure the provision of the residential use towards the recognised need for accommodation for Gypsies and travellers, in line with national and emerging planning policy.

Visual Impact

6.14 The latest guidance in the PPTS states that Local Planning Authorities should strictly limit new traveller development in open 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 in the document, however, this is addressed in the National Planning Policy Framework and clearly under Maidstone Borough-Wide Local Plan policy ENV28.

6.15 In this case, the proposal is for the intensification of the previously permitted use of the site. The site was, prior to the development for which retrospective planning permission is now sought, occupied by a single mobile home and a touring caravan for residential occupation by persons of Gypsy status, together with a stable block

and a utility building. The intensification for which consent is sought amounts to the stationing of an additional mobile home on the land. The currently unauthorised mobile home is located within the area of hardstanding on the site frontage to Church Hill. Whereas the existing approved mobile home on the site is located on the northern side of the frontage to Church Hill within the area of hardstanding, the second mobile home for which retrospective permission is sought is on the southern side of the frontage where the approved touring caravan, utility building and stable block are also located.

- 6.16 The structures within the area of hardstanding on the site frontage to Church Hill are relatively well screened from public views from Church Hill by hedging and fencing along the site frontage to the road, there are however views into the site from the access gateway on Church Hill when the timber gates are open. The additional mobile home for which retrospective permission is sought is sited amongst the small group of structures originally approved for the site and is viewed in the context of these structures. The small group of structures on the site are also viewed in the context of the not dissimilar groups of mobile homes, caravans and other structures on the frontages of the neighbouring plots along Church Hill. The additional mobile home is sited back from the Church Hill frontage in relation to the other structures on the site and, as noted above, the additional mobile home and other structures are well screened from public views from Church Hill by the hedging and fencing along the site frontage to the road. There is limited increased visual impact in the locality as a result of the stationing of the second mobile home on the site, and it is not considered that any increased impact would be so significant as to be unacceptably harmful to the locality. In the circumstances it is considered that the proposals are acceptable in terms of visual impact.

Residential Amenity

- 6.17 As noted in 6.12 of the report above, the site has the benefit of the existing planning permission granted under application MA/09/1685 for the change of use of the land for the stationing of 1 no. mobile home and 1 no. touring caravan for residential purposes, a stable block and utility building with associated works i.e. hardstanding and cess pool. Use of the land as a caravan site by any persons other than gypsies is controlled by planning condition. Neighbouring plots along the west side of this section of Church Hill are not dissimilar in terms of being occupied by mobile homes and caravans for residential use and associated structures. The parkland of Boughton Monchelsea Place is situated opposite the site. The current retrospective application proposes the stationing of a single additional mobile home on the land for residential use and it not considered that the intensification of the previously permitted residential use of the site gives rise to conditions likely to conflict with neighbouring residential uses. The additional mobile home for which retrospective planning permission is now being sought appears to have been stationed on the site for some three years. The intensification of the previously permitted residential use of the site does not appear to cause any unneighbourly impacts and it would not be reasonable to refuse the current application on this basis.

Highways

- 6.18 The site access is centrally located on the frontage to Church Hill and no changes to the existing access are proposed in the current application. When the original planning permission was granted under application MA/09/1685 for the change of use of the land for the stationing of 1 no. mobile home and 1 no. touring caravan for residential purposes, a stable block and utility building with associated works i.e.

hardstanding and cess pool it was considered that the access to Church Hill had adequate visibility and that there was ample space on site to park and turn vehicles. Kent Highways raised no objection to the original application. The modest intensification of the previously permitted residential use of the site as a result of the additional mobile home on the site is not likely to have resulted in any significant increase in vehicle movements to and from the site or parking requirements within the site. Notwithstanding the condition recommended by Kent Highways requiring any entrance gates to be set back a minimum distance of 5.5m from the carriageway edge, the existing previously accepted access arrangements are considered satisfactory and it would not be reasonable to refuse the current application on highway safety grounds.

Landscaping

- 6.19 The eastern part of the site fronting Church Hill comprises an area of hardstanding on which two mobile homes, a touring caravan, a utility building and a stable block are located together with associated parking and vehicle manoeuvring space. The remaining western part of the site is used a paddock. Apart from the gateway opening where the site is accessed, the site is enclosed by hedging and fencing along the Church Hill frontage and woodland bounds the site to the west. The original planning permission granted under application MA/09/1685 included a condition requiring the submission and approval of a scheme of landscaping including hedging on the southern and northern site boundaries protected by an inner fence, hedging and tree planting between the hardstanding and paddock protected by an inner fence, and increased landscaping in the north-east corner of the site. Given the location of the second mobile home, the subject of this application, on the western edge of the area of hardstanding at the eastern end of the site, some additional landscaping/planting between the mobile home and the open paddock area to the western part of the site would be appropriate. The details of the additional landscaping/planting can be secured by condition imposed on any grant of planning permission.

Drainage

- 6.20 The original planning permission for the site granted under application MA/09/1685 incorporated the formation of a hardstanding and a cess pool. In light of the concerns raised by the Environmental Health Officer (see para. 5.02 of the report above) regarding the suitability of the foul drainage and the potential impact of an additional mobile home on the site on the original drainage requirements, it is considered appropriate to impose the condition recommended by the Environmental Health Officer on any grant of planning permission to enable details of a scheme of foul drainage for the site to be submitted for consideration and approval.

Ecology

- 6.21 The additional mobile home for which retrospective planning permission is being sought is sited within an area of hardstanding on the eastern part of the site fronting Church Hill where the originally approved mobile home, touring caravan, utility building and stable block are located together with associated parking and vehicle manoeuvring space. The remaining western part of the site is used a paddock. The impact of the original proposals for the change of use of the land for the stationing of 1 no. mobile home and 1 no. touring caravan for residential purposes, a stable block and a utility building with associated works on any ecological interests at the site was considered at the time and the development was considered acceptable in this regard. The current retrospective application for the stationing of a further mobile

home within the approved hardstanding area at the site does not raise any new issues with regards to impact on ecological interests.

Other Matters

- 6.22 With regards to the representations received from Boughton Monchelsea Parish Council (see para. 5.01 above), the original planning permission granted under application MA/09/1685 was not personal to the applicant, Mr B Lee. Condition 1 of the original planning permission prevents use of land as a caravan site by any persons other than gypsies. The current application does not seek to vary this condition and therefore the condition will be re-imposed on any new permission granted.
- 6.23 As noted in paras. 2.03 and 6.13 of the report above, in order to assist in the consideration and determination of this application, the Council did request that the applicant provide further information as to who resides in the additional mobile home that retrospective permission is sought for, information on the gypsy status of the occupiers, whether the occupiers have dependents, and if so, their ages, attendance at school, etc, and whether there are any health issues which need to be taken into consideration. Whilst the applicant has not responded to this request for the additional information, no overriding objection to the application is raised on the grounds that the occupiers of the additional mobile home are unknown. The existing condition preventing the use of the land as a caravan site by any persons other than gypsies will remain in place.
- 6.24 As noted in the Relevant Planning History section of the report (at the start of the report), the Council was not supported on appeal in 2011 in seeking to resist the stationing of caravans/mobile homes for residential use by gypsies and travellers on neighbouring plots.

7.0 CONCLUSION

- 7.01 The application site forms part of the open countryside but does not fall within any other specifically designated environmental area as shown on the Proposals Map to the Maidstone Borough-Wide Local Plan 2000. Central government planning policy and emerging Local Plan policy clearly allow for gypsy sites to be located in such locations. The site has previously been considered to be acceptable for such use with the granting of permission under application MA/09/1685 for the change of use of the land for the stationing of 1 no. mobile home and 1 no. touring caravan for residential purposes by persons of Gypsy status, a stable block and utility building with associated works. Similar uses, including the stationing of mobile homes and touring caravans, have been permitted on four neighbouring plots, three of which were granted on appeal by decision dated 20.01.12.
- 7.02 In the context of the existing permitted use of the application site and the stationing of a mobile home, touring caravan, stable block and utility building on it, and the not dissimilar use and groups of mobile homes, caravans and other structures on the frontages of the neighbouring plots along Church Hill, the modest intensification of the use of the application site as a result of the stationing of a second mobile home on it, is considered to be acceptable in terms of visual impact and overall impact on the character and appearance of the open countryside location, as well as in regard to matters such as residential amenity, highway safety, the ecological interests of the site and cumulative impact.

- 7.03 It is not considered that there are any other overriding planning considerations which warrant a refusal of the application. As with the original grant of permission under application MA/09/1685, the conditions preventing the use of land as a caravan site by any persons other than gypsies and restricting the number of mobile homes and touring caravans stationed on the land at any one time are recommended to be re-imposed on any grant of permission. Conditions relating to the submission and approval of a scheme of foul drainage for the site and details of a scheme of planting landscaping are also recommended to be imposed.

8.0 RECOMMENDATION – GRANT Planning Permission subject to the following conditions:

- (1) This permission does not authorise the use of the land as a caravan site by any persons other than gypsies, as defined in paragraph 15 of ODPM Circular 01/2006;

Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted and an exception has been made to provide accommodation solely for gypsies who satisfy these requirements pursuant to Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites. This is in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000.

- (2) No more than two static caravans and one touring caravan shall be stationed on the land at any one time;

Reason: In the interests of visual amenity and in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000.

- (3) Within 2 months of the date of this decision a scheme of landscaping, using indigenous species, to provide hedging and tree planting between the hardstanding area and additional mobile home hereby permitted and the paddock to the western part of the site, shall be submitted to the Local Planning Authority for approval in writing by the Local Planning Authority. The landscaping scheme shall include a programme for the approved scheme's implementation and the scheme's long term management. The landscaping scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment 2012 and Landscape Character Assessment Supplement 2012;

Reason: To ensure a satisfactory setting and appearance to the development, safeguard the character and appearance of the open countryside, and safeguard biodiversity assets.

- (4) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the Local Planning Authority's approval in writing of the landscaping scheme required by condition 3, and any trees or plants which within a period of five years from the implementation of the scheme 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 appearance to the development, safeguard the character and appearance of the open countryside, and safeguard biodiversity assets.

(5) No external lighting shall be erected on the site at any time unless previously agreed in writing by the Local Planning Authority;

Reason: To safeguard the character and appearance of the area and to prevent light pollution in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000.

(6) If the use of the site for the stationing of 2 no. mobile homes and 1 no. touring caravan for residential purposes hereby permitted ceases, the mobile homes, caravan, and associated structures, equipment and materials, including the hardstanding and utility building, shall be removed;

Reason: To safeguard the character and appearance of the countryside location in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000.

(7) Within 3 months of the date of this permission a scheme of foul drainage for the site shall be submitted to the Local Planning Authority for assessment and approval in writing. The submitted scheme of foul drainage should include details of the method of sealing the septic tank, size of individual cess pits and/or septic tanks and/or other treatment systems, the precise location of plant on the site plus any other relevant information such as where each system will discharge to. The scheme of foul drainage shall be fully implemented in accordance with the details approved within 2 months of the date of approval in writing and shall be maintained in a functioning condition thereafter;

Reason: In the interest of local amenity and to prevent pollution of the environment.

INFORMATIVES

(1) The applicant is advised that with regards to the requirements of condition 7 of this grant of planning permission, if a method other than a cesspit is to be used, the applicant should also contact the Environment Agency to establish whether a discharge consent is required. These details should be submitted to the Local Planning Authority as part of the scheme of foul drainage for the site to be submitted to the Local Planning Authority for assessment and approval in writing pursuant to the requirements of condition 7.

(2) 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. The applicant is advised to contact the Environmental Health Project Manager on 01622 602145 in respect of a licence.

Case Officer: Jon Barnes

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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A photograph of a residential street. The road is paved and runs from the foreground into the distance. On the left side of the road, there is a large, rounded bush with orange-brown foliage. Further down the road on the left, a road sign with the number '15' is visible. On the right side of the road, there are two green recycling bins and a blue bin. Behind the bins, there is a small wooden shed or structure. The background is filled with various trees, some bare and some with green leaves, suggesting a late autumn or winter setting. The sky is overcast and grey.

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A residential street scene featuring a paved road that recedes into the distance. On the left side of the road, there are several green trash bins lined up, with two orange traffic cones placed in front of them. A small wooden structure is partially visible behind the bins. The left side is bordered by dense green trees and shrubs. On the right side, a tall, dense hedge with brownish-orange foliage runs along the road. The background shows more trees and a clear sky.



17

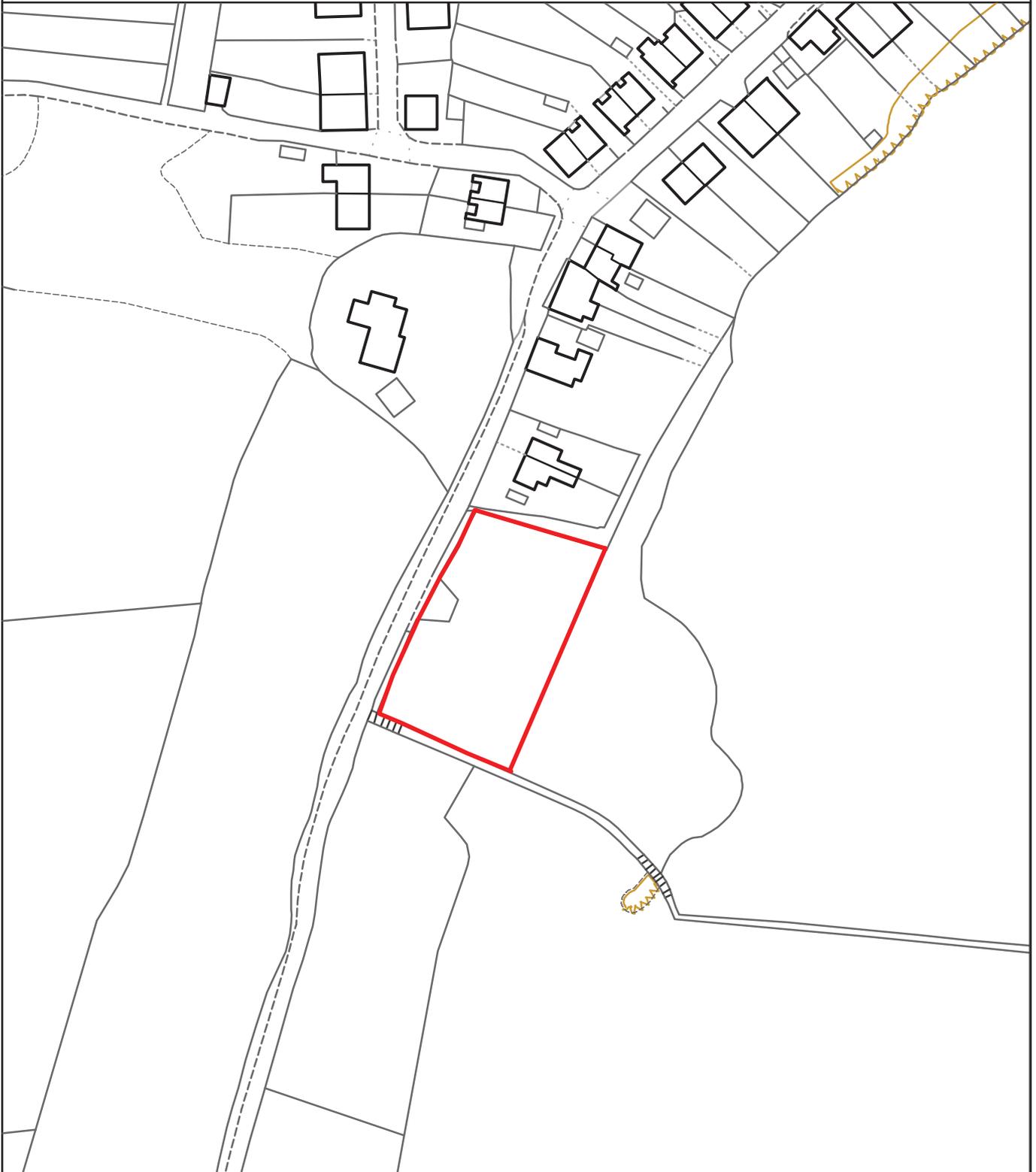


Agenda Item 14

THE MAIDSTONE BOROUGH COUNCIL

Land Adjacent To Beggars Roost
Well Street
Loose, Kent
ME15 0EN

MBC Ref: 14/0241



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 14/0241		
APPLICATION PROPOSAL Erection of 2 pairs of semi-detached dwellings (4No. dwellings total)		
ADDRESS Land Adjacent To Beggars Roost, Well Street, Loose, Kent, ME15 0EN		
RECOMMENDATION GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed development represents the provision of well designed housing appropriate to the setting which would not result in harm to residential amenity, highway safety, or in respect of any other material planning consideration in a reasonably sustainable location. Whilst located outside of the defined urban boundary of Maidstone and the village of Loose, in the context of the absence of a five year housing land supply and significant harm as described above, the benefits of the development outweigh the presumption against new residential development in the open countryside as set out in Maidstone Borough-Wide Local Plan 2000 policy ENV28, which is considered to be "outdated" in the terms of the National Planning Policy Framework 2012, such that it is recommended that planning permission be granted subject to conditions.		
REASON FOR REFERRAL TO COMMITTEE The proposal is a departure from the Development Plan. Councillor Grigg called the application in before Planning Committee for the reasons set out in the report. The recommendation is contrary to the views of Loose Parish Council.		
WARD Loose	PARISH/TOWN Loose	COUNCIL APPLICANT Mr Matthew Country House Developments Ltd AGENT Country House Developments Ltd.
DECISION DUE DATE 07/05/14	PUBLICITY EXPIRY DATE 07/05/14	OFFICER SITE VISIT DATE Various
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

- MA/90/0283 Erection of farm workers cottage - WITHDRAWN
- 73/0316/MK3 Outline application for erection of a bungalow - REFUSED
- 72/0316/MK3 Outline application for erection of 4 dwellings - REFUSED
- 62/0210/MK3 Outline application for erection of 4 dwellings - REFUSED
- 59/0133/MK3 Outline application for the erection of 60/66 dwellings - REFUSED

An enforcement investigation undertaken in 2011 into the removal of trees on the land (ENF/11987) concluded that there was no breach.

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The proposal site is located in open countryside designated as being within the Southern Anti-coalescence Belt as defined in the Maidstone Borough-Wide Local Plan 2000, however its northern boundary adjoins the settlement boundary of the village of Loose as well as the southern boundary of the Loose Village Conservation Area.

1.02 The site, which has an area of approximately 0.2Ha, comprises a former quarry, although it has been not used for such purposes for at least a hundred years, and is in an overgrown state. It is broadly rectangular, aligned along a northeast-south west axis which along its western boundary follows Well Street, an unclassified single track highway which is subject to a 30 mph speed restriction to the north of the site, but subject to the national speed limit to the south. The frontage of the site to the highway is defined by a ragstone wall which is currently fronted by an informal verge. The northern boundary of the site adjoins land associated with Beggars Roost, which is a residential property entirely within both the settlement boundary of Loose and the conservation area, whilst the southern boundary of the site is demarcated by the KM62 public right of way, which rises up a series of steps from Well Street and continues towards Loose Road approximately 400m to the east. The eastern boundary of the proposal site follows the line of the rear gardens of the properties to the north, and does not extend across the entirety of the land associated with the former quarry, the eastern part of which is excluded from the scope of the red line of the application. Beyond the remainder of the quarry is agricultural land. There are a number of trees in the west and south west of the site which are of mixed species and quality, and the land to the east of the site is heavily tree'd.

1.03 The topography of the site is irregular and is elevated in relation to the highway. It rises within the site to both the south and the east, which is a function of its former use and subsequent disuse. As a result the southern part of the site is approximately level with the first floor of Beggars Roost, the property to the immediate north of the site.

1.04 The site has an existing vehicular access from Well Street which, like the site, does not appear to have been used for a while.

1.05 The closest residential properties are Beggars Roost and Pipers Cottage, a pair of semi-detached dwellings to the north of the site. These form the southern most point of the existing extent of the ribbon development extending along the east of Well Street to the south of the centre of the village. To the north of, and screened by, these dwellings, is Snark Cottage, a Grade II listed building.

1.06 The site is not located in an area recorded by the Environment Agency as being prone to fluvial flooding, or designated as a local or national area of ecological importance.

2.0 PROPOSAL

2.01 The application seeks full planning permission for the erection of two pairs of semi-detached dwellings (four new properties). The proposed dwellings would be aligned with Well Street, however they would be set back from the highway by approximately 13m, and in relation to the front elevations of Beggars Roost and Piper Cottage by approximately 5.5m.

2.02 The proposed dwellings are shown on the submitted drawings as being on level areas within the site elevated in relation to the highway and the land to the north, with the access areas being at a level between those of the proposed dwellings and the highway. The northern of the two pairs of dwellings would be set up by approximately 2.5m in relation to the property to the north, Beggars Roost, and the southern of the two pairs of dwellings by

2m in relation to that, as shown on the cross-sections submitted in support of the application (drawing numbers 510/WEL/PL/03 rev A and 510/WEL/PL/03 rev B received 22nd May 2014). This will require considerable earthworks within the site, however given that the existing levels are not natural, this is not considered necessarily unacceptable. This would give rise to considerable differences in levels between the gardens of the dwellings proposed and the surrounding land to the east and south; it is proposed to maintain the stability of this land by way of the use of retaining Gabion structures along these site boundaries.

2.03 The dwellings would be two storey with additional accommodation provided within the roof space through the insertion of pitched roof dormers to the rear elevations. The dwellings would have a central (dominant) element with subservient side projections which would be set back and down in relation to the front elevation and ridge heights of the central, visually dominant, parts of the buildings. The design would be aligned with that of Beggars Roost and Pipers Cottage, albeit on a larger scale, and would incorporate elements common to the existing dwellings such as the handling of the appearance of the buildings and the use of diminutive front gables with carved soffits, and decorative features such as decorative brick work including the use of arches above windows, rafter feet and storm porches. Each property would have a detached single garage to its side.

2.04 The dwellings would share an access to Well Street central to the site frontage in the approximate position of the existing access, and the existing ragstone wall would be partially modified in order to provide the visibility splays and manoeuvring space required by Kent County Council Highway Services. As set out above in paragraph 2.01, the buildings would be set back from the public highway and the neighbouring dwellings, which would allow for vehicular access to the parking and garaging areas provided for each property and the provision of generous front gardens within the site in addition to the gardens. The proposed access arrangement would also provide an informal passing bay for highway traffic.

2.05 The development would achieve Level 4 of the Code for Sustainable Homes.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV32, T13
Supplementary Planning Documents: Sustainable Construction Supplementary Plan Document (2006), Kent Design Guide (2009)
Maidstone Borough Council Draft Local Plan: NPPF1, SS1, SP5, H2, DM2, DM4, DM6, DM10, DM30

4.0 LOCAL REPRESENTATIONS

4.01 A site notice was displayed at the site on 21st March 2014.

4.02 Forty five neighbour representations were received from thirty eight households. Of these, all raised objection to or concern over the proposal. The following issues were raised:

- Location of site outside defined settlement boundary.
- Setting of precedent and prematurity in respect of emerging Local Plan; conflict with adopted Maidstone Borough-Wide Local Plan 2000 and draft Local Plan policy, history of unsuccessful applications on the site.
- Contribution toward village sprawl and coalescence between the villages of Loose and Coxheath.

- Overdevelopment of the site and visual impact upon the site and the open countryside.
- Design and scale of the proposal.
- Highway issues, including traffic generation, inadequate provision of on site parking, design of proposed highways mitigation; impact upon Well Street and suitability of Well Street for further additional development and use by HGVs in connection with the construction period.
- Flood risk, impact upon watercourses.
- Harm to residential amenity by way of loss of privacy/overlooking and loss of privacy.
- Lack of information relating to detail of the proposal.
- Pressure on waste water infrastructure and increased surface water drainage.
- Impact on biodiversity.
- Impact on heritage assets.
- Impact on geological and archaeological assets.
- Inaccuracy in the site address (resolved)

4.03 A representation was received from the Valley Conservation Society, which objected to the proposal on the following grounds:

- Location of site outside defined settlement boundary.
- Over development of the site.
- Detrimental impact upon the conservation area.
- Practical difficulties in developing the site.
- Harm to the outlook of walkers, and detriment to the residential amenity of future occupiers as a result of use of the public footpath.
- Impact on the ecological value of the site.
- Highway issues, including the character of Well Street as a public highway and inadequate provision of onsite parking and turning areas.
- Dispute the description of the site as a “former quarry”.

5.0 CONSULTATIONS

5.01 **Councillor Grigg** has requested that the application be reported to Planning Committee on the grounds that the proposal is out of character and represents over intensive development, and due to local concern.

5.02.01 **Loose Parish Council** wish to see the application refused on the following grounds:

“The development is on the edge of the Loose Conservation Areas, outside the village envelope and within the Anti-coalescence Belt. Developments of this nature, if allowed outside the village envelope, will extend Loose towards Coxheath and the unique identity of the historical Loose village will be lost. We are already aware of proposals to also develop northwards from Heath Road towards Loose.

The countryside aspect of this site would be destroyed by these proposals. It is considered to be of great amenity and ecological value. We are surprised that in view of this there is no eco survey to support the application.

We oppose the proposed siting of the development. Well Street is a single track narrow road which cannot easily accommodate extra vehicle movements. It is also felt that there will be issues in respect of parking in an already exasperated area.

There are safety hazards for both drivers and pedestrians on such a narrow single track road which does not have a pavement. The lane has few passing places and vehicles on occasions do have to dangerously reverse down into the village.

There would also be considerable problems with the use of large vehicles during the building works accessing the site, due to the nature of the narrow rural lane. The volume of earth to be removed from the site appears to be huge. A sign has already been erected by the Kent County Highways Authority restricting the access of large vehicles in Well St.

The proposed dwellings are felt to be out of keeping with this historic area of the village of Loose. Being so close to the conservation area they would have an adverse effect on it by creating a hard edge. Although not considered to be of high density, the buildings will be located closely together. The height of the southern proposed dwelling is about 6 metres higher than the neighbouring property.

Loose village is unique in having waterways and natural underground springs running through it. Recently the Lower Loose Valley Pumping Station experienced grave problems coping with sewage which overflowed into gardens and waterways. It is felt that any development will have a detrimental effect on the sewerage system and pose a risk to natural water courses or underground streams.

Maidstone has already rejected this site as unsuitable for development when consideration was made on the "call for sites". It does not form part of the Maidstone Borough Draft Local Plan.

We would also strongly recommend that Planning Officers and Councillors should visit the site to see exactly where this development is proposed, so as to appreciate the harm it will have on the surrounding countryside, the village streetscene in this area and the hazards in relation to the narrow rural lane."

5.02.02 Additional comments were subsequently received welcoming the submission of an ecology report, and urging compliance with its recommendations, and raising concern over the removal of a semi-mature Ash, stressing the proximity of the site to the conservation area and the need to provide a "buffer zone".

5.03 **Maidstone Borough Council Planning Policy** raise no objection to the proposal, making the following detailed comments:

"The site a former quarry lies outside of but immediately adjacent to the currently defined settlement boundary of Loose Village as set out in the MBWLP 2000 Proposals Map. It is therefore subject to policy ENV28 of the MBWLP 2000, which, as you are aware, firstly requires an assessment of whether development would cause harm to the character and appearance of the countryside.

As part of the consideration of the application you should take into account the current position with regard to the 5-year housing land supply (currently 2.1 years). Development of the site would make an (albeit modest) contribution towards meeting the supply.

On balance, whilst a departure from the Development Plan, development of this well-contained site located immediately adjacent to an existing settlement is appropriate in my view, subject to all other elements of the proposals, particularly design, landscape impact and highway impact being acceptable."

5.04 Kent County Council Highway Services raise no objection to the proposal, subject to conditions requiring the submission of details of surface water drainage and implementation of the approved details, the retention of parking, turning and access/egress areas for those purposes (and in the case of the latter, kept free of obstruction), the surfacing of access and parking areas being of an appropriately bound material, and the completion of offsite highway improvements including the extension of the 30 mph speed limit approximately 30m to the south to include the frontage of the application site, making the following detailed comments:

“Well Street at this point is a narrow single track road and it is considered that the central forecourt and driveway arrangement proposed creatively addresses access issues onto such a road. It is anticipated that egress from the outer properties will involve more than a typical amount of reversing. The proportions of the off road shared central area are considered however to enable forward gear left and right turn egress from all of the properties. In addition it is considered that the extended area adjacent to the Well Street carriageway suitably addresses egress visibility for a road of this type as well as assisting issues such as deliveries and refuse collection.”

5.05 Maidstone Borough Council Conservation raise no objection to the proposal, subject to the submission of materials and details of joinery and landscaping, and implementation of the approved details, and the removal of all permitted development rights, making the following detailed comments:

“The site was a quarry in the 19th century, but was abandoned in the 1890s. It lies immediately adjacent to the conservation area boundary, so development of it will undoubtedly have an impact on the setting of the conservation area. However, development in the manner proposed will continue the linear morphology of development along Well Street and the design of dwellings proposed will resemble that of Beggars Roost/Pipers Cottage, the pair of 19th century dwelling immediately adjacent which currently terminate the ribbon of development along Well Street. It is proposed to maintain a substantial planted strip along the road frontage. In my opinion, therefore, development in the manner proposed will not have an adverse impact on the setting of the conservation area.”

5.06 Kent County Council Archaeology raise no objection to the proposal, subject to the imposition of a condition requiring a watching brief to be undertaken, making the following detailed comments:

“The site of the proposed development lies within a former quarry site and the site of some post medieval buildings. The buildings appear to have disappeared by the 20th century as the quarry expanded. Remains associated with this post medieval industrial activity may be revealed during ground works.”

5.07 Maidstone Borough Council Landscape Officer raises no objection to the proposal, subject to conditions requiring compliance with the Sylvan Arb Arboricultural Report reference SA/905/15 received 2nd June 2014 and the submission of landscaping details, and implementation of the approved details. The officer has requested a further condition requiring the submission of further details of tree protection in the event of level changes in the vicinity of trees T13 and T14 other than those considered in the submitted Arboricultural Report. It has been confirmed that T7 (the semi-mature Ash in the south east of the site) is not considered to be of sufficient quality or value to merit a tree preservation order.

5.08 Kent County Council Biodiversity Officer raises no objection to the proposal, subject to conditions requiring the implementation of the recommendations of the

LaDellWood Ecology Badger Survey and Reptile Presence/Absence Survey received 3rd November 2014. Additional conditions requesting a precautionary approach to vegetation clearance and positioning of external lighting are also requested.

5.09 **Natural England** raise no objection to the proposal, making reference to their standing advice.

5.10 **Kent County Council Public Rights of Way** raise no objection to the proposal.

5.11 **Environment Agency** raise no objection to the proposal.

5.12 **Southern Water** raise no objection to the proposal.

6.0 BACKGROUND PAPERS AND PLANS

6.01 The development proposals are shown on drawing numbers 510/WEL/PL/01, 510/WEL/PL/01 (site plan), 510/WEL/PL/01 (site elevation), 510/WEL/PL/02, 510/WEL/PL/03, 510/WS/02, 510/WS/03 and 510/WS/04 received 12th February 2014; and 510/WEL/PL/03 rev A and 510/WEL/PL/03 rev B received 22nd May 2014.

6.02 The application is supported by a covering email received 22nd May 2014, LaDellWood Ecology Phase I Habitat Survey received 30th May 2014, Sylvan Arb Arboricultural Report reference SA/905/15 received 2nd June 2014, supporting statement received 25th June 2014, and LaDellWood Ecology Badger Survey and Reptile Presence/Absence Survey received 3rd November 2014.

7.0 APPRAISAL

Principle of Development

7.01 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. In this case the Development Plan comprises the Maidstone Borough-Wide Local Plan 2000 (MBWLP), and as such the starting point for consideration of the proposal is policy ENV28 which relates to development within the open countryside. The policy states that:

"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."*

7.02 In this case, none of the exceptions against the general policy of restraint apply, and therefore the proposal represents a departure from the Development Plan. It then falls to be considered firstly whether there are any material considerations which indicate that a decision not in accordance with the Development Plan is justified in the circumstances of this case, and (if so) secondly whether a grant of planning permission would result in unacceptable harm, such that notwithstanding any material justification for a decision contrary to the Development Plan, the proposal is unacceptable.

7.03 The key material consideration outside of the Development Plan in the determination of applications for residential development in the open countryside is national planning policy as set out in the National Planning Policy Framework 2012 (NPPF) and the Council's position in respect of a five year housing land supply.

7.04 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;”

7.05 Relevant to this, the NPPF requires that local authorities have a clear understanding of housing needs in their area, and as such they should prepare a Strategic Housing Market Assessment (SHMA) to assess their full needs; working with neighbouring authorities where housing market areas cross administrative boundaries. Maidstone has carried this out with Ashford Borough Council and Tonbridge and Malling Borough Council. The SHMA (2014) confirms the objectively assessed housing need for the borough over the plan period 2011 to 2031 as 19,600 dwellings (980 dwellings per annum). Subsequent to this, the objectively assessed housing need was revised downwards to 18,600. This figure, which is based on central government population projections based on 2011 census data, was reported to, and accepted by, Cabinet on 10th September 2014.

7.06 In April 2013 when most recently calculated, the Council had a two year supply of housing assessed against the objectively assessed housing need of 19,600 dwellings (at that time). Even when considered in light of the reduction in the assessed housing need and the housing permissions granted since that date, the Council remains in the position of being unable to demonstrate a 5 year housing land supply.

7.07 This lack of a five year supply is a significant factor and at paragraph 49 of the NPPF it is stated 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. This position has been reflected in recent appeal decisions issued since the publication of the NPPF. In this policy context, the presumption in favour of sustainable development identified in paragraph 14 of the NPPF 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.

7.08 In respect of the specific circumstances of this case, the proposal site is located adjacent to the settlement boundary of Loose, which for the purposes of development management is identified as a “smaller village” in the draft Local Plan. The site, however, is located in open countryside designated in the Maidstone Borough-Wide Local Plan 2000 designation of being within the Southern Anti-coalescence Belt.

7.09 Members will be aware of previous, unsuccessful, applications for residential development on the site, and also of the rejection of the site for housing in the 2014 Strategic Housing and Employment Lane Availability Assessment (SHEDLAA). The basis of the previous refusals, the most recent of which related to a 1973 application, was primarily the location of the site in the open countryside, in accordance with long established policies

of restraint. The site was rejected for the purposes of residential development under the scope of the SHEDLAA on the basis of sustainability; the location of the site is adjacent to Loose, a “smaller village”, which is not identified in the hierarchy set out in the draft Local Plan as being appropriate for large scale provision of additional residential development. This having been said, the application before Members has to be considered on its own merits, and whilst the broader planning policy reasons for not allocating sites in and around Loose village for strategic provision of housing area are sound, the application before Members is not without value. The site is adjacent to the village boundary and located in reasonably close proximity to a key bus route to Maidstone and social infrastructure including Loose Primary School, a doctor’s surgery and local shops in the southern part of the urban area of Maidstone, which themselves are located within 1km of the site. The proposal site itself is physically contained, and as such does not set a precedent for further development along Well Street, and would not result in the significant extension of the settlement of Loose contrary to policy ENV32 of the MBWLP. In the context for the determination of the planning application, where the adopted MBWLP is considered “out of date” for the purposes of decision making, and the Local Plan is in draft form, the bringing forward of residential development on this site adjacent to the boundary of a village itself located in close proximity to the main settlement of Maidstone and within reasonable walking distance of public transport links in the form of bus routes to the town centre, which would make a contribution towards the provision of housing and therefore help in meeting the shortfall in housing supply, represents a strong material consideration in favour of the development.

7.10 For these reasons, it is considered that the principle of the development is, by virtue of national planning policy as set out in the NPPF, acceptable in the circumstances of this case, subject to detailed consideration of whether any adverse impacts of the development would outweigh the benefits of the application in respect of the provision of housing in a sustainable location. In the circumstances of this case, the key planning issues are considered to be visual impact, access/highway safety, impact upon heritage assets, landscape and ecology.

Visual Impact

7.11 The proposal site is extremely contained in terms of its relationship to the surroundings as a direct result of its former history as a small scale ragstone quarry. That having been said, there will inevitably be an impact as a result of the development on both the character and appearance of the site and the open countryside as a whole.

7.12 A critical feature of the proposal site is that it is set down in to the surrounding land to the south and east. This, together with the engineering operations required to provide a level surface for the proposed dwellings and associated parking and landscaping (as described in paragraph 2.02 above), the band of trees to the east, and the boundaries of the site to Well Street, the KM62 and the garden associated with Beggars Roost, mean that the development would be very contained within the site boundaries. Whilst the proposed development would be prominent in views from Well Street, I concur with the Maidstone Borough Council Conservation Officer’s view that the dwellings would be seen in the context of the existing pattern of development, and in particular the pair of dwellings to the immediate north, which are of a similar architectural character. To my mind, the scheme impact would appear as an organic extension to the existing streetscape, which would be terminated at a natural point by the public right of way and the higher land levels to the south, and not lend itself to future expansion of the village southwards or on the western side of Well Street where the land is currently in agricultural use, whilst the stepping up of the development across the site would not appear incongruous in the context of the topography of Well Street.

7.13 In terms of the detailed design, the architecture of the proposed dwellings is of a very traditional form, and clearly takes inspiration from the detailing and overall character of the adjacent properties to the south and the wider Kentish vernacular, and is appropriate in terms of the proposed materials. This having been said, conditions requiring the submission of materials and details of joinery, and the implementation of the approved details, in order to safeguard a satisfactorily high quality to the development are considered in the circumstances of this case appropriate, as suggested by the Conservation Officer. In addition to these, conditions requiring the submission of details of external lighting, which should not be prejudicial to bats or the rural character of the area in respect of spillage, and restricting permitted development rights, are considered necessary.

7.14 For these reasons it is considered that, on balance, the visual impact of the development when assessed against the benefit of the provision of dwellings on this site is acceptable subject to conditions as set out above.

Highways

7.15 Various concerns have been raised in respect of the impact of the development on the local highway system. It is the case that Well Street is a single track lane, however this does not of itself result in the application being unacceptable. As set out in the comments of the Kent County Council Highway Services, the proposed access arrangement, whilst “creative” achieves the necessary visibility splays and manoeuvring space required to allow vehicles to enter and exit the site in a forward gear whilst providing an adequate level of onsite parking and an area which could potentially be used as a passing bay. Similarly, the local highway network has been assessed and found to be capable of accommodating the additional vehicle movements that would be generated as a result of the development and the development would not result in prejudicial conditions in respect of existing site accesses. I note concerns over the use of Loose’s lanes by heavy vehicles during the construction period, however this would be a temporary issue, and the logistics of implementing the consent are a matter for the developer to resolve.

7.17 Notwithstanding this, the Kent County Council Highway Services Engineer has requested that the 30 mph speed limit, which currently ends at the site access be extended southwards by 30m in order to include the entirety of the site frontage and respond to the inevitable change to the extent of the built environment that would result from a grant of planning permission. This is considered to be reasonable and appropriate in the circumstances of this case, and the necessary works can suitably secured by way of a Grampian condition.

7.16 For these reasons it is considered that, subject to the conditions suggested above in paragraph 5.04 above which are considered to satisfy the “tests”, the proposal is acceptable in respect of highway safety.

Impact on Heritage Assets

7.17 As set out above in paragraph 1.02, the site adjoins the southern boundary of the Loose Village Conservation Area and is located in close proximity to a number of Grade II listed buildings, the nearest of which is Snark Cottage to the north of Beggars Roost and Pipers Cottage.

7.18 As set out in the comments of the Council’s Conservation Officer, it is not considered that the development, the design of which is strongly aligned with the architectural form of the closest dwellings, would be harmful to the setting of the conservation area due to the respect that the scheme affords the established character of the existing form of the built environment.

7.19 In respect of the listed buildings, only Snark Cottage would be visible in views of the development, however the proposed dwellings, by virtue of their set back from the highway and traditional design including the retention (and modification) of the ragstone wall to the site frontage, the screening effect of the existing dwellings, and the prominence of the listed building in the streetscape, would be subservient to this building and provide a positive response to it in the context of the wider streetscene.

7.20 For these reasons, it is considered that the impact of the proposal on neighbouring heritage assets is acceptable.

Landscaping

7.21 The proposal site has been cleared of much vegetation, however this did not require consent as no trees were protected by tree preservation orders and the site is outside of the conservation area. Of the trees which remain, two, located on the southern part of the site frontage, are identified as being retained within the development, and an arboricultural report (including arboricultural impact assessment and tree protection plan) has been submitted demonstrating how they can be successfully retained, the recommendations of which have been accepted by the Council's Landscape Officer. The officer has also confirmed that, notwithstanding the views of the Parish Council and others, the semi-mature Ash in the south east corner of the site is not worthy of protection under the scope of a tree preservation order in the circumstances of this case.

7.22 The layout shown on the submitted plans shows landscaping to the site frontage behind the ragstone wall, as well as planting to the site boundaries to soften the edge of the development, and the conditions requested by the Council's Landscape Officer requiring the submission of details of landscaping and implementation of the approved details are considered to be reasonable and necessary in order to safeguard the appearance of the development as well as the character and appearance of the open countryside and the setting of the conservation area.

7.23 For these reasons it is considered that, subject to the conditions suggested above, the proposal is acceptable on landscape grounds.

Ecology

7.24 Surveys have been undertaken of the site, and evidence has been presented of high levels of badger activity in close proximity to the site, as set out in the report, which makes appropriate recommendations for mitigation. The supporting information has been accepted by the Kent County Council Biodiversity Officer, who has requested conditions requiring the development to be undertaken in accordance with the recommendations and the submission of a biodiversity method statement and implementation of the approved details. In addition, the materials and landscaping conditions should require the incorporation of biodiversity enhancements, and the external lighting condition should restrict impact of lighting on bats.

7.25 For these reasons it is considered that, subject to the conditions suggested above, the proposal is acceptable on ecology grounds.

Other Matters

7.26 The issue of residential amenity has been raised by objectors. Due to the relationship between the site and the existing properties in close proximity, the only dwelling which would potentially be directly affected by the proposal in respect of overshadowing/loss of light, loss of privacy or harm to outlook would be the adjacent property, Beggars Roost, which is

located immediately to the north of the proposal site. The topography of Well Street in this location rises towards the south, away from the Loose Valley, albeit at a generally relatively gentle degree. The ground level within the site would be levelled to be equivalent in elevation to top of the existing ragstone wall at the point of access to the site, the gardens and buildings being set up in relation to the access and turning areas in the west of the site. As a result, the finished floor level would be approximately 2.5m higher than that of Beggars Roost. However, this is considered to be an appropriate response to the topography of the setting and such arrangements are not uncommon in streetscapes with gradients. Whilst the relationship between the northernmost of the proposed dwellings and the existing property could potentially give rise to issues of loss of light and privacy, and an overbearing impact, it is considered that these are satisfactorily mitigated by the separation distances involved, the set back of the proposed dwellings in respect of the established building line, the presence of an existing garage and a proposed garage between the two dwellings, and the absence of openings to habitable rooms to the facing flank elevation at first floor level. Members will be aware that there is no private right to a view in the determination of planning applications.

7.27 Various parties have raised the matter of the site history. It is true that there have been various applications on the site for residential development, which have either been withdrawn or refused. However, the current policy context and the absence of a five year housing land supply are such that the previously applied presumption of restraint evidenced by the previous outcomes is of limited weight when balanced against the limited harm that would result from the proposal.

7.28 The site is a former quarry, and whilst it has not been used as such for a considerable period of time, the formerly wooded character of the site and its relationship to adjacent farmland are such that it is not reasonable to assume that its use for agricultural purposes would ever come forward. It is therefore not considered to represent agricultural land, despite the description of it as falling within Grade II of the DEFRA agricultural land classification system in the SHEDLAA. Concerns over the "loss" of the quarry are noted, however as set out above, no rock faces have been exposed within the site for a considerable period of time due to the cessation of quarrying activities a considerable period of time ago, and it is not considered that the proposed development would cause the loss of a geological or archaeological asset of significant value. An archaeological watching brief has been requested by the Kent County Council Archaeological Officer, which is considered reasonable. In terms of the geological quality of the site, it is one of the lower quality examples of quarrying sites local to Loose, and the development would not in any case directly affect the back wall of the site where any significant exposures would be expected to be located.

7.29 Concerns have been raised in respect of foul drainage generated from the proposed development, and reference has been made in a number of representations, including that of the Parish Council, to overflow events at the Lower Loose Valley Pumping Station. Southern Water have been consulted in respect of this application, and have confirmed that the scale of the development is under the threshold of generating a capacity check (normally 20 dwellings), and that the sewage arising from four additional properties would be considered to be de minimis in the context of existing flows. I am aware of the Draft Loose Stream Action Plan, which has identified capacity of the pumping station as an issue, however Southern Water have confirmed that the overflow events referred to in representations were related to significant rainfall events rather than resulting in exceedance of the capacity of the pumping station. As such, it is not considered that any objection to the scheme on the grounds of insufficient capacity in the foul drainage system is sustainable, and that conditions requiring the submission of details of foul and surface drainage and the implementation of the approved details are considered to be reasonable, necessary and appropriate in the circumstances of this case, and to adequately address the matter of foul and surface drainage resulting from the proposal. I note that concerns have also been raised

in respect of the impact of the development on watercourses within the village. These are not located in close proximity to the application site, and the Environment Agency has confirmed that they do not consider that the proposal would have any detrimental impact upon them.

7.30 The applicant has confirmed that the proposed development would achieve Code for Sustainable Homes Level 4, and as such is compliant with emerging Local Plan policy. A condition should be imposed securing this. The scale of the development is such that it falls below the thresholds for financial contributions towards social infrastructure and affordable housing.

8.0 CONCLUSION

8.01 The proposal is contrary to adopted Maidstone Borough-Wide Local Plan 2000 policy, however for the reasons set out above, being the absence of a five year housing land supply, the age of the Development Plan, the contained character of the site and positive response to the existing streetscape, and the location of the site adjoining a settlement boundary in a relatively sustainable location, it is considered to be such that the proposal is acceptable in principle in the context of decision making that accords with the National Planning Policy Framework.

8.02 Whilst the development would be seen in public views, particularly from Well Street and the KM62 public right of way, it would be seen in the context of the existing built form of Loose, and would, by virtue of the design approach taken and the physical constraints of the site, be seen as a sympathetic continuation of the existing pattern of built development within the Loose valley Conservation Area which provide a suitable end stop to the village. Conditions are suggested that will require the submission of details of landscaping, materials and joinery, and requiring implementation of the approved details. As a result it is considered that the overall visual impact of the proposed development is acceptable in the context set out above.

8.03 I have taken into consideration the consultation responses and other representations received in relation to the proposal, and assessed the application in respect of all material considerations. In this case, the limited harm that would result from the development, as mitigated by the proposed legal agreement and conditions, would not outweigh the demonstrable benefits of the provision of additional dwellings in a reasonably sustainable location in the context of an inability to demonstrate a five year housing supply. As such compliance with the National Planning Policy Framework 2012 provides sufficient grounds for a departure from the Maidstone Borough-Wide Local Plan 2000. For this reason I recommend that Members grant planning permission subject to the following conditions.

11.0 RECOMMENDATION – GRANT PLANNING PERMISSION subject to the following conditions:

CONDITIONS to include

(1) The development hereby permitted shall be begun before the expiration of one year 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, and in order to encourage the commencement of development and boost the provision of new market and affordable housing supply in accordance with paragraph 47 of the National Planning Policy Framework 2012 and paragraph 027 of the National Planning Policy Guidance 2014.

(2) The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the use of high quality materials appropriate to the locality such as stock brick, plain clay tiles and hanging tiles, and detailed design features which take their cue from the pair of dwellings to the immediate north of the site (Beggars Roost and Pipers Cottage) and general local area, including decorative brick quoinwork and arches, and shall incorporate a bat box at a height of at least 5m above ground level to the western elevation of each dwelling and a minimum of two swift bricks at a height of at least 5m above ground level to the eastern elevation of each dwelling into the fabric of the development. 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 and to safeguard the setting of the Loose Valley Conservation Area.

(3) No development shall take place until details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved in writing by the Local Planning Authority;

i) All external joinery, including details of the design of the storm porches, bargeboards and soffits. The details submitted in respect of the storm porches and bargeboards shall take their decorative cue from those of the adjacent properties Beggars Roost and Pipers Cottage; and

ii) Details of the roof overhangs and eaves, which shall include exposed rafter feet; and

iii) Details of windows, doors and recesses/reveals (which shall be a minimum of 70mm).

The development shall be undertaken in accordance with the approved details and maintained thereafter 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 and to safeguard the setting of the Loose Valley Conservation Area.

(4) The development shall not commence until details of all fencing, walling and other boundary treatments have been submitted to the Local Planning Authority and approved in writing. The submitted details shall include:

i) Details and a sample panel of the rebuilt ragstone wall which shall be pointed in lime mortar with a rubbed-back joint, keeping the mortar off the faces of the stones and slightly recessed from their edges, and have a maximum height of 1m when measured against approved ground levels within the site; and

ii) Where defined front garden boundaries are proposed, post and rail fencing.

The details shall not include any closeboarded fencing with a height greater than 1m forward (i.e. west) of the rear elevation, and where any close boarded fencing or other solid means of enclosure is proposed, the details shall include gaps of appropriate width and height at ground level to allow passage of mammalian wildlife (including hedgehogs).

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 a high quality of design and to safeguard the setting of the Loose Valley Conservation Area.

(5) 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, G and H 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 a high quality of design and to safeguard the setting of the Loose Valley Conservation Area.

(6) The approved details of the parking, garaging and turning areas and visibility splays as shown on drawing numbers 510/WEL/PL/03 rev A and 510/WEL/PL/03 rev B received 22nd May 2014 shall be completed before the commencement of the use of the land or buildings hereby permitted and 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, garaging and turning provision is likely to lead to parking inconvenient to other road users and result in conditions detrimental to the interests of road safety.

(7) The approved details of the access and visibility splays as shown on drawing numbers 510/WEL/PL/03 rev A and 510/WEL/PL/03 rev B received 22nd May 2014 shall be completed before occupation of the development. The access shall be maintained thereafter unless with the agreement in writing of the Local Planning Authority and the visibility splays be kept free of obstruction above a height of 1.2m above ground level;

Reason: Development without adequate parking, garaging and turning provision is likely to lead to parking inconvenient to other road users and result in conditions detrimental to the interests of road safety.

(8) No part of the development hereby permitted shall be occupied until all works necessary to extend the southern boundary of the 30 mph speed limit 30m to the south have been constructed and completed to the satisfaction of the Highway Authority;

Reason: In the interests of highway and pedestrian safety.

(9) The dwellings hereby approved 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.

(10) The development shall not commence until details of all external lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority, and shall include the following:

- i. A layout plan (showing spillage and luminance levels) with beam orientation and a scheme of equipment in the design (luminaire, type, mounting height, aiming angle and luminaire profiles).
- ii. A schedule of proposed hours of use for the different components of the submitted light scheme
- iii. 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 ecology.

The lighting, which shall minimise light spillage to surrounding land, shall be installed, maintained and operated in accordance with the approved details and maintained thereafter unless the Local Planning Authority gives its written consent to any variation;

Reason: To prevent light pollution in the interests of the character, amenity and biodiversity of the area and the safeguarding the setting of the Loose Valley Conservation Area.

(11) 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 in writing by the Local Planning Authority. The archaeological work, which shall be undertaken prior to development commencing on the site, shall be carried out thereafter in accordance with the approved details;

Reason: To ensure that features of archaeological interest are properly examined and recorded.

(12) The development shall not commence until 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, has been submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines (Farleigh Greensand Fruit Belt landscape type). The landscape scheme shall include, inter alia, the retention of all trees and hedges identified as such in the Sylvan Arb Arboricultural Report reference SA/905/15 received 2nd June 2014, the introduction of native hedges of appropriate species mix to the northern and southern boundaries of the site, the introduction of climbing plants of appropriate species to the Gabian walls in the south and east of the site, and the retention and safe stacking of cordwood with a diameter greater than 150mm arising from tree clearance within landscaped areas for purposes of biodiversity enhancement.

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 appearance to the development and a high quality of design and to safeguard the setting of the Loose Valley Conservation Area.

(13) If, during the course of implementing the permission hereby granted, excavations, groundworks or changes in levels in the south west corner of the site other than those considered in the Sylvan Arb Arboricultural Report reference SA/905/15 received 2nd June 2014 are required, all works shall cease until there has been submitted to and approved in

writing by the Local Planning Authority a further Arboricultural Method Statement and Tree Protection Plan undertaken by an appropriately qualified party in accordance with BS5837:2012. The development shall thereafter be carried out in accordance with the approved details;

Reason: To safeguard existing trees and hedges to be retained and ensure a satisfactory appearance to the development and a high quality of design and to safeguard the setting of the Loose Valley Conservation Area.

(14) 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 safeguard existing trees and hedges to be retained and ensure a satisfactory appearance to the development and a high quality of design and to safeguard the setting of the Loose Valley Conservation Area.

(15) 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. The submitted details shall show the finished floor levels of the northern dwellings to be no more than 2.5m greater in elevation than those of the adjacent property to the north, Beggars Roost. The development shall be completed strictly in accordance with the approved levels;

Reason: To ensure a satisfactory appearance to the development and a high quality of design, safeguard the setting of the Loose Valley Conservation Area, and maintain the residential amenity of the occupiers of adjacent residential properties.

(16) The development shall not commence until details of foul 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.

(17) The development hereby permitted shall not commence until details of surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The details shall be designed in accordance with SUDS principles and shall not allow drainage onto the public highway. The development shall be undertaken in accordance with the approved details and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority;

Reason: In the interest of pollution and flood prevention.

(18) Prior to commencement of the development hereby permitted, full details of the construction of all Gabion walls and any other retaining structures on the site required for land stabilisation, including any temporary structures required during the construction period, in the form of drawings to an appropriate scale and any necessary engineering reports

(including soil structure and loading analysis), shall be 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 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, safeguard the setting of the Loose Valley Conservation Area, and maintain the structural integrity of the boundaries of the site.

(19) No development shall take place (including any demolition, ground works, site clearance) until a method statement for the protection of badgers and reptiles has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall incorporate the recommendations of the LaDellWood Ecology Phase I Habitat Survey received 30th May 2014 and LaDellWood Ecology Badger Survey and Reptile Presence/Absence Survey received 3rd November 2014 and shall include the following additional information:

- i) Purpose and objectives for the proposed works; and
- ii) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, including timetabling of further survey / monitoring work for badger setts, a precautionary approach to vegetation removal and measures to minimise the potential impacts of construction works; and
- iii) Extent and location of proposed works shown on appropriate scale maps and plans; and
- iv) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction; and
- v) The times during construction when specialist ecologists need to be present on site to oversee works; and
- vi) Use of protective fences, exclusion barriers and warning signs; and
- vii) Persons responsible for implementing the works.

The works shall be carried out strictly in accordance with the approved details.

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

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

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

(21) The development shall not commence until samples and 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 in writing by the Local Planning Authority. The surfacing materials will be of permeable design and/or construction.

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

Reason: To ensure a high quality external appearance to the development, prevent surface water flooding, and in the interests of safeguarding biodiversity assets.

(22) 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 ensure a satisfactory appearance to the development and a high quality of design and to safeguard the setting of the Loose Valley Conservation Area.

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

drawing numbers 510/WEL/PL/01, 510/WEL/PL/01 (site plan), 510/WEL/PL/01 (site elevation), 510/WEL/PL/02, 510/WEL/PL/03, 510/WS/02, 510/WS/03 and 510/WS/04 received 12th February 2014; and 510/WEL/PL/03 rev A and 510/WEL/PL/03 rev B received 22nd May 2014, as supported by a covering email received 22nd May 2014, LaDellWood Ecology Phase I Habitat Survey received 30th May 2014, Sylvan Arb Arboricultural Report reference SA/905/15 received 2nd June 2014, supporting statement received 25th June 2014, and LaDellWood Ecology Badger Survey and Reptile Presence/Absence Survey received 3rd November 2014;

Reason: For the purpose of clarity and to ensure a satisfactory appearance to the development and a high quality of design and to safeguard the setting of the Loose Valley Conservation Area.

INFORMATIVES

(1) The lighting scheme provided in accordance with condition 11 should adhere to the following advice from the Bat Conservation Trust and Institution of Lighting Engineers.

Bats and Lighting in the UK

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

Low pressure Sodium Lamps (SOX) emit a minimal UV component.

High pressure Sodium Lamps (SON) emit a small UV component.

White SON, though low in UV, emit more than regular SON.

High

Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps

Mercury lamps (MBF) emit a high UV component.

Tungsten Halogen, if unfiltered, emit a high UV component

Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

Variable

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:

Lighting should illuminate only ground floor areas -light should not leak upwards to illuminate first floor and higher levels;

Lamps of greater than 2000 lumens (150 W) must not be used;

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;

Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;

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;

Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;

Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

(2) 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).

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

(4) 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.

(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) 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.

(7) 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. The applicant is advised that the highway within Loose village is unsuitable for HGVs.

(8) Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

(9) Please note that 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.

Please also note that 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

(10) A precautionary principle should be applied to all vegetation clearance on site and all works to trees should be undertaken outside of the bird nesting period (March to August).

(11) It is the responsibility of the applicant to contact the Health and Safety Executive for confirmation of the structural integrity of the Gabion and masonry retaining walls.

(12) The applicant will be aware that there is a badger sett in close proximity to the eastern boundary of the site. Disturbance of badgers and damaging any part of a badger sett is an offence under the Protection of Badgers Act 1992, and all necessary precautions

should be taken to prevent such disturbance or damage, including compliance with condition 18 in order to secure appropriate stabilisation of the eastern boundary of the site prior to construction of the development.

(13) The applicant should contact Kent County Council Public Rights of Way prior to commencement of the development to demonstrate the extent of works adjacent to the KM62.

Enter Text here

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.

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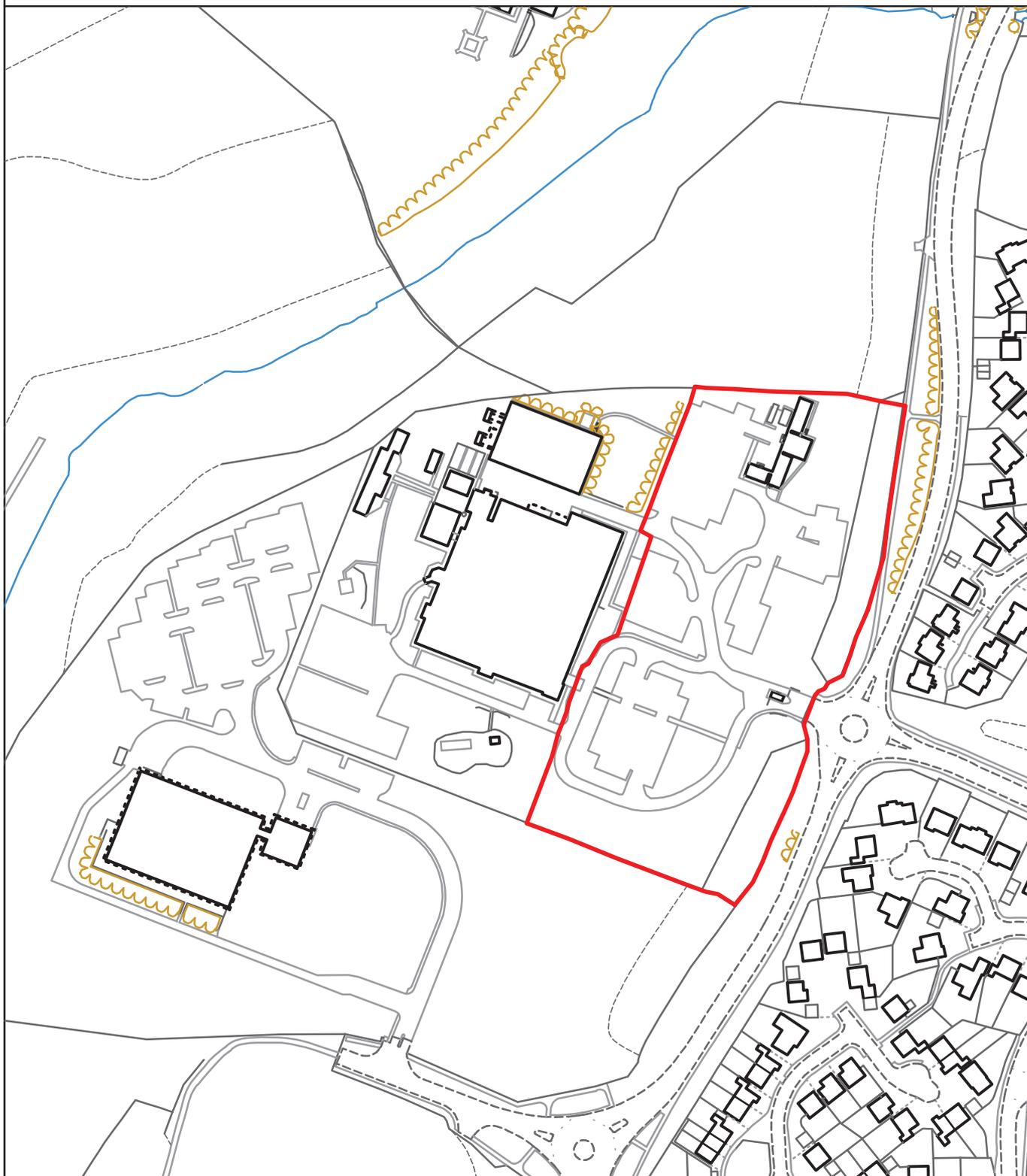
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3. 4. 2014

THE MAIDSTONE BOROUGH COUNCIL

The Maidstone Studios
Vinters Business Park
New Cut Road
Maidstone, Kent
ME14 5NZ

MBC Ref: 14/500290



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 14/500290/FULL			
APPLICATION PROPOSAL Demolition of a number of disused temporary structures associated with Maidstone Studios and erection of 77 dwellings together with access, parking, garaging, landscaping and ancillary works on land to east of Maidstone Studios			
ADDRESS The Maidstone Studios Vinters Business Park New Cut Road Maidstone Kent ME14 5NZ			
RECOMMENDATION [Approval]			
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development would provide mix of dwelling types with high quality design. It would provide much needed market and affordable homes. The proposal would represent a sustainable development and would help to support growth for the future of Maidstone TV Studios and expanding provision of higher education in Maidstone. For the reasons set out below, the proposal is considered that there are no overriding material considerations to indicate that a refusal of planning permission is justified.			
REASON FOR REFERRAL TO COMMITTEE Cllr Tony Harwood requests, that this application is reported to committee due to the level of local interest aroused by this application and the media coverage surrounding it, submission of a viability assessment report accompanied the application and the significant policy issues arose in relation to affordable housing provision, Community infrastructure levy contribution and support for higher education provision in Maidstone.			
WARD Boxley	PARISH/TOWN COUNCIL Boxley	APPLICANT Hillreed Homes AGENT DHA Planning	
DECISION DUE DATE 15/09/14	PUBLICITY EXPIRY DATE 15/09/14	OFFICER SITE VISIT DATE Various	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
MA/12/1218	Application to discharge conditions relating to MA/07/0458 (Demolition of existing building and structures, erection of one hundred and forty two dwellings and associated landscaping, formation of new car park to service Maidstone Studios, formation of new emergency access and associated works. "Resubmission of MA/06/1549") submission of details received on 26th April 2012 pursuant to condition 23 bat survey and additional information received on 22/06/2012.	Approved	

MA/12/0739	Application to discharge conditions relating to MA/07/0458 (Demolition of existing building and structures, erection of one hundred and forty two dwellings and associated landscaping, formation of new car park to service Maidstone Studios, formation of new emergency access and associated works. "Resubmission of MA/06/1549") submission of details received on 26th April 2012 pursuant to condition 06(eco homes), condition16 (noise), condition 17 (Archaeology) and condition 27 lighting submitted April 2012.	Approved	
MA/07/0756	Application to discharge conditions relating to MA/07/0458 (Demolition of existing building and structures, erection of one hundred and forty two dwellings and associated landscaping, formation of new car park to service Maidstone Studios, formation of new emergency access and associated works. "Resubmission of MA/06/1549") submission of details received on 26th April 2012 pursuant to condition 23 bat survey),	Approved	
MA/12/0630	Application to discharge conditions relating to MA/07/0458 (Demolition of existing building and structures, erection of one hundred and forty two dwellings and associated landscaping, formation of new car park to service Maidstone Studios, formation of new emergency access and associated works. "Resubmission of MA/06/1549") submission of details received on 4th April 2012 pursuant to conditions 2, 3, 4, 19, 11, 13, 14, 15, 26, 28.	Approved	
MA/07/0458	Demolition of existing building and structures, erection of one hundred and forty two dwellings and associated landscaping, formation of new car park to service Maidstone Studios, formation of new emergency access and associated works.	Approved	07 July 2009

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site is located on the west side of New Cut Road and is accessed from the roundabout situated on the junction of New Cut Road and Grovewood Drive.

- 1.02 The site is currently used as car park in association with the TV Studios which is a large multi storey building about 17m tall situated west of the application. The studio building is of utilitarian design and appearance. To the north of the main building is a single storey building with shallow pitched roof and height of about 9m to the eaves.
- 1.03 The area to the south of the main building is occupied by a number of large satellite and telecommunication dishes.
- 1.04 There are a number of redundant portakabins type buildings to the north of the site. These were once used as ancillary additional office accommodation.
- 1.05 The site is semi rectangular in shape and measures about 2.2 hectares. The land slopes from northeast to southwest with a fall of across the site by approximately 2.5m with undulating topography due to terracing of the land for parking.
- 1.06 There is a strong visual barrier around the edge of the site provided by the existing trees within and just outside the application site. The height of the tree belt along northern, eastern and southern boundaries varies from 10 to over 14 meters. There are also a number of large mature tree within the site that are over 25m in height.
- 1.07 The site is bounded from north and south by the park setting of Vinters Park and the Vinters Valley Local Nature Reserve. The entire eastern boundary except for the access point is enclosed by tall trees restricting views to and from the site.
- 1.08 On the east side of the New Cut Road is the 1980s and 90s Grove Green housing estate which comprises detached and semi-detached houses; and including a district centre comprising retail units and community centre and a local primary and secondary school a short distance to the south.
- 1.09 The application site is within the urban area of Maidstone and Vinters Park Area of Local Landscape Importance and is 2.5km northeast of Maidstone town centre.

2.0 PROPOSAL

- 2.01 This is a full application for the erection of 77 dwellings comprising a four storey block to provide 14no. two bed flats and 2no. one bed flats, 7no. 2bed flats over garages and 54 no. houses with provision for garages, car ports and parking spaces comprising 154parking spaces of which 134 are allocated and 20 unallocated and cycle storage facilities.

Detailed of the dwelling types and sizes are as stated in the table below:-

2no	1Bed Flat	48.5sqm
14no	2Bed Flat	67.8sqm
7no	2Bed FOGs (flat over garage)	70.2sqm
10no	3Bed +room in the attic (F dormer &R roof light)	68.6sqm
2no	2Bed House	59.3sqm
24no	3Bed House	75.3sqm
4no	3Bed House	83 .0sqm
2no	3Bed House	91.6sqm
8no	3Bed House	92.8sqm
2no	4Bed House	110.2sqm
2no	4Bed House	113.5sqm

The proposal would result in a development with a density of 35.48 dwelling per hectare.

3.0 PLANNING CONSTRAINTS

- 3.01 Trees and hedgerow
- 3.02 Area of Local Landscape Importance.

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 The National Planning Policy Framework (NPPF)
- 4.02 National Planning Practice Guidance (NPPG)
- 4.03 Maidstone Borough Council 2000 policies ENV6, ENV35, T13, T23
- 4.04 Affordable Housing Development Plan Document 2006 Policy AH1
- 4.05 Maidstone Borough Local Plan Regulation 18 Consultation 2014 Policies DM1, DM2, DM3, DM4, DM15, DM17, DM23, DM24, DM25, H2 and ID1.

5.0 LOCAL REPRESENTATIONS

One letter has been received raising the following points

- Further damage to the Vinters Park
- Adds to the traffic problems and harm the local environment
- Lack of affordable homes is a breach of the Council's policy and would set bad precedent, shows Council is weak
- Bad smell due to proximity of the site to crematorium.

6.0 CONSULTATIONS

6.01 Boxley Parish Council

Do not wish to object but the parish council has the following concerns: Potential safety issues in the 'public squares' because of conflict between pedestrian, private and commercial vehicles using the same space.

Problems with access for emergency services being impeded by the amount of traffic on show nights using a single entrance.

Can the schools take additional children?

Adverse impact on the local highway infrastructure.

If the planning officer is minded to agree then the parish council would like to see included in the permission:

A condition to remove the Permitted Development Rights to stop any changes at Maidstone Studios without full planning permission. The location of the residential properties immediately adjacent to Maidstone Studios means that any permitted change that might involve additional traffic or machinery could introduce air and noise pollution with an unacceptable impact on the residents.

A light controlled crossing at New Cut Road to allow safe access to local facilities.

A contribution to play provision or maintenance of existing areas at Grove Green.

I realise that the Permitted Development Rights condition is probably not attainable however the parish council would like to highlight possible future conflict with residential units so close to an 'industrial' site.

6.02 Mid Kent Environmental /Health Shared Service

No noise assessment has been submitted to ensure that future residents are not subjected to excessive noise from plant associated with the neighbouring studios and associated structures.

In view of the reassessment of the site and the change in balance between the numbers of flats and houses and the consequent increased number of gardens, additional remediation measures may be required. Duncan Haynes will comment on this area subsequently.

The plans show ground floor w.c. compartments in some dwellings being accessed directly off of the kitchen/dining areas. This is not recommended as there is a risk of spray from the flushing of the w.c. being carried over on to the dining and kitchen work surfaces.

CONDITION:

INTERNAL SOUND LEVELS – RESIDENTIAL

Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units will conform to the "good" design range identified by BS 8233 1999, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

6.03 Environmental Services

The application is in relation to contaminated land reports supplied with the previous applications. The original investigation 2006 concluded that a "discovery strategy" should be implemented to identify any land contamination and ensure it is remediated appropriately. The updated assessment concludes that this approach does not need to be changed.

The original report recommends that the existing site top soils could be used in the limited public open space and garden areas that were originally proposed. The new proposal includes greater areas of private gardens

therefore more attention will be required to ensure that existing topsoil is suitable for the use and that any imported soils are of the correct standards. These issues can be addressed by the provision of a verification report.

I therefore request the following conditions are applied:

Condition

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 that demonstrates the effectiveness of the remediation carried out must be submitted to the Local Planning Authority for approval in writing.

Condition

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.

6.04 Environmental Agency: Have **no objection**, but request that the following conditions be included in any permission granted:

CONDITION 1:

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.

CONDITION 2:

Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

Additional information

Flood risk

We have reviewed the details supplied with Flood Risk Assessment (FRA) prepared by DHA Transport dated April 2014, ref CS/10073 and would have no objection to the use of deep bored soakaways. We do however request consideration be given to using other sustainable drainage structures instead of a pipe network before discharging to soakaway. This could include swales or filter strips for conveyance, which will also provide treatment of runoff prior to discharge to soakaway. **Please note that dispersal into the ground through soakaways is dependent on a site specific investigation and risk assessment.**

Contamination

We have reviewed the document 'Desk Study & Preliminary Risk Assessment Report' by Southern Testing (reference DS2546 dated 19th March 2014). The report makes reference to an investigation undertaken in 2005 but the document was not provided for review and no details were provided. However, the site does not appear to have a history that would indicate the potential for significant contamination.

Foul Drainage

We note that foul drainage will be connected to the main sewer. Should this change we would wish to be re-consulted.

Fuel, Oil and Chemical Storage

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 our guidance "PPG1 – General guide to prevention of pollution", which can be found at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/290124/LIT_1404_8bdf51.pdf

Waste

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

6.05 KCC Development Contributions

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 (the CIL Regulations) (Regulation 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.

Request Summary

	Per Applicable House (x54)	Per applicable flat (x21)	Total
Primary Education (<i>new build construction cost</i>)	£4000.00	£1000.00	£237,000.00
Primary Education (<i>Land acquisition</i>)	£2701.63	£675.41	£160,071.54
Secondary Education (<i>extension</i>)	£2359.80	£589.95	£139,818.15

	Per Dwelling (x130)	Total
Community Learning	£30.70	£2363.67
Youth Service	£8.44	£650.05
Libraries	£15.06	£1159.67
Adult Social Care	£53.88	£4148.76

6.06 KCC Highways and Transportation services

The Section 278 highway works have been agreed in respect of the 2007 previous planning application on this site and these comprise of the following except for emergency access that KCC Highway services no longer considers such as access to be necessary:

1. A new zebra crossing on New Cut Road and the removal of the existing dropped kerbs on the northern side of the junction with Grovewood Drive.

2. New dropped kerb crossings and tactile paving provided on Grovewood Drive at its junction with New Cut Road, including tactile paving on the existing splitter island.
3. Provision of bus boarders at the 2 bus stops closest to the development site on Grovewood Drive.

These highway works are also relevant for the current planning application. Additionally I would recommend that the following conditions are also included with any consent granted:

4. A commuted sum will be required in respect of the proposed street trees and the tree species are subject to the approval of KCC Agreements Team.
5. The site is currently used for parking by the Maidstone Studios and additional parking has already been provided to accommodate displaced parking to the west of the studios building, however the operation of a Park and Ride service on show evenings is recommended.
6. A construction Management Plan is required prior to the commencement of the development and subject to the approval of KCC Highways.
7. Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
8. Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
9. Provision of measures to prevent the discharge of surface water onto the highway.
10. Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
11. 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.
12. Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.
13. Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
14. 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.
15. 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).

Informatives

1. 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 or telephone: 03000 418181) in order to obtain the necessary application pack.

2. 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.

6.07 MBC Economic Development

Economic and Higher Education significance of the TV Studios

The current proposal from Persimmon Homes is for the development of 77 houses on land owned by Maidstone Studios. Within the development appraisal and subsequent viability information a land value of £2.7million is stipulated as the minimum required *'to address the minimum technical spending required over the next four years so that the Studios keep pace with industry expectations'*.

In order for Maidstone Borough Council to accept the land value of £2.7million, and thereby achieve a below policy level provision of planning obligations of providing affordable housing and S106 contributions, we have requested evidence of planned expenditure over the next few years to understand where this will be spent and how it will contribute to the use of the Maidstone Studios site as a 'media village'.

Evidence that has been provided to MBC Economic Development team relating to the proposed investment in the Media Centre. The evidence relates to provisionally planned expenditure on the Data Centre and is shown in the table below.

Item No.	Area of Expenditure	Detail	Cost
1	Ground Floor Data Centre Area's 3 and 4 and 2 nd Floor Office reconfiguration	2 nd floor office reconfiguration	£210,000 – £230,000
		Office construction and fit out	£260,000 – £300,000
		Data centre areas 3 & 4 Construction	£700,00 – £780,000
		Data centre areas 3 & 4 Fit Out	£940,000 – £980,000
2	Enabling Data Centre Systems	Provisionally planned expenditure	£457,548.14
TOTAL			£2,747,548*

*Maximum figures for all individual parts of Item 1 have been used

This evidence indicates that the expenditure on Item 1 will all take place between 1st January 2015 and 31st March 2016. The evidence provided for item 2 is for equipment required to support the development of item 1 and are planned for purchase from January onwards to support this. The total value of this investment is a little above the stated £2.7million land value.

The principle of cross subsidy (i.e. the acceptance of a £2.7million land value) can be supported on the production of suitable evidence of Maidstone Studios being a key unique feature on the economic landscape where evidenced future investment will provide benefits to the wider Maidstone community and help to deliver against Council priorities. Evidence to this effect is set out below.

Maidstone Studios

Maidstone Studios is one of Maidstone's unique businesses. It is the UK's largest independent live TV studios, with TV broadcasting facilities and a comprehensive range of post-production and scenery services available on-site. It directly employs 34 people and regularly employs over 200 freelance crew on site. Shows attract large numbers of people to Maidstone including crews for shows, entertainers, guests and audiences which support other local businesses including local hotels, taxi firms, restaurants, catering supplies and local shops. We have been informed by Maidstone Studios that the General Manager of the Tudor Park Hotel has stated that the Studios contribute between 1500 and 2000 room nights to his annual budget. Supply chain benefits include security companies, cleaning and landscaping contractors, recruitment agencies, recycling companies and local media companies.

Over recent years Maidstone Studios has diversified to set up Custodian: a state of the art data centre offering a safe and resilient environment for IT infrastructure and business critical data.

Custodian itself employs 18 staff and has 230 customers, supporting both businesses and Local Authorities across Kent and Medway with both Data Centre facilities and hi-speed broadband.

Additionally, they have developed out small business space and now host 32 on site tenants and 25 virtual office clients. Around 475 people are employed in SMEs based at the Studios. Planned further investment in office accommodation has the potential to attract new businesses and create new jobs in this important sector.

Delivering the draft Economic Development Strategy

Maidstone Borough Council's number 1 priority is for Maidstone to have a growing economy. Subsequently, the delivery of our draft Economic Development Strategy is paramount in achieving this priority. As explained in the draft Economic Development Strategy (EDS), in order for Maidstone to be successful in attracting higher value jobs in growth sectors in the future, we need to have a suitably qualified workforce to attract relevant businesses to

the Borough. Additionally it notes that *'evidence shows that while the qualification profile of Maidstone's population has improved over recent years, with more people now qualified at level 4 and above, this is still below the national average and there has been greater improvement elsewhere in Kent.'*

At present Maidstone lacks a significant university campus since the University of the Creative Arts (UCA) withdrew from the Oakwood Campus a few years ago. However the UCA retain a presence at Maidstone Studios where their Television Production and New Media Business Management and Interactive Media Production degree courses are based. This gives students a unique opportunity to study in a professional environment with access to industry-standard equipment. UCA currently have 40 students studying at the Studios with plans to increase student numbers to around 300 by 2021. UCA has recently signed a long term lease to occupy the Studio buildings.

Creative Industries

The creative industries are identified within Maidstone's Economic Development Strategy 2008 and the draft Economic Development Strategy 2014 as one which could have a significant potential to grow the knowledge economy in Maidstone, creating higher skilled, higher wage employment. The draft states that Maidstone Studios is a key asset locally and should be supported.

Growth in the creative industries nationally continues to outpace other sectors. Average gross wages in the UK Film Production sector as a whole are around £32,500 (Oxford Economics on the Economic Impact of the UK Film Industry in 2012), significantly higher than the UK average of £26,100. The mean average wage in Maidstone in the year of this report was £22,176 (2012 Annual Survey of Hours and Earnings (ASHE) Analysis by Place of Work by Local Authority).

Maidstone Borough Council's Economic Development team support this application given the importance of the Maidstone Studios on the economic landscape of Maidstone and their wider 'media village' uses as an anchor for creative businesses and crucially for university provision in Maidstone.

NPPF in its paragraph 21 states that Investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing. In drawing up Local Plans, local planning authorities should:

- set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth;
- set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;
- support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible

enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances;

- plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries;
- identify priority areas for economic regeneration, infrastructure provision and environmental enhancement; and
- facilitate flexible working practices such as the integration of residential and commercial uses within the same unit.

6.08 KCC Ecology

Under the Natural Environment and Rural Communities Act (2006), planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.

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

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

We have reviewed the ecological information has been submitted with this application and we advise that there is a need for additional information to be provided prior to determination of the planning application.

The ecological survey has identified that a number of trees within or adjacent to the site has suitable features for roosting bats. Trees 13 and 26 (as numbered by the tree survey) will be lost as a result of the proposed development. The survey has recommended that emergence surveys must be carried out prior to the trees being felled. However we advise that the surveys must be carried out prior to determination of the planning application to establish if bats are roosting within the trees. If bats are roosting within the trees a European protected species mitigation licence would be required to derogate from potential offences under the Conservation of Habitats and Species Regulations 2010 (as amended). And in that situation Maidstone BC would have to consider the likelihood of a licence being granted, which requires the ‘three tests’ to be addressed:

The development activity must be for imperative reasons of overriding public interest or for public health and safety;

There must be no satisfactory alternative; and

Favourable conservation status of the species must be maintained.

We are of the opinion that until the results of the surveys and details of any mitigation required are submitted Maidstone BC will be unable to be satisfied that the favourable conservation status of the bat species are maintained.

We advise that it is currently optimum bat survey season and we recommend that the applicant should carry out surveys as soon as possible to prevent delays.

Foraging/commuting

The submitted survey has highlighted that the site has good connectivity to the surrounding area and the hedgerows may be used by foraging bats.

As housing will be built adjacent to the woodland area we question why foraging surveys have not been carried out to establish how bats use the site and assess the impact the proposed development will have on foraging bats. We advise that an activity survey must be carried out to inform any mitigation which is required to avoid impacting foraging/commuting bats.

Breeding Birds

All breeding birds and their young are protected under the Wildlife and Countryside Act 1981 (as amended) and we advise that if planning permission is granted an informative must be included stating that all vegetation is removed outside of the bird breeding season (March – August). If that is not possible an experienced ecologist must examine the site prior to works starting and if any breeding birds are present all works must cease in that area until young have fledged.

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 ecology report has made a number of recommendations for ecological enhancements and the design and access statement has confirmed that the proposed development will be incorporating enhancements in to the site.

We advise that if planning permission is granted the landscaping plan is updated, as a condition of planning permission, to include the ecological enhancements which will be incorporated in to the site.

We also advise that there is a need for a management plan for the site to be produced to ensure the enhancements will be managed appropriately.

Additional comments have been received from the ecology officer suggesting the imposition of conditions to cover foraging and emergency surveys to cover bats.

6.09 MBC Parks and Open Spaces

For a development of this size we would expect a minimum onsite provision of open space of 1.00ha. The development is located within Boxley Ward which is generally well provided for in terms of open space. The exception to this being Outdoor Sports Facilities and Allotments/Community Gardens which have a rather large under provision.

We would query whether the proposed provision of onsite open space would meet the minimum expectation of 1.00ha. From the documents supplied it is indicated that the development site is 2.17ha in total with 77 dwellings. Therefore nearly half the site would need to be in the form of open space.

With that in mind it is likely that we would request an off-site contribution to cover the shortfall in open space provision. Without knowing exactly how much onsite open space is likely to be provided it is difficult to advise how much of an offsite contribution we would request. However we can say that for every 0.01ha shortfall we would request £15.75 per dwelling. As an example should the development provide 0.20ha onsite open space then we would request a contribution to cover the 0.80ha shortfall.

$80 \times £15.75 = £1260$ per dwelling, which would equate to £97,020 for the development as a whole.

Any offsite contribution we would request to 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.

Whilst we note the development plans to provide an onsite natural play trail this will be limited in the age group that it will appeal to and we would therefore request that any financial contributions could also be used on equipped areas of play within the local vicinity which will no doubt see increased usage as a result of this development.

Such sites as “Area D” at Weaving Heath, Shepherds Gate Drive, and Grovewood Drive are all within 1km of the site and would be used by the development as they are the nearest sites with areas of outdoor sports facilities and equipped play.

6.10 MBC Landscape Officer

The trees of less value do not necessarily need to be retained, but when trees are removed, appropriate planting (in terms of species, layout and volume) should be incorporated into the scheme to mitigate their loss. In general a net gain in biodiversity and landscape value should be achieved.

Whilst I would like to see as many of the mature trees on site are retained. I do not object to the removal of the following trees:

-T13 oak tree; it has some large main stems removed with associated decay which reduced the safe useful life expectancy of the tree. I would therefore not object to the loss of this tree on the basis of lost amenity which will happen in due course anyway.

-T12 a semi mature Wellingtonia, probably the most publicly visible of the trees on site. It has a large main stem wound on one side. Although it has the potential to make a tree of some prominence due its large size, it is not a native species and therefore of limited biodiversity values.

-T9 An oak tree that under 2007 permission was to be retained. The new layout requires its removal. I support the reconsideration of this, because to retain a tree on as island as was part of the 2007 proposed is only of benefit if

it is a particularly good specimen, which this one is not. I have therefore no objection to its removal.

Finally, Holm Oak tree, this tree is situated towards the southeast corner of the site. This tree stem diameter suggests it is not as old as initially suggested. Its history of crown breakages that appear to have taken place. I was unable to see any evidence of disease or decay to explain branch failures. This together with lack of visibility from outside the site means I have no objection to its removal.

6.11 NHS Properties

NHS Property Services Ltd states 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 number of local surgery premises:

Grove Green Medical Centre
 St Lukes Medical Centre
 Brewer Street Surgery
 Bearsted Surgery
 The College Practice

The above surgeries are within a 1.5 mile radius of the development at Royal Engineers 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.

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

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

Predicted Occupancy rates

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

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

Predicted Occupancy rates	Total number in planning application	Total occupancy	Contribution sought (Occupancy x £360)
1.4	2	2.8	£1,008
2	23	46	£16,560

2.8	48	134.4	£48,384
3.5	4	14	£5,040
Total			£79,992

NHS Property Services Ltd therefore seeks a healthcare contribution of £79,992 plus support for our legal costs in connection with securing this contribution. This figure has been calculated as the cost per person needed to enhance healthcare needs within the NHS services.

6.12 MBC Housing

Based on policy AH1 of Affordable Housing Development Plan Document 2006 which seeks to secure 40% affordable housing this development would need to provide 31 dwelling units. The 2007 application secured 25% on this site. Policy DM24 of Maidstone Borough Local Plan Regulation 18 Consultation 2014 seeks 15% with regard to previously developed land in urban areas. It is considered that this site should provide a minimum of 15% affordable housing that equates to 11 dwelling units.

The proposed 21% affordable is acceptable provided that they are all for rented purposes and not shared ownership.

6.13 Vinter Park Trust

In August 2009 planning application MA/07/0458 was passed by MBC Planning Committee granted permission for 142 dwellings on the site. Whilst we objected to the planning application, we were forced to accept the decision of the planning committee and the principle that a housing development would be allowed on this land. The planning application accepted that there would be a severe impact on Vinters Valley Nature Reserve as a result of this development and was prepared to contribute to the extra costs the nature reserve would incur, to cater for the increased visitors numbers and wildlife protection measure needed. As a result one of the planning conditions agreed by the planning committee was the payment of £25,000 would be made to VVPT to alleviate the impact of this proposed development. We would wish to see this agreement assigned to the new application should permission be granted, In recent discussion with Geoff Miles of Maidstone Studios, he has assured us that he remains agreeable to honouring the original agreement to make a payment of £25,000 to the Trust to enable the wildlife protection and visitor improvements to the nature, Number of dwellings proposed in MA 14/500290 – 77 Dwellings This new planning application represents a 46% reduction in the previous number of dwellings agreed by MBC. Whilst in an ideal world we would prefer no housing development on this land, our view is therefore that the reduced scale of this development proposal has the potential to be less damaging to wildlife in the nature reserve, and therefore *we are not objecting to this planning application.*

7.0 BACKGROUND PAPERS AND PLANS

Plans 5988 01 Rev I, Plans 5988 03 Rev A, Plans 5988 10 Rev A, Plans 5988 11 Rev B, Plans 5988 12 Rev A, Plans 5988 13 Rev A, Plans 5988 14 Rev A, Plans 5988 15 Rev B, Plans 5988 16 Rev A, Plans 5988 17 Rev A, Plans 5988 18 Rev A, Plans 5988 19 Rev C, Plans 5988

20 Rev B, Plans 5988 21 Rev A, Plans 5988 22 Rev A, Plans 5988
23 Rev B, Plans 5988 24 Rev A, Plans 5988 25 Rev A, Plans 5988
26 Rev A, Plans 5988 27 Rev B, Plans 5988 28 Rev A, Plans 5988
29 Rev A, Plans 5988 30 Rev B, Plans 5988 31 Rev A, Plans 5988
32 Rev A, RD1544-GA-100, RD1544-GA-101, RD1544-GA-102,
10073-D-02REV-02, Planning Statement, Design and Access Statement,
Viability Statement, Arboricultural Implementation Assessment and Method
Statement 30 May 2014, Archaeological Evaluation Desk top Based
Assessment November 2005, Sustainability Statement June 2014, Site
appraisal+ Landscape Strategy June 2014, Transport statement April 2014,
Flood Risk Assessment Report April 2014, Geological Desk study and walk
over survey March 2014, Statement of Community involvement, Phase 1
Habitat Survey External Building Assessment for Bats February 2014.
Received 16/06/2014, 07/10/2014

8.0 Background

- 8.01 Members may recall that in August 2009 this committee granted planning permission for residential development of the land to the east of the TV Studios for the erection of 7 blocks to accommodate 134 flats and 8 semi-detached houses with associated car parking.

The permission was subject to a section 106 legal agreement that secured the followings under schedules 1 to 8:-

S1 Affordable housing provision at 25%, equal to 36 units based on a four stage cascading approach.

S2 Payment of £50,000 to MBC towards improvement and equipping of play area located within 1 mile or less of the site.

S3 To carry out additional Landscaping as shown in the approved landscaping plan no 2115-PP-03 Rev A.

S4 For 3 days a year for the first 3 years from the commencement date to provide the MBC free use of studio space.

S5 Payment of £25,000 to Vinters Valley Park Trust.

S6 Implementation of the approved travel plan involving monitoring and recording of vehicle trips to and from the site at peak morning time, 8am to 9am, and if the number of trips exceed 185 trips the owner shall pay the Highway Agency £125,000 towards the cost of improvement to Junction 7 of M20 or public transport.

S7 Improvements agreed with KCC Highway services shall be implemented prior to the occupation of any of the dwellings.

S8 Secured dwelling unit size and distribution of Affordable housing units on site.

- 8.02 Clause 5.3 of the s106 agreement secured a payment of £720,000 to the MBC on the date of first occupation of any unit in Block B, less the sums already paid (spent) by the TV Studios.

This money to be placed in a special account for payment to the TV studio operator against qualifying expenditure which details the Council has to agree.

8.03 The s106 also included a Travel Plan for the residential part of the proposal and Business Travel Plan relating to the staff and visitors to the TV Studios.

8.04 All pre-commencement planning conditions pursuant to the 2007 application have been discharged and the permission has been implemented but not built out. The site therefore has a valid extant planning permission.

9.0 APPRAISAL

The planning issues relevant to the consideration of this case are:

- Plan designation and principle of development
- Layout, design, street scene;
- Highways and parking issues;
- Impact on trees on site,
- Impact on the Vinters Valley Nature Reserve Park;
- Contamination
- Flood Risk assessment
- Archaeological
- Sustainability;
- Infrastructure improvements (s.106 contribution)
- Economic development and higher education.
- Viability assessment

Principle of Development

9.01 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.

The NPPF states that, development that is sustainable should go ahead, without delay with a presumption in favour of sustainable development as the basis for every plan and every decision.

The development plan for the area includes saved policies of Maidstone Borough Wide Local Plan 2000.

9.02 As mentioned above the site has an extant planning permission for 142 dwellings and it is considered that none of the documents of the NPPF, NPPG and the emerging Maidstone Local Plan Regulation 18 have been introduced since the 2009 permission having materially changed the land use policy in this part of the Borough that justify deviation from the acceptance of residential development on this site. Having regard to the above there is no in principle objection to the residential development of the site subject to the development being acceptable with regard to the other material issues mentioned above.

Layout, design, street scene and amenity

9.03 The 2007 application involved substantial flatted type dwellings. It is clear that recent years have seen the market for flats fall away. This has resulted in a greater proportion of family housing and less dense schemes, hence the application.

9.04 The proposed development comprises a mix of 2, 3, and 4 bedroom houses and 1 and 2 bedroom flats. The house types include two storey detached and semi-detached as well as terraced houses. 10no. of the proposed houses are referred to as town houses; these are mainly two storey houses with rooms in the roof space involving single dormer window to the front and roof lights to the rear.

9.05 Paragraph 58 of NPPF encourages good design and requires that developments :

- function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;
- and
- are visually attractive as a result of good architecture and appropriate landscaping.

9.06 The design principles of this development have sought to deliver the following:

- to create a development with character and activity focusing on the movement route through the site to the TV Studios;
- to reduce the prominence of cars in the street scene by avoiding large frontage parking areas.
- to provide pedestrian and cycle movement from the site to New Cut Road,
- use of area to the north east and of the east of the boundary tree belt for informal open space.
- Creation of strong transition between the proposed development and the TV Studio building and provision of public squares as visual focal areas.

- Creation of a hierarchy of built form within the site by use of mainly two storey and two and half storeys in scale with a 4 storey apartment block in front of studio building. The scale and density of the development ranges from a higher scale density on primary movement route to the Studio to a low scale density to the northern and south edges of the site.
 - To reinforce visual association by use of pallet of materials such as local red and buff brick with accent buildings of render, plain tiles- hanging and timber boarding will be used throughout the site and landscaping will be used to enhance amenities and compliment the environment.
 - Houses and rooms have been designed and orientated to maximise use of sun light and day light.
- 9.07 The houses are designed with small front gardens and parking or garaging to the side or rear and satisfactory levels of garden/amenity areas.
- 9.08 The sitting and relationship of the houses with one another is well positioned and as a result no overlooking or loss of light would result except for plots 75 and 76 that will be overlooked from plot 54. This can be resolved with targeted landscaping along the western boundary wall of plots 75 and 76.
- 9.09 There are 7no. two bed flats over garages in this development. These dwellings would create spacious living accommodation and would provide natural surveillance of the adjoining car parking areas.
- 9.10 The scheme also includes a four storey block of flats directly in front of the access point to the site. This building is considered well positioned to screen substantially the TV Studio building which is a large utilitarian building and provides an attractive vista and view into the site when seen from the roundabout outside the application site in the New Cut Road.
- 9.11 The proposed flats units will overlook the proposed squares to the east and south, the car parking area to the north and the eastern flank of the TV Studios, and as such the buildings would not cause any overlooking of the adjoining properties or loss of sun light and day light. The habitable environment and floor area of these flats are considered to be satisfactory.
- 9.12 Concern has been expressed by the Environmental Health officer regarding the door of WC in some flats that open directly into the Kitchen area. Although this is an aspect of the layout of some of the flats that is rather poor, it is not of sufficient ground for refusal of the application.
- 9.13 Concern has also been raised with regard to level of noise from motorway to the north. No noise report was submitted with the application and to deal with this issue the Environmental Health Officer has suggested conditions to ensure the amenities of the future occupiers are well protected.

- 9.14 A sequence of entrance and arrival squares have been designed in this development, culminating in the central square that frames the entrance to the studios.
- 9.15 Street patterns control speed and use of textured materials would make the environment more pedestrian friendly.
- 9.16 The density of this development is just over 35 dph which is considered to be comparable with the houses built during the 1980s and 90s further to the east of New Cut Road and reflect the density requirements as set out by emerging policy H2 of the Reg 18 of 35 dwellings per hectare at sites adjacent to the urban area. The overall scale is considered much more in keeping with the local context compared to the scale of the flat blocks development of 142 dwellings.
- 9.17 The proposal would involve retention of the existing trees and landscaping along the eastern and northern as well as southern boundaries of the site. Given the dense nature of the vegetation around the site it is considered that the development would not be visible except from the access to the site. Moreover, given the isolated nature and distance of the site from the residential properties to the east of the New Cut Road, it is considered that the development would not impact on the residential or visual amenities of the nearby residential properties.
- 9.18 It is considered that the proposed development would offer a good layout and house design and takes advantage of existing mature trees on site in order to create an attractive living environment for future occupiers and visitors to the TV Studios. It is considered that the proposal accords with good design expectation of paragraph 56 (good design) of NPPF.
- 9.19 It is also important to note that the proposed housing development would share access with the TV Studio and currently there is no planning condition restricting the operating hours of the TV Studio or other businesses running from there. It is therefore highly likely that late night recordings that involve large audience entering and leaving the studios could cause amenity problems for the future residents of those dwellings fronting the access to the Media Centre. It is therefore important to ensure that a travel plan is submitted for approval by the Local Planning Authority to address these concerns. This can be secured via the section 106 legal agreement.

Highway and parking

- 9.20 The development layout has been designed to ensure that access is retained for the TV Studio and at the same time a safe environment for vehicles and pedestrian accessing the site is created. The layout is designed to promote a low speed environment.
- 9.21 There are bus stops close to the application site and the site is well served by frequent public transport to Maidstone town centre and surrounding villages.

- 9.22 According to the Planning and Transport Statement reports submitted with the application access to the site will be from the existing access to the TV Studios and the development would provide 1 car parking space for the one and two bed flats and 2 parking spaces for the 3 and 4 bedroom houses. The development makes provision for 154 parking spaces of which 134 are allocated and 20 unallocated and cycle storage facilities for the flats. It is considered the proposed car parking provision to be satisfactory and acceptable for this semi 'suburban' location. To ensure that the proposed level of car parking is delivered a condition will be imposed accordingly.
- 9.23 The application site and car parking spaces to the west of the TV Studios building are currently available for use as a car park by the TV Studios, particularly when large audience attend recordings of shows. To ensure that loss of the car parking spaces on the application site does not prejudice highway safety, KCC Highway is recommending the use of the park and ride facility. This can be covered under the terms of legal agreement requiring the submission of a Travel plan.
- 9.24 The submitted transport statement contained a number of highway works to improve pedestrian safety and vehicles movements. These works are referred to in the KCC Highway reply above and are required to be carried out prior to the occupation of the dwellings and these would be secured by a Grampion condition to be completed prior to first occupation of any dwelling.
- 9.25 The 2009 permission involved an emergency access along the north east corner of this site; KCC Highways do not consider such an access to be necessary with respect to this development.
- 9.26 It is considered that the site, despite its location on the edge of the town centre, is close to a district shopping centre that includes a Tesco, Post Office and pharmacy. There is a primary school on the Grove Green estate and further primary and secondary schools nearby. The site is reasonably sustainable and subject to relevant planning conditions the proposal would be acceptable in highway terms and as such in compliance with policies T13 and T23 of the adopted local plan.

Impact on the Trees

- 9.27 The trees on this site are subject to an area Tree Preservation Order (TPO No.1 1954) and the site is within Area of Local Landscape Importance. It appears that substantial harm was caused to the trees and Area of Local Landscape Importance when the TV Studios and associated car parking were constructed. The proposal involves retention of all the trees along the eastern, northern and southern boundaries of the site as well as large mature trees close to plots 69, 73, 74, 75, 76 and 77.
- 9.28 It is considered that the impact of the development on the trees would not be any greater than the 2009 permission and KCC Highways comment that an emergency access along the north eastern corner would not be required would ensure retention of more trees on this part of the site.

- 9.29 A tree report is submitted with the application that proposes the following steps to be undertaken in the interest of protection of trees on site. These are as follows:-
- Pre-commencement site meeting with all relevant parties including MBC tree officer.
 - Agree the extent of arboricultural supervision
 - Erection of protective barriers before any clearance or construction activities occurs on site and notification of MBC.
 - Installation of new surfacing- to protect the ground before any clearance or construction activities occurs on site.
 - Tree protection only be removed at the end of the construction phase when there is no longer any risk to trees.
- 9.30 MBC Landscape officer considered the proposal to be acceptable subject to conditions requiring the installation of protective fence around the trees to be retained prior to the commencement of any development on site, additional landscaping and compliance with the tree report submitted.

Impact on the Vinters Valley Nature Reserve Park

- 9.31 The site is adjacent to the Vinters Valley Local Nature Reserve and it is considered that in comparison with the 2009 permission that involved multi storey block of flats, the proposal is predominately two storey houses with ridge heights not exceeding 9.5m except for the flat block which would be screened by the TV Studio building to the west. It is therefore considered that the proposal would not in visual terms impact on the Nature Reserve.
- 9.32 However there is the potential for occupiers of the proposed dwellings (mainly family units) visiting and using the park for recreational activities. To help deal with additional pressure from new visitors on the limited resources of the Nature Reserve; The Trust managing the Nature Reserve has asked for a 25K contribution from the developer. (Similar request was also made regarding the 2009 permission).
- 9.33 Although the number of the dwelling units proposed is reduced it is not considered that the demand from future residents of these houses to use the park would be any less, as such it is considered that the contribution requested is justified.

Ecology

- 9.34 An ecological report has been submitted with this application. The applicant has also stated that in July 2012 details were submitted pursuant to discharge of condition no. 23 of the 2009 permission that required a bat survey to be carried out to establish if bats were using the trees. The survey concluded that no bats used the trees identified for removal. Furthermore as the surveys concluded that the trees on site are not being used by bats, the proposed

development would not contravene any known legislation or planning policy with regards to bats.

- 9.35 The applicant's submission has been considered by the KCC ecology officer who has advised that the information submitted is not adequate to determine if roosting bats are using the trees on site.
- 9.36 It is important to point out that the 2012 survey was carried out over 30 months ago; moreover this development would involve removal of some of the trees that would have remained under the 2009 permission. The ecology officer has also highlighted that the site has good connectivity to the surrounding area and the hedgerows may be used by foraging bats.
- 9.37 Moreover as houses will be built adjacent to the woodland area it is important to carry out foraging surveys to assess the impact of the development on foraging bats. KCC Officer therefore considers it to be appropriate to add a planning condition requiring a fresh bat survey to be carried out prior to the commencement of the development.
- 9.38 Furthermore, given the close proximity of the site to the Nature Reserve and that the trees along the boundary of the site would not be impacted upon and these trees will continue to provide potential nesting places for the birds and bats, it is appropriate to impose a condition requiring that birds and bat boxes and bricks be installed throughout the site in the interest of biodiversity of the site.
- 9.39 In the interests of protection of breeding birds KCC ecology officer has also recommended a planning informative to be added to ensure that all site clearance works are taken place outside the bird-breeding season (March to August) and the timing of such site clearance works shall be compatible with any bat migration works.
- 9.40 To enhance biodiversity on site it is recommended that a landscaping condition be imposed and this should include the ecological enhancements for the site.
- 9.41 As with the 2009 permission which imposed a condition requiring bat surveys to be carried out post decision, this is repeated here. Therefore subject to the above conditions and informative no objection is raised with respect to ecological issue.

Contamination

- 9.42 A contamination report has been submitted with this application and both the Environmental Health Officer and Environmental Agency have assessed this issue and have no objection to the recommendation of the report subject to conditions ensuring the mitigation measures proposed are fully implemented. There is therefore no objection subject to appropriate conditions being imposed.

Flooding Risk and drainage

- 9.43 The application site has been supported by a flood risk assessment (FRA) which demonstrates that the site is not in a flood zone area.
- 9.44 The Environmental Agency has no objection to this development. The FRA concluded that the drainage system for this development would include an attenuation system in order to deal with the surface water. Whilst no such detailed information has been submitted, it is considered a condition imposed on the grant of permission can deal with surface water management.
- 9.45 The report also recommends use of deep borehole soakways. This has been assessed by the EA and they have no objection to the use of deep bored soakways. They do however request consideration be given to using other sustainable drainage structures instead of a piped network before discharging to a soakaway. This could include swales or filter strips for conveyance, which will also provide treatment of runoff prior to discharge to soakaway. It is considered that subject to a condition seeking the submission of satisfactory details the development is acceptable and in compliance with NPPF.

Archaeological Evaluation

- 9.46 An archaeological report has been submitted. The report states that eight trenches across the site were excavated and the evaluation of the trenches revealed scant evidence of archaeological remains except for one ditch that confirmed the remains of a ditch some 3.5m in width suggesting that originally the feature would have been substantial in scale and may have formed a major boundary to other as yet undiscovered. Also abraded fragments of Late Bronze Age pottery were recovered from the subsoil of trench no 4. One other artefact was identified during the course of the evaluation.
- 9.47 The report states that previous construction and landscaping would have effectively removed any surviving archaeological features if any were present and the lack of any background unstratified artefacts would suggest that any activity would have been of a low density. However there is the potential for archaeological remains to be present within the wider Maidstone Studios site as a whole where significant intrusive works, construction and landscaping has not taken place. It is considered that in view of the survey finding an archaeological watching brief condition be imposed.

Sustainability Issues

- 9.48 Applicant has stated that due to viability reason it is not feasible to achieve Code Level 4 and as a result this development will be constructed to Code Level 3 for Sustainable homes (The issue of viability is discussed below).
- 9.49 As noted earlier in this report, the site is close to good public transport links, shops and other facilities. The development of this land for residential purposes is considered to be sustainable.

Planning obligations and financial viability

- 9.50 Planning applications should be determined in accordance with the provisions of the Development Plan (Council policies) and the government guidance unless material considerations indicate otherwise. Members should not depart from the Council's policies unless material considerations are proven to be of enough weight to justify departure. In most cases where a proposal is in accordance with the Council policies it will not be necessary to examine viability issues.
- 9.51 The National Planning Policy Framework states that evidence of viability issues will be a material consideration in some cases. Where the deliverability of a development may be compromised by the scale of planning obligations, tenure requirements or other costs, a viability assessment may be necessary. Where viability is a material consideration, it will be just one of a number of factors to be weighted in member's decision making. Just because viability is a consideration does not mean it is the only determining matter.
- 9.51 Adopted Development Plan Document 2006 Policy AH1 seeks 40% Affordable housing and policy DM24 of Maidstone Borough Local Plan Regulation 18 Consultation 2014 seeks 15% affordable for previously developed land in urban area. Also policy ID1 (Infrastructure delivery) of Reg 18 gives a list of Council's priorities. These policies also recognise that the capacity of a site to deliver a level of affordable housing that can be supported financially will be determined by individual site economic viability analysis. If an applicant suggests that a development cannot afford to be policy compliant, they will be expected to submit a development appraisal as justification.
- 9.52 The applicant has stated that the proposal would not be viable if the £2.7m financial support is to be afforded to the Maidstone TV Studios, as well as providing policy compliant affordable housing at 40% (equal to 30 dwellings), 100% planning obligation request, amounting to £798,167 (comprising contributions towards open space, primary and secondary education, libraries, adult education, youth, social services, NHS and Vinters Park) and to achieve Code for Sustainable Homes Level 4.
- 9.53 In support of their assertion a viability statement has accompanied the application which has been scrutinised by an external consultant (District Valuer) appointed by the Local Planning Authority.
- 9.54 After extensive assessment the accuracy of some data contained in the viability statement was challenged and following 4 months of discussions between the District Valuer, the applicant's representatives and the Council Officers; the District Valuer produced his report.
- 9.55 The DV took account of the built costs, sales value, contingency and professional fee, incorporated all the associated costs, a profit level of 17.5%, affordable housing, section 106 contributions and the cost of achieving Code for Sustainable Home Level 4.

- 9.56 The DV's report confirmed that the development would be viable and capable of providing £2.7m future investment towards the Maidstone TV Studios, 21% affordable homes (equal to 16 dwellings), £110,000 contribution toward S106 and achieving Code for Sustainable Home level 3. In the opinion of the DV seeking any further obligation would make the scheme unviable.
- 9.57 The principle of support for Maidstone TV Studios due to its uniqueness and important contribution it makes to Maidstone was established by the grant of planning permission for the 142 dwellings and the associated legal agreement in 2009. Members' attention is drawn to part 8 of this report and the terms of the 2009 legal agreement which accepted the principles of the proposals not being policy compliant.
- 9.58 In the light of the importance of the Maidstone Studios on the economic landscape of Maidstone, Maidstone Borough Council's Economic Development team support this application. Members are referred to section 6.07 of this report.
- 9.59 In addition paragraph 21 of NPPF that came into force since 2009 encourages Local Planning Authorities to draw up plans and policies that sets out clear economic vision and strategy for their area for sustainable economic growth and provide support for existing business sector, taking account of whether they are expanding... identify strategic sites, plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries.
- 9.60 It is considered that the Maidstone TV studios is an important high tech knowledge base and creative centre, that provides business opportunities for other local businesses like hotels, restaurants, taxies, etc. as well as providing Higher Education opportunity in Maidstone. The TV Studios contribution to the local economy and Higher Education is vital to the medium and long term economic growth of Maidstone. Due to this very special contribution that Maidstone TV Studios makes to Maidstone it is considered that very special circumstances exist to support the TV studios by the £2.7m investment proposal that would help to facilitate Higher Education places in Maidstone.
- 9.61 Having regard to Council's infrastructure priority listed stated in policy ID1 of Maidstone Local Plan Reg 18. Affordable homes is at the top of the list followed by Transport, Open Space, Public realm, Health, Education,
- 9.62 Every attempt has been made to maximise the number of affordable homes on this site. It is considered that 16 affordable dwellings (21%) is the maximum that could be achieved on this site and the Council's Housing Department are satisfied and have requested that these to be for rented and not shared ownership.
- 9.63 The works associated with transport will be dealt with under section 278 of the Highways Act and no contribution is sought in this regard and a planning condition will deal with this issue. With regard to Open Space it is felt that the

future residents of this site would most likely use facilities at Vinter Park rather than facilities some distance away; for this reason it is considered more appropriate to comply with the contribution requested by Vinter Park Trust for £25,000 than the contribution sought by MBC Leisure and Parks .

- 9.64 Also as there is no contribution request for any public realm works the next priority is NHS; and NHS should receive the requested £79,992.00 contribution, with the outstanding sum of £5,108 going towards primary education.
- 9.65 The Planning obligations have been considered in accordance with the legal tests set out in Community Infrastructure Levy Regulations 2010 in that they are 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.

These tests have been duly applied in the context of this planning application and give rise to the above mentioned specific requirements.

Conclusion

- 9.66 At the heart of NPPF is a presumption in favour of sustainable development. Sustainable development is about positive growth, making economic, environmental and social progress for this and future generations.
- 9.67 The NPPF states that with a presumption in favour of sustainable development means that where the development plan is absent or out of date planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 9.68 This proposal will deliver much needed mix of house sizes, types and tenure required to meet the needs of a mixed community in a quality an attractive environment.
- 9.69 The development will assist in delivering infrastructure and enable the TV Studios to invest and deliver a greater contribution to the economy and vitality of Maidstone as well as ensuring availability of the TV studio facilities to the University of the Creative Arts for Higher Educational opportunities for now and the future generation in Maidstone.
- 9.70 Similar to the 2009 permission, this application is not policy compliance; however, it is considered the TV Studios is in a unique position by providing business opportunities for other local businesses like hotels, restaurants, taxis in Maidstone. In addition, the TV Studios close involvement with the University of Creative Arts provides higher education facilities and opportunities in Maidstone that would not be available otherwise; these are considered significant enough justification to support this application. As such, it is recommended that planning permission be granted for this development subject to a section 106 legal agreement and planning conditions as set out below.

10.0 Recommendation

Subject to the prior completion of a legal agreement in such terms as the Head Services may advise, to provide the following:

- A) Investment of £2.7m by the Maidstone TV Studios (Media City) during 2015 and 2016 in projects specified under a legal mechanism to be agreed between legal representatives of the Council and the owner(s) of Maidstone TV Studios. (It is envisaged that the mechanism will follow the principle of the 2009 legal agreement).
- B) Provision of 21% (equal to 16 dwellings) affordable homes for 100% rented and these to be delivered prior to occupation of 25% of the market dwellings.
- C) Submission of a travel plan within 6 months from the date of the implementation of this permission. The travel plan shall provide details of and include the following:-
 - Car and any coach parking provision within TV Studio (Media City) site.
 - Details of a shuttle bus facility from TV Studio to the local park and ride facility for when shows with audience are recorded.
 - Measures to prevent staff and visitors to the TV Studio parking their vehicles within the application site.
- D) Payment of £25,000 to Vinters Park Trust to improve the wildlife protection and the nature's visitor facilities.
- E) Payment of £79,992.00 to NHS for healthcare contribution to invest in a number of local surgery premises:
 - Grove Green Medical Centre
 - St Lukes Medical Centre
 - Brewer Street Surgery
 - Bearsted Surgery
 - The College Practice
- F) Provision of £5,108 to Kent County Council towards Primary Education plus support for KCC legal costs in connection with securing this contribution.

The following planning conditions

- (1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission;

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

(2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Plans 5988 01 Rev I, Plans 5988 03 Rev A, Plans 5988 10 Rev A, Plans 5988 11 Rev B, Plans 5988 12 Rev A, Plans 5988 13 Rev A, Plans 5988 14 Rev A, Plans 5988 15 Rev B, Plans 5988 16 Rev A, Plans 5988 17 Rev A, Plans 5988 18 Rev A, Plans 5988 19 Rev C, Plans 5988 20 Rev B, Plans 5988 21 Rev A, Plans 5988 22 Rev A, Plans 5988 23 Rev B, Plans 5988 24 Rev A, Plans 5988 25 Rev A, Plans 5988 26 Rev A, Plans 5988 27 Rev B, Plans 5988 28 Rev A, Plans 5988 29 Rev A, Plans 5988 30 Rev B, Plans 5988 31 Rev A, Plans 5988 32 Rev A, RD1544-GA-100, RD1544-GA-101, RD1544-GA-102, 10073-D-02REV-02, Planning Statement, Design and Access Statement, Viability Statement, Arboricultural Implementation Assessment and Method Statement 30 May 2014, Archaeological Evaluation Desk top Based Assessment November 2005, Sustainability Statement June 2014, Site appraisal+ Landscape Strategy June 2014, Transport statement April 2014, Flood Risk Assessment Report April 2014, Geological Desk study and walk over survey March 2014, Statement of Community involvement, Phase 1 Habitat Survey External Building Assessment for Bats February 2014. Received 16/06/2014, 07/10/2014 10.02.

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

(3) No Construction of the residential dwellings shall proceed above damp course level until, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

(4) Prior to the commencement of the development, details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

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

(5) No Construction of the residential dwellings shall proceed above damp course level until, details of all fencing, walling and other boundary treatments shall 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.

(6) The approved details of the garaging, parking/turning areas shall be completed before the commencement of the occupation of the dwellings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

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

(7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1 Classes A, B, C, D, E, F and H, Part 2 Class A and Part 25 Classes A and B 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.

(8) No Construction of the residential dwellings shall proceed above damp course level until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, including landscaping for the highway verge of New Cut Road adjacent to the application using indigenous species which shall include:

- Notwithstanding the details submitted to date, the provision of tree and low shrub planting across the site using native species;
- The use of a range of natural flowering and berry bearing species of trees;
- The provision of bird and bat boxes within the development;
- Deadwood habitat piles. together with indications of all existing trees and hedgerows on the land, and details of any to be retained, and measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

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

(9) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development.

(10) The development hereby permitted shall not be occupied until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development for its permitted use and the landscape management shall be carried out in accordance with the approved plan over the period specified;

Reason: To ensure satisfactory maintenance and management of the landscaped area.

(11) Prior to commencement of any construction works in association with the development hereby permitted, all trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in Relation to Construction Recommendations. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

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

(12) No Construction of the residential dwellings shall proceed above damp course level 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 in compliance with NPPF.

(13) No Construction of the residential dwellings shall proceed above damp course level 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 compliance with NPPF.

(14) No Construction of the residential dwellings shall proceed above damp course level until a scheme to demonstrate that the internal noise levels within the

residential units to the north of the site will conform to the "good" design range identified by BS 8233 1999, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: In order to protect the occupiers of the dwellings from undue disturbance by noise in compliance with NPPF.

(15) The approved contamination 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 that demonstrates the effectiveness of the remediation carried out must be submitted to the Local Planning Authority for approval in writing.

Reason: To ensure that risks from land contamination to the future occupiers of the dwellings and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

(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, verified and reported to the satisfaction of the Local Planning Authority.

Reason: To comply with NPPF and to ensure that risks from land contamination to the future occupiers of the dwellings and neighbouring land are minimised and to prevent unacceptable risk to Controlled Waters as the site is located over a Secondary Aquifer on Sandgate geology.

(17) Upon completion of the decontamination works, a closure report must be submitted to and approved by the local planning authority. The closure report shall include full details of the works and certification that the works have been carried out in accordance with the approved methodology. The closure report shall include details of any post remediation sampling and analysis together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Reason: To prevent harm to human health and pollution of the environment.

(18) Prior to the commencement of the development hereby permitted, details of dwarf ragstone walls or other means of enclosure to be erected along the back edge of pavements and other open space areas adjacent to roadways and amenity area within the site sufficient to prevent the use of the open space and grassed areas as overflow car-parking, shall be submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the approved details and maintained thereafter.

Reason: To prevent harm to the visual appearance and landscaped setting of the site is maintained pursuant to policy ENV6 of the Maidstone Borough-Wide Local Plan 2000.

(19) Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

Reason: Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.

(20) None of the buildings hereby permitted shall be occupied until underground ducts have been installed by the developer to enable telephone, electricity and communal television services to be connected to any premises within the site without recourse to the erection of distribution poles, satellite dishes and overhead lines and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking and re-enacting that Order), no distribution pole satellite dish or overhead line shall be erected within the site area.

Reason: To avoid visual harm to the character of the area.

(21) The development shall not commence until details of foul, soakaways and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall incorporate inter-alia wildlife friendly drainage gullies and design feature. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of pollution and flood prevention pursuant to the National Planning Policy Framework 2012.

(22) No dwelling shall be occupied until highway works agreed under section 278 of the 1980 Highway Act have been implemented in full to the satisfaction of the Local Planning and Highways Authorities. These works comprise:

- i. A new zebra crossing on New Cut Road and the removal of the existing dropped kerbs on the northern side of the junction with Grovewood Drive.

- ii. New dropped kerb crossings and tactile paving provided on Grovewood Drive at its junction with New Cut Road, including tactile paving on the existing splitter island.
- iii. Provision of bus boarders at the 2 bus stops closest to the development site on Grovewood Drive.

Reason: In the interests of highway safety.

(23) Prior to the commencement of the development hereby permitted details in respect of the followings shall be submitted to and approved in writing by the Local Planning Authority:-

23.1. A Construction Management Plan prior to the commencement of the development and subject to the approval of KCC Highways.

23.2 Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.

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

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

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

23.6 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

Reason: In the interests of highway safety and amenity of the area.

(24) No structure, plant, equipment or machinery shall be placed, erected, or installed on or above the roof or on external walls of the flat block building without the prior approval in writing of the local planning authority;

Reason: To preserve the integrity of the design of the development.

(25) The dwellings shall achieve at least Level 3 Code for Sustainable Homes. No dwelling shall be occupied until a final code certificate has been issued for it certifying that code level 3 has been achieved.

Reason: In the interests of sustainability.

(26) Prior to the commencement of the development, a scheme to reduce vehicle emissions shall be submitted and approved in writing by the LPA. The scheme shall include the following:

- A minimum standard and/or alternative fuelled vehicles for delivery and HGV vehicles to the development during construction shall be considered.
- Consideration of electric vehicle charging points in line with guidance from the Government (Jan 2011) encouraging this on new developments.

Reason: In the interests of protecting public health and accordance and protection air quality.

(27) Prior to the commencement of the development, details of provision within the site to accommodate operatives' and construction vehicles loading/off-loading and turning and for the parking for site personnel/operatives/visitors shall be submitted to and approved by the local planning authority. The subsequently approved details shall thereafter be implemented and maintained until the construction phase of the development has been completed.

Reason: To ensure that vehicles can be parked or manoeuvred off the highway in the interests of highway safety pursuant to policies T13 and T23 of the Maidstone Borough-Wide Local Plan 2000.

(28) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of;

(i) Archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

(ii) Following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

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

(29) 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.

(30) Prior to the commencement of the development, a further bat survey of the site to include an assessment of roosting, commuting and foraging bats shall be undertaken and the subsequent assessment report shall be submitted to and approved in writing by the local planning authority. The submitted report shall also inform the detailed design for lighting of the housing estate and locations of bat boxes as well as bird boxes to be placed within the site pursuant to condition 29 of this permission.

Reason: In the interests of conservation of local wildlife, ecology and biodiversity of the area.

INFORMATIVES

1. No development shall take place until the applicant has made arrangements for an archaeological "watching brief" to monitor development ground works and to record any archaeological evidence revealed.

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 or telephone: 03000 418181) in order to obtain the necessary application pack.

3. 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.

4. All vegetation and site clearance must take place outside of the bird breeding season (March – August). If that is not possible an experienced ecologist must examine the site prior to works starting and if any breeding birds are present all works must cease in that area until young have fledged.

Case Officer: Majid Harouni

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.

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.

Additional Condition

The following condition is to be added to the report;

31) Cordwood above 20cm in diameter from the site should be retained and placed within the site in locations and quantities to be agreed with the local planning authority prior to any tree felling taking place.

Reason: In the interests of biodiversity and ecological enhancement in compliance with NPPF.

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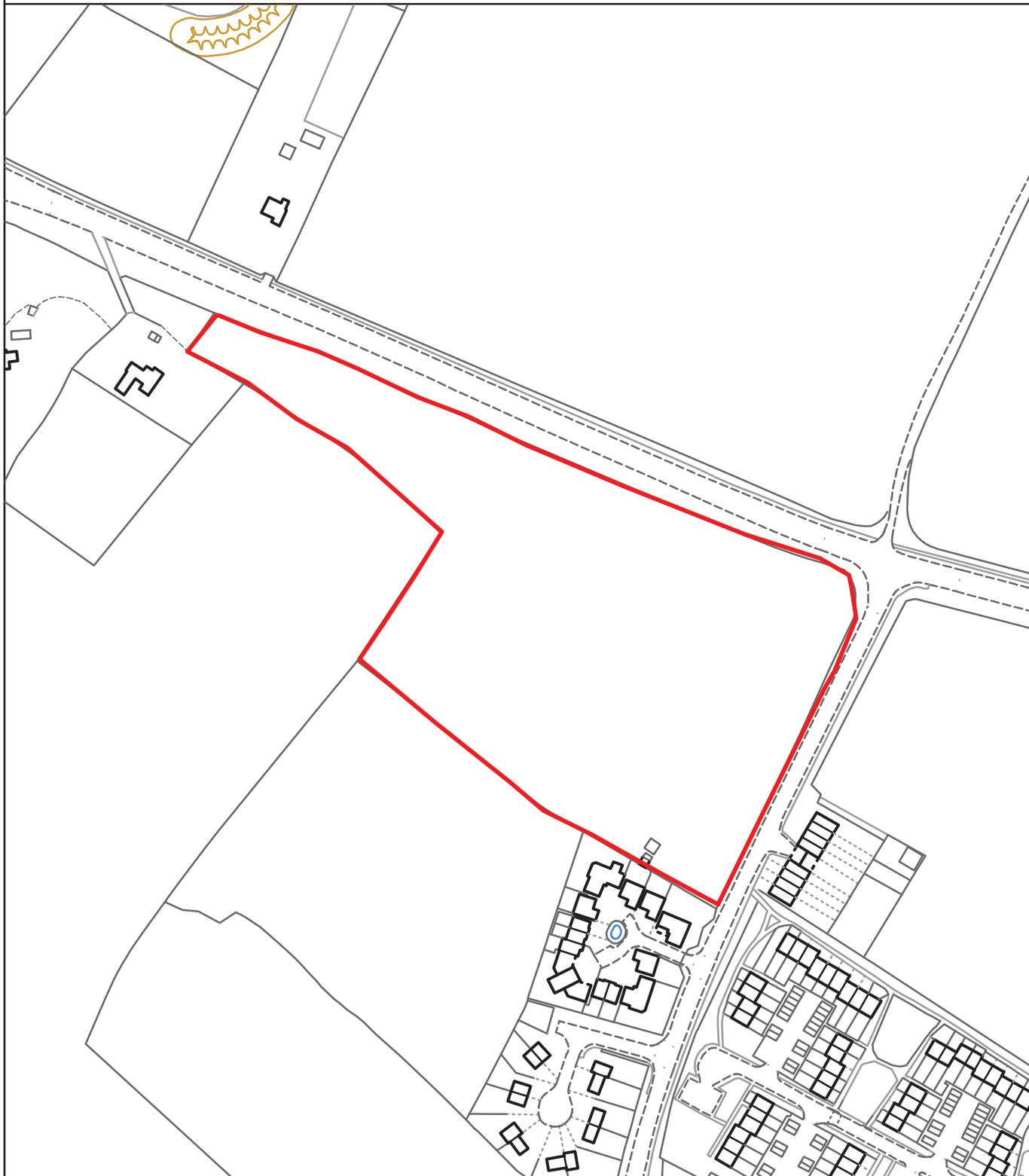
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THE MAIDSTONE BOROUGH COUNCIL

Westwood
Ham Lane
Lenham
Kent
ME17 2LP

MBC Ref: 14/502973



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 14/502973/FULL			
APPLICATION PROPOSAL Erection of 82 new residential dwellings together with access onto Ham Lane, internal roads, parking, landscaping and ancillary works on land at Ham Lane			
ADDRESS Westwood, Ham Lane, Lenham, Kent ME17 2LP			
RECOMMENDATION Grant Planning Permission subject to a legal agreement			
SUMMARY OF REASONS FOR RECOMMENDATION The site is a proposed allocation in the regulation 18 Local Plan and is considered suitable to assist in meeting the housing need (not endorsed by Cabinet); The density and design of the scheme is appropriate for the site and will not unduly compromise the setting of the North Downs Area of Outstanding Natural Beauty; The applicant is prepared to enter into a legal agreement to ensure that justified contributions are met.			
REASON FOR REFERRAL TO COMMITTEE The application is a departure from the Local Plan. Councillor Sams called it in for the reasons stated in the report.			
WARD Lenham	PARISH Lenham	APPLICANT Jones Homes AGENT David Hicken Associates	
DECISION DUE DATE 16/12/2014	PUBLICITY EXPIRY DATE 12/11/2014	OFFICER SITE VISIT DATE Various	
RELEVANT PLANNING HISTORY (the history below is for the site to the south of the application site)			
App No	Proposal	Decision	Date
MA/03/1498	Outline application for demolition and residential development	APP	23/09/2003
MA/03/1498/02	Reserved Matters	APP	21/11/2005
MA/09/0315	Full application for the erection of 19 dwellings and associated works	APP	26/09/2009

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.1 The application site is located on the west side of Ham Lane, south of the A20 Ashford Road. It is located outside and to the west of Lenham village (850m to the village centre). Save for its countryside location the site is not located within any landscape or ecological designations - although north east of the A20 sees the start of the Kent Downs Area of Outstanding Natural Beauty (approximately 50m from the application site) and the North Downs Special Landscape Area.

1.2 The site is approximately 3 hectares in size and lies south of the adjacent A20 Ashford Road and immediately west of Ham Lane. The site is currently a single field of pasture with no built development within it. Similarly, there are no trees or significant vegetation other than on the site boundaries. The northern boundary includes a variable hedgerow and the eastern a mixed thorn hedge. The site is set lower than the road verge in the north east corner.

1.3 To the north of the A20 are open fields which gradually rise to the North Downs and to the south there is a new gated housing development known as Westwood Grange. This new development of 19 dwellings extends only approximately one-third of the length of the southern boundary at the eastern end. The remainder of this length comprises a mix of field hedgerow and ash trees on the site boundary adjoining open fields to the south.

1.4 East of the application site, the other side of Ham Lane, is a wooded tree belt and then playing fields of the Swadelands school. To the west lies an arable field and beyond this Dickley Wood which is designated ancient woodland. Bus stops are available close to the site on either side of Ham Lane.

2.0 PROPOSAL

2.1 Planning permission is sought to develop the site for 82 residential units; of these, 40% would be affordable. The proposal would see the site developed at a density of approximately 27 dwellings per hectare.

2.2 The application has been accompanied by the following professional reports:

- Air Quality Assessment; Arboricultural Survey; Contaminated Land Phase 1 Desk Study; Design and Access Statement; Ecological Assessment; Flood Risk Assessment; Landscape Masterplan; Landscape and Visual Impact Assessment; Noise Report; Sustainability Statement; and Transport Statement.

2.3 The application proposes level 4 of the Code for Sustainable Homes. A dwelling mix is proposed which would deliver 49 private units and 33 affordable. Overall, the range of units proposed is as follows:

7 x 2 bed private	12 x 1 bed affordable
10 x 3 bed private	10 x 2 bed affordable
32 x 4 bed private	7 x 3 bed affordable
	4 x 4 bed affordable

2.4 The scheme comprises a mix ranging from 1 to 4 bedroom units in 2, 2.5 and 3 storey heights. Throughout the site detached, semi-detached, town houses and apartments will be offered. The layout shows dwellings fronting the A20, Ham Lane and the open fields to the south west.

2.5 It is proposed to retain the existing trees and hedgerows along the boundaries save for where the accesses are to be formed. The planting will be reinforced, particularly along the Ashford Road boundary – as required by the proposed draft allocation criteria. Additional planting will also be undertaken in an area of land to the north west of the site to provide an amenity woodland for residents both existing and those new to this site.

2.6 There is an existing field access off Ham Lane into the site, and this is to be retained as an emergency access. The main access will also be taken from Ham Lane and will comprise a new priority junction – details of this are included within the application documents.

2.7 There are two existing bus stops on Ham Lane and the layout has provided a pedestrian link in the corner of the site to access these. The 150 car park spaces have been provided through the provision of private driveways, parking courts and in the case of the 12 visitor spaces – on street.

2.8 The applicants undertook a public exhibition at Lenham Social Club on 8 May 2014 – full details of this can be found within the Planning Statement and associated appendices.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	3 hectares	same	
No. of Storeys		2, 2.5, 3	
No. of Residential Units		82	
No. of Affordable Units		33	
Parking spaces		150	

4.0 PLANNING CONSTRAINTS

None

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Development Plan: ENV6, ENV28, T13

Supplementary Planning Documents: Affordable Housing DPD (2006), Open Space DPD (2006)

Maidstone Borough Council Draft Local Plan: SS1, SP3, S5, H1,H2, DM1, DM2, DM3, DM6, DM10, DM11, DM12, DM13, DM23, DM24, DM30,ID1

6.0 LOCAL REPRESENTATIONS

In summary approximately 25 letters of objection have been received from nearby residents on the following grounds:

- The sewerage system is inadequate and will not cope with more dwellings;
- Local aquifer may become overloaded;
- Local highway network is at capacity, already dangerous at the junction with A20 and Ham Lane; the TA figures are not realistic;
- The combined impact of Marley and Lenham Storage already causes substantial congestion;
- The site is in a dangerous location on the brow of a hill and bend in the road;

- The development will destroy the identity of the village and diminish a semi-rural environment;
- Development should be concentrated around the town centre;
- Local amenities will not cope (schools, doctors etc)
- A greenfield site is unacceptable for development –should be on brownfield;
- Harmful to wildlife;
- Harmful to the character/setting of the North Downs AONB;
- Traffic noise and air pollution
- Loss of grade 2 agricultural land;
- Contrary to the Landscape Character Assessment Guidelines;
- Site clearly visible from Pilgrims Way and North Downs Scarp;
- Proposed gated community out of character;
- Erosion of green space between Harrietsham and Lenham;
- Insufficient parking on site; location too reliant on private transport;
- Incorrect information on frequency of rail service;
- Loss of trees.
-

Non-planning issues:

- Loss of outlook; havoc from construction traffic; houses won't sell easily; vehicles already exceed the local speed limits.

CPRE Kent: raise objection to the application for the following reasons (in summary): urban sprawl; harmful to the setting of AONB; coalescence between Harrietsham and Lenham; land has a high economic value for agribusiness; site not within walking distance of village; new residents will be unsafe with Lenham Storage and associated lorries so close.

7.0 CONSULTATIONS

7.1 Councillor Sams has requested that the application be reported to Planning Committee for the following reasons:

“The application is a significant development with much interest within the community.

And has highways issues, traffic generation and highway safety near to busy lorry business, Lenham Storage and A20

Lies outside the village boundary

Adjacent to woodland recorded as biodiversity Action Plan habitat

Near to Ancient Woodlands

Close proximity to AONB

Present agricultural use

Overlooking and loss of privacy on neighbouring properties”

7.2 Lenham Parish Council: ‘LPC wish to see the application refused and reported to Planning Committee. The scale and location of the development will lead to traffic congestion as access is onto Ham Lane. This road is already an extremely busy main route into the village, particularly with the nearby Lenham Storage warehouse company and the

two schools. There are regular tail backs with traffic queuing to enter and exit Ham Lane onto the A20. The emerging Neighbourhood Plan and MBC Local Plan should be considered. Poor drainage is also a long running problem in this area, also the loss of good quality farm land is a concern to LPC.'

7.3 Maidstone Borough Council Strategic Housing: raise no objection to the proposal, initially with comments requiring a change in the affordable mix and that the preferred tenure split be 60%/40% for affordable/shared ownership. Later comments confirm their concerns have been taken on board with regard to the mix and accept that the 55%/45% tenure split probably works best on the proposal.

7.4 MBC Heritage, Landscape and Design: No objections but state the following:

'There are no protected trees on this site but one individual Lime tree to the southeast of the site is protected by TPO No. 27 of 2002 and part of Dickley Wood, to the northwest of the site, is protected by TPO No. 1 of 1976. The western portion of this wood is also designated as ancient semi natural woodland.

The only arboricultural concerns are potential future pressure for removal issues relating to the group of mature Ash and Sycamore trees to the southeast corner of the site, which could be improved by an amended layout in the vicinity of the trees. The only conflict with root protection areas (RPAs) relates to T40, a Hawthorn, but it is not considered unreasonable.

If you are otherwise minded to grant consent for the scheme I would want to see pre commencement conditions requiring an Arboricultural Method Statement (AMS) in accordance with BS5837:2012, which includes construction activities within RPAs and a tree protection plan, together with standard landscape conditions.'

7.5 MKIP Environmental Health: no objections subject to conditions relating to contamination and noise, with informatives on other matters. Overall the EHO considers the site to be within walking distance of the village amenities and 10 minutes to the railway station. Questions were asked over air quality – more in relation to Harrietsham and suggestions made over car clubs.

7.6 MBC Parks and Open Space: raise no objections with the following comments 'For a development of this size we would expect a minimum onsite provision of open space of 0.86ha. The development is located within Harrietsham & Lenham Ward. The ward is generally underprovided for in terms of open space, most notably in Outdoor Sports Facilities, but also in terms of Areas of Equipped Play and Allotments. It is noted that the developer plans to provide an area of 0.40ha of onsite open space.

There is no set standard for minimum provision in terms of Natural and Semi Natural Open Space.

A development this size will have an impact on existing areas of formal open space in the local area where little or no onsite provision exists. Local Areas of Equipped Play and Outdoor Sports Facilities, for example.

With that in mind it is likely that we would request an off-site contribution to cover the shortfall in formal open space provision, and more specifically areas of Equipped Play, Outdoor Sports Facilities, Parks and Gardens, and Allotments. The combined shortfall per 1000 population in these areas is 3.96ha, which can be scaled down to 0.46ha based on 82 dwellings proposed.

The total combined requirement for open space provision for Harrietsham and Lenham (covering all types of open space) is 4.36ha per 1000 population. Based on MBC's request of £1575 per dwelling, the minimum requirement of 0.86ha onsite open space, each 0.01ha would equate to £18.31. Based on 0.46ha shortfall we therefore request £842.26 per dwelling (46 * 18.31).

We would therefore request £69065.32 as an offsite financial contribution

Any offsite contribution we would request to 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 William Pitt Field and Play Area and Ham Lane Play Area are within the immediate vicinity of the development of the site and would be used by the development as they are the nearest sites with areas of equipped play. These sites are owned by the Parish Council and so we would request that monies received by the Council be transferred to the Parish.

7.7 KCC Highways and Transportation: raise no objection in principle subject to conditions to secure related improvements to the highway network local to the development.

7.8 Kent County Council seek contributions towards community and education infrastructure in the local area as follows:

- Primary Education: £2360.96 per applicable house and £590.24 per applicable flat towards the expansion of the local Primary School;
- Secondary Education: currently no requirement.
- Libraries: £144.66 per dwelling.
- Community Learning: £30.70 per dwelling.
- Youth Service: £8.49 per dwelling.
- Adult Social Care £63.56.

7.9 Southern Water: there is currently insufficient capacity in the network, however a condition is suggested to overcome this. See body of report for discussion.

7.10 UK Power Networks: No objections to the proposed works.

7.11 Kent Police: state that they have not received any communication from the applicant and that as such crime prevention has not been taken into account. They suggest a condition to submit a scheme to show design measures incorporated into the development.

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

- Len Valley Surgery
- Glebe Medical Practice

The above surgeries are within a 4 mile radius of the development at Westwood Ham Lane. 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.

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

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

Predicted Occupancy rates

1 bed unit @ 1.4 persons

- 2 bed unit @ 2 persons
3 bed unit @ 2.8 persons
4 bed unit @ 3.5 persons
5 bed unit @ 4.8 persons

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

Predicted Occupancy rates	Total number in planning application	Total occupancy	Contribution sought (Occupancy x £360)
2	7	14	£5,040
2.8	10	28	£10,080
3.5	32	112	£40,320
			£55,440

NHS Property Services Ltd therefore seeks a healthcare contribution of £55,440, plus support for our legal costs in connection with securing this contribution. This figure has been calculated as the cost per person needed to enhance healthcare needs within the NHS services.

7.13 Environment Agency: No objection subject to conditions.

7.14 Natural England: No comment, but advise the views of the AONB unit are sought.

7.15 KCC Ecology: raise no objections subject to conditions. They are satisfied with the information that has been provided. Conditions would secure a Precautionary Mitigation Strategy and Management and Monitoring Plan to be submitted.

7.16 MBC Spatial Policy: 'The site is allocated in the Reg. 18 consultation draft of the Maidstone Borough Local Plan 2014 under Policy H1(31) for a net yield of 80 dwellings.

I would draw your attention to the criteria set-out in the policy. The key issue for this site is the setting of the Kent Downs AONB that lies north of the A20 Ashford Road to the NE of the junction of Pilgrims Way and the A20, and further up the escarpment opposite the site. The site is visually prominent when viewed from the AONB (Pilgrims Way and the northern site boundary is the most sensitive).

In my view, the proposed layout currently falls somewhat short of providing an appropriate setting for the Kent Downs AONB particularly in its NE corner where development is particularly tight against the boundary and along the A20 frontage, although noting that the hedgerow has been retained as required by the policy. I would also question why the pumping station compound has been placed close to the A20 in a prominent part of the site'

Since the above comments were received, the following 3 additional criteria were proposed to the allocation:

The development proposals are designed to take into account the results of a landscape and visual impact assessment undertaken in accordance with the principles of current guidance that particularly addresses the impact of development on the character and setting of the Kent Downs AONB,

Development proposals shall incorporate substantial areas of internal landscaping within the site to provide an appropriate landscape framework for the site to protect the setting of the Kent Downs AONB, and

Development proposals will be of a high standard of design and sustainability reflecting the location of the site as part of the setting of the Kent Downs AONB incorporating the use of vernacular materials and demonstrating compliance with the requirements of policies DM2, DM3 and DM4.

7.17 Kent Wildlife Trust: raise objection on ecological grounds. They are disappointed that more survey work has not been undertaken. KWT question parts of the ecological survey and the lack of survey work relating to the presence of dormice. They also consider that more surveys should be undertaken with regard to bat, breeding bird, invertebrate and plant species. They mention the need for mitigation proposals to be revisited, a site management plan and focus to be directed on the north west corner of the site which connects to ancient woodland.

7.18 KCC Heritage: raise no objection but require further information or a condition to be applied to any consent. They state 'The site of the application lies within an area of archaeological potential associated with some possible cropmarks and prehistoric activity. There may be settlement or burial remains here and there is some evidence for possible barrows to the south west. Early Bronze Age remains have been located in the Swadelands School site to the east and similar remains could extend into the application site.'

Ideally they would have preferred an Archaeological and Historic Landscape Deskbased Assessment to have been submitted, but in the absence of this they propose a planning condition to secure a timetable of field evaluation works and any resulting safeguarding measures.

7.19 Kent Downs AONB raise objection as follows 'Westwood, Ham Lane lies within the setting of the Kent Downs AONB, which immediately adjoins the site to the north east. It is positioned on the western side of Lenham, immediately to the south of the A20 at the foot of the North Downs, in the Hollingbourne Vale Landscape Character Area. The site is prominent in views from the AONB and from the North Downs Way, the popular long distance footpath which runs along the foot of the Downs to the north of the site.

The Downs around Lenham provide one of the most impressive sections of the North Downs scarp. The Maidstone Landscape Character Assessment (2012) identifies the area as having a very high degree of sensitivity and a strong sense of place. As a result it recommends the conservation of the undeveloped foreground and rural setting of the Kent Downs AONB, resisting further agricultural intensification, maintaining the separation between Lenham and Harrietsham and resisting any further development along the A20 corridor. Similarly, the KCC Landscape Character Assessment of 2004, which underpins the AONB Management Plan advises that the open nature and wide views which characterise the Hollingbourne Vale LCA means that this stretch of landscape is particularly sensitive to development.

The sensitivity of the landscape in which this application site lies, its prominent location within the setting of the AONB, and the elevated and long distance nature of the views of it from the AONB shaped our comments on the proposed allocation of this site in the Maidstone Draft Local Plan Regulation 18 Consultation in May of this year. We advised that, if the site were to be allocated, mitigation measures should include more than boundary treatments, which would not screen the development from the Kent Downs AONB. We recommended that any development here should be required to incorporate increased green infrastructure within the site to ensure tree cover between built development, non-reflective roofing, careful attention to materials and colours, and that the height of dwellings and lighting should be controlled. In addition, we requested that developer contributions for the maintenance of boundaries and PRoW in the adjacent AONB be a subject of any grant of consent here.

The proposals as set out in application MA/14/502973/FUL fail to incorporate such measures and therefore we must object to this application. The proposed development comprises a

range of 82 detached, semi-detached and terraced houses, including 18 apartments which are contained in a three storey building at the north east corner of the site where it adjoins the AONB and where the taller buildings are grouped. Design is of a standard form with no innovation in terms of green roofs, built form or materials to minimise its appearance when viewed from long distance and in particular its visual impact on the AONB. In terms of layout, the density of the proposed development is highest at the north eastern corner where the site abuts the boundary of the AONB. There is little or no apparent attempt to mitigate the height or density of development. No detailed proposals for lighting have been included in the application. As previously advised, in order to maintain dark night skies, an element of tranquillity identified in the Kent Downs Management Plan policies and supported by the NPPF external lighting should be heat or motion sensitive only and that additional street lighting is only included where strictly necessary and of low level in form and lumen intensity.

Landscaping proposals are limited on the whole to the retention of existing perimeter vegetation. In addition, the application documentation states that within the main part of the site there would be tree planting "where space permits", and planting of shrubs and hedges to enclose and delineate private space and front gardens. Species used for new planting would be native and locally appropriate around the site perimeter, to integrate with the surrounding landscape, but would also include some more ornamental species closer to the new dwellings to provide year round colour and seasonal interest.

Such an approach is seriously inadequate and unacceptable for such a prominent site in such a sensitive landscape. Seasonal interest can be achieved by the use of indigenous species, which of course in themselves provide a range of colours, and given the prominence of this site and the sensitivity of its setting with regard to the setting of the AONB we would require landscaping to be composed of native species and to comply with the Kent Downs Landscape Design Handbook. Furthermore, again as previously advised, we would wish to see development here incorporating Green Infrastructure throughout the site to provide for biodiversity. The site could lend itself for example to shaws of a mix of indigenous species.

Finally we disagree with the findings of the Landscape and Visual Impact Assessment which is submitted as part of the application. This assessment concludes that there would be elevated views of the new houses from the AONB including the North Downs Way and from the public footpaths on the North Downs Scarp but that as such views are across the A20, and already include the Westwood Grange development any impact on the AONB would be low. The A20 is merely a standard trunk road here and the Westwood Grange a small cul de sac of 19 dwellings. The presence of such existing features would not mitigate the harmful visual impact of the proposed 82 dwellings on elevated views from the Kent Downs, hence our initial requirement in our response to the Consultation on the Draft Local Plan that any development here should be required to incorporate increased green infrastructure within the site, to ensure tree cover between built development, non-reflective roofing, careful attention to materials and colours, and that the height of dwellings and lighting should be controlled.

Conclusion

As the Maidstone Draft Local Plan acknowledges (paragraph 5.68) the Kent Downs AONB is a visually prominent landscape that contributes significantly to the borough's high quality of life. It is an important amenity and recreation resource for both Maidstone residents and visitors and forms an attractive backdrop to settlements along the base of the Kent Downs scarp. It also contains a wide range of natural habitats and biodiversity. Designation as an AONB confers the highest level of landscape protection and one which the council has a statutory duty to conserve and enhance. The open countryside to the immediate south of the AONB in which this application site sits forms the setting for this designation.

The site lies within the setting of the Kent Downs AONB and is prominent in views from the AONB and the North Downs Scarp. Policy SD8 of the AONB Management Plan (2014-2019) states that proposals which negatively impact on the distinctive landform, landscape

character, special characteristics and qualities, the setting and views to and from the AONB will be opposed unless they can be satisfactorily mitigated. We consider, for the reasons set out above, that the proposed development would harm the setting of the AONB and have a detrimental impact on the visual identity of the Hollingbourne Vale Landscape Character Area. The application would therefore weaken the fundamental characteristics and qualities of natural beauty and landscape character and disregard the primary purpose of the AONB designation, namely the conservation and enhancement of its natural beauty. It would be contrary to Policies SD1, SD3, SD7, SD8, LLC1 and LLC2 of the AONB Management Plan 2014-2019.

The Kent Downs AONB Unit therefore objects to this application and continues to require the incorporation of mitigation measures as set out in our response to the Local Plan Regulation 18 Consultation earlier this year in any future development proposals of this site.

8.0 BACKGROUND PAPERS AND PLANS

Drawing number 3605/2.00 2B received 21st August 2014; drawing numbers 3605/2.10 N, 3605/2.15 D, 3605/2.16 B, 3605/2.17 C, 3605/2.18 C, 3605/2.19 A, 3605/2.20 B, 3605/2.21 A, 3605/2.22 C, 3605/2.23 B, 3605/2.24 C, 3605/2.25 C, 3605/2.26 B, 3605/2.27 C, 3605/2.28 C, 3605/2.29 D, 3605/2.30 D, 3605/2.31 D, 3605/2.32 and 3605/2.33 A received 17th December 2015; and drawing number 357-100 B received 8th January 2015.

Supported by Aspect Ecology Consultation Response dated November 2014, Aspect Ecology Ecological Assessment reference ECO3565.EcoAs.vf2 dated August 2014, Broadoak Report on Inspection of Trees reference J48.01 dated 14th January 2014, Design and Access Statement DHA Environment Landscape and Visual Assessment reference JE/9798 dated August 2014, DHA Environment Sustainability Statement reference DHA/DCH/9798 dated August 2014, DHA Planning Planning Statement reference JB/TG/LJ/9798 dated August 2014, DHA Transport Flood Risk Assessment reference CS/T0343 dated July 2014, DHA Transport Transport Statement reference SEH/T0343 dated August 2014, DHA Transport letter dated 6th January 2015, Draft Deed of Agreement reference SZC/JO45131.1334, Grant Acoustics Noise Assessment reference GA-2013-0062-R1-RevC dated 13th August 2013, REC Air Quality Assessment reference 33845R2 dated 12th August 2014 and Soils Ltd Phase I Desk Study reference 14039/DS dated August 2014.

9.0 APPRAISAL

9.1 The main issues for determination are considered to be as follows: Principle of the development; density; design and layout; impact on amenity of the surrounding area and AONB; highway and parking issues; sustainability; affordable housing and developer contributions.

9.1 Principle of Development

9.1.1 In policy terms the site is greenfield, lies outside the village envelope but until recently has been a proposed housing allocation in the Reg 18 Local Plan. The development constitutes a departure from the local plan. There are no landscape designations on the site, although as set out in the description the site is visible from the North Downs AONB. In terms of sustainability, whilst there may be other sites proposed by the Reg 18 Local Plan to the village centre, this site is still within walking distance to the local amenities; particularly Swadelands School. There is a bus stop outside the application site and the railway station is within both walking and cycling distance.

9.1.2 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. In this case the Development Plan comprises the Maidstone Borough Wide Local Plan 2000, and as such the starting point for consideration of the proposal is policy ENV28 which relates to development within the open countryside. The policy states that:

“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;

(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”

9.1.3 In this case, none of the exceptions against the general policy of restraint apply, and therefore the proposal represents a departure from the Development Plan. It then falls to be considered firstly whether there are any material considerations which indicate that a decision not in accordance with the Development Plan is justified in the circumstances of this case, and (if so) secondly whether a grant of planning permission would result in unacceptable harm, such that notwithstanding any material justification the proposal is unacceptable.

9.1.4 The key material consideration outside of the Development Plan in the determination of applications for residential development in the open countryside is national planning policy as set out in the NPPF 2012 and the Council’s position in respect of a five year housing land supply.

9.1.5 Paragraph 47 of the NPPF states that Council’s 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;”

9.1.6 Relevant to this, the NPPF requires that local authorities have a clear understanding of housing needs in their area, and as such they should prepare a Strategic Housing Market Assessment (SHMA) to assess their full needs; working with neighbouring authorities where housing market areas cross administrative boundaries. Maidstone has carried this out with Ashford Borough Council and Tonbridge and Malling Borough Council. The SHMA (2014) confirms the objectively assessed housing need for the Borough over the plan period 2011 to 2031 as 19,600 dwellings (980 dwellings per annum). Subsequent to this, the objectively assessed housing need was revised downwards to 18,600. This figure, which is based on central government population projections based on 2011 census data, was reported to, and accepted by, Cabinet on 10th September 2014.

9.1.7 In April 2013 when most recently calculated, the Council had a two year supply of housing assessed against the objectively assessed housing need of 19,600 dwellings (at that time). Even when considered in light of the reduction in the assessed housing need and the housing permissions granted since that date, the Council remains in the position of being unable to demonstrate a 5 year housing land supply.

9.1.8 This lack of a five year supply is a significant factor and at paragraph 49 of the NPPF it is stated 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 settlements) should not be considered up-to-date if a five year supply cannot be demonstrated. This position has been reflected in recent appeal decisions issued since the publication of the NPPF. In this policy context, the presumption in favour of sustainable development identified in paragraph 14 of the NPPF 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.

9.1.9 With regard to this case, the application site is located adjacent to the settlement boundary of Lenham which is identified as a Rural Service Centre (RSC) in the draft Local Plan under draft policy SP3, providing a range of key services including a primary and secondary school, range of local shops, eateries, doctors surgery, village hall to name but some of the amenities/facilities available.

9.1.10 RSC's are considered the most sustainable settlements in Maidstone's settlement hierarchy, as set out in the draft Local Plan, outside of the town centre and urban area. They have been identified as such for their accessibility, potential for growth and role as a service centre for surrounding areas. The draft Local Plan states that "Rural service centres play a key part in the economic and social fabric of the borough and contribute towards its character and built form. They act as a focal point for trade and services by providing a concentration of public transport networks, employment opportunities and community facilities that minimise car journeys".

9.1.11 In this context it is considered that the location of the site is sustainable in the terms of the NPPF and draft Local Plan.

9.1.12 In the Regulation 18 draft local plan, the application site is a housing allocation identified under policy H1(31), the policy states:

Planning permission will be granted if the following criteria are met:

Design and layout

1. *An undeveloped section of land will be retained along the western boundary of the site and where the land narrows, in order to protect the setting of the Kent Downs AONB.*
2. *The hedgerow along the northern boundary of the site will be enhanced in order to provide a suitable buffer between new housing and the A20 Ashford Road.*

Access

3. *Access will be taken from Ham Lane only.*

Noise

4. *Development will be subject to a noise survey to determine any necessary attenuation measures in relation to the A20 Ashford Road.*

Open space

5. *Provision of publicly accessible open space as proven necessary, and/or contributions.*

Community infrastructure

6. *Appropriate contributions towards community infrastructure will be provided, where proven necessary.*

Highways

7. *Appropriate contributions towards the provision of crossing facilities on Ham Lane within the vicinity of the site.*
8. *Improvements to pedestrian and cycle links to Lenham village centre.*

9.1.13 In the recent meeting of Cabinet held on 4 February 2015 it was resolved that this site be rejected and go back to Regulation 18 consultation for deletion. This decision was taken on the grounds that the allocation would have an unacceptably adverse impact on the AONB and on the character of the village because it is peripheral to the settlement and beyond the open space occupied by Swadelands School playing field. There is no formal minute at the present time of this resolution.

9.1.14 Notwithstanding the resolution from Cabinet, the Council is not in a position to demonstrate a five year housing land supply, and as such normal restraints on volume development in the countryside do not currently apply due to the age of the Local Plan policies. The NPPF advises that when planning for development the focus should be on existing service centres and on land within or adjoining existing settlements. It is my view that the development of this site is in accordance with the objectives of the NPPF. The site would contribute towards the provision of the housing supply shortfall; this is a strong material consideration in favour of the development. As such I consider the principle of development in this location is acceptable.

9.2 Landscaping/Visual Impact/AONB Setting

9.2.1 A great deal of concern has been expressed regarding the impact of this development on the setting of the North Downs AONB. As part of the submission a Landscape Visual Impact Assessment was included, together with a Landscape Management Plan. The applicant undertook pre-application discussion with Officer's and as part of the process worked to develop a scheme which took into account the setting of the site and gave particular attention to strong boundary treatment.

9.2.2 It is proposed to retain the existing mature hedges along the A20, southern boundary and Ham Lane (taking into account access points). Additional planting and gap plugging will be undertaken to enhance the setting of the scheme and also to promote ecological corridors. Shrub and tree planting will take place within the site. A swale will be located in the southern part of the site to assist with drainage.

9.2.3 It is of course inevitable that development on Greenfield sites will result in a visual change to the environment and the challenge is to ensure that change will not result in demonstrable harm. This site is prominent when viewed from the North Downs/Pilgrims Way and therefore great effort has been put into the design of the scheme, its bulk and mass, materials and overall impact whether short, mid or long range.

9.2.4 When viewed from the north this is against the backdrop of the village and includes the existing smaller scale housing development previously mentioned and the Lenham Storage site which whilst different in nature still provides built development visible from the AONB. The foreground to the proposal is the A20 which is a clear mark in the landscape and provides a clear demarcation from the foot of the North Downs.

9.2.5 The applicant has submitted a Landscape Visual Impact Assessment (LIVA) to 'consider the character and quality of the landscape of and around the site, and the likely landscape and visual impacts of the development.' The report sets out the methodology which follows the procedures set out in the 'Guidelines for Landscape and Visual Impact Assessment'.

I acknowledge the desire to protect the settlements of Harrietsham and Lenham merging and the reluctance to develop along the A20 corridor. However, with the woodland to the west of the site together with open fields that would remain between the settlements I am satisfied that separation would still be retained. The local authority has a statutory duty to protect AONB's and through the consideration of this application I consider that due regard has been given to its proximity to the application site. It is, I feel, a matter of opinion, as to whether the 3 storey element of the scheme is appropriate/appropriately located within the

layout. The Design and Access Statement states that the location of this apartment block in this corner is to provide a significant feature along the A20. However, the Landscape Character Assessment suggests that development should be restricted along this corridor due to the impact on the AONB. It is my view that regardless of the positioning of this element within the layout, the development as a whole will impact on the landscape and it is more an issue of whether the overall impact is acceptable when viewed in the context of not achieving a 5 year supply. The impact of this will be considered further in the section below.

9.2.6 With regard to the impact on the AONB, it is accepted by the LIVA that there will be adverse visual impacts arising from the development. It will be visible from the PRoW to the north of the site. However, as stated above it is not possible to develop a greenfield site on the fringe of a village without impact; indeed therefore it is inevitable that there will be some in principle harm to the landscape protection policies. All this has been considered and weighed against the need to deliver a 5 year housing supply; the conclusion is that the development would not be so harmful and with time would assimilate into the character of the area.

9.3 Density, Design and Layout

9.3.1 Consideration now turns to the layout and design of the development.

9.3.2 The submitted layout has been described in section 2 of this report. In terms of the acceptability of the layout, this has been the subject of discussion between the applicant's and case officers in order to achieve the most effective outcome. The application has been amended since pre-application discussion and again since the application has been submitted. Details of external materials have been provided as follows:

- *Facing bricks*; Harvest Buff, Maple Red and Sunset Red;
- *Roof tiles*; Cemex Grampion or Marley Modern tile – variety of colours;
- *Render* – Polar white

The Design and Access Statement considers existing styles of development in Lenham and materials used. It is stated that 'the development has been bespoke designed to fit into its surroundings through the use of vernacular materials and styles including hanging tiles and weatherboarding.' Materials will be subject to a condition requiring detailed samples to be submitted, however in principle I consider the proposals acceptable subject to finalisation of colour finishes.

9.3.3 Concern has been expressed that the part of the site closest to the AONB contains the 3 storey apartment block. This is true and as stated earlier there is a discussion to be had over whether this is the most appropriate siting. The purpose of locating the apartments in this corner is as a feature; rather than try to hide the development, the applicant has tried to address the prominent setting of the site. The initial submission saw a scheme which appeared far more intrusive and less sympathetic to this edge of village location. The proposed block incorporates a roof line which is clearly defined and well articulated through a mix of fully hipped and barn hip roof sections; on both key road facing elevations there are sections of gable protrusions which disguise and break up the mass of the building. Clearly the boundary landscaping scheme will reduce the impact further and therefore the full 3 storeys will not be seen from ground level upwards. When viewed from the North Downs the building will be set behind the A20 and then the landscape buffer. The building addresses the landscape and should not turn its back on it. A variety of materials is proposed which provides for a good overall finish to the appearance of the building. It is also worth noting that the applicant has taken on board officer comments with regard to the design of this building and the 'turret feature' has been removed.

9.3.4 Throughout the site dwellings generally front the internal roads and turn corners where appropriate. There is good connectivity within the site and demarcation in roof surfaces to break up hardstanding and act as natural traffic calming. The main entry into the site shows a tree lined avenue approach with accesses to on plot parking. The density of the proposal is in line with the Regulation 18 criteria (notwithstanding the recent Cabinet decision). Again, attention has been given to integrate the line of detached dwellings along the western boundary of the site by tree lining the western side of 'road 7' this, in my view, enhances the street scene

9.4 Residential Amenity

9.4.1 Objections have been received from residents regarding a loss of privacy and light. A row of proposed detached properties back on to the existing dwellings in Westwood Close at a distance of between 21 to 28m at first floor level. The new dwellings would lie directly north of the existing and therefore in terms of sunlight will not impact on the existing dwellings. Protection is afforded from the respective gardens in terms of privacy – as stated above, and both existing and proposed landscaping will assist. The proposed dwellings in this location are two storeys in height with no rooms in the roof; the site level in this location is not dissimilar to the levels within Westwood Close. I consider the proposal accords with the aspirations of Kent Design and will not have a detrimental impact on residential amenity.

9.5 Highways

9.5.1 Concern has been raised with regard to the impact on the existing road network. Existing residents are concerned that the proposal will increase the risks on the public highway. Accompanying the application was a full Transport Assessment. Detailed comments from Kent Highways have been provided, many of which are incorporated in this section

9.5.2 The KCC Highways Officer explains the proposal as follows 'The site is located on the western side of Ham Lane and a new priority junction is proposed to serve the site with an additional emergency access. The main access is located some 75m south of the A20 junction and the access road is 5.5m wide with footways each side, reducing to 4.8m within the site. Tracking diagrams have been provided which indicate that a refuse vehicle and pantechnicon are able to manoeuvre and turn satisfactorily within the site, assuming no on street parking takes place.' Clarification was sought and obtained with regard to the service arrangements as to the carry distances for refuse collection – this is considered to be acceptable by the highways officer.

9.5.3 The new site access is located within a derestricted speed limit and it is proposed to extend the 30mph speed limit past the site access as part of the proposal. It is recommended by the Highways Officer that the 30mph limit is extended to the junction with the A20. This would need to be subject to a Traffic Regulation Order (this would need to be undertaken at no cost to KCC). The Officer notes that the existing hedge fronting Ham Lane is to be retained and is concerned that this may become overgrown, reducing visibility from the site access and leading to a safety problem and a maintenance liability. It is requested that this should be removed close to the junction of the site access.

9.5.4 Residents have questioned the accuracy of the TA which accompanies the application. TRICs has been used to estimate the traffic generated by the development and this indicates that there is likely to be 12 arrivals and 29 departures during the AM peak and 31 arrivals and 17 departures during the PM peak. A capacity assessment of the junction of the site access with Ham Lane has been modelled using PICADY. Growth factors have been applied to surveyed traffic flow data to calculate 2019 traffic flows. The results indicate that

the junction would operate without any significant queuing or delays with the 2019 traffic flows with the addition of the development traffic.

9.5.5 Residents are concerned over the safety of providing additional dwellings that would use this access onto the A20. The crash data indicates that there has been 1 injury crash within the study area in the 3 year period to 30 September 2013. This occurred at the junction of the A20/Ham Lane and involved slight injury. Kent Highways are satisfied with the information available and design of the scheme that the proposal is acceptable in highway safety terms.

9.5.6 The junction of the A20/Ham Lane has a ghosted right turn lane and the A20 is subject to the national speed limit. Ham Lane provides access to Lenham Storage which has frequent HGV movements turning right onto Ham Lane from the A20. The highway officer sought additional information relating to capacity checks to ensure the existing right turn lane is adequate to accommodate the additional traffic. Kent Highways are satisfied that the proposals under this scheme are sufficient.

9.5.7 Concerns initially raised with by Kent Highways have been overcome through discussions/amended details.

9.5.8 Bus boarders are required at the bus stops and a shelter on the southbound stop.

9.5.9 The highway officer has also requested that the speed limit of the A20 be reduced to 50mph where adjacent to the village, between the site itself west of the junction of the A20 with Ham Lane and the unmanned pedestrian crossing to the east of Ham Lane, and the junction of the A20 with Hubbards Hill to the east of the main body of the village. This is considered reasonable and necessary to enable safe pedestrian crossing of the A20 for residents to provide access to the AONB and eastbound bus stops to the north of the highway.

9.5.10 Turning to the internal layout of the site, since the amended layout has been submitted there is no objection to the siting and size of the parking bays, nor to the overall number of parking spaces provided. In terms of connectivity footways from the development site will link to the existing footways on the eastern side of Ham Lane with dropped kerb crossings.

9.6 Ecology

9.6.1 A phase 1 ecological statement has been submitted. This reveals that there are limited opportunities for bats, dormice, reptiles and common birds. The existing hedgerows are of low to moderate ecological value. Planning guidance states that in addition to mitigation, development should seek to enhance ecological interests. The application promotes ecological enhancement through the provision of the wooded area and community orchard. Other ecological enhancements proposed are as follows:

- Erection of bat and bird boxes on retained trees of the appropriate size;
- Cut-outs at ground level in the garden fences of the new residential houses, so as to ensure Hedgehog is able to move freely between gardens;
- Care over placing of lighting to ensure none are placed near the entrance/exit points of potential roost/nest sites; low spill lights where possible;
- Western end of the site to contain a small dedicated orchard and wildlife pond sown with a wildflower grassland mix; the orchard would contain suitable native fruit and nut yielding species to create the required habitat structure;
- New hedgerow planting with gaps in existing on-site hedgerows infilled with native species;

- Wildflower grasslands sown in areas of green open space.

9.6.2 There is just one area of disagreement between the applicant and the KCC ecologist and this relates to the need for a separate site specific management plan. Aspect Ecology (for the applicant) do not consider such a plan necessary but the KCC ecologist clearly states that 'as the site has connectivity (via hedgerows) to the ancient woodland and that a community orchard is proposed together with a woodland area it is important to have a specific site management plan for the proposed development – it should also include details of who will be implementing the management during the life time of the development'. The ecological surveys have highlighted that there is potential for breeding birds to be present within the site boundaries – but producing a specific management plan will help ensure the habitat created on site is managed appropriately to retain the breeding bird interest. In line with the comments from the KCC ecologist a condition is proposed to secure the submission of a management plan. Conditions requiring an updated badger survey and the submission of details of external lighting, which should be designed to have minimal impact upon foraging bats and avoid spillage to trees with bat roosting potential.

9.7 Other Matters

9.7.1 Southern water have stated in their comments that there is currently insufficient capacity in the sewer network to accommodate the proposed development. The planning agent has confirmed that discussions are being undertaken directly between Jones Homes and Southern Water and that a solution is available which would enable the capacity of the network to be increased. I am advised as follows 'following a Level 2 enquiry by Jones Homes, Southern Water has identified two principle options for increasing foul water drainage provision to the Ham Lane site. Such options include improvements to existing sewers by increasing the diameter of two local sewers in order to provide sufficient capacity to service the development. Alternatively, it may be possible to provide new pipes to discharge to an identified point on the network where capacity is already available. These options are being considered further, but it demonstrates that solutions are available to ensure that there is sufficient capacity in the foul drainage network. A condition is proposed which would ensure the necessary upgrade/improvements are undertaken.

9.7.2 What is important is that there is a solution and that in terms of concerns raised by residents over surface water and foul drainage, neither the Environment Agency (who raise no objection) nor Southern Water have raised issues which would prevent the development going ahead.

9.7.3 The application does include a Flood Risk Assessment and the Environment Agency accept the findings of the report. This is not an area prone to flooding and subject to a pre-commencement condition requiring the submission of a sustainable surface water drainage system there is no objection on flooding grounds. The layout does indicate areas safeguarded to provide swales within the scheme – namely within the wooded amenity land and adjacent to 'road 5' within the scheme.

9.7.4 The land is not known to be contaminated, however its former agricultural use may mean that contaminants are present. A condition will ensure further information/investigation is undertaken as necessary.

9.7.5 The loss of grade 2 agricultural land is noted. The Council's agricultural advisor has comments that the grade of land is not definitive as the area is generally washed over with belts of between grade 1 to 3b land. However, 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 five year land supply means that some development greenfield sites, and best and most versatile land is inevitable.

9.7.6 The proposed development is described as achieving level 4 of the Code for Sustainable Homes, and as such is compliant with the emerging local plan policy. A condition is recommended to safeguard this to be achieved.

9.7.7 The proposed Lenham neighbourhood plan is at the very early stages. It is not far enough progressed to be of significance to the determination of this application.

9.7.8 In terms of air quality and noise reports have been submitted which assess the likely impact on the area. Conditions will ensure recommendations are taken on board.

9.8 Section 106 Requirements

9.8.1 Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the 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.

9.8.2 The applicants have in their submission stated that they will provide 40% affordable housing within the development. This is in accordance with the Council's adopted 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.

9.8.3 The County have requested that £2360.96 for each 'applicable' house and £590.24 for each 'applicable' flat be provided towards primary school education. 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.

9.8.4 A financial contribution £144.66 per household 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.

9.8.5 A financial contribution £30.70 per householder 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.

9.8.6 A financial contribution of £63.56 per applicable dwelling is sought for Adult Social Care and £8.49 per applicable dwelling for Youth Service, I consider the request appropriate to the proposal.

9.8.7 Maidstone Borough Council Parks and Open Space were consulted and requested that a contribution of £842.26 per dwelling, totalling £69065.32 be provided to enhance the existing facilities within the area, to address the additional strain placed upon them by this development. They have identified in their comments where the contribution would likely be spent. 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 necessary to make the development acceptable.

9.8.8 The NHS request a contribution of £55,440, towards the upgrading of existing medical facilities. I consider the request appropriate to the proposal.

9.8.9 The applicant has agreed to make all the above contributions as requested to date.

10.0 CONCLUSION

10.1 The site is greenfield and outside the village confines. The development has taken into account the context in which it sits and it is considered that the scheme will not cause demonstrable harm to the visual amenity of the area.

10.2 Given the shortfall in the 5 year housing supply, I consider this an appropriate use of the site which will assist in relieving the pressure on less suitable sites.

10.3 The proximity of the site to the village amenities and services is considered sustainable.

10.4 The proposal in terms of layout, design and density is considered an appropriate use of the site, which does not unacceptably compromise the existing grain of development in the locality. The scheme is considered to be of good design.

10.5 The proposed boundary buffer and landscape treatment is considered appropriate to help mitigate the visual impact of the development on the North Downs AONB.

10.6 The proposed highway works are considered appropriate in order to ensure the safe functioning of the site and minimal impact on highway safety.

11.0 RECOMMENDATION

That subject to the prior completion of a Section 106 legal agreement in such terms as the Head of Legal Services may advise to secure the following:

- The provision of 40% affordable housing; and
- A contribution of £2360.96 per applicable house and £590.24 per applicable flat towards the expansion of Lenham Primary School; and
- A contribution of £144.66 per dwelling towards library services; and
- A contribution of £30.70 per dwelling towards Community Learning; and
- A contribution of £8.49 per dwelling towards Youth Service; and
- A contribution of £63.56 towards Adult Social Care; and
- A contribution of £55,440 to the NHS for the upgrade/refurbishment/modernisation of the Len Valley Surgery and/or Glebe Medical Practice.
- A contribution of £842.26 per dwelling (totalling £69065.32) to enhance existing open space/facilities in the area.

The Head of Planning and Development be given DELEGATED POWER TO GRANT planning permission subject to the conditions and informatives set out in the report:

CONDITIONS to include

(1) The development hereby permitted shall be begun before the expiration of 12 months from the date of this permission;

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

(2) The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby

permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

(3) The 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.

(4) 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 (General Permitted Development) Order 1995 (as amended by 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

(5) The approved details of the access submitted as shown on drawing number 3605/2.10N received 17th December 2014 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.

(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 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.

(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 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 principle's established in the Council's adopted Landscape Character Assessment 2012 and shall include details of the repair and retention of existing hedgerows and tree lines within the site; the provision of the wildflower meadow areas; community orchard; street planting and private garden planting.

The implementation and long term management plan shall include long term design and 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.

(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 dwellings or the completion of the development, whichever is 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.

(9) The development shall not commence until an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) including details of any tree works that would be necessary to implement the proposal, which shall include details of all trees to be retained 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 for all buildings within root protection zones, 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 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 and hedges to be retained and ensure a satisfactory external appearance to the development.

(10) 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 ecology and particularly bats. 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.

(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) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of

(i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved in writing by the Local Planning Authority; and

(ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: to ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

(13) The development hereby permitted shall be carried out in strict accordance with the recommendations of the Grant Acoustics Noise Assessment ref. GA-2013-0062-R1-RevC received 21 August 2014;

Reason: In the interests of residential amenity.

(14) The development permitted by this planning permission shall not commence until a detailed surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved by the Local Planning Authority. The drainage strategy should demonstrate that the surface water run-off generated up to an including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on or off site.

The drainage details submitted to the Local Planning Authority shall:

Specify the responsibilities of each party for the implementation of the SUDS scheme;

Specify a timetable for implementation; and

Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for the adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall be implemented in accordance with the approved details prior to first occupation of the development, and maintained thereafter unless with the agreement in writing of the Local Planning Authority;

Reason: To reduce the impact of flooding on the proposed development and prevent any impact from the development on surface water storage and flood, and future occupiers.

(15) 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 and F shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by prospective occupiers and surrounding neighbours.

(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 levels of the buildings hereby permitted. The development shall be carried out in strict accordance with the details agreed;

Reason: In the interest of residential and visual amenity.

(17) 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 roof overhangs and eaves.

ii) Details of windows and doors and recesses/reveals (which shall be a minimum of 70mm).

iii) Details of the junction of the timber boarding and the brickwork

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

18) The development shall not commence until details of foul drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained thereafter in accordance with the approved details;

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

(19) 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 be undertaken in accordance with the approved details and maintained thereafter.

Reason: To ensure a high quality external appearance to the development and in the interests of ecology and biodiversity.

(20) The development shall be undertaken in strict accordance with the recommendations of the Aspect Ecology Ecological Assessment reference ECO3565.EcoAs.vf2 dated August 2014, subject to the details submitted and approved in respect of condition 20 below;

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

(20) The development shall not commence until details of a site specific precautionary mitigation strategy for breeding birds, dormice and reptiles and an updated badger survey) undertaken by an appropriately qualified party have been submitted to and approved by the Local Planning Authority. The approved details, including any necessary mitigation, shall be implemented in full prior to commencement of the development unless with the agreement in writing of the Local Planning Authority;

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

(21) If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed by an appropriately qualified party to enable an appropriate remediation plan to be developed. Works shall not recommence until a remediation scheme undertaken by an appropriately qualified party has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed in full;.

Reason: to prevent pollution of the environment.

(22) The development hereby permitted shall not be occupied until the following details shall be submitted to and approved in writing by the Local Planning Authority:

a) A closure report which shall include 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; and
- 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;

OR

b) If no contamination has been discovered during the build, evidence provided by an appropriately qualified party demonstrating that no contamination was discovered;

Reason: to prevent pollution of the environment.

(23) No part of the development hereby permitted shall be occupied until the following works have been constructed and completed:

- i) A new priority junction and an emergency access to the site from Ham Lane; and
- ii) The extension of the existing 30mph speed limit on Ham Lane to its junction with the A20; and
- iii) The introduction of a 50mph speed limit on the A20 between the west boundary of the proposal site and Hubbards Hill including gateway features; and

iv) Bus boarders to the two bus stops on Ham Lane closest to the site, and a bus shelter to the southbound bus stop;

Reason: In the interests of highway and pedestrian safety and sustainability.

(24) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing number 3605/2.00 2B received 21st August 2014; drawing numbers 3605/2.10 N, 3605/2.15 D, 3605/2.16 B, 3605/2.17 C, 3605/2.18 C, 3605/2.19 A, 3605/2.20 B, 3605/2.21 A, 3605/2.22 C, 3605/2.23 B, 3605/2.24 C, 3605/2.25 C, 3605/2.26 B, 3605/2.27 C, 3605/2.28 C, 3605/2.29 D, 3605/2.30 D, 3605/2.31 D, 3605/2.32 and 3605/2.33 A received 17th December 2015; and drawing number 357-100 B received 8th January 2015, as supported by Aspect Ecology Consultation Response dated November 2014, Aspect Ecology Ecological Assessment reference ECO3565.EcoAs.vf2 dated August 2014, Broadoak Report on Inspection of Trees reference J48.01 dated 14th January 2014, Design and Access Statement DHA Environment Landscape and Visual Assessment reference JE/9798 dated August 2014, DHA Environment Sustainability Statement reference DHA/DCH/9798 dated August 2014, DHA Planning Planning Statement reference JB/TG/LJ/9798 dated August 2014, DHA Transport Flood Risk Assessment reference CS/T0343 dated July 2014, DHA Transport Transport Statement reference SEH/T0343 dated August 2014, DHA Transport letter dated 6th January 2015, Draft Deed of Agreement reference SZC/JO45131.1334, Grant Acoustics Noise Assessment reference GA-2013-0062-R1-RevC dated 13th August 2013, REC Air Quality Assessment reference 33845R2 dated 12th August 2014 and Soils Ltd Phase I Desk Study reference 14039/DS dated August 2014.

Reason: For the purpose of clarity and to ensure a satisfactory appearance to the development and a high quality of design.

INFORMATIVES

1. As the development involves demolition and / or construction, the applicant should pay due regard to the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

2. The use of DEFRA Emissions Factor Toolkit and the latest DEFRA IGCB Air Quality Damage Costs for nitrogen dioxide and particulates (www.gov.uk/air-quality-economic-analysis) is recommended in order to quantify pollutant emissions costs from the vehicular traffic generated by the development to justify expenditure on mitigation, including RTP and Building Design.

3. Residential Travel Pack (RTP)

A Welcome Pack available to all new residents online and as a booklet, containing information and incentives to encourage the use of sustainable transport modes from new occupiers, including:

1. Maps showing the site in relation to walking, local buses, cycle routes, cycle stands, the nearest bus stops, and rail stations
2. Approximate time it takes to walk or cycle to various local facilities (e.g. train station)
3. Site specific public transport information including up to date public transport timetables
4. Links to relevant local websites with travel information such as public transport operator information, cycling organisations and the Council
5. Information on public transport season tickets and offers
6. Free tasters tickets for local buses and/or vouchers for bike maintenance/parts at local shops
7. Information on specific incentives including "Walk to Work" or "Cycle to Work" initiatives

8. Details of local 'Car Share' and 'Car Club' schemes, including links to County & District Councils sponsored schemes.

9. Information on the health, financial and environmental benefits of sustainable travel.

4. The applicant should be aware that the site is in a radon affected area with a 3-5% probability of elevated radon concentrations. If the probability of exceeding the Action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE 1999, 2001, AND 2007). If the probability rises to 10% or more, provision for further preventative measures are required in new houses. Test(s) for the presence of radon gas are recommended to be carried out. Further information can be obtained from Public Health England.

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.

5. 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.

6. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire S021 2SW ([Tel:0330 303 0119](tel:03303030119)) or www.southernwater.co.uk

7. The Traffic Regulation Order(s) associated with changes to the speed limits shall be prepared and funded at the applicant's cost.

8. The lighting scheme provided in accordance with condition 10 should adhere to the following advice from the Bat Conservation Trust and Institution of Lighting Engineers.

Bats and Lighting in the UK

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

Low pressure Sodium Lamps (SOX) emit a minimal UV component.

High pressure Sodium Lamps (SON) emit a small UV component.

White SON, though low in UV, emit more than regular SON.

High

Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps

Mercury lamps (MBF) emit a high UV component.

Tungsten Halogen, if unfiltered, emit a high UV component

Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

Variable

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:

Lighting should illuminate only ground floor areas -light should not leak upwards to illuminate first floor and higher levels;

Lamps of greater than 2000 lumens (150 W) must not be used;

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;

Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;

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;

Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;

Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.



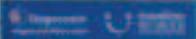






bus stop

Loder Close
KENTON









145



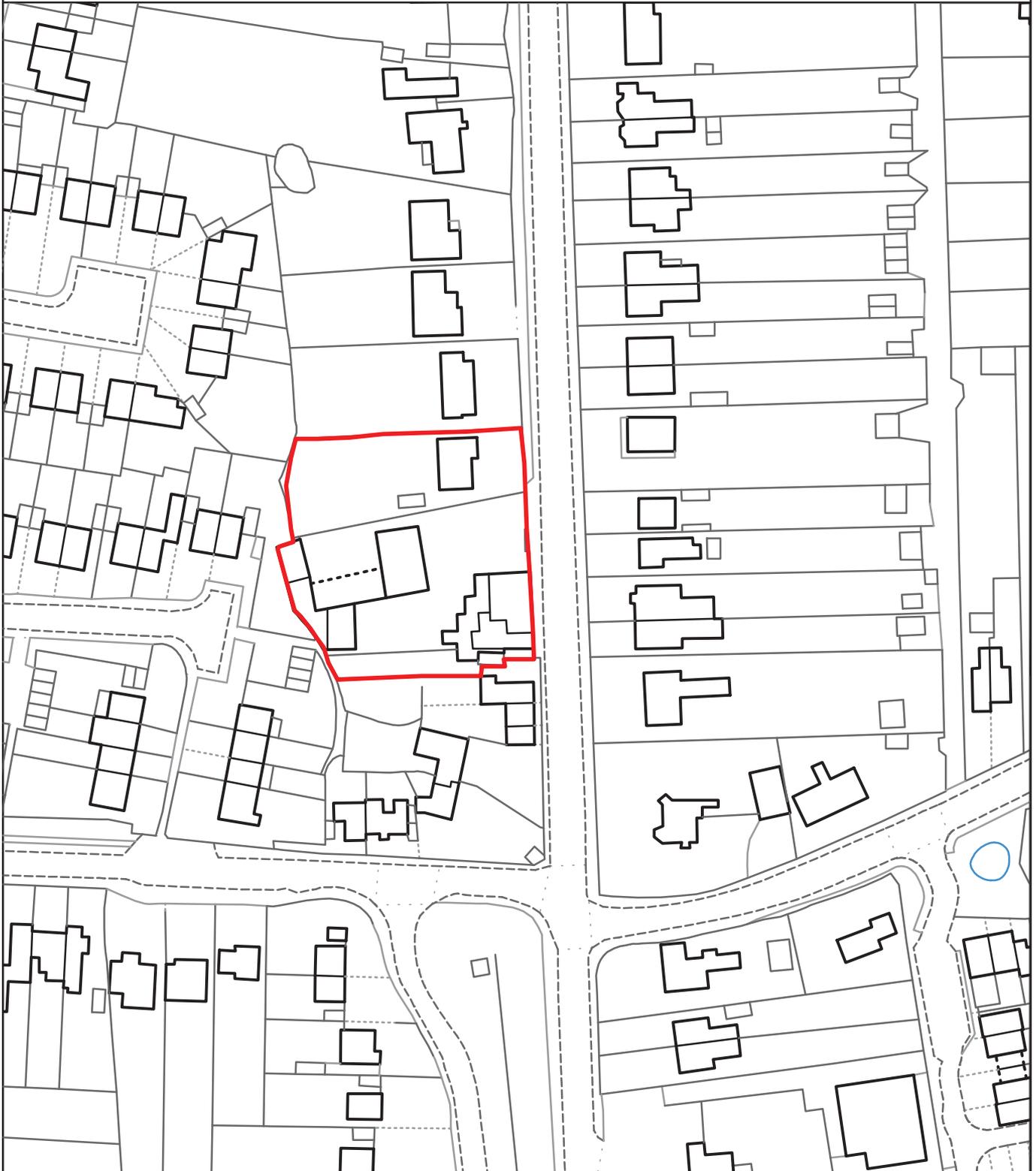
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Agenda Item 17

THE MAIDSTONE BOROUGH COUNCIL

Homeleigh Timber Supplies
Station Road
Staplehurst
Kent
TN12 0PY

MBC Ref: 14/503305



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 14/503305/REM					
APPLICATION PROPOSAL Application for the approval of reserved matters of appearance, landscaping, layout and scale for 12 no. dwellings pursuant to outline planning permission MA/10/0220 for the erection of up to 14 no. dwellings.					
ADDRESS Homeleigh Timber Supplies Station Road Staplehurst Kent TN12 0PY					
RECOMMENDATION - Approve subject to conditions					
SUMMARY OF REASONS FOR RECOMMENDATION The principle for this development has been established with the approved Outline planning permission MA/10/0220. The application site is sustainable and appropriate in scale and detail.					
REASON FOR REFERRAL TO COMMITTEE Staplehurst Parish Council has requested the application is reported to the planning committee if approval is recommended. The Parish Council's comments are outlined later in this report.					
WARD Ward	Staplehurst	PARISH/TOWN COUNCIL Staplehurst		APPLICANT Homeleigh Timber Supplies Ltd	AGENT David Hicken Associates Planning
DECISION DUE DATE 12/12/14	PUBLICITY DATE 12/12/14	EXPIRY	OFFICER	SITE VISIT DATE 20/10/14	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):					

MA/10/0220 - Outline planning permission for erection of up to 14no. dwellings with associated works including parking with access to be considered at this stage and all other matters reserved for future consideration - Approved with conditions

There is extensive planning history at this site, although the above listed application is the only history which specifically relates to this proposal.

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The application site has an area of approximately 0.27hecatres, and is located within the village confines of Staplehurst upon land which has no specific designation within the Maidstone Borough-Wide Local Plan (2000). The site currently runs as a timber merchant's yard (sui generis), with much of the site given over for the storage of timber. To the front of the site is a two storey property which is utilised as the shop and office space. Behind this, there are a number of metal clad sheds, and storage

containers, which vary in size from 2metres in height, to over 6metres. These are concentrated within the southern end of the site, with the northern part given over more to open storage and car parking.

- 1.02 The site also includes a detached bungalow, which is set back from the road by approximately 10metres. The front of this property has a hedge of approximately 3.5metres in height. To the north of the application site is a further bungalow which has substantial trees within the frontage of the property. Again, this bungalow is set approximately 10metres back from the highway, and is 3metres from the site boundary.
- 1.03 The main A229 runs to the front (east) of the application site, with a mixture of residential properties opposite. These are all either two or three storey properties, and predominantly brick built (although there is a timber clad building to the north-east of the application site). There is a relatively strong building line along the eastern side of the highway, with properties set back approximately 10-12metres.
- 1.04 To the south of the application site is a row of terraced properties. The property is immediately adjacent to the site and is a three storey brick built dwelling, with a two storey timber clad element attached. These properties are set close to the highway, being only some 1-2metres back from the pavement. They have rear gardens that run alongside the application site. Further south, there are two storey timber clad, and painted brick properties, which are set back from the road, and splayed to address the corner. The closest property is approximately 3.5metres from the application site.
- 1.05 To the west of the application site, is Brooks Close, which contains both two storey dwellings, and chalet bungalows. This development dates from the mid 20th Century, and consists of brick properties, that incorporate tile hanging. Along the western boundary of the site is a row of high conifers that rise to approximately 5-6metres in height. The closest property to the application site is some 18m from the site boundary.

2.0 PROPOSAL

- 2.01 This application seeks the approval of reserved matters of appearance, landscaping, layout and scale for 12 no. dwellings pursuant to outline planning permission MA/10/0220 (Outline planning permission for erection of up to 14no. dwellings with associated works including parking with access to be considered at this stage and all other matters reserved for future consideration).
- 2.02 This proposal sees a reduction in the number of units to 12 from the previous outline but retains a similar layout to the scheme overall. This includes a centrally located access, 3no three storey dwellings to the southern side of the access and 3no two storey dwellings to the northern side all fronting Station Road. Within the development, this design includes a further 6no semi detached two storey dwellings.

- 2.03 Each property would have 2 car parking spaces provided within the scheme which will include garaging and open spaces. Rear private amenity space is also provided for each property.
- 2.04 The appearance of the dwellings would include a mix of gable end and barn hip roofs to the dwellings as well as pitched and hipped garages. The front elevations of many of the dwellings would also include a projecting pitched frontage. The scheme would include a mix of weatherboarding and tile hanging to the elevations with slate and clay tiles to the roofs.

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Wide Local Plan 2000: Policies T13 and ENV6
Supplementary Planning Documents: Kent Design Guide 2009, Landscape Character Assessment 2012

6.0 LOCAL REPRESENTATIONS

9 neighbour representations have been received raising a number of issues. These comments include parking provision to the site, drainage, water pressure, loss of trees, flooding, visual appearance and the impact upon the character of the area, scale of the buildings proposed, number of dwellings within the site, impact upon amenity for neighbouring properties, access and design of the buildings proposed.

7.0 CONSULTATIONS

Staplehurst Parish Council - Raise objections to this proposal with the following comments:-

"Councillors voted to recommend REFUSAL and requested that the application be reported to MBC Planning Committee. Councillors felt that concerns expressed by the Parish Council regarding outline application MA/10/0220 remained valid and they further highlighted over-intensive development, excessive building height and consequent overshadowing of neighbouring properties, unsympathetic design and layout not in keeping with neighbouring properties on Station Road, insufficient parking provision, increased likelihood of surface water flooding, the loss of substantial and mature trees and general negative impact on biodiversity".

Environment Agency - Do not wish to comment

Environmental Health - Raise no objections with the following comments:-

Environmental Protection has no comments to make in respect of the application for approval of these reserved matters.

REQUESTED CONDITIONS:

None

INFORMATIVES

As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

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

I have the following comments to make with respect to highway matters:-

Parking within the site is not in accordance with IGN3 which requires 2 independently accessible spaces for each 3 and 4 bedroom house. A tandem arrangement for some of the properties is proposed and no visitor parking spaces are provided. However the proposed development is an improvement on the previous use of the site which frequently led to on street parking on the A229 and on occasion caused obstruction to both drivers and pedestrians. Ideally additional parking spaces would be provided, however I do not wish to raise objection subject to the following conditions:-

A construction management strategy is required prior to the commencement of works on site details to be agreed with KCC Roadworks Coordination Team.

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.

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.

Provision and permanent retention of the turning facilities shown on the submitted plans prior to the use of the site commencing.

Use of a bound surface for the first 5 metres of the access from the edge of the highway.

Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.

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 or telephone: 03000 418181) in order to obtain the necessary Application Pack.

INFORMATIVE: 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.

Southern Water - Raise no objections

Landscape Officer - Raises the following comments:-

I have a number of issues with the proposed landscaping as follows:

- *There is no information on the proposed retention of the existing tree line to the rear of the development and the landscaping plan states that a proposed soakaway is to be constructed to the rear gardens of plots 7 to 11. The applicant needs to submit an Arboricultural Method Statement (AMS) in accordance with BS5837: 2012 which includes details of the soakaway, a methodology for the excavation of hard surfacing within the root protection areas of trees to be retained and tree protection details.*
- *No specification has been provided for the proposed canopy reduction work to these boundary trees and shrubs.*
- *The proposed Ash trees need to be substituted with another appropriate species (due to current restrictions imposed in relation to Ash Die back). I would suggest Acer campestre (Field Maple) and Carpinus betulus (Hornbeam) varieties are planted instead of Ash and Beech. The proposed Hawthorn hedge is not particularly appropriate in this restricted location and I would suggest that this is also replaced, possibly by Ligustrum vulgare (Privet).*
- *There are few sizes and numbers of shrubs and trees specified.*

Therefore, alongside an AMS, a detailed landscape scheme is required which addresses the above and clearly marks those trees to be retained. It should also show the location of tree protection fencing and include a plant specification, implementation details and a long term management plan.

8.0 CONSIDERATIONS

Principle of Development

- 8.01 In terms of the principle for development, the site is within the village boundary of Staplehurst and is not designated for specific uses within the Maidstone Borough Wide Local Plan 2000 for any specific uses. At a national level, the National Planning Policy Framework (NPPF) does encourage new housing in sustainable locations as an alternative to residential development in more remote countryside situations; and according to the NPPF;

“Housing applications should be considered in the context of the presumption in favour of sustainable development”.

- 8.02 I have no argument against the site being in a sustainable area in the sense that it is in walking distance of the village centre with its services, amenities and public transport links.
- 8.03 The NPPF does consider there to be 3 dimensions to sustainable development (economic, social and environmental), and these dimensions give rise to the need for the planning system to perform a number of roles (paragraph 7). In terms of the environmental role, development must

contribute to protecting and enhancing the built environment, and paragraph 64 of the NPPF states;

"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

- 8.04 This is clearly a fundamental element of successful development and quality design should address the attributes of the site as well as offering enhancements in appearance and responding to local character. The specific design quality of this proposal will be assessed later in this report.
- 8.05 An important element in the principle to this development is the previously approved outline application for the construction of up to 14 dwellings on this site. This was considered under MA/10/0220 which included details of access. The principle of residential development here is therefore acceptable.
- 8.06 With regard to housing supply, at present the Council does not have a 5 year housing supply and therefore, further housing development is required to achieve this figure. This issue is a material consideration in the determination of this application and should be considered in the context of the development being proposed and in the balance of relevant issues.

Visual Impact

- 8.07 Station Road itself is lined by large detached and semi detached properties within the vicinity of this site therefore frontage development is a key part of the local character. This proposal maintains this feature framing the entrance to the site. The depth of the site lends itself to Cul-de-sac development which is present elsewhere within Staplehurst, most notably Cornforth Close to the south of the site. Whilst this would project the frontage dwellings closer to the highway itself, this layout would follow the building line set by the building immediately to the south of the site. This creates a greater presence to the development which can be accommodated within this area of Station Road. As such, I consider this general approach to be acceptable.
- 8.08 With this layout, plots 1 to 6 would face east addressing Station Road and creating an active frontage with this street. Amenity space and parking is provided to the rear with principle entrances accessed from the front. Plots 1 to 3 are three stories again continuing from the existing building adjoining the south of the site. Plots 4 to 6 then continue to the north at two stories. This is an important feature of this development which in my view, helps to create identity and articulation within this prominent frontage.
- 8.09 Plots 7 to 12 would be two stories and inward facing accessed via the central driveway. The dwellings are well spaced allowing for a sense of openness centrally within the scheme. This is also assisted with the removal of two plots from the original Outline consent. The dwellings have varied but adequate rear amenity gardens (of approximately 10m in length) with plots 7 to 12 backing on to western boundary. The gardens

of plots 1 to 6 would back on to the central access road, however, the prominent boundaries would be finished with suitable walling with brick piers and fencing to improve the appearance of this central space. A number of trees and low level landscaping is also proposed to soften these boundary treatments and add to the character of this central space. This is shown on the submitted layout plans and whilst this does lack detail with regard to landscaping, a condition will be imposed to secure further details in this respect.

- 8.10 With regard to the design and appearance of the dwellings, the development would comprise a mix of 3 and 4 bedroom dwellings with a variety of designs and floor layouts. The appearance of the dwellings would include a mix of gable end and barn hip roofs as well as pitched and hipped garages. The front elevations of most of the dwellings would also include a projecting pitched frontage. This breaks up the front elevations and gives articulation to the frontage. The mix of materials would also assist to distinguish these elements including weatherboarding and tile hanging. The roofing material would comprise slate and clay tiles to both the dwellings and garages. This would create a suitable finish blending with the facing brick and weatherboarding. Samples and details of this will be secured by condition to ensure appropriate colouring and quality. Overall, I am satisfied with the appearance and elevation designs of the dwellings.
- 8.11 Overall, I consider the layout and appearance of the development to be appropriate and I do not consider there would be a detrimental visual impact upon the surrounding area.

Residential Amenity

- 8.12 The rear of plots 11 and 10 would face west towards several neighbouring properties within Corner Farm Road. However, there is a suitable distance (of approximately 15m) between these properties and the proposed dwellings to ensure appropriate amenity is maintained. There is a similar relationship to neighbouring dwellings to the south of the site and therefore I do not consider there would be any significant loss of light, privacy, outlook or overshadowing. In terms of the impact upon Silverwood to the north, this property is the closest to the site being adjacent to the northern boundary. Whilst several of the proposed dwellings are beyond the rear of this property, I consider there is a suitable separation between this property and the proposed dwellings (of approximately 13m) so as to not cause significant loss of privacy or overlooking to this property. Similarly, I do not consider there would be any significant loss of light or outlook to this property.
- 8.13 In terms of the impact for future occupants of the development, I am satisfied that the fenestration arrangements of the new dwellings would result in acceptable levels of outlook, daylight and privacy. Appropriate boundary treatments would also maintain acceptable levels of privacy for future occupants at ground floor level; and I do consider the level of proposed outdoor amenity space to be acceptable for properties of this size. I am also satisfied that the residential amenity of future occupiers

would not be significantly affected by the existing surrounding properties, given their separation distances and orientation.

Highways

- 8.14 The central access to the site was considered under the approved outline application (MA/10/0220) which is maintained within this proposed scheme. As such, this access arrangement is acceptable.
- 8.15 In terms of parking provision, KCC Highways have raised some concerns with regards to the level of parking provision within the development (2 spaces per dwelling) as there are some tandem spaces suggested. However, they do acknowledge that the site is close to the village centre and within walking distance of bus routes and the train station. Therefore it is considered a sustainable site. Members are aware that Maidstone Borough Council has not adopted any Kent Guidance on parking standards, and as such are able to accept tandem parking spaces within residential developments as proposed under the original outline permission for this site.
- 8.16 In addition to this, this parking provision is an increase on the 1.5 spaces per dwelling proposed under the original outline permission (which was secured by condition). Members should be aware that a further variation of condition application has been submitted to allow additional parking within the scheme which was restricted to 1.5 spaces under the outline permission.
- 8.17 I am therefore of the view that there would not be a significant highways impact as a result of this development.

Landscaping

- 8.18 In terms of landscaping, a number of comments have been received regarding the existing landscaping within the site and whether this is to be retained as well as issues concerning the proposed planting scheme. Following the comments from the Landscape Officer, discussions have taken place with the agent regarding these points. It is confirmed that the boundary planting running along the western boundary (to rear of plots 7 to 9) will be retained although pruning would be required. Details of which can be secured by condition. Additional planting is also proposed further to the south of this boundary within rear gardens to continue this line of planting. This vein also continued along the southern boundary with the retention of existing trees as well as additional trees within plot 12. The landscape officer has also made comments regarding the position of the soakaway within this site which is proposed to the rear of plot 10. Although no details have been submitted on this element, I consider this can be suitably secured by condition together with root protection and an Arboricultural Method Statement. The landscape officer agrees with this approach.
- 8.19 Planting is also proposed within the scheme to the frontage of plots and centrally within the development screening parking areas and acting as a focal point to the entrance of the site. Discussions have also taken place with regard to the proposed refuge collection area, and it has been agreed

that this will be removed in favour of additional planting and on plot refuse storage. Details of which will be secured by condition. Comments have been made concerning the proposed mix of planting; this has been discussed with the agent and subsequently amended (as shown on plan number DHA/10277/11 RevC) to include Field Maple, Hornbeam and Privet hedging as suggested by the landscape officer. I consider this mix to be suitable and details of planting size and specific locations can be secured by condition.

- 8.20 Overall, I consider the landscaping shown would suitably soften the development and would reflect local landscape character. As such, the general appearance and character of the development proposed would be appropriate.
- 8.21 In terms of boundary treatments, the submitted amended plan shows 1.8m high close boarded fencing to rear garden boundaries and 0.6m high walling topped with fencing within public areas and brick piers. This would be suitable in terms of the appearance to the development, although clearly details of the bricks will be required by condition.

Other Matters

- 8.22 The applicant has stated that each dwelling would achieve a minimum of Level 3 in terms of the Code for Sustainable Homes, ensuring a sustainable and energy efficient form of development. This will also be secured by condition. Whilst recent applications have requested code 4 in accordance with the emerging policy in the Draft Local Plan, code 3 was secured under the original outline permission and I do not consider it is reasonable to require a higher code at this stage.
- 8.23 In order to preserve the character and appearance of the development, I consider it is reasonable to remove some permitted development rights for the dwellings to relative to development of front porches, the roof scape and boundary treatments. This will ensure the character and open feel to the development is retained and that the amenity of future occupants and existing surrounding neighbours is respected.
- 8.24 The site is not within a Flood Zone, as designated by the Environment Agency and is not within close proximity of any noticeable watercourse. Therefore, this development would not be any more significantly prejudicial to flood flow, storage capacity and drainage within the area when compared to what is there already. The Environment Agency has been consulted and raised no objections but has suggested a number of conditions relating to potential contamination of the land and securing appropriate sustainable drainage systems are in place. I consider these conditions are reasonable and appropriate in this case.
- 8.25 In terms of refuse, the environmental health officer has been consulted and has raised comments regarding the provision of a central refuse collection point which was included within the original plans for this application. Following discussions with the agent, this element has been amended to on-plot refuse collection and additional landscaping within the previous collection area. This is a more suitable approach given the scale

of the site and the environmental health issues arising from a central collection point.

9.0 CONCLUSION

9.01 For the reasons outlined above, I consider the development would not cause any demonstrable harm to the character of the area and it would not significantly harm the amenities of existing residents. It is therefore considered overall that the proposal is acceptable for the reasons given and so I recommend conditional approval of the application.

10.0 RECOMMENDATION – I therefore recommend to grant planning permission subject to 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 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, road surfacing and boundary walling hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

3. The development hereby permitted shall be carried out strictly in accordance with the slab levels shown on the approved drawings;

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

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping using indigenous species and showing additional planting in place of the refuse collection area, an Arboricultural Method Statement (AMS) in accordance with BS5837: 2012 which includes details of the soakaway, a methodology for the excavation of hard surfacing within the root protection areas of trees to be retained together with suitable measures for tree protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted.

5. 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.

6. The dwellings shall achieve 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 Code Level 3 has been achieved.

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

7. Details showing the provision of bat and or bird boxes within the development shall be submitted to and approved in writing by the Lcal Planning Authority.

Reason: In the interests of biodiversity.

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

Plan numbers DHA/10277/01, DHA/10277/02, DHA/10277/03 REVB, DHA/10277/04 REVB, DHA/10277/05 REVB, DHA/10277/06 REVA, DHA/10277/07 REVA, DHA/10277/08 REVB, DHA/10277/09 REVB, DHA/10277/10 REVB, DHA/10277/12 REVB, DHA/10277/13 REVA, DHA/10277/14 REVA, DHA/10277/15 received 19th January 2014, Application Form, Design and Access Statement and Planning Statement received 8th September 2014 and plan number DHA/10277/11 REVC received 17th February 2014.

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

INFORMATIVES

1. A construction management strategy is required prior to the commencement of works on site details to be agreed with KCC Roadworks Coordination Team.
2. Provision of measures to prevent the discharge of surface water onto the highway.
3. Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.

Planning Committee Report

4. 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.
5. Provision and permanent retention of the turning facilities shown on the submitted plans prior to the use of the site commencing.
6. Use of a bound surface for the first 5 metres of the access from the edge of the highway.
7. Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
8. 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 or telephone: 03000 418181) in order to obtain the necessary Application Pack.
9. 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.

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.



1600



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THE MAIDSTONE BOROUGH COUNCIL

Land To The Rear Of Milton Street And Hartnup Street

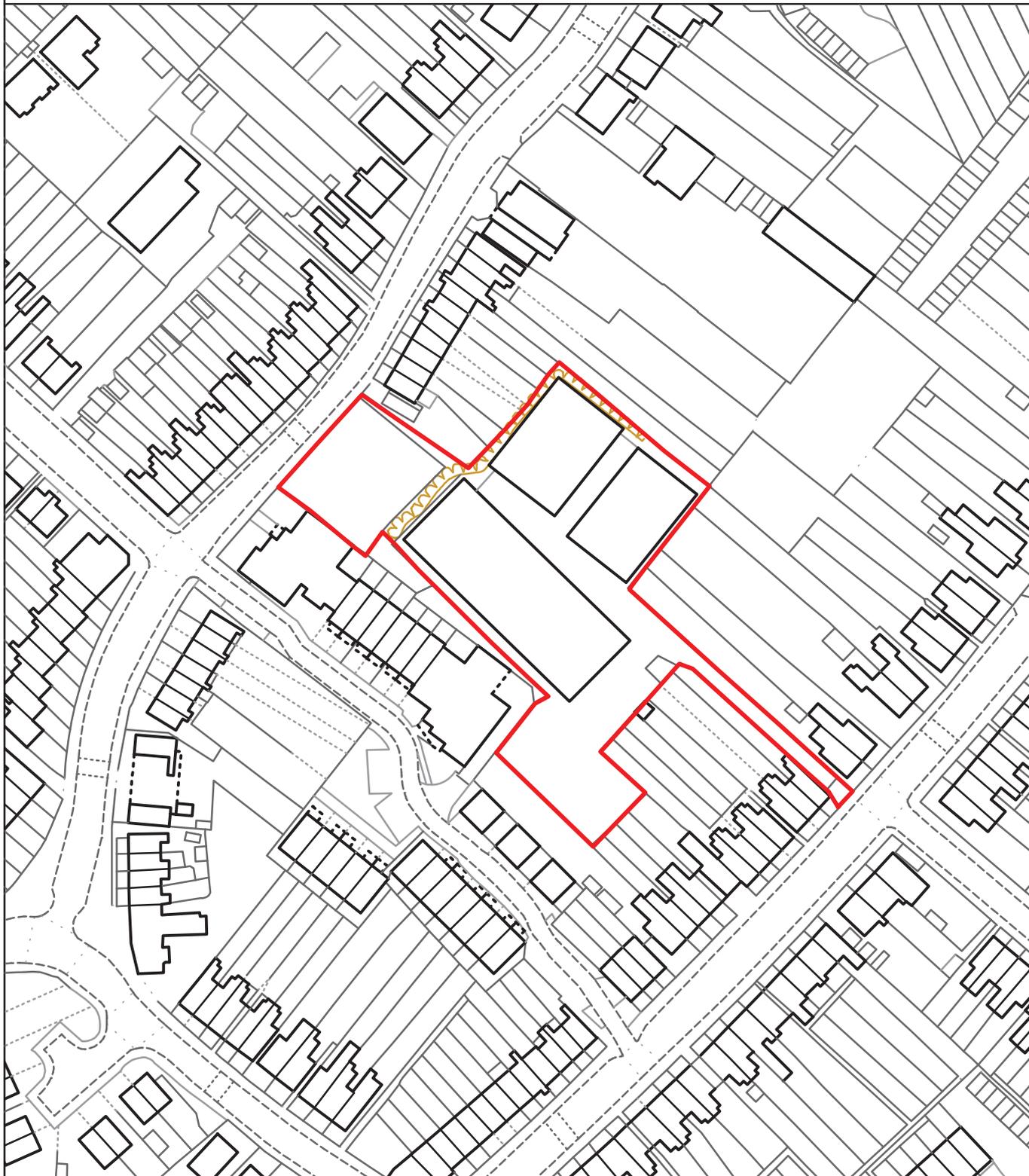
Milton Street

Maidstone

Kent

ME16 8LL

MBC Ref: 14/503755



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 14/503755/FULL			
APPLICATION PROPOSAL Demolition of the existing commercial buildings and the change of use and erection of 22 residential units, together with new access from Hartnup street, and associated landscaping and car parking provision.			
ADDRESS Land To The Rear Of Milton Street And Hartnup Street Milton Street Maidstone Kent ME16 8LL			
RECOMMENDATION Permission be granted			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL Redevelopment of non-conforming industrial site in mainly residential area for residential purposes			
REASON FOR REFERRAL TO COMMITTEE Call in by Cllr Harper			
WARD Fant Ward	PARISH/TOWN COUNCIL Maidstone	APPLICANT Mr P Chesterfield AGENT Mr Chris Hawkins	
DECISION DUE DATE 08/01/15	PUBLICITY EXPIRY DATE 08/01/15	OFFICER SITE VISIT DATE 27/10/14	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
MA/06/0610	Terrace of 5 houses	Permitted	
MA/07/106 MA/08/2146 MA/10/0842	Terrace of 6 houses 1 pair of semis & terrace of 4 houses 5 3 storey dwellings with parking	Permitted Refused Permitted	

^

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The application site is situated between Milton Street and Hartnup Street and comprises 0.44ha of land with a lawful industrial use known as Acorn Business Centre. The industrial units are accommodated in 3 large buildings which have been subdivided into smaller units. Most of the units have ceased trading and are now vacant. The existing vehicle access is from Milton Street. The character of the surrounding area is mainly residential in the form of terraced housing or flats.
- 1.2 The rear gardens of 84-104 Milton Street adjoin the application site on its southern side and the rear gardens of 1-6 Bazalgette Rise and 27-45 Hartnup Street to the west and north-west.

2.0 PROPOSAL

- 2.1 It is proposed to demolish the existing industrial buildings and erect 22 dwellings comprising a block of 6 x2 bed flats (3 storey) served by the existing access from Milton Street and 16x3 bed town houses (2 storey) served by a new access from Hartnup Street. 34 parking spaces are proposed within the site.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	0,44ha	0.44ha	
Approximate Ridge Height (m)		9m	
Approximate Eaves Height (m)		5m	
Approximate Depth (m)		10m	
Approximate Width (m)		17m, 23m, 38m	
No. of Storeys	1/2	2/3	
Net Floor Area			
Parking Spaces	12	34	
No. of Residential Units	0	22	
No. of Affordable Units	0	3	

4.0 PLANNING CONSTRAINTS

- 4.1 Industrial Area
Allocated Site – housing/economic development

5.0 POLICY AND OTHER CONSIDERATIONS

- 5.1 The National Planning Policy Framework (NPPF) promotes the re-use of previously developed land and advises that Local Planning Authorities should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate (paragraph 51).

Development Plan: Policies H1, ED2, CF1, T21

Supplementary Planning Documents: Affordable Housing DPD, Open Space
DPD

6.0 LOCAL REPRESENTATIONS

- 6.1 14 Letters of objection from local residents have been received raising the following concerns:
1. Additional traffic generation in an already congested area
 2. Proposed access in Hartnup Street will be hazardous and steep. Existing access from Milton Street is very narrow.
 3. Inadequate parking resulting in increased pressure for on-street parking, 5 on-street spaces will be lost in Hartnup Street
 4. Loss of employment land and opportunities for small businesses
 5. Loss of vegetation will have an adverse effect on wildlife
 6. Loss of privacy/ overlooking of adjoining properties, particularly from 3 storey flats.
 7. Increased noise disturbance in evenings and at weekends
 8. Concerns about risk of flooding and capacity of local sewerage system

7.0 CONSULTATIONS

Southern Water

- 7.01 "Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.
We request that should this application receive planning approval, the following informative is attached to the consent:

"A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire RG21 28W (Tel: 0330 303 0119) or www.southernwater.co.uk".

7.02 Our initial investigations show that there is currently inadequate capacity in the local

network to provide surface water disposal to service the proposed development. The

proposed development would increase flows to the public sewerage system, and any existing properties and land may be subject to a greater risk of flooding as a result.

We advise that applicant investigates alternative means for surface water disposal,

considering the following options:

Discharge to an available watercourse

Discharge to soakaways

7.03 Alternatively;

If the existing development discharges surface water to the existing surface water

system, then a discharge from the site may be permitted. If the applicant wishes to

investigate this option, the applicant will be required to provide a topographical site

survey and/or a CCTV survey showing the existing connection points, pipe sizes,

gradients and calculations confirming the proposed flows will be no greater than the

existing flows received by the sewer. Any excess surface water should be attenuated

and stored on site. Where flow attenuation is proposed and the sewerage in question

is to be offered for adoption, the sewerage undertaker should be involved in discussions with all relevant parties to agree the ownership/responsibility for the

facility.

7.04 Southern Water requires a formal application for a connection to the public sewer.

The applicant is advised to contact Southern Water, 8parrowgrove House 8parrowgrove, Otterbourne, Hampshire 8021 28W (Tel: 0330 303 0119) or www.southernwater.co.uk".

7.05 This initial assessment does not prejudice any future assessment or commit to any

adoption agreements under Section 1 04 of the Water Industry Act 1991.

The Council's Building Control officers or technical staff should be asked to comment

on the adequacy of soakaways to dispose of surface water from the proposed development.

7.06 We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not

commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

- 7.07 Due to changes in legislation that came in to force on 1 st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

KCC Economic Development

- 7.08 "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.
- 7.09 The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 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
- 7.10 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).

	Request Summary Per Applicable Flat (x6)	Per applicable House (x16)	Total
Primary Education (<i>new build</i>)	£1000.00	£4000.00	£70,000.00
Primary Land (<i>acqui- sition cost</i>)	£675.41	£2701.63	£47,278.51
Second- ary Education	£589.95	£2359.80	£41,296.50

on			
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(x22)	Per Dwelling	Total
Community Learning	£30.70	£675.34
Youth Service	£8.44	£185.73
Libraries	£144.36	£3175.88
Adult Social Care	£53.88	£1185.36
Highways	<i>Kent Highway Services will respond separately</i>	

7.11 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, on-going planning applications, changes in capacities and forecast rolls, and build costs.

Primary Education

7.12 The proposal gives rise to 5 additional primary school pupils during occupation of this development. This need, cumulatively with other new developments in the vicinity, can only be met through the provision of new Primary Schools in Hermitage Lane & Sutton Road Maidstone, as identified in the Maidstone Borough Interim Local Plan Policies, as the forecast primary pupil product in the locality results in the maximum capacity of local primary schools being exceeded.

7.13 This proposal has been assessed in accordance with the KCC Development Contributions Guide methodology of 'first come, first served' assessment; having regard to the indigenous pupils, overlain by the pupil generation impact of this and concurrent new residential developments on the locality.

7.14 The County Council requires a financial contribution towards construction of the new school at **£4000 for each 'applicable' house & £1000 for each applicable flat** ('applicable' means: all dwellings except 1 bed of less than 56sqm GIA).

7.15 The County Council also requires proportionate contributions towards the Primary School land acquisition cost at **£2701.63 per applicable house & £675.41 per applicable flat**.

7.16 The 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 or required. 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.

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

location to meet its statutory obligation under the Education Act 1996 and as the Strategic Commissioner of Education provision in the County under the Education Act 2011

- 7.20 KCC will commission additional pupil places required to mitigate the forecast impact of new residential development on local education infrastructure generally in accordance with its Commissioning Plan for Education Provision 2015-19 and Delivering Bold Steps for Kent - Education, Learning and Skills Vision and Priorities for Improvement, Dec 2013.

Secondary School Provision

- 7.21 The impact of this proposal on the delivery of the County Council's services is assessed and 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.
- 7.22 The proposal is projected to give rise to 4 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.
- 7.23 The new secondary school accommodation will be provided in Maidstone through extensions 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.

Community Learning

- 7.24 There is an assessed shortfall in provision for this service: the current adult participation in both District Centres and Outreach facilities is in excess of current service capacity, as shown in Appendix 2, along with cost of mitigation.
- 7.25 The County Council will mitigate this impact through the provision of new/expanded facilities and services both through dedicated Adult Education centres and through outreach Community learning facilities local to the development.
- 7.26 The projects will be delivered as the monies are received and to accord with the LPA's Infrastructure Delivery Plan (where applicable). The County Council therefore requests **£30.70 per household** to address the direct impact of this development.

Youth Services

- 7.27 The service caters for young people from 11 to 25 years though the prime focus is on hard to reach 13 to 19 year olds. The service is provided on a hub and spoke service delivery model. The hub offers the full range of services whilst spokes provide outreach provision. Outreach provision can take a number of forms, including detached youth workers, mobile services, affiliated voluntary and community groups etc.
- 7.28 Forecasts indicate that there is sufficient capacity within the Outreach service to accommodate the increased demand generated through the development, therefore KCC will only seek to provide increased centre based youth services in the local area. The County Council therefore requests **£8.44 per household**.

Libraries and Archives

- 7.29 There is an assessed shortfall in provision (Appendix 2) : overall borrower numbers in the local area are in excess of area service capacity, and bookstock for Maidstone Borough at 1339 per 1000 population is below the County average of 1349 and both the England and total UK figures of 1510 and 1605 respectively.
- 7.30 The County Council will mitigate this impact through the provision of additional bookstock and services at local Libraries serving the development (including mobiles) and will be delivered as and when the monies are received and will accord with the LPA's Infrastructure Delivery Plan (where applicable). The County Council therefore requests **£144.36 per household** to address the direct impact of this development.

Social Care

- 7.31 The proposed development will result in additional demand on Social Care (SC) (older people, and also adults with Learning or Physical Disabilities) services, however all available care capacity is fully allocated already, and there is no spare capacity to meet additional demand arising from this and other new developments which SC are under a statutory obligation to meet. The proportionate cost of providing additional services for this proposed development is set out in the supporting document.
- 7.32 The County Council will mitigate this impact through the provision of new/expanded facilities and services both on site and local to the development.
- 7.33 The mitigation will comprise the following projects:

Project 1: Building Community Capacity: Capital improvement works enhancing/adapting existing community facilities to enable the additional social care clients arising (Older Persons, and also clients with Physical Disabilities)

and Learning Difficulties) to participate in community life, (activities and groups), and remain active.

Project 2: Assistive Technology (also referred to as Telecare): installation of technology items in homes (including: pendants, fall sensors, alarms, etc.) to enable existing & future clients to live as independently and secure as possible in their own homes.

- 7.34 These projects will be delivered once the moneys are collected except where the implementation of the proposed project(s) relies upon pooled funds, then the project will commence as soon as practicable once the funding target has been reached.

The County Council therefore requests **£53.88 per household**.

Superfast Fibre Optic Broadband

- 7.35 To provide: 'fibre to the premise' (Superfast fibre optic broadband) to all buildings (residential, commercial, community, etc.) of adequate capacity (internal min. speed of 100mb to each building) for current and future use of the buildings.

Implementation

- 7.36 The County Council is of the view that the above contributions comply with the provisions of regulation 122 of the CIL Regulations 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.

KCC Highways

- 7.37 "I wish to raise concerns regarding the access of large vehicles including waste, emergency and delivery vehicles from the access on Milton Street".
- 7.38 The application states that waste vehicles can enter via the access on Hartnup Street, however, no mention is given to how waste would be collected from the section accessed from Milton Street.
- 7.39 It is advised in Manual for Streets that waste collection vehicles should be able to get to within 25 m of the storage point and there should be a maximum of three steps for waste containers up to 250 litres, and none when larger containers are used (the Health and Safety Executive recommends that, ideally, there should be no steps to negotiate).
- 7.40 According to Manual for Streets, reversing causes a disproportionately large number of moving vehicle accidents in the waste/recycling industry and BS

5906: 2005 recommends a maximum reversing distance of 12 m. Providing an area where vehicle turnaround is difficult may lead to an increase in reversing vehicles.

- 7.41 I would appreciate further details on how waste is proposed to be collected from the section accessed from Milton Street, and I also recommend that the applicant consults with waste authorities to reach agreement on the way waste is to be managed within the proposed development.
- 7.42 A swept track path diagram was included in the application for emergency vehicle access; however, it is not clear that the vehicle would be able to turn around without difficulty once in the site. It is therefore recommended that the applicant consults with the emergency services to ensure emergency access is to an acceptable level.
- 7.43 I would also like to recommend that the access from Hartnup Street is changed from a bellmouth junction to a vehicle crossover in order to give pedestrians right of way and therefore increase road safety.
- 7.44 Finally, the application states that for the implementation of the new access on Hartnup Street a speed hump will need to be relocated. It is important to note that for this to occur a Section 278 is required from the agreements team at KCC Highways.”

NHS Property Services

- 7.45 The proposed development is expected to result in a need to invest in a number of local doctors surgeries – there are 5 within a 1 mile radius.
- 7.46 The NHS would apply the S106 contribution to meet extra demand placed on local primary and community health service. The healthcare contribution is calculated to be **£17,208** plus legal costs

MBC Environmental Health

- 7.47 “As the site is occupied by buildings used for light industry and there is an electricity sub-station, it is likely that there has been ground contamination. A site investigation should be carried out and a full report submitted to the Council.
- 7.48 The applicant should be aware that it is probable that asbestos based material will be found during any works that are carried out. Should the development go ahead, adequate and suitable removal measures will be required for the minimisation of asbestos fibres, to prevent airborne fibres from affecting workers carrying out the work and local residents.
- 7.49 The provision of cycle storage should be considered. As the site is close to the Air Quality Management Area, residents should be provided with a Welcome Pack promoting the use of sustainable transport. This should include

information on local buses, cycle routes and links to relevant local websites with travel information and to the local Car Club.

REQUESTED LAND CONTAMINATION CONDITIONS:

- 7.50 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until the relevant conditions have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until the condition; has been complied with in relation to that contamination.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN1 of the Local Plan.

SITE CHARACTERISATION CONDITION

- 7.51 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health
 - property (existing or proposed) including buildings, crops,
 - livestock, pets, woodland and service lines and pipes.
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN1 of the Local Plan.

SUBMISSION OF REMEDIATION SCHEME CONDITION

- 7.52 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.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN1 of the Local Plan..

IMPLEMENTATION OF APPROVED REMEDIATION SCHEME CONDITION

- 7.53 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: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN1 of the Local Plan.

REPORTING OF UNEXPECTED CONTAMINATION

- 7.54 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk

assessment must be undertaken in accordance with the requirements of condition ^IN;, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition ^IN;, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition ^IN;.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN1 of the Local Plan.

INFORMATIVES

Asbestos

- 7.55 Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during works, 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.
- 7.56 As the development involves demolition and/or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

MBC Housing

- 7.57 “The development is for a total of 22 units with the applicant proposing 15% affordable housing which equates to 3 units.
- 7.58 The applicant has set out their reasoning for only providing 15% affordable housing on this site at section 7 of the planning statement.
- 7.59 They have acknowledged that the Councils current adopted policy is 40% affordable housing on all sites compromising of at least 15 units. However, the application then goes on to state that they believe that the draft policy in the emerging local plan should be used instead.
- 7.60 At 7.2.2 of the planning application, the developers state; *‘Whilst this policy within the emerging local plan is not adopted, and therefore has little weight at this stage, the Council has recently accepted that developments can provide affordable housing in line with this evidence base.’*

- 7.61 It further adds at 7.2.4; *'However, the (adopted) development plan has been through necessary consultations, and therefore remains in force. It should only be deviated from if material considerations indicate otherwise.'*
- 7.62 The statement then goes on to mention that Sibley Pares have undertaken viability work that assesses the clean –up costs of the site and that this indicates that it would not be viable to bring this site forward should 40% affordable housing be required.
- 7.63 Firstly, it is welcomed that such a viability assessment has been undertaken at this stage of the planning application. Housing would very much like to have access to this viability study so that it can be independently assessed to confirm what level of affordable housing can be provided on this development.
- 7.64 Secondly, whilst the developer is correct in stating that, *'...the Council has recently accepted that developments can provide affordable housing in line with this (new) evidence base,'* this has only been applied to strategic housing sites as identified in the emerging local plan. This is not one of those sites.
- 7.65 Finally, Housing are currently putting forward officer recommendations for a change in the affordable housing provision percentages, including the suggested 15% figure, following the period of public consultation on the draft Local Plan. It is housing's view that until such time as the new Local Plan and policies within it are adopted (or at least all agreed and closer to adoption than at present); the current Affordable Housing Development Plan document should be adhered to.
- 7.66 The proposed development is for 16, 3 bed houses and 6, 2 bed flats. The affordable provision is for 3, 2 bed flats.
- 7.67 There does not appear at this stage to be any mention of the proposed tenure mix.
- 7.68 If the adopted 40% affordable provision was applied this would equate to 9 affordable units. As the development is planned for all 2 and 3 bed units we would be looking for the following bedroom mix in this situation:
- 6, 2 bed flats
3, 3 bed houses
- 7.69 Provision for lifetime homes across all the affordable dwellings is also encouraged."

8.0 BACKGROUND PAPERS AND PLANS

- 8.1 Design & Access Statement, Transport Statement, Planning Statement, Phase II Contamination Report.
Drwg. Nos. DHA/9946/01 02,05,06A, 07,13, 15,16.

9.0 APPRAISAL

Principle of Development

- 9.01 There are no Local Plan policies that afford protection to the business uses on the site. The NPPF promotes the re-use of previously developed land and advises that Local Planning Authorities should normally permit planning applications for change of use to residential and any associated development from commercial buildings (currently within Class B1/B2), where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate (paragraph 51).
- 9.02 The principle of residential redevelopment is therefore considered to be acceptable subject to supporting evidence as to why there should not be any strong economic reasons to retain the existing industrial uses on the site.

Density/layout

- 9.03 The initial proposals at pre-application stage were for 28 units which created a more intensive layout with large areas of hard surfacing and parking. The density has been reduced to 22 units (approx.. 50 dwellings per hectare) which is comparable with the character of the surrounding area.

Affordable Housing

- 9.04 The Council's Affordable Housing DPD (2006) requires a 40% provision with the affordable rent/shared equity split 60/40. Emerging policy seeks a provision of 15% for an urban site, where the majority is previously developed land, or otherwise 30%. This is emerging policy, which is out to public consultation, and is based on general assessment of viability over areas of the Borough. Clearly it is not detailed to individual sites, and therefore, any provision lower than 40% (as required by the adopted policy) would need to be justified through a viability report/assessment.
- 9.05 In this case 3 affordable units are proposed equating to 15% of the total number of dwellings. The Housing Manager has advised that 9 affordable units (40%) should be provided in line with current policy. However in this case it is considered that the emerging Draft local policy provides a more up-to-date assessment of provision, having regard to the urban location of the site and the type of proposed development.
- 9.06 Further information has been submitted in the form of a viability appraisal to determine the level of affordable housing which the proposed scheme can support having regard to existing use value and abnormal development costs – in this case relating to remediating contamination arising from historic industrial uses and disposal of asbestos. The main issue is whether affordable housing at 15% rather than 40% is acceptable in this case.

- 9.07 The viability appraisal concludes that affordable units generate only minimal land value with the developer receiving build costs plus a nominal land value from an Affordable Homes Provider. The provision of 3 affordable units would deduct £117,000 from the total site value which would reduce the development site value to £959,250, marginally higher than the existing value. The appraisal concludes that provision of any more than 3 affordable units would put viability into negative. On this basis the applicant claims that it would not be viable to provide any more than 3 affordable units.

Access & Parking

- 9.08 The layout proposes use of the existing vehicular access from Milton Street. This has provided the only means of access to the site for many years, including use by commercial vehicles. Its future use will be to serve the 6 flats only which is likely to involve less vehicle movements than at present. However it is too narrow (2.9m) to provide access by emergency or service vehicles.
- 9.09 34 parking spaces are proposed for 22 dwellings which is considered to be acceptable and in accordance with KCC parking standards. The concerns about parking which have been raised by local residents relate mainly to the lack of on-street parking in the surrounding street. There is considered to be a satisfactory level of parking provision within the site which is unlikely to exacerbate the situation in the surrounding area.

Residential Amenity

- 9.10 Some concerns have been raised regarding the overlooking of proposed gardens within the centre of the site from properties in Bazalgette Rise which have shorter rear gardens than the properties in Milton Street and Hartnup Street, most of which have 20-30m long rear gardens. The recent block of flats at 7 Bazalgette Rise will only be approx. 3m from the SW flank wall of Plots 12-16.
- 9.11 The outlook from the Bazalgette Rise properties and their rear gardens towards the site will be most directly affected by the replacement of the existing industrial buildings by housing. However that part of the site directly to the rear of Nos. 1-6 Bazalgette Rise will remain relatively open and it is considered that the occupiers will not suffer a material loss of amenity.
- 9.12 The rear elevation of the proposed 3 storey flats (Plots 17-22) in the southern part of the site will be situated approx. 12m from the rear of 8-10 Bazalgette Rise. This separation distance is less than ideal but will to some extent be mitigated by the existing vegetation which will be retained. The separation between the southern flank wall and the rear of the adjoining properties in Milton Street will be approx. 25m and the relationship is considered to be satisfactory subject to additional landscaping along the southern boundary.

10.0 CONCLUSION

- 10.01 On balance it is considered that the principle of redevelopment is acceptable. Although the loss of established employment land is recognised it will remove a non-conforming industrial use in an area which is predominantly residential in character. The proposed density, layout and design are considered to be acceptable. In addition the proposed development will yield a range of contributions to improve the local infrastructure including education, community services and healthcare. It is considered that the various contributions which have been requested as part of the proposed S106 Agreement meet the relevant tests in the CIL Regulations,
- 10.02 The number of affordable units proposed falls short of the level required by current adopted policy but supporting evidence indicates that provision of any more than 3 units would not be viable. The concerns about use of the existing access and additional demand for on-street parking in the surrounding area are recognised but it is considered that adequate parking provision will be made within the site.

11.0 RECOMMENDATION

Grant planning permission

Subject to the prior completion of a S106 Agreement in such terms as the Head of Legal Services may advise to secure the following community infrastructure contributions relating to:

- primary education – contributions of £6701.63 for each applicable house and £1675.41 for each applicable flat towards land acquisition and construction of new primary school
- secondary education – contributions of £2359.80 per applicable house and £589.95 per applicable flat towards cost of increasing capacity of local secondary schools
- community learning - £30.70 per household
- youth services - £8.44 per household
- libraries - £144.36 per household
- adult social care - £53.88 per household
- healthcare contributions of £17,208 plus legal costs for investment in local doctors surgeries

Conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: In accordance with the provisions of S91 of the Town & Country Planning Act 1990, as amended by S51 of the Planning and Compulsory Purchase Act 2004

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers (DHA/9946//01 02, 05, 06A, 07, 13, 15, 16).

Reason: to ensure a satisfactory form of development.

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance

4. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.

Reason: In the interests of visual amenity

5. Further details of how waste is to be collected from the southern part of the site accessed from Milton Street shall be submitted to and approved by the LPA in conjunction with the waste authority to reach agreement on the way waste is managed within the proposed development.

Reason; In the interests of highway safety and the effective management of waste.

6. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings are occupied. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual and residential amenity

7. Before development commences revised details of the proposed access from Hartnup Street showing a change from a bellmouth junction to a vehicle crossover in order to give pedestrians right of way shall be submitted and approved by the LPA.

Reason: in the interests of highway safety

8. Details of any floodlighting shall be submitted to and approved in writing by the local planning authority before the buildings are occupied. Development shall be carried out in accordance with the approved details

Reason: In the interests of visual amenity

9. Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: In the interests of environmental protection

10. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until the relevant conditions; have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until the condition has been complied with in relation to that contamination.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN1 of the Local Plan.

11. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN1 of the Local Plan.

12. 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.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN1 of the Local Plan..

13. 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: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN1 of the Local Plan.

14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of

condition 11, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 12, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 13;.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN1 of the Local Plan.

INFORMATIVES

1. "A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire RG21 2BW (Tel: 0330 303 0119) or www.southernwater.co.uk".
2. Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during works, 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.
3. As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

Case Officer: Tim Bloomfield

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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Maidstone Borough Council

PLANNING COMMITTEE

26 February 2015

REPORT BY THE HEAD OF PLANNING SERVICES

The Maidstone Borough Council
TREE PRESERVATION ORDER NO 5002/2014/MS
Foley Oast, Lower Street, Leeds, Kent ME17 1RR

EXECUTIVE SUMMARY

This report seeks the permission of the Planning Committee to Confirm without modification Tree Preservation Order (TPO) No 5002/2014/MS for which objections have been received.

FOR DECISION

RELEVANT PLANNING HISTORY

14/502017/TCA-Trees in a conservation area - Reduce height of two conifers (T1 and T2) to 7.5m, Reduce height of Sycamore (T3) to 7.5m, Crown lift to 4M, and Crown thin by 20%, Remove Sycamore (T4), Crown life Beech tree (T6) to 4m and reduction of crown to outer areas from neighbours roof.
Split decision – no objection raised to works to T1, T2, T4 and T6; TPO made in respect of T3 Sycamore 01/09/2014.

14/503759/TPO: Application for consent to crown lift up to 5 metres above ground level and crown thin by 20% 1 no. Sycamore tree.
Permitted with conditions 09/02/2015.

SUMMARY TPO INFORMATION

TPO Served (Date): 1 September 2014	TPO Expiry Date 1 March 2015
Served on: Mr Bob Warwick, Foley Oast, Lower Street, Leeds, Kent ME17 1RR Owner/occupier, Foley Coach House, Lower Street, Leeds, Kent Owner/occupier, Foley Farm Cottage, Lower Street, Leeds, Kent Owner/occupier, Woodbine Cottage, Lower Street, Leeds, Kent Kent County Council, Public Rights of Way	

Copied to:

MBC internal: Local Land Charges; GIS; Case Officer for 14/502017/TCA
Ward Councillors
Parish Council

Representations

Support: 0

Objections: 1

BACKGROUND

The Sycamore tree is located at the entrance to the owner's property, set back from Lower Street by approximately 35m at the end of an entrance drive. Public footpath KH262 runs along the driveway and continues through the owner's property, immediately adjacent to the tree.

It is generally considered to have good public amenity value, being a large, mature tree of good form with estimated stem diameter of 60cm at a height of 1.5m above ground level, a height of 20m and crown spread of approximately 16m. The tree appears to be in good health and structural condition, with well-formed main forks and no significant defects, or indications of disease, decay or decline noted during the ground level, visual assessment.

The tree was the subject of conservation area notification 14/502017/TCA. The notice proposed works that would have reduced the tree significantly in size and resulted in large pruning wounds. The works would not have been in accordance with the recommendations of BS3998:2010 and were not, therefore, considered to be in line with current good practice. The sum of the works proposed was considered excessive, unjustified and inappropriate arboricultural management, which would have had a significant detrimental impact on the long term health and amenity value of the tree.

The tree was assessed using the TEMPO evaluation method, which indicated that the tree 'definitely merits protection'. The tree was considered to make a valuable contribution to the character and amenity of the area and the proposal would have had a significant detrimental impact on those qualities. Tree Preservation Order 5002/2014/MS was therefore made in response to the notification.

OBJECTIONS AND CONSULTATIONS

An objection to the TPO was received from the tree owner. The objection is summarised below, with the response to the objection being made in italics:

The TPO is unnecessary, because the tree is within the Leeds conservation area and is therefore already under statutory control.

The only justification for making the Order was disagreement with the proposed scale of the works notified, therefore the Order should be cancelled as sufficient controls already exist.

The tree is located in Leeds conservation area. The tree preservation legislation requires any person proposing works to a tree to give the Local Planning Authority six weeks' notice of their intention to carry out those tree works. The Local Planning Authority can only deal with these notifications in two ways; raise no objection, allowing the notified works to proceed, or make a

Tree Preservation Order. It is not possible for Local Planning Authorities to refuse works or permit lesser works in response to conservation area notifications, only to allow the works proposed, as notified, or to make a TPO. In this case, a TPO was made to prevent the works notified from being carried out.

The tree is a non-native, invasive species and does not warrant the special privilege afforded by the TPO. The species grows to a reasonable height which dominates native species and can lead to the loss of native species.

There is no provision in the TPO legislation to restrict the making of TPOs to native species. Trees are assessed in terms of their contribution to amenity and this is a large, prominent mature tree. Although not native, Sycamore grows successfully in this area and forms a significant part of the mature tree cover of the Borough. In a woodland situation, it might be desirable to remove Sycamore to favour regeneration of other, native species, but this is not a woodland situation and the tree is an individual of a size where it makes a positive contribution to amenity and local landscape quality, with similar visual attributes to many native species.

The issuing of the Order is short term avoidance to address the scope and scale of the works which are necessary which is not the purpose of a TPO. The officer visited unannounced and declined to discuss any of the works prior to the issuing of the Order, the issuing of the Order is therefore even more suspect and erroneous, as any concern over the scale and scope of the works could have been discussed there and then.

The Council must consider the proposal before them with conservation area notifications. Once a notification has been received, the Council has six weeks to decide whether to allow the works, as notified, or to make a TPO.

Officers do not make appointments to visit sites unless it is necessary to gain access or unless the applicant specifically requests it. The applicant is advised of this when the Council acknowledges receipt of applications. In this case, the site has a public footpath running through it allowing access to view all of the trees on the proposal. The officer called at the house to inform the owner what they were doing, and the owner offered to accompany them. This offer was declined, as the location of the trees and the works proposal was clear on the application form, so the officer considered that the notification could be viewed without assistance. It was not a refusal to discuss the merits of the proposal.

The Council followed appropriate procedure on the consideration of the conservation area notification and the making of the TPO. Following receipt of the objection, the Landscape Officer discussed the reason for making the TPO with the owner, who submitted an application, reference 14/503759/TPO, to crown lift the tree to 5m and crown thin by 20%. This application was permitted, with a condition relating to the standard of the works.

Works are necessary to the tree as a matter of some urgency and this must have been apparent to your officer during his visit.

The applicant described the proposed works to the tree on the application form as follows:-

“Tree No 3 - Sycamore. Reduce in height to 7.5 metres, crown lift to 4 metres, crown thin by 20%. Reason - tree has now grown excessively tall and spread over adjacent properties and requires to

be reduced to a safer proportion. Crown lift required so as not to impede deliveries of oil etc. by larger tankers.”

Additionally, on the application form, the applicant checked “No” against the question about reasons for the proposed works (1.) “Condition of the trees – e.g. it is diseased or you have fears that it might break or fall”

The Landscape Officer visiting the site was not aware that the applicant considered works were urgently necessary and did not note any defects during inspection to suggest that the tree was hazardous. The perception that the tree was of an unsafe proportion was therefore not considered to be based on any available evidence but rather an unjustified fear by either the tree owner or the occupiers of the adjacent properties.

The purpose of a TPO, as stated in government guidance, is “To protect trees which bring significant amenity benefit to the local area. This protection is particularly important where trees are under threat.” This tree is not under threat, it merely requires work to it.

The conservation area notification placed the tree under threat. If the Council does not respond to notifications by making a TPO, the works can proceed after six weeks. In this case, the proposed works were considered to be excessive and, whilst they would not have resulted in the removal of the tree in its entirety, they would have reduced it to a crown just 3.5m in height and resulted in large pruning wounds, with a likelihood of decay developing. The natural crown shape and structure would have been lost and the resultant regrowth would appear as multiple, dense, vigorous branches from around each pruning wound. If the pruning wounds are subject to decay at the same time, the regrowth would have increasingly weak attachment points over time and would therefore be at increasing risk of future failure. In effect, it would have created a situation where regular repeat pruning was likely to be required and the visual amenity value of the tree would be lost and its safe lifespan reduced.

The tree does not bring **significant** benefit to the local area over and above any tree in the area.

The TEMPO (Tree Evaluation Method for Preservation Orders) amenity evaluation assessment carried out by the landscape officer placed the tree in the highest category, suggesting that the tree ‘Definitely merits TPO’. It is therefore considered that the tree does exhibit sufficient amenity value for it to be considered to provide significant benefit to the local area, over and above other trees.

The wholesale and ill thought out policy of the parameters utilised for the “protection” of trees, especially in the Leeds conservation area has resulted in the village submerging into a forest of trees when viewed from the higher boundaries of the village, denying views of the many historic buildings in the village. Reference is made to the home page of the Leeds Village website which shows a view of the village taken not that many years ago, shows a view of the village now denied to all due to the proliferation of trees.

The designation of conservation areas seeks to protect the character of those areas. This includes the contribution that trees make to landscape quality, but also the buildings. The conservation area regulations are legislation and as such, the policies are established at a national level. They are not specific to or varied for particular conservation areas. Conservation areas tend to include a high proportion of old buildings, and often listed buildings, but also often include mature, and sometimes very old trees. The character of the area is a balance of these, sometimes competing, elements; trees, other vegetation and structures do obscure views of historic buildings. It may be the case that Leeds village has a higher proportion of trees now than it did in the past. The

photograph referred to was taken when the mature trees present did not have leaves and therefore obscured the buildings less than at other times of the year. Whilst the conservation area designation means that notice of proposed works must be given, for Councils to decide whether a TPO is appropriate, in the majority of cases, no objection is raised to proposed works either because the tree is not considered to merit protection or because the proposal is considered good arboricultural management. An increase in tree cover might be due to increased planting by landowners, which is not regulated.

APPRAISAL

The grounds for objection are largely a criticism of the conservation area regulations, and its mechanisms relating to trees. The owner's desire to carry out works to the tree has since been addressed by the submission and approval of an application for lesser works under the TPO.

It is not considered that the grounds of objection demonstrate that it was inappropriate to make a TPO on the Sycamore tree, or that the tree should not continue to be the subject of the Order.

It is therefore recommended that the Tree Preservation Order be confirmed, without modification.

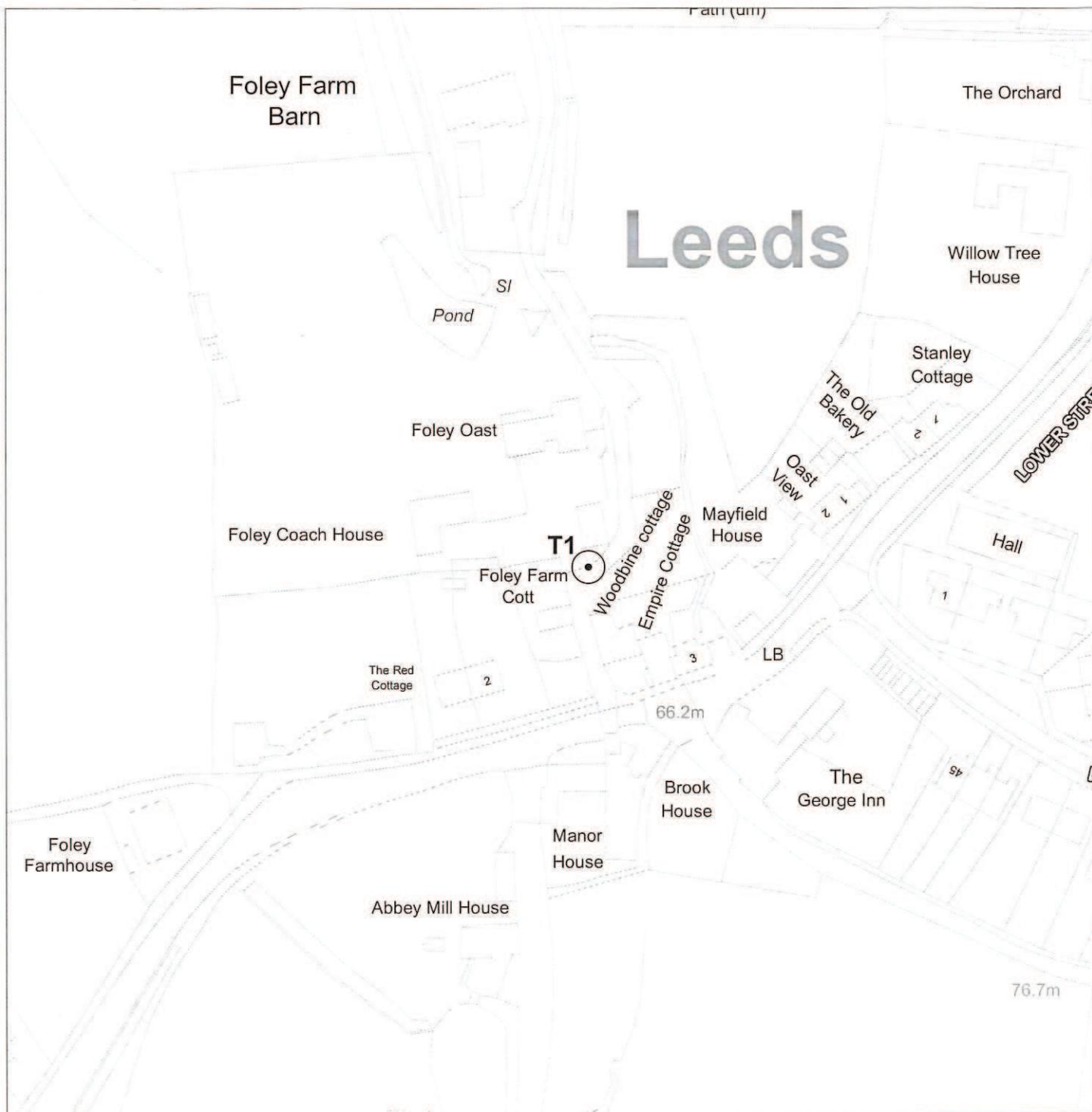
RECOMMENDATION

Confirm Tree Preservation Order No 5002/2014/MS without modification

Contact Officer: Nick Gallavin

Head of Planning Services

Appendices: Plan and schedule for 5002/2014/MS



**THE MAIDSTONE BOROUGH COUNCIL
Tree Preservation Order No. 5002/2014/MS
Tree at Foley Oast, Lower Street, Leeds**

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Schedule

Individual Trees: T1 Sycamore

Groups of Trees: None

Areas of Trees: None

Woodlands: None

Scale 1:1250


 [Director of Change, Planning and The Environment]
 [Head of Planning]
 Rob Jarman
 as authorised signatory

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	Sycamore	Adjacent to entrance of Foley Oast, Lower Street, Leeds

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		



Maidstone Borough Council

PLANNING COMMITTEE

26 February 2015

REPORT BY THE HEAD OF PLANNING SERVICES

The Maidstone Borough Council
TREE PRESERVATION ORDER No. 5007/2014/MS
The Tithe Barn, The Street, Detling, Kent ME14 3JU

EXECUTIVE SUMMARY

This report seeks the permission of the Planning Committee to confirm without modification Tree Preservation Order No. 5007/2014/MS for which objections have been received.

FOR DECISION

RELEVANT PLANNING HISTORY

14/502209/TCA Trees in conservation area notification - 1no Sycamore Tree – remove
Decision: make TPO

SUMMARY TPO INFORMATION

TPO Served: 10 September 2014	TPO Expiry Date 10 March 2015	
Served on: Mr Alfred Johnson, Tithe Barn, The Street, Detling ME14 3JU		
Copied to: Kent Highway Services Mid Kent Division		
Representations	Support: 0	Objections: 1

BACKGROUND

The tree is a mature Sycamore growing in the southern corner of the owner's garden, adjacent to The Street, Detling. It is currently estimated to be approximately 20m in height, with a crown

spread of 12m and stem diameter of 60cm at a height of 1.5m above ground level. The tree has a well balanced crown of good form and no significant defects, or indications of disease, decay or decline were noted during the ground level, visual inspection. Some ivy growth and garden rubbish around the base of the tree prevented a full inspection of the base of the tree.

The tree is prominent in the street scene and is clearly visible from surrounding public viewpoints on The Street and Hockers Lane. Amenity evaluation assessment confirmed that the tree is of sufficient quality and amenity value to merit protection by a TPO.

OBJECTIONS AND CONSULTATIONS

An objection to the TPO was received from the tree owner. The objection is summarised below, with the response to the objection being made in italics.

The owner stated that he has done everything legally required; requested and paid for pre-application advice to discuss the removal of the tree and applied for permission, only to have a Tree Preservation Order (TPO) placed on it preventing any works being done including thinning or a reduction in size.

The tree is located in Detling conservation area. The tree preservation legislation requires any person proposing works to a tree to give the Local Planning Authority six weeks' notice of their intention to carry out those tree works. The Local Planning Authority can only deal with these notifications in two ways; to raise no objection, i.e. allowing the notified works to proceed, or to make a Tree Preservation Order.

Pre-application advice was requested by the owner before submitting his six week notice to remove the tree. This is not a legal requirement, but a service provided by Maidstone Borough Council, for which a fee of £36 is charged.

Following a site visit to discuss the proposal to fell the tree, the Landscape Officer provided a written response, which advised, following assessment, that it was considered that the Sycamore:

"...is of sufficient quality and amenity value that it meets the criteria for protection by a TPO. Therefore, if the Council were to receive a notification for works that were considered inappropriate management, or detrimental to the contribution that the tree makes to the character or amenity of the area without evidence of any significant visible defects in the tree, or other evidence to demonstrate that felling is necessary, it was likely that the response would be the making of a TPO.

Removal of ivy growth, or other obstructions that prevent a full inspection could reveal defects, so it is always recommended that such obstructions are removed to enable a full inspection to be carried out.

Although I do recall that you indicated that you were not interested in anything other than felling at the time of my visit, you may wish to consider other operations that would possibly help to alleviate the problems that you consider the tree is causing, such as crown lifting or crown thinning. If the extent of operations was not likely to have any significant impact on

the long term health or amenity value of the tree, there would be less chance of a TPO being made in response to a notification for such works.

The above advice is officer level opinion and does not mean that you cannot submit a formal notification to fell the tree if you wish to do so. If you do, and it did result in the making of a TPO, you would not have a right of appeal, but you would be given an opportunity to object to the TPO before it is made permanent. You would be able to make applications for works under the TPO, which you would have a right to appeal if refused. ”

I consider that this advice set out the position clearly, indicating that a TPO would probably be made if a notification to fell was received. It also indicated that if a TPO was made, that it was still possible to make applications for works. Such applications are considered individually on their merits. Therefore, a TPO does not necessarily prevent other works from being done to the tree.

The tree is a nuisance and a danger to all in its shadow for the following reasons:

1. It is estimated to be 25m – 30m high and sways rapidly when the wind is gusting. Two independent tree surgeons believe that it presents a danger.

The Landscape Officer estimates the tree to be approximately 20m in height. Whilst not viewed in strong wind, the visual inspection did not reveal any defects or evidence of root plate disturbance to suggest that the tree presents an abnormal risk of windthrow failure. The owner has not provided any evidence to the contrary to date. However, if such evidence is submitted, the Council can consider this matter again, either via an application or a notification of works urgently necessary to remove an immediate risk of serious harm.

2. It is restricting two lovely Holly trees growing in its shadow amongst other plantation

The Hollies are smaller trees, reaching up to 5m in height. It is conceivable that the presence of the Sycamore tree is likely to be suppressing their growth to some extent and that the tree also had some detrimental impact on the growth of other plants in the garden. However, the Sycamore is considered to have the greater public amenity value. Works such as crown lifting may help to lessen its effect on the growth of other plants.

3. In the event that it should fall it would at the least cause damage to property, the garage, the gazebo, the house, three cars and a fourteenth century church are all within its footprint.
4. If it were to fall it would present danger to life and limb, being next to a public highway which is the main road used to enter Detling village. The Church and grounds are also within its shadow.
5. The tree presents a danger to all and should be removed.

In response to points 3, 4 and 5, there is no evidence to suggest that the tree is at abnormal risk of failure and, as such, it is not considered that it presents a current, identifiable hazard or danger.

6. The tree is a blot on the owner's and the village's landscape and they have to wait six months for a decision that is plain to the owner and the neighbouring church to see...and that in two professionals' opinions it at very least possibly poses danger to his family and the general public.

The Landscape Officer carried out a TEMPO (Tree Evaluation Method for Preservation Orders) assessment on receipt of the conservation area notice to fell, in which concluded that it definitely merited a TPO. The tree is therefore considered to make a positive contribution to local landscape quality.

No representations have been received from the neighbouring Church to indicate their views on the tree, or the Tree Preservation Order.

The Council has six months to decide whether or not to confirm the TPO. This does not prevent the owner from making further applications for works under the provisional TPO. The Council has not received any evidence or specific details to substantiate the claim that the tree poses a danger.

7. The roots spread over the whole of the garden, restricting, strangling and in some instances, preventing growth of shrubs and evergreens.

It is likely that the roots of the tree extend some way across the owner's garden and the tree will be competing with other plants for water, light and nutrients. This is a natural occurrence and is the case when any plants are growing in close proximity. It is not considered that this is a reason to fell trees of perceived amenity value. Other species of garden plants may be more suitable for dry, shady or low nutrient conditions and works such as crown lifting may help to lessen the effect of the Sycamore on the growth of other plants.

APPRAISAL

On balance, it is not considered that the grounds of objection are sufficiently robust to suggest that it was inappropriate to make a TPO on the Sycamore tree, or that the tree should not continue to be the subject of the Order.

It is therefore recommended that the Tree Preservation Order be confirmed, without modification.

RECOMMENDATION

Confirm Tree Preservation Order No 5007/2014/MS without modification

Contact Officer: Nick Gallavin

Head of Planning Services

Appendices: Plan and schedule for 5007/2014/MS



THE MAIDSTONE BOROUGH COUNCIL
Tree Preservation Order No. 5007/ 2014/ MS
The Tithe Barn, The Street, Detling,
Kent, ME14 3JU

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Schedule

Individual Trees: T1 Sycamore

R. LL Jarman

[Director of Change, Planning and The Environment]
 [Head of Planning]
 Rob Jarman
 as authorised signatory

SCHEDULE

Specification of trees

Trees specified individually (encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Sycamore	South Boundary.

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</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		

Tree Preservation Order 5007/2014/MS

Further Information

The following representation has been received from Ben Tanton of Tantons Tree Surgeons Ltd.

“This is the findings of the sycamore which I've sent to [the tree owner], the tree does have severe basal decay and to be honest will fail due to decay in the roots at some stage in the near future...:

Following my visit to your property and after looking at the sycamore near the rear boundary of your property it is with regret I have found the tree at some stage many years ago had another stem right at the base, this has now decayed away and was hidden by a compost heap which has recently been exposed, the result is now quite a large tree and apart from a little thin in the crown it appears in good health but with the decay in the base of the trunk which goes into the tree and down into the ground approximately 18 inches it is with regret I feel the recommendation is to remove it, especially as it is within range of the road and main church entrance.”

A further site visit was undertaken by the Landscape Officers on 24 February 2015. Visual inspection of the base of the tree, which is now largely accessible following the removal of garden rubbish, revealed the decaying remains of a second stem as described. Inspection with the aid of a metal probe and a hammer revealed that whilst the cut stem has almost decayed away completely, the decay is almost exclusively confined to the removed stem.

The adjacent stem and buttress roots only exhibit superficial decay with sound wood beneath. There is no evidence to suggest that the decay has advanced beyond this point. Buttress root development of the remaining stem appears sound and healthy.

The additional and observable evidence does not demonstrate that the tree is in a condition that makes it inappropriate to confirm the TPO.

RECOMMENDATION

My recommendation remains unchanged.

Confirm Tree Preservation Order No. 5007/2014/MS without modification





ST. MARTIN OF TOURS, DETLING
(DIOCESE OF CANTERBURY)

SERVICES
Sunday 10.30am.
1st, 3rd, 4th, 5th. Sung Communion
2nd. Morning Worship

Priest in Charge Rev'd Susan Hollins 01622 737596
ALL WELCOME
www.bonley-detling-grovesgreen-churches.org.uk

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 26th February 2015**

APPEAL DECISIONS:

- 1. MA/14/0075** Outline application for the erection of 15 two storey dwelling

APPEAL: Dismissed

Land North of Horseshoes Lane, Langley, ME17 1TD

(Delegated Decision)

- 2. MA/14/0564** Erection of two storey side extension

APPEAL: Dismissed

7 Chipstead Close, Maidstone, ME16 0DH

(Delegated Decision)

- 3. MA/14/500485** Occupational manager's dwelling with accommodation on two floors

APPEAL: Dismissed

The Nursery, Dunn Street, Bredhurst, ME7 3ND

(Delegated Decision)

- 4. MA/14/503902** 2 Storey rear extension over consented footprint 14/501035/PNEXT

APPEAL: Allowed

Rain Farm, Eastwood Road, Ulcombe, ME17 1EJ

(Delegated Decision)

Agenda Item 22

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

THURSDAY 26 FEBRUARY 2015

REPORT OF HEAD OF PLANNING AND DEVELOPMENT

Report prepared by Carole Williams – S106 Officer

1. LIST OF S106 CONTRIBUTIONS HELD BY THE COUNCIL AND SIGNED S106 AGREEMENTS FROM JANUARY 2010 -2015.

1.1 Reasons for Recommendation

1.1.1 Members may recall that Steve Clarke presented a report to the planning Committee on 25 September 2014 setting out the current position with regard to money held by the Council following s106 agreement payments.

1.1.2 At that meeting it was advised that a report on the current situation would be reported on a quarterly basis

1.1.3 Attached at Appendix One therefore, is an updated list of s106 agreements where the Council is currently holding money on behalf of the Council and infrastructure providers. Also included is a report of all signed S106 agreements from January 2010-2015.

1.2 Recommendation

1.2.1 That Members note the reports for information.

MBC S106 Contributions Held List (December 2014)

S106	Plan App No.	Public Open Space & Recreation	Public Open Space commuted sums for maintenance	Education	Adult Ed/Community Learning	Adult Social Services	Library	Youth & Community	Transport/Highways	Healthcare	Spend By Date
Weaving Heath Area D (Boxley)	80/0959		£39,994.63								No date
Land at Linton Road (Loose)	01/0990 & 0509		£6,600								No date
Frith Hall, Dean Street (Coxheath)	94/0027		£22,443.17 Woodland & play area								No date
Land off Button Lane (Bearsted)	95/1341	£15,434.20	£25,475								No date
Len River Valley Nature Reserve (Bearsted)	95/1343		£5,342.25								No date
Oakwood Hospital Site (Heath)	96/0629 & 0630		£140,388.05 Freshlands £63,293.55 Tarragon Rd								No date
Linden Homes St Andrews Park (Heath)	96/0630	£4,124.50 Lighting repairs	£205,009 St Andrews Park								No date

APPENDIX

S106	Plan App No.	Public Open Space & Recreation	Public Open Space commuted sums for maintenance	Education	Adult Ed/ Community Learning	Adult Social Services	Library	Youth & Community	Transport/ Highways	Healthcare	Spend By Date
Chancery Lane, Drainage (High St)	02/1943		£12,250 nature reserve								No date
Buckland Road Cloudberry Close (Allington)	97/0378		£7,275.23								No date
Northumberland/ Westmoreland Rd/ Cumberland Ave	97/1269		£9,818.71								5 year period
Plane trees – Garden Road	96/1308		£31,658.28								No date
Sandling Place	03/0886	£30,000 Provision of off-site openspace or upgrade within 5 mile of site									No Date
St Faiths Lane (Bearsted)	04/1608	£6,663.01 Bearsted PC Lighting Scheme								£1,307.47 (Residue)	April 2016

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S106	Plan App No.	Public Open Space & Recreation	Public Open Space commuted sums for maintenance	Education	Adult Ed/ Community Learning	Adult Social Services	Library	Youth & Community	Transport/ Highways	Healthcare	Spend By Date
Shaw Close, Penenden Heath	00/0571		£5,637.33								No date
11 Buckland Hill	07/0463		£3,801.25								No date
Kent Frozen Foods, Land at Ware Street (Bearsted) 220	01/1297	£24,275.55 Grovewood Drive play areas £35,000 Ashurst Road play areas									May 2016
Westree Works, Hart Street (Fant)	05/0492	£67,162.49 Mote Park improvement project									No date
Land at 390-408 Loose Road (South)	06/0273	£20,475 Towards play equipment at South Park									Oct 2019
Convent of Mercy (Parkwood)	06/1044	£6,412.51 For Parkwood recreation Ground									No date

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S106	Plan App No.	Public Open Space & Recreation	Public Open Space commuted sums for maintenance	Education	Adult Ed/ Community Learning	Adult Social Services	Library	Youth & Community	Transport/ Highways	Healthcare	Spend By Date
Furfield Quarry (Boughton Monchelsea)	01/1904	£34,000 improvement repair and enhancement of the Parkwood Play area							£19,013.04 Shared cycle route & bus shelter		Sept 2022
Ecclestone Road High Street	05/0279	£126,907 Towards South Park (planned works in 2014)									May 2015
Reaconsfield Road (Cartem Site) South	05/0335	£10,000 Public Art (on the site) £30,000 off site POS at Woodbridge Drive £10,000 on site POS								£16,750 within a three mile radius of the site (towards Northumberland Ct Surgery)	Oct 2016

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S106	Plan App No.	Public Open Space & Recreation	Public Open Space commuted sums for maintenance	Education	Adult Ed/Community Learning	Adult Social Services	Library	Youth & Community	Transport/Highways	Healthcare	Spend By Date
Former Tomkinsons Depot –Marden & Yalding 222	05/2272	£29,627.32 towards recreational facilities, open play space and equipment for children & youths (Marden PC) on sites in a 1 km radius of the land									March 2019
Railway Hotel Broadway (Fant)	05/1719	£31,059.40 War memorial works (currently under way)									(June 2014) sum was spent before this, need to recoup
Brook Cottage, Headcorn	03/2029								£12,950 Towards construction of additional culvert under Hoggs Bridge		No date

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S106	Plan App No.	Public Open Space & Recreation	Public Open Space commuted sums for maintenance	Education	Adult Ed/ Community Learning	Adult Social Services	Library	Youth & Community	Transport/ Highways	Healthcare	Spend By Date
Victoria Court 17-21 Ashford Road (High Street)	94/0156	£21,199.60 Car Park works to serve the town	£2,863.20 Minor Car Park Repairs								No date
Parkwood Tavern (Parkwood)	07/1344	£40,950 Allocated to Parkwood									April 2015
Former Ophthalmic Hospital	06/0093	£61,118 Works to Trinity Park									Dec 2014
523 Sintonagh House	05/1101	£25,200 Penenden Heath Play Area resurfacing									Within 10 years of occupation of last dwelling
Former Leonard Gould Factory (Loose)	04/1363	£77,421 Allocated for King George playing fields & Loose POS									June 2020

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S106	Plan App No.	Public Open Space & Recreation	Public Open Space commuted sums for maintenance	Education	Adult Ed/ Community Learning	Adult Social Services	Library	Youth & Community	Transport/ Highways	Healthcare	Spend By Date
22 High St & 1-9 Pudding Lane (High Street)	06/2134	£49,281 Off site POS Whatman & Mote Park Buckland Hill allotments									Nov 2015
Brunswick Street (High Street)	08/2477	£5,127.75 Collis Millenium Green									Feb 2021
22 Land at Oakwood Park (Heath)	07/2328	£31,500 POS- Gatland Lane									Feb 2020
46 Sittingbourne Road (East)	08/0108	£22,050 Improve Existing POS									June 2021
Former Trebor Basset Site (Bridge)	99/1363	£248,790.80 Upgrading Riverside Walkway									No date
58-64 Sittingbourne Road (East)	09/0996	£17,325 Off site								£6,327 (towards Northumberland Ct Surgery)	No date

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S106	Plan App No.	Public Open Space & Recreation	Public Open Space commuted sums for maintenance	Education	Adult Ed/ Community Learning	Adult Social Services	Library	Youth & Community	Transport/ Highways	Healthcare	Spend By Date
Senacre College Site (Parkwood)	10/1413 & 0846	£300,000 provision of a Multi use games area in Parkwood, Shepway North & South									April 2022
Threeways Depot (Headcorn)	06/0389	£71,515.07 POS within one mile of site								£14,798.36 in Maidstone Borough	May 2023
125 Tonbridge Road (Fant)	08/2323	£13,912.81 POS within one mile of site								£5,980 Within one mile radius	Feb 2018
Cedarwood, Queens Road (Bridge)	07/0415	£22,254.16 Upgrading off-site existing outdoor & amenity space within one mile of site									Nov 2022

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S106	Plan App No.	Public Open Space & Recreation	Public Open Space commuted sums for maintenance	Education	Adult Ed/ Community Learning	Adult Social Services	Library	Youth & Community	Transport/ Highways	Healthcare	Spend By Date
Parisfield, Headcorn (Staplehurst)	07/0629	£18,900 Enhancement & provision of outdoor & amenity space in one mile of site									Nov 2022
Ecclestone Road (High Street) 226	10/1478	£55,214.38 Improvement of river walk/ Woodbridge drive play area or provision of a community facility in a 2km radius									No date
27 Hartnup St (Fant)	06/0767	£17,325 Open space to meet needs arising from the site								£9,900 in Maidstone Borough	No date
Astley Road (High Street)	10/0594	£39,554.79 Towards Mote Park								£21,240 improve existing healthcare facilities at King Street	Dec 2022 (POS) Dec 2017 (PCT)

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S106	Plan App No.	Public Open Space & Recreation	Public Open Space commuted sums for maintenance	Education	Adult Ed/ Community Learning	Adult Social Services	Library	Youth & Community	Transport/ Highways	Healthcare	Spend By Date
Eclipse Park (Next Store) Boxley	12/2314	£100,000 Town Centre development									Dec 2018
Wallis Avenue (Parkwood)	12/1051	£30,076.30 Parkwood Recreation Ground Outdoor Gym & Skate Park									March 2024
48-54 Buckland Road 227 Bridge	07/2477									£15,120 within a 3 mile radius of the land	Mar 2019
Pested Bars (Boughton Monchelsea)	01/0727		£8,371.70								No date
Land to rear of Fire Station, Loose Road (South)	08/0902									£107,115 In a 4 mile radius	Oct 2018
13 Tonbridge Road (Fant)	11/1078 & 12/0774 Deed of variation	£15,750 Off Site			£1,267.85 Ad Ed courses at new library & arch ctr	£823.35 Towards Telecare facilities	£1,267.85 Towards new library & archive centre			£11,444.04 Towards Vine Medical Centre	July 2023 (POS & KCC) July 2020 (PCT)

S106	Plan App No.	Public Open Space & Recreation	Public Open Space commuted sums for maintenance	Education	Adult Ed/ Community Learning	Adult Social Services	Library	Youth & Community	Transport/ Highways	Healthcare	Spend By Date
59 Wheeler Street/Sherway Close (Headcorn)	06/1940	£ 22,503.18 Off Site								£12,502.87 Use in a 3 mile radius	Sept 2023
Land to rear of 125 Tonbridge Road (Fant)	12/0381	£3,349.54 Allotments adj to Bower St. Rocky Hill & Buckland Hill								£3,177.28 within one mile radius of the site	Nov 2018
The Willows, Church Green, Marden & Yalding)	10/0562	£16,770.60 Improvement works to The Cockpit									Nov 2020
The Hollies, Land at Hook Lane (Harrietsham)	11/0592					£99,088.31 Care of elderly & physical /learning disabilities	£18,728.60 Local libraries Maidstone Central & mobile library	£61,834.28 Towards youth services in Harrietshm	Wildlife Sum £50	£56,099.17 Upgrade/ improve doctors surgery in Harrietsham to serve dev	Nov 2024
Former Rose PH, Farleigh Hill, Tovil (South)	12/0367	£22,306.31 towards the provision or enhancement of off-site open/green space									Feb 2024

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S106	Plan App No.	Public Open Space & Recreation	Public Open Space commuted sums for maintenance	Education	Adult Ed/ Community Learning	Adult Social Services	Library	Youth & Community	Transport/ Highways	Healthcare	Spend By Date
Land at Hillbeck Res Home, (Bearsted)	12/1012									£5,850.03 towards of Bearsted Medical Practice, Downswd & Grove Green Surgeries	No date
Former Car Sales Site, Ashford Road (Harrietsham) 229	11/2154	£15,750 Improvements to play areas at Glebe Field Harrietsham								£10,080 upgrading facilities at Glebe/ Sutton Valance/ Cobtree/ New Grove Green Medical Centres/ surgery	September 2019
TOTALS HELD		£1,846,286.27	£526,927.80		£1,267.85	£99,911.66	£19,996.45	£61,834.28	£32,013.04	£297,691.22	

PLANNING AGREEMENTS SIGNED FROM JANUARY 2010 TO 2015

Site Address	Date of agreement	Contributions	Amount	Ward
Land West of Hermitage Lane, Maidstone MA/13/1702 250 Dwellings	08/01/15	Adult Social Care Community Learning Education Libraries Youth Services Healthcare Off-site Open Space Outdoor sports Play area (1 st) Off Site Highways (2 nd) Off Site Highways Highways Agency Public Rights of way	£11,860 £ 7,675 £2,701.63 (per house) £675.41 (flat) £35,222.50 £ 2,110 £210,600 £40,000 £20,000 £110,000 £96,250 £338,000 £ 21,500 £ 41,000	
Land North Sutton Road, Maidstone S106 & UU MA/13/1523 100 Dwellings	14/11/14	Adult Social Care Community Learning Libraries Youth Services Primary Education Land Primary education Secondary education Healthcare Open Space Highways Community Facilities (if applicable) will either form part of the primary school or be a separate building.	£9,726.00 £3,033.76 £12,844.14 £838.69 £187,087.88 £ 277,000 £163,416.15 £73,656 £40,000 £330,000 £50,000	
103-105 Heath Road, Coxheath MA/14/0043	11/11/14	Youth Services Libraries Healthcare Open Space	£557.81 £576.32 £6,552 £15,750	Coxheath & Hunton
Land east of Chance, Grigg Lane, Headcorn MA/13/1822 5 dwellings	06/11/14	Adult Social Care Community Learning Libraries Healthcare Open Space	£ 239.25 £ 143.55 £ 643 £ 6,828 £ 7,875	Headcorn
PAID -Former Medway Car Sales Site, Ashford Road, Harrietsham MA/11/2154	29/10/14	Open Space Health Care	£15,750 £10,080	Harrietsham
Land at Grigg Lane, Headcorn, Ashford MA/13/1943	28/10/14	Community Learning Youth Services Libraries Social Care Education Healthcare Open Space	£614 £168.80 £2,963.40 £319 £85,701 £12,492 £7,860	Headcorn
Former Bell Hotel, High Street Staplehurst MA/14/0611	13/10/14	Community Learning Youth Services Libraries Social Care	£182.94 £ 50.64 £932.58 £381.60	Staplehurst

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PLANNING AGREEMENTS SIGNED FROM JANUARY 2010 TO 2015

Site Address	Date of agreement	Contributions	Amount	Ward
11-17 Castle Dene, Maidstone MA/11/0099 14 dwellings	09/10/14	Healthcare Open Space	£ 16,380 £ 20,475	
Land North Sutton Road, Maidstone MA/13/0951 186 Dwellings	26/09/14	Adult Social Care Community Learning Libraries Youth Services Primary Education Land Primary Education Secondary Education Healthcare Open Space	£18,090.36 £ 5,643.24 £ 23,889.84 £ 1,560.54 £ 422,129.73 £ 625,000 £ 368,718.75 £132,372 £132,990	
Land at The Parsonage, Goudhurst Road, Marden MA/13/0693 57 Dwellings (AH)	24/09/14	Adult Social Care Community Learning Libraries Cycle Park Primary Education Secondary Education Healthcare Playing Field Open Space	£ 2,296.22 £ 4,134.06 £ 2,783.56 £ 19,636.36 £ 99,160.32 £ 99,111.60 £ 14,157.66 £ 39,900	Marden
Land adj to Corpus Christi Hall, Fairmeadow, Maidstone MA/14/0096	04/09/14	No Contributions – Affordable Housing Only		
Land at Langley Park, Maidstone MA/13/1149 Up to 600 Dwellings	04/09/14	Adult Social Services Community Facility Community Learning Youth Services Libraries First Health Care Second Health Care Primary Education Secondary Education Highways Scheme Junction Contribution Sports & Recreation	£ 1,127,808.56 £ 1,800,000 (£3000 per dwelling) £ 180,000 £ 40,000	
Land at Franks Place and Pulau Brani, Smarden Road, Headcorn MA/13/1105	28/08/14	Adult Social Services Community Learning Education - Build Extension To Headcorn Primary - Acquisition Of Additional Land to Existing Site Libraries - Parks PCT	£669.64 £401.92 £33,053.44 £26,937.26 £1800.36 £22,050 £17,640	
The Old School, Melville Road, Maidstone MA/11/2108	24/07/14	Adult Social Services Community Learning Libraries Healthcare	£ 748.48 £ 427.70 £2,433.62 £ 3,600	High Street

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PLANNING AGREEMENTS SIGNED FROM JANUARY 2010 TO 2015

Site Address	Date of agreement	Contributions	Amount	Ward
Land At Howland Road, Marden MA/13/1291	04/06/14	Adult Social Services Community Learning Libraries Primary Education Secondary Education Youth Facilities PCT Marden Railway Station Improvements	£ 794 £1,350.80 £ 5,224.12 £ 2,360.96 £ 2,359.80 £ 371.46 £ 10,928.63 £ 9,210.52	Marden & Yalding
Land at Northland and Groom Way, Old Ashford Road, Lenham MA/12/1777	29/05/14	Primary Education Library Community Learning Adult Social Services Open Space Healthcare Services (NHSCB)	£ 4,721.92 £ 305.57 £ 240.81 £ 170.14 £17,325 £ 9,000	Lenham
Former Springfield Library Sandling Road MA/12/2032	29/05/14	Adult Social Services Community Facilities Community Learning Library Open Space Parking Restriction Primary Healthcare Primary Education Primary Education Secondary Education Secondary Education	£ 5,279.37 Owner to decide value £3,272.80 £10,109.74 £179,550 £4,000 £75,456 Per flat (£2065.40) Per house (£8261.26) Per flat (£589.95) Per house (£2359.80)	North
Baltic Wharf, St Peters Street MA/13/0297-8	21/05/14	S278 highways agreement Bus Service contract	-	Bridge
Gatland House, Gatland Lane, Maidstone (Child And Adolescent Services) MA/13/1709	14/04/14	Ad SS Community Learning Libraries Open Space Primary Healthcare Primary Ed Secondary Ed Youth Service	£732.58 £ 429 £ 1,029.12 £ 22,050 £ 15,372 £ 93,822.82 £ 33,037.20 £ 118.19	Fant
Faith House, 2 St Faiths Street, Maidstone MA/12/1608	25/02/14	Adult Social Services Community Learning Library Youth Services Primary Healthcare Open Space	£ 973.03 £ 556 £2,694.14 £ 202.14 £ 8,280 £ 20,475	High St
Land at Former BP Garage, 531 Tonbridge Road, Maidstone MA/12/0825	06/02/14 D of Ob PCT (10/04/14)	Adult Social Services Community Learning Library Youth Facilities Primary Healthcare Open Space	£648.41 £424.73 £1,029.12 £117.42 £11,880 £22,050	Fant
Land at Grigg Lane, Headcorn, Ashford MA/12/1949	06/02/14	Community Facilities Education Primary Healthcare Open Space	£ 4,331.25 £107,126.26 £20,484 £20,000	Headcorn

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PLANNING AGREEMENTS SIGNED FROM JANUARY 2010 TO 2015

Site Address	Date of agreement	Contributions	Amount	Ward
Buckland Hill, Maidstone MA/13/1213	22/01/14	Off-site Open Space Community Learning Library Primary Education Secondary Education Youth Facilities Primary Healthcare	£100,800 £ 1,941.61 £ 4,599.45 £95,008.28 £27,137.70 £536.76 £ 23,760	Bridge
Westree Court, Westree Road Maidstone MA/13/0718	17/01/14	Open Space AH -Viability Assessment possible financial contributions may result (Education, libraries, community learning & adult social services- £162,715.77)	£56,700	Fant
Ledian Farm, Upper Street, Leeds MA/13/0723 Replaces MA/09/1514	20/11/13	Primary Education Open Space Primary Healthcare	£115,662.25 £22,050 £38,664	Leeds
Plot 4, Eclipse Park, Maidstone MA/12/2314	31/10/13	Town Centre (1st instalment) PAID	£100,000 £20,000 (2 nd Due Jan 15) £20,000 (3 rd Due Jan 16)	Boxley
The MAP Depot Site, Goudhurst Road, Marden MA/13/0115 <i>Deed of Variation MA/13/1872 (28.1.14) Varies: Indexation, late payment interest & housing numbers</i>	01/10/13	Adult Social Services Community Learning Library Primary Education Secondary Education Open Space Cycle Store Primary Healthcare	£1,754.50 £3,158.10 £2,126.30 £239,637.44 £239,519.70 £ 88,000 £ 15,000 £ 27,321.58	Marden & Yalding
PAID McDonalds - Land at 2 Hart Street, Maidstone MA/13/0921	22/08/13 DOV 01/11/13	Highways	£ 50,000	Fant
New Line Learning Academy, Boughton Lane, Maidstone MA/12/1989	05/08/13	Transport	£29,250	South
Land at Oliver Road, Staplehurst MA/12/2106 DEED OF VARIATION made- 04/6/14 - details of new permission added (MA/13/2112)	03/07/13	Adult Social Services Community Learning Library Parks & Leisure PCT	£ 819.77 £1,160.17 £1,472.34 £39,750 £37,296	Staplehurst
Iden Manor, Cranbrook Road, Staplehurst MA/08/2125	29/05/13	Primary Healthcare	£22,320	Staplehurst
Land at Burial Ground Lane/Dean Street. Tovil MA/12/0980	23/05/13	Affordable Housing Open Spaces	£34,386.36 £45,525	South
Land at Wallis Avenue, Parkwood MA/12/1051-52	15/05/13	Outdoor Gym Skate Park	£10,000 £20,000	Parkwood
PAID Hillbeck Residential Home, Roundwell, Bearsted MA/12/1012	07/05/13	PCT	£5,760	Bearsted

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PLANNING AGREEMENTS SIGNED FROM JANUARY 2010 TO 2015

Site Address	Date of agreement	Contributions	Amount	Ward
Land off Marigold Way, Maidstone MA/12/1749	17/04/13	Adult Social Services Community Learning Library Parks & Leisure PCT Primary Education Youth Service	£2993.94 £621.97 £8289.68 £63,000 £25,920 £287,090.27 £ 1,710.78	Heath
Former George Marsham House, Holmesdale Close, Loose MA/11/2169	12/04/13	2 Affordable Housing units in lieu of contributions	-	Loose
Land at Station Approach, Staplehurst (Sainsbury's) MA/11/1944	14/03/13	Community Improvement	£50,000	Staplehurst
Land at Forest Hill Tovil MA/11/2101	11/02/13	Adult Social Services Community Learning Library Youth and Community Open Space Healthcare	£1,047.88 £598.77 £3,407 £217.69 £22,050 £14,112	South
102 Upper Stone Street, Maidstone MA/09/0154	07/02/13	Adult Education Adult Social Services Libraries PCT Open Spaces Youth & Community Services Loading Bay Traffic Order	£4,680 £31,226 £5,902 £ 21,960 £40,950 £53,755 £800	High Street
The Forge, 3-5 Farleigh Hill, Tovil MA/11/2009	05/12/12	Adult Social Services Community Learning Healthcare Libraries Open Spaces Youth Services	£748.48 £427.70 £8,424 £2,433.60 £15,750 £155.50	South
Doctors Surgery, Grigg Lane, Headcorn MA/12/0148	05/12/12	PCT- no financial contributions- an ecology management plan (inc Wildlife Corridor) to be carried out	-	Headcorn
Land off Farleigh Hill, Tovil MA/10/0256 Deed of Variation (06/01/15) 14 AH dwellings	23/11/12	Community Facilities and Education Highways Open Space PCT	£74,987.15 £169,500 £20,000 £229,132.80	South

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PLANNING AGREEMENTS SIGNED FROM JANUARY 2010 TO 2015

Site Address	Date of agreement	Contributions	Amount	Ward
Land sited at Hampstead Lane, Yalding (former Syngenta site) MA/10/2159	25/10/12	Viability Assessment – possible financial contributions may result	-	Marden & Yalding
Former Rose PH, Farleigh Hill, Tovil MA/12/0367	18/10/12	Adult Education Adult Social Services Library Youth & Community Open Space	£598.77 £ 1,047.88 £3,407.07 £217.69 £22,050	South
Land at George Street, Maidstone MA/12/0590	28/09/12	Open Space Adult Social Services Library Community Learning Youth & Community	£51,975 £2,470 £8,030.95 £1,411.40 £513.13	High Street
Land at Furfield Quarry, Parkwood Deed of Variation MA/01/1904	17/09/12	LEAP Highways	£34,000 £19,013.04	Boughton Monchelsea
Staplehurst Service Station, High Street Staplehurst MA/11/0618	11/09/12	Library Parks and Open Space PCT Social Services Youth & Community	£749.21 £20,475 £10,188 £4,881.50 £2,390.63	Staplehurst
59 London Road, Maidstone MA/12/0550	22/08/12	Adult Social Services Community Learning Library Open Space Healthcare Youth Services	£898.18 £513.24 £2,920.34 £18,900 £10,108 £186.59	Bridge
PAID -Land at Hook Lane, Harrietsham MA/11/0592	09/08/12	Adult Social Services library Youth Services PCT Primary Education Wildlife	£38,432 £7,264 £59,957 £54,396 £350,000 £1,500	Harrietsham & Lenham
Finch Court, Calder Road, Ringlestone MA/11/0205	24/07/12	Affordable Housing Provision -Viability Assessment possible financial contributions may result	-	North
PAID Land to the rear of 125 Tonbridge Road, Maidstone MA/12/0381	12/07/12	POS Libraries, Adult Education, Community and Adult Social Services PCT	£3,150.00 £4,870.00 £2,988.00	Fant
Eastview, Bydews Granary, Farleigh Hill MA/11/1315	10/07/12	No Financial Obligations	-	South
Land opposite Harrow Court, South Street Road, Stockbury MA/11/2001	25/06/12	Affordable Housing Only	-	North
Former Horticultural Unit at Oakwood Park, Maidstone MA/11/1774	01/06/12	Affordable Housing Only	-	Heath
Land At Homeleigh Timber Supplies, Station Road, Staplehurst MA/10/0220	29/05/12	Open Space Library PCT	£22,050 £785.22 £11,793.60	Staplehurst

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PLANNING AGREEMENTS SIGNED FROM JANUARY 2010 TO 2015

Site Address	Date of agreement	Contributions	Amount	Ward
PAID - Ecclestone Road, Maidstone MA/10/1478 DEED OF VARIATION made- 16/5/14 - deleting AH Contribution. AH contribution payment date, & off site AH & AH land	24/05/12	Local Amenity Off Site Affordable Housing	£55,125 £186,306	South
PAID - 13 Tonbridge Road, Maidstone MA/12/0774	04/04/12 & Deed of Variation (7.12.12)	Adult Social Services Library & Adult Education Open Space Primary Healthcare	£ 823.35 £2,535.69 £17,325 £10,404	Fant
Land on East Side of Hayle Mill Road, Maidstone MA/11/0580	30/03/12	Off Site Open Space Primary Healthcare Libraries Youth & Community Services Management Plan	£150,000 £350 per dwelling £7492.13 £27,970.31 £500,000	South
Land at Church Street MA/09/2333	29/03/12	Affordable Housing Only	-	High Street
Sharp House, Tovil Green, Tovil MA/10/0202	16/02/12	Open Space Primary Healthcare	£11,142.50 £11,142.20	South
10 Buckland Road, Maidstone, Kent MA/11/0348	06/09/11	Open Space Primary Healthcare Libraries Youth Services	£22,050 £8,136 £806.85 £398.44	Bridge
PAID - Astley House, Hastings Road, Maidstone MA/10/0594	06/06/11	Adult Social Services Libraries Youth & Community Open Spaces PCT	£379.65 £1,440.81 £7,968.75 £39,554.79 £21,240	High Street
11-17 Castle Dene Maidstone MA/11/0099 Planning Conditions	02/06/11	Open Space - off site Library Youth & Community Worker PCT	£22,050 £749.21 £4,143.75 ???	North
PAID Threeways Depot, Sherway Close Headcorn MA/06/0389	16/05/11	Primary Education Open Space PCT	£82,633.60 £69,300 £14,340	Headcorn
1, Farleigh Hill, Maidstone MA/10/0649	04/04/11	Adult Education Library Open Space Primary Healthcare Youth and Community	£1,980 £2,497 £17,325 £7,920 £2,789.06	South
PAID The Willows, Church Street, Marden MA/10/0562	04/03/11 & 19/10/10	PCT Open Space	£7,700 £15,000	Marden & Yalding

PLANNING AGREEMENTS SIGNED FROM JANUARY 2010 TO 2015

Site Address	Date of agreement	Contributions	Amount	Ward
PAID -Land at 113-115 & 123 Tonbridge Road Maidstone MA/08/2323	25/02/11	Community & Adult Social Services)Library & Adult Education Parks and Open Space Primary Healthcare	£29,220 £18,900 £11,960	Fant
Coombe Park & Ride Site Armstrong Road MA/09/1562 & 1563 (12 flats & 23 houses)	08/10/10 DOV 20/12/11 (agreed rent levels)	Affordable Housing Only	-	South
Land at Kenwood Orchard, Kenwood Road, Yalding MA/07/2556	30/09/10	PCT	£14,400	Marden & Yalding
PAID -Former Horticultural Unit at Hadlow Colege, Oakwood Park, Maidstone MA/10/0485	23/09/10	Open Space Adult Social Services Library Youth & Community	£78,750 £759.50 £2,881.50 £10,758	Heath
PAID -Land Rear of Maidstone Fire Station, Loose Road, Maidstone MA/08/0902	10/09/10	Adult Education Adult Social Services Library Primary Healthcare Youth and Community	£21,960 £146,522 £27,694 £102,960 £69,054.50	South
Headcorn Hall, Biddenden Road, Headcorn Deed of Obligation MA/05/0347	17/06/10	PCT	£4,550	Headcorn
Hen and Duckhurst Farm, Marden Road, Staplehurst MA/09/0455 – Industrial Site Extension of time (MA13/0388) granted to June 2016	20/04/10	Bus Stop Improvements Pedestrian Improvements	£5,000 £10,000	Staplehurst
PAID -59 Wheeler Street, Headcorn MA/06/1940	11/02/10	Education Primary Healthcare Off Site Open Space	£24,054.40 £11,376 £20,475	Headcorn
PAID -Former Springfield Library Site MA/09/0862	03/02/10 (24/11/09)	Primary Healthcare POS off-site Highways Parking Restriction	£78,210 £179,550 £2,000	North
PAID -Land at James Whatman Way MA/09/0863	03/02/10	Primary Healthcare	£ 81,370	North

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