

AGENDA

PLANNING COMMITTEE MEETING



Date: Thursday 16 April 2015
Time: 6.00 p.m.
Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Ash, Collins, Cox, 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 Items withdrawn from the Agenda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 - 23 April 2015

Continued Over/:

Issued on 8 April 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 (Part I) of the meeting held on 19 March adjourned to 23 March 2015	1 - 12
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PART II

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

Head of Schedule 12 A and Brief Description

- | | | |
|-------------------------------------------------------------------------------------------------------------------------|-----------------------|-----------|
| 28. Minutes (Part II) of the meeting held on 19 March adjourned to 23 March 2015 | 5 – Legal Proceedings | 287 |
| 29. Report of the Head of Planning and Development - Application MA/13/2197
- Land at Boughton Lane, Maidstone, Kent | 5 – Legal Proceedings | 288 - 372 |

PLEASE NOTE

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

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

BACKGROUND DOCUMENTS: The background documents for the items on the agenda are to be found on the respective planning files for each application and on the files for those applications referred to in the history section of each report. Background documents are available for inspection during normal office hours at the Maidstone Borough Council Gateway Reception, King Street, Maidstone, Kent, ME15 6JQ.

Agenda Item 10

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES (PART I) OF THE MEETING HELD ON 19 MARCH 2015 **ADJOURNED TO 23 MARCH 2015**

Present: Councillor English (Chairman) and
Councillors Ash, Butler, Chittenden, Collins, Cox,
19 March 2015 Mrs Gooch, Harwood, Hogg, Paine, Paterson and
J.A. Wilson

Also Present: Councillors Black, Cuming, Daley, Ells,
Harper, D Mortimer, Naghi, Round,
Sargeant and Springett

276. APOLOGIES FOR ABSENCE

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

277. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Butler for Councillor Greer
Councillor Chittenden for Councillor Mrs Robertson
Councillor Mrs Gooch for Councillor Moriarty

278. NOTIFICATION OF VISITING MEMBERS

Councillors Black, Daley and Harper indicated their wish to speak on the report of the Head of Planning and Development relating to application 14/503957.

Councillors Cuming and Springett indicated their wish to speak on the report of the Head of Planning and Development relating to application 14/504795.

Councillor Ells indicated that he was attending the meeting as an observer.

Councillor D Mortimer indicated his wish to speak on the report of the Head of Planning and Development relating to application 14/503167.

Councillor Naghi indicated his wish to speak on the report of the Head of Planning and Development relating to application 14/0418.

Councillor Sargeant indicated that he was attending the meeting as an observer with a particular interest in application 14/503957.

Councillor Round was late in arriving at the meeting, but the Committee raised no objection to his wish to speak on the report of the Head of Planning and Development relating to application 14/503960.

279. ITEMS WITHDRAWN FROM THE AGENDA

14/504795 - ERECTION OF 30 NO. OPEN MARKET HOMES AND ASSOCIATED GARAGING, AND ERECTION OF 20 NO. AFFORDABLE HOMES, CONSTRUCTION OF ACCESS ROAD AND BRIDGE, AND PROVISION OF OPEN SPACE, ECOLOGY PARK AND NEW PUBLIC FOOTPATH. DEMOLITION OF 24 BAY GARAGE COURT AND REDEVELOPMENT TO PROVIDE A 16 BAY GARAGE COURT AND AMENITY STOREROOM - LAND TO THE SOUTH OF CROSS KEYS, BEARSTED, KENT

The Committee considered the urgent update report of the Head of Planning and Development recommending that this application be withdrawn from the agenda for the following reasons:

- The public consultation period was not due to expire until after this meeting of the Planning Committee; and
- The Officers were seeking external legal advice regarding comments received from Kent County Council.

RESOLVED: That agreement be given to the withdrawal of application 14/504795 from the agenda for the reasons set out in the urgent update report.

Note: Councillor J. A. Wilson entered the meeting during consideration of this item (6.10 p.m.).

280. URGENT ITEM

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

281. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Harwood stated that he was a Member of Boxley Parish Council, but he had not participated in the Parish Council's discussions relating to application 14/504931, and intended to speak and vote when it was considered.

Councillor Hogg said that, for personal reasons, he would leave the meeting whilst the report of the Head of Planning and Development relating to application 14/503957 was discussed.

With regard to the report of the Head of Planning and Development relating to application 14/503957, Councillor Paine stated that, until recently, he was a Regional Manager for the CfBT Education Trust which

provided, amongst other things, free schools and academies across the country. Whilst he had not been involved in the Jubilee Free School scheme, he would speak but not vote when the application was discussed.

282. EXEMPT ITEMS

RESOLVED: That the item on Part II of the agenda be taken in private as proposed.

283. MINUTES OF THE MEETING HELD ON 26 FEBRUARY 2015

RESOLVED: That the Minutes of the meeting held on 26 February 2015 be approved as a correct record and signed.

284. PRESENTATION OF PETITIONS

It was noted that a petition would be presented objecting to application 14/503957.

285. DEFERRED ITEMS

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

The Development Manager advised Members that he had nothing further to report in respect of this application at present.

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

The Development Manager advised Members that he had nothing further to report in respect of this application at present.

286. 14/503167 - RESIDENTIAL DEVELOPMENT FOR 36 UNITS AND RE-ALIGNMENT OF CRIPPLE STREET - LAND AT CRIPPLE STREET, CRIPPLE STREET, MAIDSTONE, KENT

All Members except Councillor Butler stated that they had been lobbied.

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

Mr Carter of the North Loose Residents' Association (against), Councillor Miss Hogg of Tovil Parish Council (against), Mr Daniells, for the applicant,

and Councillor D Mortimer (Visiting Member) (against) addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, Members felt that the northern part of the development would result in significant harm to the setting of Bockingford Farmhouse and the Loose Valley Conservation Area and any benefits arising from the development would not outweigh this harm to heritage assets. To permit the proposal would therefore be contrary to Central Government policy contained in the National Planning Policy Framework, in particular paragraphs 131, 132 and 134.

Members also felt that the protrusion and consolidation of the development would result in significant harm to the character and appearance of the countryside in the Loose Valley Area of Local Landscape Importance. To permit the proposal would therefore be contrary to policies ENV28 and ENV35 of the Maidstone Borough-Wide Local Plan 2000 and any benefits would not outweigh the harm.

RESOLVED: That permission be refused for the following reasons:

1. The northern part of the development would result in significant harm to the setting of Bockingford Farmhouse and the Loose Valley Conservation Area and any benefits arising from the development are not considered to outweigh this harm to heritage assets. To permit the proposal would therefore be contrary to Central Government policy contained in the National Planning Policy Framework, in particular paragraphs 131, 132 and 134.
2. The protrusion and consolidation of the development would result in significant harm to the character and appearance of the countryside in the Loose Valley Area of Local Landscape Importance. To permit the proposal would therefore be contrary to policies ENV28 and ENV35 of the Maidstone Borough-Wide Local Plan 2000 and any benefits would not outweigh the harm.

Voting: 10 – For 1 – Against 1 – Abstention

287. 14/503957 - APPLICATION FOR PERMANENT CHANGE OF USE TO A FREE SCHOOL (CLASS D1) - GATLAND HOUSE, GATLAND LANE, MAIDSTONE, KENT

All Members stated that they had been lobbied.

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

Mr Dean presented a petition objecting to this application.

Mr Owen of the Save Fant Farm Group (against), Mr Lea (for the applicant)/Mr Fitzgerald (in support), and Councillors Black, Harper and Daley (Visiting Members) (against) addressed the meeting.

RESOLVED: That consideration of this application be deferred for investigation of:

1. The safety issues relating to the collection and drop-off of children in a narrow lane (at busy periods) and the highways issues caused by an increase in vehicle movements as a result of the wider catchment area for this type of school.
2. The extent of properly-managed play areas within the boundaries of the site, taking account of the size standard and separation of Key Stages 1 & 2.
3. The need for this development – the area is not understood to have been identified as having a need for infant/primary school facilities.

Voting: 9 – For 0 – Against 1 – Abstention

Note:

Councillor Hogg was not present during consideration of this application.

Councillor Paine did not participate in the voting on this application.

288. 14/503960 - OUTLINE APPLICATION FOR 13 NO. DWELLING HOUSES WITH ASSOCIATED AMENITY SPACE, SHARED ACCESS ROAD AND NEW FOOTWAY WITH ACCESS, APPEARANCE, LAYOUT AND SCALE TO BE CONSIDERED AT THIS STAGE WITH ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION - LAND EAST OF THATCH BARN ROAD AND SOUTH OF LENHAM ROAD, HEADCORN, KENT

All Members stated that they had been lobbied.

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

Mrs Baldwin, an objector, Councillor Pyman of Headcorn Parish Council (against), Mr Norton, for the applicant, and Councillor Round (Visiting Member) (against) addressed the meeting.

RESOLVED: That consideration of this application be deferred for:

- A. Further assessment of the layout in the context of development proposed and/or approved on neighbouring sites, and specifically in terms of:
 - Southern Water drainage issues and SUDS;
 - Strategic landscaping;

- Biodiversity (including movement of species through the site/creation of a wildlife corridor); and
- Detailing (including GCN-friendly gulleys, swift bricks, materials).

B. Further information relating to the contribution requested by Kent County Council for Youth Services as Members queried whether this meets the necessary tests.

Voting: 12 – For 0 – Against 0 – Abstentions

289. 14/504584 - DEMOLITION OF EXISTING STABLE AND ERECTION OF NEW 3 BEDROOM DWELLING - LAND AT BLIND LANE, BREDHURST, KENT

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

RESOLVED: That subject to no new material issues being raised as a result of the unexpired press notice, the Head of Planning and Development be given delegated powers to grant permission subject to the conditions set out in the report as amended by the urgent update report.

Voting: 12 – For 0 – Against 0 – Abstentions

290. 14/0418 - AN APPLICATION FOR THE ERECTION OF ATTACHED DWELLING - 90 HOLLAND ROAD, MAIDSTONE, KENT

All Members stated that they had been lobbied.

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

Mr Green, an objector, Mr Fowler, for the applicant, and Councillor Naghi (Visiting Member) (against) addressed the meeting.

RESOLVED: That permission be granted subject to the conditions set out in the report with the amendment of conditions 2 and 8 and additional conditions and informative as follows:

Condition 2 (amended)

The development hereby permitted shall be carried out in accordance with the following approved plans: OS map Site Plan received 14/03/2014, Floor, Elevations and External Details and Roof Plans received 19/11/2014.

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

Condition 8 (amended)

The development shall not commence until specific details of proposed landscaping, including species, locations, and sizes, which shall use indigenous species, and include indications of all existing trees and hedgerows on the land to be retained 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 and shall include the following details:

- (i) The use of a low wall and hedgerow to the frontage of the site.

The approved landscaping scheme shall be implemented in full prior to the first occupation of the dwelling or in the first planting season after the occupation of the dwelling.

Reason: In the interest of visual amenity of the area.

Additional Conditions

The flat-roofed areas shall not be used as an amenity area or balcony.

Reason: To safeguard the privacy of neighbouring occupiers.

The development shall not commence until details of swift bricks (including their location) to be incorporated into the development have been submitted to and approved in writing by the Local Planning Authority, and the development shall be completed in accordance with the approved details.

Reason: In the interests of biodiversity.

Additional Informative

Deliveries during the construction period should take place after 9.00 a.m.

Voting: 10 – For 2 – Against 0 – Abstentions

291. LONG MEETING

Prior to 10.30 p.m., during consideration of the report of the Head of Planning and Development relating to application 14/0418, the Committee considered whether to adjourn at 10.30 p.m. or to continue until 11.00 p.m. if necessary.

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

292. EXCLUSION OF THE PUBLIC FROM THE MEETING

RESOLVED: That the public be excluded from the meeting for the following item of business because of the likely disclosure of exempt information for the reason specified having applied the Public Interest Test:

**Head of Schedule 12A and
Brief Description**

Report of the Head of Planning and Development – Application 13/1749 – Land East of Hermitage Lane, Maidstone, Kent 5 – Legal Proceedings

293. APPLICATION 13/1749 - LAND EAST OF HERMITAGE LANE, MAIDSTONE, KENT

The Development Manager introduced the report of the Head of Planning and Development relating to the appeal against the Committee's decision to refuse application 13/1749 which would be heard at a Public Inquiry in June 2015, and reviewing the grounds of refusal.

The Committee gave instructions to the Officers as to the action to be taken in respect of this matter.

294. ADJOURNMENT OF MEETING

Following consideration of the report of the Head of Planning and Development relating to application 13/1749, the Committee:

RESOLVED: That the meeting be adjourned until 6.00 p.m. on Monday 23 March 2015 to enable the remaining items on the agenda to be discussed.

295. DURATION OF MEETING

6.00 p.m. to 10.55 p.m.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE ADJOURNED MEETING HELD ON
23 MARCH 2015

Present: **Councillor English (Chairman) and
Councillors Ash, Butler, Chittenden, Collins, Cox,
Greer, Harwood, Hogg, Moriarty, Paterson and
J.A. Wilson**

Also Present: **Councillor Daley**

296. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Paine and Mrs Robertson.

297. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Butler for Councillor Paine
Councillor Chittenden for Councillor Mrs Robertson

298. NOTIFICATION OF VISITING MEMBERS

Councillor Daley indicated his wish to speak on the report of the Head of Planning and Development relating to application 14/502595.

299. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

300. URGENT ITEMS

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

301. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Harwood stated that he was a Member of Boxley Parish Council, but he had not participated in the Parish Council's discussions relating to application 14/504931, and intended to speak and vote when it was considered.

302. EXEMPT ITEMS

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

303. 14/502595 - CREATION OF 2(NO) SELF CONTAINED FLATS INCLUDING INSERTION OF DORMER WINDOWS AND ASSOCIATED WORKS AND CREATION OF 2 ADDITIONAL PARKING SPACES AND RE-SITING OF BIN STORE - HARRIETSHAM HOUSE, BURDOCK COURT, MAIDSTONE, KENT

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

The representative of the Head of Planning and Development advised the Committee that he wished to amend condition 4 to read:

Except for the parking provision shown outside 'Detling House', the development hereby permitted shall be carried out in accordance with the following approved plans: 14/14/A and 14/14/1/A received 31/07/14 and 04/14/6 received 11/02/15.

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

Mr May, for objectors, and Councillor Daley (Visiting Member on behalf of Councillor Willis) addressed the meeting.

RESOLVED: That permission be granted subject to the conditions set out in the report with the amendment of condition 4 as follows:

Except for the parking provision shown outside 'Detling House', the development hereby permitted shall be carried out in accordance with the following approved plans: 14/14/A and 14/14/1/A received 31/07/14 and 04/14/6 received 11/02/15.

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

Voting: 5 – For 2 – Against 5 – Abstentions

304. 14/502766 - REPLACE EXISTING WOODEN WINDOWS AND BACK SIDE DOORS WITH DOUBLE GLAZED UPVC WINDOWS AND DOORS - WHISPERING WATERS, HIGH BANKS, LOOSE, KENT

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

Councillor Bernards of Loose Parish Council (against) and Mr Highsted, the applicant, addressed the meeting.

Councillor Moriarty stated that he knew the applicant, but he had not discussed the proposal with him.

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

Voting: 12 – For 0 – Against 0 – Abstentions

305. 14/504649 - PROPOSED CHANGE OF USE AND CONVERSION FROM OFFICE USE (USE CLASS B1) TO FORM 3 DOMESTIC DWELLINGS - KLH HOUSE, HIGH STREET, STAPLEHURST, KENT

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

Councillor Green of Staplehurst Parish Council (against) addressed the meeting.

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

Voting: 6 – For 5 – Against 1 – Abstention

306. 14/506715 - INSTALLATION OF MEZZANINE FLOORS TO BE USED AS B8 (STORAGE AND DISTRIBUTION) USE AND THE INSTALLATION OF TWO NEW WINDOWS - INTEGRA, BIRCHOLT ROAD, MAIDSTONE, KENT

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

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

Voting: 12 – For 0 – Against 0 – Abstentions

307. 14/504931 - OUTLINE APPLICATION (ALL MATTERS RESERVED) FOR THE ERECTION OF ONE 4 BEDROOM DWELLING - MEDWAY COTTAGE, FORSTAL ROAD, SANDLING, KENT

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

RESOLVED: That subject to no new material issues being raised as a result of the unexpired press notice, the Head of Planning and Development be given delegated powers to grant outline permission subject to the conditions and informatives set out in the report.

Voting: 12 – For 0 – Against 0 – Abstentions

308. 14/505200 - LISTED BUILDING CONSENT FOR WIDENING OF EXISTING GATED OPENING INCLUDING DEMOLITION OF AN EXISTING SECTION OF WALL - THE MASTERS TOWER, COLLEGE ROAD, MAIDSTONE, KENT

The Chairman and Councillors Cox and Hogg stated that they had been lobbied.

The Committee considered the report of the Head of Planning and Development. The representative of the Head of Planning and Development advised the Committee that the urgent update report in relation to application 14/506681 was applicable to this application also.

RESOLVED: That listed building consent be granted subject to the conditions and informative set out in the report and the following additional condition set out in the urgent update report to application 14/506681:

The existing squared ragstone blocks on the section of wall to be demolished shall be salvaged and re-used to form the new termination of the wall.

Reason: To ensure the appearance and the character of the listed building and conservation area.

Voting: 12 – For 0 – Against 0 – Abstentions

309. 14/506681 - THE PROPOSAL IS TO WIDEN THE EXISTING GATED OPENING TO PROVIDE VEHICULAR ACCESS - MASTERS TOWER, THE OLD COLLEGE, COLLEGE ROAD, MAIDSTONE, KENT

The Chairman and Councillors Cox and Hogg stated that they had been lobbied.

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

RESOLVED: That permission be granted subject to the conditions set out in the report and the additional condition set out in the urgent update report.

Voting: 12 – For 0 – Against 0 – Abstentions

310. APPEAL DECISIONS

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

RESOLVED: That the report be noted.

311. UPDATE ON MATTERS REFERRED TO CABINET MEMBERS

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

312. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements on this occasion.

313. DURATION OF MEETING – 6.00 P.M. TO 7.20 P.M.

Agenda Item 12

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

16 APRIL 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.

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|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| 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 |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|

- 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 |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|

- 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.

- 1.4 14/503960 - OUTLINE APPLICATION FOR 13 NO. DWELLING HOUSES WITH ASSOCIATED AMENITY SPACE, SHARED ACCESS ROAD AND NEW FOOTWAY WITH ACCESS, APPEARANCE, LAYOUT AND SCALE TO BE CONSIDERED AT THIS STAGE WITH ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION - LAND EAST OF THATCH BARN ROAD AND SOUTH OF LENHAM ROAD, HEADCORN, KENT

19 March adjourned
to 23 March 2015

1.4.1 Deferred for:

- A. Further assessment of the layout in the context of development proposed and/or approved on neighbouring sites, and specifically in terms of:

Southern Water drainage issues and SUDS;
Strategic landscaping;
Biodiversity (including movement of species through the site/creation of a wildlife corridor); and
Detailing (including GCN-friendly gulleys, swift bricks, materials).

- B. Further information relating to the contribution requested by Kent County Council for Youth Services as Members queried whether this meets the necessary tests.

- 1.5 14/503957 - APPLICATION FOR PERMANENT CHANGE OF USE TO A FREE SCHOOL (CLASS D1) - GATLAND HOUSE, GATLAND LANE, MAIDSTONE, KENT

19 March adjourned
to 23 March 2015

1.5.1 Deferred for investigation of:

The safety issues relating to the collection and drop-off of children in a narrow lane (at busy periods) and the highways issues caused by an increase in vehicle movements as a result of the wider catchment area for this type of school.

The extent of properly-managed play areas within the boundaries of the site, taking account of the size standard and separation of Key Stages 1 & 2.

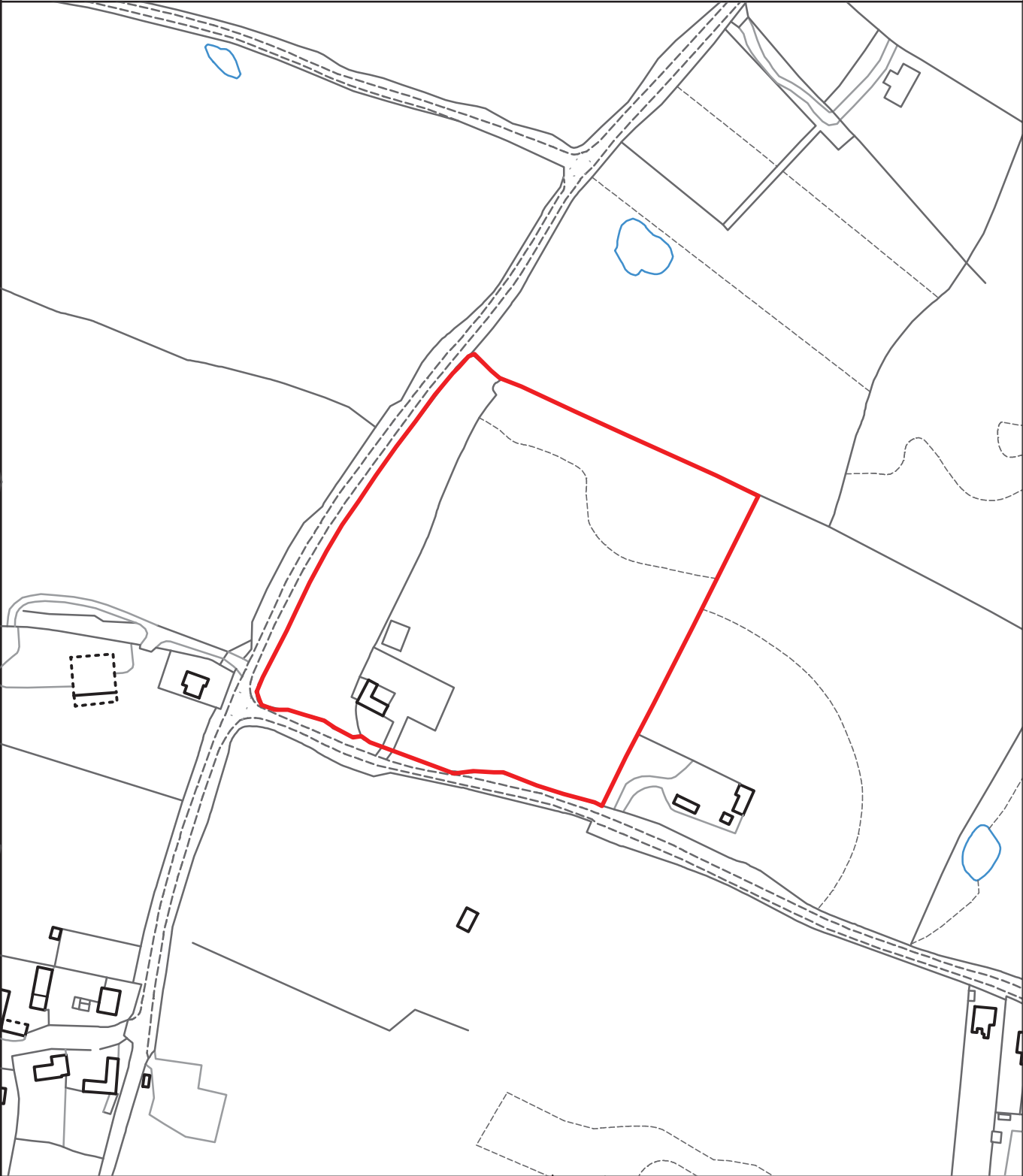
The need for this development – the area is not understood to have been identified as having a need for infant/primary school facilities.

Agenda Item 13

THE MAIDSTONE BOROUGH COUNCIL

Land Off, Clapper Lane
Staplehurst
Kent
TN12 0RB

MBC Ref: 13/1453



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 13/1453			
APPLICATION PROPOSAL Change of use of land to use as a residential caravan site for one gypsy family with two caravans, including one static mobile home, together with the erection of a utility building and laying of hardstanding.			
ADDRESS Land Off, Clapper Lane, Staplehurst, Kent, TN12 0RB			
RECOMMENDATION Approve with conditions			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and the aims and objectives of the National Planning Policy Framework and there are no overriding material considerations to indicate a refusal of planning consent.			
REASON FOR REFERRAL TO COMMITTEE Staplehurst Parish Council wish to see the application refused.			
WARD Staplehurst Ward	PARISH/TOWN COUNCIL Staplehurst	APPLICANT Mr Frank Uden AGENT Philip Brown Associates Ltd	
DECISION DUE DATE 31/10/13	PUBLICITY EXPIRY DATE 31/10/13	OFFICER SITE VISIT DATE 27/03/2015	
RELEVANT PLANNING HISTORY No planning application on this site. Relevant history on adjacent sites is as follows.			
App No	Proposal	Decision	Date
10/1221	Removal of condition 1 (to allow permanent occupation) and the variation of condition 3 (to allow no more than 4 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 2 shall be a static caravan or mobile home) shall be stationed on the site at any time) of permission MA/08/1919	Approved at committee	22.06.2011
08/1919	Application for the change of use of land to residential including the siting of 4 no. mobile homes, washroom, waste recycling enclosure and provision for 2 no. touring caravans for a gypsy family and the erection of a stable block and change of use of land for the keeping of horses and relocation of access	Approved at committee	30.04.2009
09/1083	Variation of Condition 11 of MA/08/1919 (Application for the change of use of land to residential including the siting of 4 no. mobile homes, washroom, waste recycling enclosure	Approved	14.08.2009

	and provision for 2 no. touring caravans for a gypsy family and the erection of a stable block and change of use of land for the keeping of horses and relocation of access) to allow an entrance width of 6m		
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MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01.1 The application site comprises a parcel of land located to the north of the junction at Clapper Lane and George Street. The site is located on the east side of Clapper Lane.
- 1.01.2 The application site is located in the open countryside as defined on the Local Plan proposal Maps.
- 1.01.3 There is a mature tree line with hedgerow below along the east boundary. The west boundary adjacent to Clapper Lane benefits from a mature tree lined boundary. The southern boundary adjacent George Street has a more sporadic tree and hedgerow planting. The northern boundary is more open with dense woodland located further to the north.
- 1.01.4 To the southeast of the site located on the northern side of George Street is an existing gypsy site as approved by planning application 08/1919 which the applicant's son resides at. The nearest residential property to the application site is located opposite the Clapper Lane and George Street junction, approximately 80m from the site.

2.0 PROPOSAL

- 2.01 This application proposes a change of use of land to use as a residential caravan site for one gypsy family with two caravans, including one static mobile home, together with the erection of a utility building and laying of hardstanding and parking.
- 2.03 A new vehicle access would be formed from Clapper Lane. The majority of the site would be laid with shingle with a narrow grass boundary between a post and rail fence to be located inside the existing tree / hedgerow boundary. A maximum of three caravans are proposed on the south and west boundary of the site. Two parking spaces and a turning area are proposed on site. A single storey pitched roof utility building is proposed on the west boundary of the site.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, T13
- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Draft Maidstone Borough Local Plan: SS1, SP5, GT1, DM2, DM3, DM6, DM10, DM26

4.0 LOCAL REPRESENTATIONS

4.01 Some five letters of representation have been received from neighbouring properties. Comments are summarised as follows:

- Inappropriate vehicle access
- Out of character with the countryside
- Disposal of waste
- Light pollution
- Sewage
- Flood risk
- Loss of wildlife
- Loss of trees
- Too many gypsy sites in Staplehurst
- Unsustainable development in the countryside
- Unjustified development
- Protected species on the site

5.0 CONSULTATIONS

5.01 **Staplehurst Parish Council:** *'Councillors noted a series of objections to the application that residents had sent to the borough council. Councillors expressed concern about the impact of undertaking such development in open countryside and particularly questioned the proposed new separate access in Clapper Lane, which they believed to be unsuitable; they also questioned its necessity when the proposed site was for relatives of the existing residents. For these reasons councillors voted to recommend REFUSAL to the MBC Planning Officer'.*

5.02 **MBC Landscape Officer:** No objections subject to conditions requiring an Arboricultural Method Statement in accordance with BS5837: 2012

5.03 **KCC Highways:** No objections

'I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.

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.

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

Gates to open away from the highway and to be set back a minimum of 5.5 metres from the edge of the carriageway.

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: 0300 333 5539) in order to obtain the necessary Application Pack'.

- 5.04 **KCC Ecology Advice:** *‘We have reviewed the ecological information which has been submitted with the planning application and we are satisfied that there is limited potential to impact protected species provide the precautionary mitigation is carried out and we require no additional information to be provided prior to determination.*

The precautionary mitigation detailed within the report must be implemented as a condition of planning permission.

Enhancements

One of the principles of the National Planning Policy Framework is that “opportunities to incorporate biodiversity in and around developments should be encouraged”.

We acknowledge the site is small however the proposed site can still include enhancements. We suggest that the hedgerows could be enhanced for reptiles and GCN by creating hibernacula or native trees could be planted in any gaps within the hedgerows.’

- 5.04 **MBC Environmental Health:** No objections subject to conditions relating to sewage and lighting.

6.0 APPRAISAL

- 6.01 There are no saved Local Plan policies that relate directly to this type of development. Policy ENV28 of the MBWLP relates to development in the countryside stating that;

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

- 6.02 Policy ENV28 then outlines the types of development that can be permitted. This does not include gypsy development as this was previously covered under housing policy H36 of the MBWLP but this is not a ‘saved’ policy.
- 6.03 A key consideration in the determination of this application is central Government guidance contained with ‘Planning Policy for Traveller Sites’ (PPTS) published in March 2012. This places a firm emphasis on the need to provide more gypsy sites, supporting self-provision and acknowledging that sites are likely to be found in rural areas.
- 6.04 Though work on the emerging local plan is progressing as yet there are no adopted policies responding to the provision of gypsy sites. Local Authorities have the responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans. To this end Maidstone Borough Council, in partnership with Sevenoaks District Council procured Salford University Housing Unit to carry out a revised Gypsy and Traveller Accommodation Assessment (GTAA). The GTAA concluded the following need for pitches over the remaining Local Plan period:

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

- 6.05 These figures were agreed by Cabinet on the 13th March 2013 as the pitch target and were included in the consultation version of the Local Plan.
- 6.06 Regulation 18 version of the Draft Local Plan states that the Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTTSAA) revealed the need for 187 permanent Gypsy and Traveller pitches to be provided in the borough during the period October 2011 and March 2031. Accommodation for Gypsies and Travellers is also a specific type of housing that councils have the duty to provide for under the Housing Act (2004). Draft Policy DM26 of the Regulation 18 version of the Draft Local Plan accepts that this type of accommodation can be provided in the countryside provided that certain criterion is met. The Draft Plan also states that the Borough's need for gypsy and traveller pitches will be addressed through the granting of permanent planning permissions and through the allocation of sites. The timetable for adoption is currently beyond 2016.
- 6.07 Issues of need are dealt with below but in terms of broad principles Development Plan Policy and Central Government Guidance clearly allow for gypsy sites to be located in the countryside as an exception to the general theme of restraint. In the case of this specific site, there is no reason to object to a permanent unrestricted use as a gypsy site.

Need for Gypsy Sites

- 6.08 The PPTS gives guidance on how gypsy accommodation should be achieved, including the requirement to assess need.
- 6.09 As stated above, the projection accommodation requirement is as follows:
- | | | |
|------------------------------|---|-------------|
| Oct 2011 – March 2016 | - | 105 pitches |
| April 2016 – March 2012 | - | 25 pitches |
| April 2021 – March 2026 | - | 27 pitches |
| April 2026 – March 2031 | - | 30 pitches |
| Total: Oct 2011 – March 2031 | - | 187 pitches |
- 6.10 Taking into account this time period, since 1st October 2011 the following permissions for pitches have been granted (net):
- 61 Permanent non-personal permissions
 - 16 Permanent personal permissions
 - 0 Temporary non-personal permissions
 - 33 Temporary personal permissions
- 6.11 Therefore a net total of 77 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. This explains why the need figure appears so high in the first 5 years.
- 6.12 The latest GTAA demonstrates the ongoing need for pitches although any potential pitch needs to be assessed on its merits, and in rural areas with particular regard to its impact on the character and appearance of the countryside.

Gypsy Status

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

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

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

7.0 Visual Impact

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

- 7.02 Whilst the proposal would result in new development in the countryside, the parcel of land in question is well screened by the existing buffer of trees and hedgerow along the western site boundary adjacent to Clapper Lane. The site is also well screened by tree and hedgerow planting along the east boundary and the woodland to the north of the site would also offer a good level of screening. Glimpses of the site would be afforded during the winter months however it is considered that these short distance views would be overtly prominent given the level of screening along the boundaries. An existing access on the southern boundary provides short range views into the site from George Street which would be re-enforced by additional landscaping and secured via condition.

- 7.03 In terms of views, whilst there are glimpses of the site from short range along George Street, there are no significant medium to long distance views of the site from any other public vantage point. I therefore take the view that the site is not prominent in the wider landscape.

- 7.04 Given the site’s location and the good level of well established landscaping that already surrounds the site, and the re-enforced landscaping that will be ensured by way of condition, I am of the view that this development would not appear visually dominant or incongruous in the countryside hereabouts and raise no objections in this respect.

8.0 Residential amenity

- 8.01 A residential use is not generally a noise generating use; the nearest residential properties are the existing caravan site located to the southeast with frontage onto George Street and a residential property known as Critoph located opposite the junction at Clapper Lane and George Street. Critoph is located some 80m from the site on the opposite side of Clapper Lane with significant mature landscaping screening. The caravan site occupied by the applicant’s son is located some 50m distance and is also separated by mature vegetation. Given this, I am satisfied that

the provision of one pitch in this location would not have a significant detrimental impact on the residential amenity of any neighbouring occupant, in terms of general noise and disturbance, privacy, light or outlook. Any excessive noise from the site that does have a significant impact should be dealt with under Environmental Health legislation.

9.0 Highway safety implications

- 9.01 A new vehicle access is proposed onto Clapper Lane to the northwest section of the site. The first section of the vehicle access onto Clapper Lane would be formed of block paving while the parking / turning areas on the site would be shingle. KCC Highways have been consulted and do not raise any objections to the proposal from a highways safety or parking perspective subject to suitably worded conditions.
- 9.02 The proposed access is considered to provide adequate visibility and it is considered that the proposal would not result in any significant intensification of traffic movements to and from the site. A condition would be attached to ensure the vehicle access gates would be set back a suitable distance to allow a vehicle to wait off Clapper Lane while waiting to enter the property. There would also be adequate turning facilities within the site.

10.0 Landscape and biodiversity implications

- 10.01 One of the principles of the National Planning Policy Framework is that “*opportunities to incorporate biodiversity in and around developments should be encouraged*”. In the first instance no ecological information had been submitted with this application, and the KCC Biodiversity Officer was of the view that the proposal did have the potential to result in ecological impacts, and in particular on Great Crested Newts. An ecological survey was therefore requested to be carried out assessing the potential for, inter alia, Great Crested Newts to be present and impacted by the proposed works. The applicant subsequently submitted a Ecological Report by Collingridge Ecological Consultants, and the Biodiversity Officer at KCC is satisfied that this has been carried out to an appropriate standard and advises that no further ecological survey work is necessary at this time.
- 10.02 The submitted report did conclude that the site has limited ecological interest and recommendations are provided to minimise the potential for ecological impacts, which are in summary:
- Hedgerows could be enhanced for reptiles and GCN by creating hibernacula or native trees could be planted in any gaps within the hedgerows.*
- 10.03 In the interest of biodiversity, a landscaping condition will be imposed requesting that additional hedgerows should be enhanced as per the above and is submitted for approval prior to the commencement of any works.
- 10.04 There are no protected trees on, or immediately adjacent to this site, but there are significant hedgerow trees along the west boundary of the site where the new access would be formed. The Landscape Officer is concerned that the laying of hard surfacing could potentially adversely affect these trees. So whilst there are no arboricultural grounds on which to object to this application, a pre-commencement condition requiring an arboricultural method statement in accordance with the recommendations of BS5837:2012 will be imposed. A landscaping scheme will also be secured by way of condition to ensure that new planting, particularly along the southern boundary, will be native species.

11.0 Drainage

- 11.01 The layout plan indicates a septic tank located to the south of the site but no further details about services and waste disposal have been provided. In the event of permission being granted Environmental Health has requested details on the proposed method of foul sewage treatment, along with details regarding the provision of portable water and waste disposal, must be submitted to and approved in writing by the local authority prior to the occupation of the site.

12.0 Conclusion

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

13.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS to include

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

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

- (2) The site shall not be used as a caravan site by any persons other than gypsies or Travellers, as defined in Annex 1 of the Planning Policy for Traveller Sites 2012;

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

- (3) No more than two caravans, including one static mobile home, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the application site at any time;

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

- (4) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping using indigenous species which shall be in accordance with BS:5837 (2012) 'Trees in relation to design, demolition and construction - Recommendations' and include a programme for the approved scheme's implementation, maintenance and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall include the following;

- i) Details of the species, size, density and location of all new planting within the site;

ii) Native hedge planting along the southern boundary of the site and along the north side of George Street to the south of the site.

Reason: In the interests of visual amenity and biodiversity.

(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 commencement of the use of the land; and any trees or plants which within a period of five years from the commencement of the use of the land, 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 development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority an Arboricultural Method Statement which shall be in accordance with BS 5837 (2012) Trees in relation to design, demolition and construction - Recommendations and shall include a decompaction specification and details of no-dig permeable driveway construction;

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

(7) No commercial activities shall take place on the land, including the storage of materials;

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

(8) The development shall not commence until details of the proposed permeable materials to be used in the hardsurfacing within the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the subsequently approved details. The hardsurfacing details shall include the following:

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

Reason: To ensure that the development positively responds to the character and appearance of the locality and to ensure adequate drainage.

(9) 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 commencement of the use of the land and maintained thereafter. The boundary treatment details shall include the following:

Vehicle access gates to open away from the highway and to be set back a minimum of 5.5 metres from the edge of the carriageway.

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

(10) Details of the proposed method of foul sewage treatment, along with details regarding the provision of potable water and waste disposal must be submitted to and approved by the LPA prior to occupation of the site.

These details should include the size of individual cess pits and/or septic tanks and/or other treatment systems. Information provided should also specify exact locations on site plus any pertinent information as to where each system will discharge to, (since for example further treatment of the discharge will be required if a septic tank discharges to a ditch or watercourse as opposed to sub-soil irrigation).

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 and provide evidence of obtaining the relevant discharge consent to the local planning authority.

Reason: To ensure adequate drainage arrangements.

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

Reason: To prevent pollution of the water environment.

(12) No floodlighting shall be installed on the site without the prior written consent of the Local Planning Authority;

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

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

Drawing nos. Unnumbered 1:1250 Site Location Plan; received on 6/9/2013, 1:500 Site Location Plan and Proposed Amenity Building; received on 21/08/2013.

Reason: In the interests of clarity and to prevent harm to the residential amenity of neighbouring occupiers and the character and appearance of the countryside.

Informatives:

to Applicant: APPROVAL

The Council's approach to this application:

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

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

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

In this instance:

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

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

Case Officer: Andrew Jolly

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.







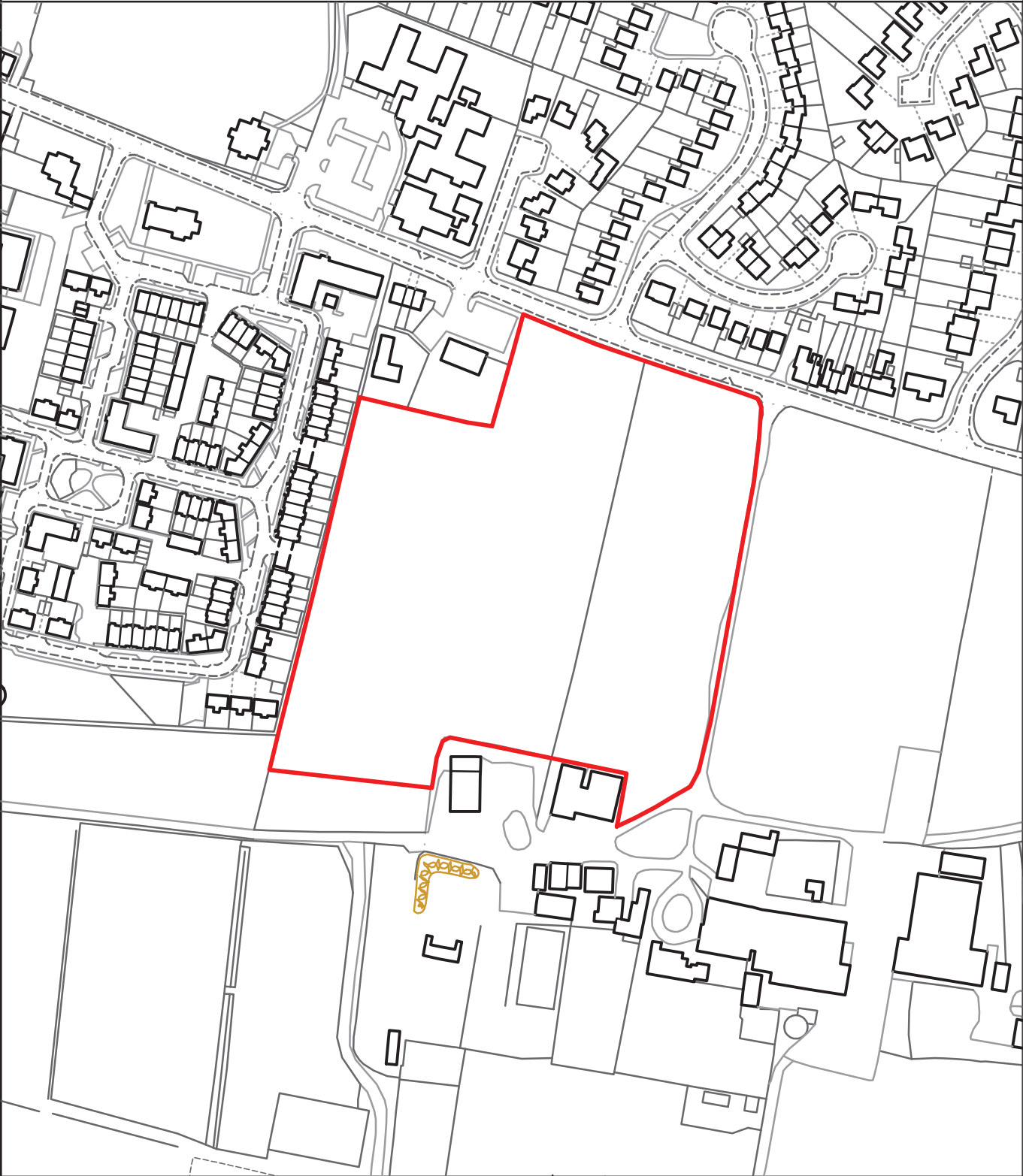


Agenda Item 14

THE MAIDSTONE BOROUGH COUNCIL

Land South Of
Heath Road
Coxheath, Kent
ME17 4PB

MBC Ref: 14/0566



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO: MA/14/0566			
APPLICATION PROPOSAL: Outline application for a mixed use development comprising up to 72 dwellings, up to 43 extra care apartments and provision of land for open space/community use with associated access and parking with access considered at this stage and all other matters reserved for future consideration.			
ADDRESS: LAND SOUTH OF, HEATH ROAD, COXHEATH, MAIDSTONE			
RECOMMENDATION: DELEGATED POWERS TO APPROVE SUBJECT TO CONDITIONS AND LEGAL AGREEMENT			
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development is at a sustainable location, immediately adjoins an existing settlement, and is not considered to result in significant planning harm. Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan.			
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none">To seek Members agreement to amend S106 contributions and condition 1.			
WARD Coxheath and Hunton		PARISH COUNCIL Coxheath	
		APPLICANT: Hillreed Homes AGENT: Hume Planning Consultancy Ltd.	
DECISION DUE DATE: 28/11/14		PUBLICITY EXPIRY DATE 23/09/14	
		OFFICER SITE VISIT DATE 15/04/14 & 20/10/14	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
MA/10/1087	Erection of polytunnels for growth & production of strawberries & raspberries, the use of land for seasonal storage of caravans when not occupied for agricultural workers use and the construction of an earth bund	APPROVED	20/12/10
73/0329/MK3	Outline application for residential development	REFUSED & DISMISSED	01/11/74
71/0036/MK3	The erection of dwellings	REFUSED	17/06/71
67/0173/MK3	Residential development	REFUSED	07/09/67
60/0191/MK3	Outline for residential development	REFUSED	14/11/60
71/0036/MK3	The erection of dwellings	REFUSED	17/06/71

1.0 BACKGROUND

- 1.01 This application is an outline application for a mixed use development comprising up to 72 dwellings, up to 43 extra care apartments and provision of land for open space/community use with associated access and parking, with access considered at

this stage and all other matters reserved for future consideration, at land south of, Heath Road, Coxheath, Maidstone.

1.02 This application was heard at the Planning Committee on 5th February 2015. Members resolved to give Delegated Powers to approve the development subject to conditions and the prior completion of a Section 106 legal agreement in such terms as the Head of Legal Partnership may advise to secure the following:

- *The provision of 40% affordable residential units within the application site of which a proportion shall be for local needs housing;*
- *A contribution for Kent County Council towards the expansion of education provision at Coxheath Primary School if deemed feasible (the amount to be finalised by the Head of Planning and Development acting under delegated powers) OR, if the amount is not finalised within 6 weeks, a contribution of £4,000 per applicable house towards the construction of a new primary school in south east Maidstone and £2,701.63 per applicable house towards land acquisition costs;*
- *A contribution for Kent County Council of £2,359.80 per applicable house towards secondary education provision in Maidstone;*
- *A contribution for Kent County Council of £30.70 per applicable house to be used to address the demand from the development towards the provision of new/expanded facilities and services both through dedicated adult education centres and through outreach community learning facilities local to the development;*
- *A contribution for Kent County Council of £8.44 per applicable house to be used to address the demand from the development towards youth services locally;*
- *A contribution for Kent County Council of £16.28 per household to be used to address the demand from the development towards additional book stock and services at local libraries serving the development;*
- *A contribution for Kent County Council of £15.94 per applicable house to address the demand from the development for social services to be used towards the provision of new/expanded facilities and services both on site and local to the development, including assistive technology and enhancement of local community facilities to ensure full DDA access;*
- *A contribution for NHS Property Services of £93,384 towards the extension, refurbishment and/or upgrade of the Orchard Medical Centre and Stockett Lane Surgery;*
- *A contribution towards highway works at the junction of the A229 and B2163 (Linton Crossroads) to mitigate the impact of the development (the amount to be finalised by the Head of Planning and Development acting under delegated powers); and*
- *A contribution towards off-site public open space (the amount to be finalised by the Head of Planning and Development acting under delegated powers) and the provision of on-site open space OR a contribution of £1,575 per dwelling towards the improvement of parks and open spaces local to the proposal site.*

1.03 The committee report and urgent updates are attached at the **Appendix** to this report.

2.0 REASON FOR REFERRAL BACK TO PLANNING COMMITTEE

- 2.01 Work has been progressing on the s106 and it has come to light that the request made by the NHS was incorrect. The NHS' practice is not to seek contributions against affordable housing, this being something they have historically done, and something the Borough Council has accepted. The NHS request on this application did not discount the affordable housing and they have confirmed that it was incorrect and an error had been made on their part.
- 2.02 The amended request seeks £57,168 towards the extension, refurbishment and/or upgrade of the Orchard Medical Centre and Stockett Lane Surgery, as opposed to £93,384 originally requested.
- 2.03 Therefore the agreement of Members is sought for amendment of this contribution.

3.0 OTHER MATTERS

- 3.01 Since the resolution by Members, KCC have investigated the feasibility of providing additional education facilities at Coxheath Primary School as was requested by MBC. KCC have concluded that it is both feasible and appropriate for additional facilities to be provided at the school. This can be provided in the form of a modular building which would contain two classrooms, toilets and associated storage space. The school currently has the physical capacity to accommodate 360 pupils in its current configuration; the introduction of two additional classrooms and the underlying infrastructure required such as ICT connectivity will enable the school to suitably accommodate 420 pupils in the future i.e. 2 classes in each year group. The location within the site has been identified and agreed with the school.
- 3.02 KCC therefore amends the requested contribution from this site to £2,360.96 per applicable house. There is no requirement for additional land acquisition at Coxheath Primary School.
- 3.03 In terms of the remaining contributions previously agreed, Section 123 of the Community Infrastructure Levy (CIL) Regulations 2010 came into force on 6th April 2015 and means that planning obligations cannot pool more than 5 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010). It is therefore necessary to review all the contributions in light of this.
- 3.02 KCC have reassessed their requests in light of Section 123 of the CIL Regulations (in terms of pooling of 5 obligations) and as a result they are no longer seeking a contribution towards adult education (£2,210) and social services (£1,147). The remaining requests are considered to pass the CIL tests.
- 3.03 MBC Parks & Open Spaces Department have confirmed that there have not been 5 pooled contributions since April 2010 towards Stockett Lane Recreation Ground and so it passes the CIL tests. (The specific reference to the recreation ground has been added to the heads of terms)
- 3.04 In terms of the Highways contribution to Linton Crossroads, this is the first contribution to that project and so it passes the CIL tests.
- 3.05 The NHS have confirmed that they have only secured one healthcare contribution towards improvements at Orchard Coxheath and Stockett Lane Surgeries since 2010 and so the request passes the CIL tests.

- 3.06 The applicant has sought an amendment to condition 1 (the time limit for reserved matters and implementation). The current condition seeks reserved matters within 1 year in order to speed up the delivery of the development to provide much needed housing in line with the aims of the NPPF. The applicant is seeking an amendment to 2 years. The applicant has stated that details of the housing element can be provided within the 1 year timeframe, however, there are concerns with meeting this deadline for the extra care element of the proposals. This is because Persimmon Homes (the applicant) do not build and run their own extra care accommodation and have to go to an external provider to build this part of the proposals, who would have to prepare a reserved matters application for that element. They consider this could take longer and so seek 2 years as opposed to 1 year.
- 3.07 I consider that an additional year is reasonable in this case to allow more flexibility, and note this is still less than the standard 3 years. I therefore recommend condition 1 is amended as set out below in the recommendation.

4.0 RECOMMENDATION

The amended recommendation in light of the changes to the Heads of Terms for the contributions are set out below. Amended condition 1 and the previously agreed conditions are also set out below for clarity.

SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT, IN SUCH TERMS AS THE HEAD OF LEGAL SERVICES MAY ADVISE, TO PROVIDE THE FOLLOWING:

- *The provision of 40% affordable residential units within the application site of which a proportion shall be for local needs housing;*
- *A contribution for Kent County Council of £2,360.96 per applicable house towards the expansion of education provision at Coxheath Primary School;*
- *A contribution for Kent County Council of £2,359.80 per applicable house towards the expansion of Cornwallis School.*
- *A contribution for Kent County Council of £607.85 to be used to address the demand from the development towards youth equipment (supplied centrally to Infozone Youth Hub for distribution and use by Youth services locally in Coxheath);*
- *A contribution for Kent County Council of £1172.17 to be used to address the demand from the development towards book stock for the new residents at Coxheath library;*
- *A contribution for NHS Property Services of £57,168 towards the extension, refurbishment and/or upgrade of the Orchard Medical Centre and Stockett Lane Surgery;*
- *A contribution towards highway works at the junction of the A229 and B2163 (Linton Crossroads) to mitigate the impact of the development (the amount to be finalised by the Head of Planning and Development acting under delegated powers); and*

- *A contribution towards improvement, maintenance, repair and renewal of the open space and play facilities at Stockett Lane Recreation Ground (the amount to be finalised by the Head of Planning and Development acting under delegated powers) and the provision of on-site open space OR a contribution of £1,575 per dwelling towards improvement, maintenance, repair and renewal of the open space and play facilities at Stockett Lane Recreation Ground.*

THE HEAD OF PLANNING AND DEVELOPMENT BE DELEGATED POWERS TO GRANT PLANNING PERMISSION SUBJECT TO THE IMPOSITION OF THE CONDITIONS SET OUT BELOW:

1. The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

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

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

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

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

2. The development shall not commence until 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 long term management. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and should include the following details:

(i) Details for the long-term management of retained hedgerows and tree lines.

(ii) New tree and hedge planting within the northeast corner of the site.

(iii) New tree and hedge planting along the south boundary of the site.

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

3. The development shall not commence until a landscape and ecological management plan (LEMP) for the site has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following:

- i) Description and evaluation of features to be managed;
- ii) Ecological trends and constraints on the site that might influence management;
- iii) Aims and objectives of management;
- iv) Appropriate management options for achieving aims and objectives;
- v) Prescriptions for management actions;
- vi) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- vii) Details of the body or organisation responsible for implementation of the plan;

- viii) On-going monitoring and remedial measures.
- ix) Specific details for the retention and protection of the badger sett.
- x) Specific details for the protection, maintenance and enhancement of reptile habitat.
- xi) Specific details of any lighting which shall be designed to minimise the impact upon wildlife.
- xii) Specific details and locations of the biodiversity enhancement measures outlined within the 'PJC Ecology letter dated 17th June 2014'.
- xiii) Biodiversity enhancement measures within the structure of buildings.
- xiv) Details of the location of cord wood to be retained on site.
- xv) Details of wildlife friendly drainage gullies.

The approved plan will be implemented in accordance with the approved details.

Reason: To ensure a satisfactory appearance and setting to the development and in the interests of biodiversity protection and enhancement.

4. The development shall not commence until an Arboricultural Method Statement in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

5. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

6. The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

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

7. The development shall not commence until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development.

8. The development shall not commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

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

9. The development shall not commence until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:
- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
 - 4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: In the interests of public safety and pollution prevention.

10. The development shall not commence until a sustainable travel statement has been submitted to and approved in writing by the Local Planning Authority which shall incorporate the mitigation measures outlined in the Air Quality Mitigation Statement.

Reason: In the interests of pollution prevention.

11. The development shall not commence until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors.

The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: In the interest of residential amenity

12. The development shall not commence until details of facilities for the separate storage and disposal of waste and recycling generated by this development as well as the site access design and arrangements for waste collection have been submitted to and approved in writing by the Local Planning. The approved facilities shall be provided before the first use of the building(s) or land and maintained thereafter. The applicant

should have regard to the Environmental services guidance document “Planning Regulations for Waste Collections” which can be obtained by contacting Environmental Services.

Reason: In the interests of amenity and to safeguard the appearance of the area.

13. The development shall not commence until a surface water drainage scheme for the site, including open swales, basins and balancing ponds, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before 85% of the dwellings are occupied

Reason: To prevent the increased risk of flooding, to improved and protect water quality, improve habitat and amenity, and ensure future maintenance.

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

Reason: In the interest of pollution and flood prevention.

15. The approved details of the access, emergency access, new footways and dropped kerb crossing/tactile paving as shown on drawing no. 07-013-003 RevB shall be completed before the commencement of the use of the land and be maintained thereafter.

Reason: In the interests of road safety.

16. Bus stop improvements comprising raised kerbing at the two nearest existing stops to the east of the site access each side of Heath Road shall be completed before the commencement of the use of the land.

Reason: In the interests of sustainable transport use and road safety.

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

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

18. The methodology for the removal of the storage container in relation to the badger sett shall be carried out in strict accordance with that detailed within the ‘PJC Ecology letter dated 17th June 2014’ unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of biodiversity protection.

19. 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 at least Code Level 4 has been achieved.

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

20. The details of landscaping submitted pursuant to condition 1 shall provide for the following:

(i) Retention of the frontage hedge line along the northern boundary of the site with Heath Road.

(ii) Retention and strengthening of the tree line along the eastern boundary of the site with the access to Clockhouse Farm.

(iii) Retention of the hedge lines along the western and northwestern boundaries of the site.

(iv) Incorporation of the hedge line within the site that runs from north to south into the layout where appropriate.

Reason: To ensure a satisfactory appearance and setting to the development and to maintain the character of Coxheath.

21. The details of scale as required under condition 1 shall show no buildings over a height of 2.5 storeys (any third floor to be within the roof space). The details of layout as required under condition 1 shall show no 2.5 storey buildings within 25 meters of Heath Road.

Reasons: To ensure a satisfactory appearance to the development.

22. The details of layout as required under condition 1 shall show the provision of on-site public open space, or a financial contribution towards off-site public open space as an alternative provision, or a combination of both.

Reason: To ensure a satisfactory external appearance to the development and the provision of adequate facilities to meet the recreational needs of prospective occupiers.

23. In respect of the details of access only, the development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing nos. SK03 received on 07/04/14, and 07-013-003 RevB received on 05/09/14.

Reason: For the purposes of clarity and highway safety.

Case Officer: Richard Timms

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

REPORT SUMMARY

REFERENCE NO: MA/14/0566			
APPLICATION PROPOSAL: Outline application for a mixed use development comprising up to 72 dwellings, up to 43 extra care apartments and provision of land for open space/community use with associated access and parking with access considered at this stage and all other matters reserved for future consideration.			
ADDRESS: LAND SOUTH OF, HEATH ROAD, COXHEATH, MAIDSTONE			
RECOMMENDATION: DELEGATED POWERS TO APPROVE SUBJECT TO CONDITIONS (See Section 8 of report for full recommendation)			
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development is at a sustainable location, immediately adjoins an existing settlement, and is not considered to result in significant planning harm. Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan.			
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none"> • Departure from the Development Plan. • Councillor Brian Mortimer has requested the application be reported to Committee for the reasons set out below. • Coxheath Parish Council wish to see the application approved and have requested the application be reported to Committee for the reasons set out below. 			
WARD Coxheath and Hunton	PARISH COUNCIL Coxheath	APPLICANT: Hillreed Homes AGENT: Hume Planning Consultancy Ltd.	
DECISION DUE DATE: 28/11/14	PUBLICITY EXPIRY DATE 23/09/14	OFFICER SITE VISIT DATE 15/04/14 & 20/10/14	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
MA/10/1087	Erection of polytunnels for growth & production of strawberries & raspberries, the use of land for seasonal storage of caravans when not occupied for agricultural workers use and the construction of an earth bund	APPROVED	20/12/10
73/0329/MK3	Outline application for residential development	REFUSED & DISMISSED	01/11/74
71/0036/MK3	The erection of dwellings	REFUSED	17/06/71
67/0173/MK3	Residential development	REFUSED	07/09/67
60/0191/MK3	Outline for residential development	REFUSED	14/11/60
71/0036/MK3	The erection of dwellings	REFUSED	17/06/71

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site comprises agricultural land associated with Clockhouse Farm, on the south side of Heath Road in Coxheath with an area of approximately 3.2 hectares. The site is outside but immediately adjoins the settlement boundary of Coxheath village in the adopted Local Plan (2000), which runs along the west and north boundaries of the site. It is therefore in the countryside for planning purposes.
- 1.02 The site is irregular in shape and on the north boundary fronts onto Heath Road, opposite houses and the cul-de-sac Georgian Drive. There is an established deciduous hedge along this boundary. The east boundary is straight and runs alongside the access to Clockhouse Farm, and where there are a line of fruit trees. The south boundary is irregular and follows the boundary with farm accesses, buildings and storage areas. The west boundary is largely straight and follows the line of rear gardens of houses on Duke of York Way and Clock House Rise and where there is an established hedge. In the northwest corner the boundary forms a right angle where it runs around the dwelling 'The Rectory' and the 'Orchard Medical Centre' and here there is also hedging.
- 1.03 The site is split into two fields by an established hedge which runs from north to south. The land to the east of this being around one third of the site, and this is a grassed area that did not appear to be in active agricultural use at my site visit. The western land was largely covered with polytunnels. The site gently slopes to the north.
- 1.04 The site is located within the countryside for Development Plan purposes and falls within the low weald Special Landscape Area, the boundary of which runs along the south side of Heath Road. The Grade II listed dwelling, 'Clock House' is located just over 50m to the south between a complex of farm buildings.

2.0 PROPOSAL

- 2.01 This is an outline application for a mixed use development comprising up to 72 dwellings and up to 43 extra care apartments, and provision of land for open space/community use with associated access and parking. Access is being considered at this stage and all other matters are reserved for future consideration. Access would be from Heath Road in the northwest area of the site, just to the west of the cul-de-sac Georgian Drive opposite.
- 2.02 Illustrative plans have been provided to try to demonstrate that the site can accommodate this level of development, showing a building within the northeast part of the site for the extra care apartments with housing and open space over the remainder of the site to the south.
- 2.03 Affordable housing is proposed at 40% and Code for Sustainable Homes Level 4 is also proposed.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34, T13, T21, T23, CF1
- MBC Affordable Housing DPD (2006)
- MBC Open Space DPD (2006)

- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Draft Maidstone Borough Local Plan: SS1, SP1, SP3, SP5, H1, H2, DM2, DM4, DM10, DM30
- Draft Coxheath Neighbourhood Plan

4.0 LOCAL REPRESENTATIONS

4.01 38 representations have been received raising the following (summarised) points:

- Traffic congestion, highway safety and parking.
- Visual harm.
- Extra care building out of character.
- Harm to listed building.
- Loss of privacy.
- Loss of light and overshadowing.
- Density too high.
- Noise and pollution.
- No room in primary school or doctors.
- Infrastructure can't cope.
- Loss of agricultural land.
- Not a sustainable location for more housing.
- Archaeology not fully considered.
- Weight should not be given to draft Local Plan or Neighbourhood Plan.
- Premature in advance of the Local Plan and reference to it should not be made.
- Should conform to the Neighbourhood Plan.
- Brownfield land should be used first.
- Scale parameters should be provided.
- Loss of views.
- Devalue property.

4.02 A petition objecting to the development has been received with 1,209 signatures.

5.0 CONSULTATIONS

5.01 **Coxheath Parish Council:** Support in principle what is being proposed. Have made the following (summarised) comments:

- Generally in accordance with Neighbourhood Plan.
- Do not support draft Borough Local Plan allocation, particularly the amount of employment floorspace.
- The proposal includes an element of employment.
- Do not agree there would be an insignificant impact upon Linton Crossroads.
- Access should be a staggered 'T' junction with a facility for right turning.
- There should be pedestrian refuges.
- The site is not accessible by cycle because roads are dangerous.
- There should be adequate landscape screening through retention and strengthening.
- Should be fewer houses.

- Height should be restricted on the west boundary to that of adjoining houses.
 - More space should be provided around the Orchard Medical Centre to allow future expansion.
 - An integral part of what is proposed is the gifting of approximately one acre of land to the community of Coxheath, for the purpose of expanding existing medical practices and/or providing additional capacity. The Parish Council regards this as a very substantial community benefit, which must not be lost.
 - Community contributions should be to the local community not the area as a whole e.g. the local primary school.
 - Contributions should go towards nursery education and community recreation space.
 - Visitors, staff and delivery parking needs to be considered.
 - Garden area needed for extra care building.
 - A strip of land should be safeguarded on the south side of Heath Road to provide an off-road cycle route as per Neighbourhood Plan.
 - Support local needs housing.
 - MBC consider Coxheath should be classified as a 'Larger Village' and not a 'Rural Service Centre' which should only accept 'limited and phased' housing development.
 - The Parish Council should be involved in discussions on any s106.
- 5.02 **MBC Housing Officer:** No objections and advice provided on potential affordable housing mix.
- 5.03 **MBC Landscape Officer:** No objections subject to conditions requiring an Arboricultural Method Statement in accordance with BS5837: 2012 considering the hedgerow/trees adjacent to site boundaries together with areas of new planting and including details of protection, and a detailed landscape scheme, with implementation and maintenance details together with a long term management plan in accordance with the principles of the LCA. This should include consideration of how the boundary hedgerows can be managed and retained in the long term.
- 5.04 **MBC Environmental Health Officer:** No objections subject to conditions regarding contaminated land and air quality.
- 5.05 **MBC Parks & Leisure:** *"Based on the developer's original plan of 0.57ha being provided then we would seek an offsite contribution of £328 per dwelling rather than the usual £1575 per dwelling when no onsite open space is provided. This would be based on 72 dwellings and so a total contribution of £23616 would be requested. We would request that the offsite contribution be directed towards Stockett Lane Recreation Ground, which lies approximately 600m to the North West of the development site. Stockett Lane is owned by the Parish Council and is one of the main focal points for the area of Coxheath. It houses the local village hall and is therefore a focal hub for the community. Coxheath is currently underprovided for in terms of outdoor sports facilities and we would envisage that an off-site contribution be directed here for the improvement, maintenance, repair and renewal of the open space and play facilities at this site."*

5.06 **MBC Conservation Officer:** No objections. *"Given careful detailed design and landscaping I see no reason why a development of this type on this site should not be able to be achieved without significantly affecting the setting of the Grade II Listed Clock House."*

5.07 **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."*

Primary Education Provision: £4000 per 'applicable' house towards construction of a new primary school in south east Maidstone school and £2701.63 per applicable house towards land acquisition costs.

"The proposal gives rise to 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 a new Primary School in South East 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."

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."

Secondary Education Provision: £2359.80 per applicable house towards new secondary school accommodation will be provided in Maidstone through extensions to provide additional accommodation.

"The proposal is projected to give rise to 14 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."

Community Learning: £30.70 per household sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both through dedicated adult education centres and through outreach community learning facilities local to the development.

"There is an assessed shortfall in provision for this service: the current adult participation in the District in both Centres and Outreach facilities is in excess of current service capacity."

Youth Services: £8.44 per household sought to be used to address the demand from the development towards youth services locally.

"Forecasts indicate that there is insufficient capacity within local Centres to accommodate the increased demand generated through the development, therefore KCC require contributions to provide increased centre based youth services in the local area."

Libraries Contribution: £16.28 per household sought to be used to address the demand from the development towards additional bookstock and services at local libraries serving the development.

"There is an assessed shortfall in provision: 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."

Social Services: £15.95 per household sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both on site and local to the development including assistive technology, and enhancement of local community facilities to ensure full DDA access.

"The proposed development will result in a demand upon social services which 'Facilities for Kent Family & Social Care' are under a statutory obligation to meet but will have no additional funding to do so."

- 5.08 **KCC Highways**: No objections subject to a financial contribution to mitigate the impact upon Linton Crossroad, bus stop improvements, pavements to the east and west of the access, and securing the access.
- 5.09 **KCC Ecology**: No objections subject to conditions.
- 5.10 **KCC Heritage**: No objections subject to a condition requiring a programme of archaeological work.
- 5.11 **UK Power Networks**: No objections.
- 5.12 **Rural Planning Ltd**: *"The proposed site here comprises some 3.2 ha (7.9 acres) of land used for fruit production (partly orchard, partly soft fruit under polytunnels) forming part of a much larger fruit farm based at the adjoining building and yards at Clock House Farm. The land lies at the south-east edge of the village, at about 125m above sea level."*

DEFRA's 1:250,000 scale mapping is insufficiently detailed to reliably define land quality on an individual field scale, however DEFRA's "Magic" website shows that a more detailed study of the site has been undertaken, showing the land to be all Grade 3a (good quality) and thus within the "best and most versatile" category, albeit the lowest grade of land within that category."

- 5.13 **NHS**: Seek a contribution of £93,384.

"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 local surgery premises:

- Orchard Medical Centre
- Stockett Lane Surgery

The above surgeries are within a 2 mile radius of the development at Heath 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."

- 5.14 **Environment Agency:** No objections subject to conditions relating to surface water drainage.

- 5.15 **Southern Water:** Outline that there is currently inadequate capacity in the local network to provide foul sewage disposal and there are no public surface water sewers in the area to serve the development.

"Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location."

- 5.16 **Kent Police:** No objections however the applicant should liaise on any reserved matters to design out crime.

6.0 APPRAISAL

Principle of Development

- 6.01 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.

- 6.02 The application site is outside but adjoining the defined settlement boundary of Coxheath. It is therefore upon land defined in the Local Plan as countryside.

- 6.03 The starting point for consideration is saved policy ENV28 of the Maidstone Borough-wide Local Plan 2000 which states as follows:-

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

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

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

- 6.04 The proposed development does not fit into any of the exceptions set out in policy ENV28, which is why it has been advertised as a departure from the Development Plan.

- 6.05 It is necessary therefore to consider two main issues in relation to the proposals. Firstly, whether there are any material considerations that would indicate that a decision not in accordance with the Development Plan is justified, and secondly

whether the development would cause unacceptable harm. (Detailed issues of harm will be discussed later in the report).

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

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

- 6.07 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge and Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Local Plan (2011 -31). The SHMA (January 2014) found that there is the "objectively assessed need for some 19, 600 additional new homes over this period which was agreed by Cabinet in January 2014. Following the publication of updated population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014.
- 6.08 Most recently calculated (April 2013), the Council had a 2.2 year supply of housing assessed against the objectively assessed housing need of 19,600 dwellings.
- 6.09 Taking into account housing permissions granted since April 2013 and the lower need figure, this position will have changed very marginally and would still remain well below the five year target.
- 6.10 This lack of a five year supply is a significant factor and at paragraph 49 of the NPPF it is states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a five year supply cannot be demonstrated. The presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.
- 6.11 In terms of the location of the site, The NPPF advised that when planning for development i.e. through the Local Plan process, the focus should be on existing service centres and on land within or adjoining existing settlements. Coxheath is a settlement defined as a 'larger village' in the emerging Local Plan, which outside of the town centre and urban area, are considered to be settlements capable of accommodating further development. The settlement offers a good range of key services including a primary school, healthcare services, employment, shops, a regular bus service to Maidstone town centre, and secondary schools nearby. As such, the site is considered to be at a sustainable location and immediately adjoins the existing settlement.

- 6.12 The draft Local Plan, which has been out to Regulation 18 public consultation, is proposing 450 dwellings at Coxheath under 4 site allocations (including this site), and the application site is allocated for a mixed use development of 40 dwellings and up to 7,700m² of B1(a) and/or B1(c) (office or light industry) employment floor space (policy RMX1(4)). Planning applications for housing are under consideration for 3 of the 4 sites and another application at the west end of the settlement, not included with of the draft allocations, was recently deferred at planning committee (18/12/14) for further information.
- 6.13 The proposal is in conflict with the draft policy in that it is not providing B1 floor space but instead extra care apartments. The Spatial Policy team have outlined that this would have an impact upon employment floorspace provision within the emerging Local Plan. However, it is considered that as this is an emerging policy, it does not yet carry sufficient weight to form grounds for objection to the alternative use proposed, which will nonetheless provide employment.
- 6.14 In the light of the above five year supply position, bringing forward development on this sustainably located site, immediately adjacent to a sustainable settlement would assist in helping to meet the shortfall in housing supply and I consider this to be a strong material consideration in favour of the development.
- 6.15 Representations have been received referring to the emerging Neighbourhood Plan (NP) both in terms of the weight it should be given and whether the proposals comply. (For this application site, the draft NP seeks 30 units of market housing, 28 units of local needs housing, 42 units of two storey extra care accommodation for the elderly, badger sett protection, and approximately 1 acre of land gifted for the community to facilitate the building of new GP healthcare facilities). Whilst work on the NP is progressing, there are key stages ahead. Discussions with MBC are currently being held as to the need for further revisions to the draft plan (which may require further lead public consultation), and there needs to be independent examination and referendum.
- 6.16 Paragraph 216 of the NPPF states that from the day of publication, decision-takers may give weight to the relevant policies in emerging plans, according to,
- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given).*
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater weight that may be given and*
- The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater weight that may be given)*
- 6.17 In view of the key stages ahead in the adoption process, the unresolved and continued discussions with the lead authority over key issues such as affordable housing and relationship to emerging local Plan (spatial strategy) to which Maidstone has an Objectively Assessed Need (OAN) and evidence base, it is considered that limited weight can be given to the draft NP in this case. The NP is a material consideration, however, at this stage, it is not considered grounds to either approve or refuse planning permission due to any compliance or conflict.

- 6.18 For the above reasons, I consider the policy principle of residential development at the site is acceptable. The key issue is whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole. I will now go on to consider the key planning issues which are visual impact, access/highway safety, heritage impact, residential amenity, infrastructure, ecology, and drainage.

Visual/Landscape Impact

- 6.19 The site is visible from Heath Road and the main impact would be experienced when approaching the village from the east. Otherwise views of the site from public vantage points are relatively limited or screened. So whilst development of the site would inevitably result in a visual and character change from the current agricultural land, the main impact would be largely limited to Heath Road, would therefore be localised, and there would be no significant medium to long range impacts. The presence of surrounding development immediately to the west, south and north means that the site would not result in any significant protrusion into open countryside, and it would be seen in the context of these built up areas. In terms of the morphology of the settlement, development has grown on the four sides of the crossroads in the centre of the village forming blocks in each quarter. The proposal would complement this form of development and not represent an extension of development away from the main built-up areas of the settlement, or be out on a limb. For these reasons, it is considered that development of the site would cause low harm to the landscape and the impact would be localised.

Design Issues

- 6.20 Details of layout, scale, appearance and landscaping are not being considered at this stage. However, illustrative plans are provided showing 72 dwellings over the southern part of the site and the extra care building in the northeast corner. This equates to a density of around 35 dwellings per hectare, which I consider suitable for this edge of village site. This is also similar to adjoining development to the west (38 per ha) and not dissimilar to that to the north, and so would not be out of character.
- 6.21 Whilst layout is not being considered, the illustrative plans clearly show an intention to provide the apartments towards the front of the site. The illustrative footprint shown is much larger than nearby houses in scale but there are buildings with a similar size footprint just to the northwest at the NHS 'Heathside Centre'. Also related to this, the illustrative plans indicate this building may be three storeys in height to the sides, albeit with the third floor cut into the eaves. Nearby buildings are largely two storey and some single storey, and are domestic in scale, so I consider that a full three storeys would be out of character. I consider 2.5 storeys with rooms in the roofspace could be acceptable but this would have to be designed well and set back further back into the site, rather than fronting the road where it would appear out of character. Therefore I consider a condition would be appropriate to limit height to 2.5 storeys and specify a distance back from Heath Road where this height could be used.
- 6.22 In terms of guiding any reserved matters application, I do not consider it necessary to place any limitations or parameters on appearance as there is a mix of architecture within the area. I do not consider any layout parameters such as set-back distances are necessary (apart from any three storey element) as there is an irregular building line to the west. However, I do consider it appropriate to seek to retain some of the key features of the site which in this case is mainly boundary landscaping. The hedge line along the northern boundary with Heath Road is a positive and highly visible

feature of the site so I consider this landscaped edge should be retained. The fruit tree line along the eastern boundary with the farm access should also be retained and strengthened, this being the approach to the village. In addition strong landscaping is necessary in the northeast corner. The hedge lines along the west and northwest boundaries should be retained. The south boundary features limited landscaping and I consider the provision of a strong landscaped boundary is important which would also separate the development from the farm complex. There is an established hedge which runs from north to south towards the east side of the site and my view is that this should be incorporated into the development where possible and a condition can be worded appropriately.

- 6.23 As layout is not being considered, public open space would be considered in detail at the reserved matters stage. It is appropriate to attach a condition that requires public open space in the detailed design, and/or any necessary off-site financial contribution.
- 6.24 The development will be designed to achieve Code for Sustainable Homes Level 4 which can be secured by condition.

Highways Issues

- 6.25 Access is being considered at this stage and the primary access would be onto Heath Road with an emergency access via the farm entrance. The new access to Heath Road would be a staggered to Georgian Drive opposite. New pavements would be provided either side of the access. To the west the pavement would meet the existing footway outside the Orchard Medical Centre. To the east the new footway will extend along the site frontage to the junction with Clockhouse Farm. Dropped kerbs and tactile paving will be provided across the proposed vehicular access and the access at Clockhouse Farm.
- 6.26 KCC Highways have assessed the application and have raised no objections to the proposed access from a safety point of view. Nor have they raised any safety issues regarding the additional traffic from the development on local roads. As such, it is considered that there are no highway safety issues resulting from this development.
- 6.27 The Transport Assessment has assessed the cumulative traffic impact of development as identified in the draft Local Plan for Coxheath and also the deferred planning application for 55 dwellings on land north of Heath Road (MA/13/1979). A future assessment including 5 years growth has also been carried out as advised by KCC. This indicates that the Heath Road/Stockett Lane/Westerhill Road junction would not be adversely affected by the introduction of the development traffic. In terms of the Linton Crossroads, the modelling indicates that the junction currently operates within capacity with some arms close to capacity with significant queue lengths. Taking into account the cumulative impact of development at Coxheath, Linton Crossroads would operate over capacity with congestion and it would add to queue lengths and to the delays.
- 6.28 Therefore a financial contribution is being sought to a design and capacity assessment of the existing traffic signals in order to produce a mitigation scheme (either roundabout or enhanced signals) that would allow the junction to cope with the future demand. KCC Highways have requested a contribution of £1000 per dwelling, which would be secured from the draft housing sites and any other major sites proposed within the village. This is expected to cover the design and capacity works (£10,000) and the actual improvements and would be secured under a s106 agreement. I consider this would mitigate the traffic impact of the development here.

- 6.29 Parking and layout is not being considered at this stage but I consider a suitable level of parking could be provided and balanced against achieving a well-designed scheme and layout.

Heritage

- 6.30 'Clock House' is a Grade II listed dwelling located just over 50m to the south between a complex of farm buildings. Representations have been received which consider the listed building would be harmed. The Conservation Officer has taken these views into account but considers that with careful design and landscaping, there is no reason why a development of this type on this site could not be achieved without significantly affecting the setting of the Grade II Listed Clock House.

Residential Amenity

- 6.31 Details of layout and appearance are not being considered however my view is that the development could be designed to prevent any unacceptable impact upon nearby properties in terms of privacy, light and outlook. I also consider the proposed properties could be designed to benefit from sufficient amenity.
- 6.32 An air quality mitigation statement has been submitted to reduce the impact the development would have on air quality including measures such as a green travel plan and electric charging points. This has been assessed by Environmental Health and it is recommended that a condition requiring a sustainable travel statement be provided, which can be attached.
- 6.33 Issues of increased noise and pollution for the development has been raised, however, I do not consider any noise created by people living at the site or associated noises with its use would result in any demonstrable harm to local amenity. Nor do I consider any pollution impacts would warrant objection and steps to mitigate impacts upon air quality would be provided.

Infrastructure

- 6.34 A development of this scale is clearly likely to place extra demands on local services and facilities and it is important to ensure that the development can be assimilated within the local community. As such suitable contributions to make the development acceptable in planning terms can be sought in line with policy CF1 of the Local Plan.
- 6.35 However, any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criterion that sets out that any obligation must meet the following requirements: -
- 6.36 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.*
- 6.37 The following contributions have been sought:

"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."

- 6.38 For primary education provision, £4000 per 'applicable' house is sought towards construction of a new primary school in south east Maidstone school and £2701.63 per applicable house towards land acquisition costs.

- 6.39 I have questioned (as have the Parish Council) why monies would not be going towards Coxheath primary school. KCC have explained that,

"Coxheath primary school has already been expanded to 2 forms of entry. There is no potential to expand the school further.

The proposed provision of a new 2FE school at Langley Park is a strategic provision for this part of Maidstone – it will meet the additional pupils from the consented Langley developments, plus population demand from the surrounding area. It is the only scheme to add primary education provision for the locality that is a) required and b) planned. It is therefore appropriate that contributions from Coxheath are sought against the provision of the new school. Not all the pupils living in the new Coxheath housing developments will go to the Langley Park school – this will be according to parental preference and the demand for places. However the additional capacity provided by Langley Park will ensure that there is sufficient capacity to meet the requirement for school places within Coxheath and the surrounding locality."

- 6.40 For secondary education £2359.80 per applicable house towards new secondary school accommodation in Maidstone through extensions.
- 6.41 For community learning, £30.70 per household is sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both through dedicated adult education centres and through outreach community learning facilities local to the development.
- 6.42 For youth services, £8.44 per household is sought to be used to address the demand from the development towards youth services locally.
- 6.43 For libraries, £16.28 per household is sought to be used to address the demand from the development towards additional bookstock and services at local libraries serving the development.
- 6.44 For social services, £15.94 per household is sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both on site and local to the development including assistive technology, and enhancement of local community facilities to ensure full DDA access.
- 6.45 Justification for the contributions is outlined at paragraph 5.07 and I consider that the requested contributions have been sufficiently justified to mitigate the additional strain the development would put on these services and comply with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the three CIL tests above.
- 6.46 In terms of healthcare, the NHS are seeking a contribution of £93,384 towards improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity at the Orchard Medical Centre and Stockett Lane Surgery (both in Coxheath). I consider that this request has been sufficiently justified (see paragraph 5.13) to mitigate the additional strain the development would

put on health services and complies with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the three CIL tests above.

- 6.47 As outlined above, a contribution towards mitigating the impact of the development on the Linton Crossroads will also be sought and is considered to pass the CIL tests.

Affordable Housing

- 6.48 Affordable housing is proposed at 40% in line with the 2006 DPD and emerging policy. MBC Housing has advised on the tenure split and house size mix to meet the current need and the applicant is agreeable to this. This will be finalised under the legal agreement.

Ecology

- 6.49 A phase 1 walk over survey of the site has been carried out. Issues identified were the presence of a badger sett beneath a metal storage container at the south end south of the site, the potential for bats roosting in fruit trees along the east boundary, and areas of suitable habitat for reptiles (although further survey work is not deemed necessary). Further survey work relating to the badger sett and bats (endoscopic surveys of trees) has been carried out at the request of KCC Ecology. In terms of badgers, a mitigation strategy is proposed for removal of the storage container and the sett would be retained and protected on site. Trees potentially suitable for roosting bats were surveyed and no evidence of their use was found. However, enhancement is recommended including bat boxes and appropriate lighting. Existing reptile habitat would be retained and enhanced with protection and planting. KCC Ecology has reviewed the information and are raising no objections subject to conditions.

Drainage

- 6.50 In terms of surface water, SUDs techniques would be used so as not to increase run-off beyond the current situation. This could involve soakaways, permeable surfacing, and water containers. The flood risk assessment demonstrates that these methods would be suitable and the Environment Agency has raised no objection subject to a condition to provide specific details of the surface water drainage strategy.
- 6.51 In terms of foul drainage, Southern Water outline that there is currently inadequate capacity in the local network to provide foul sewage disposal and there are no public surface water sewers in the area to serve the development. They state that, *"Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location."* I would therefore propose a condition that details of foul drainage are submitted for approval prior to commencement and no dwellings are occupied until adequate arrangements are in place.

Other Matters

- 6.52 An archaeological desk-based assessment has been carried out which has been assessed by the County Council. The site lies within a general area for early prehistoric remains and Iron Age activity associated with the Scheduled Boughton Iron Age Camp to the north east and associated earthworks in the wider area. There

is potential for archaeology to survive on this site and as such a condition is recommended requiring a programme of work.

- 6.53 The land is categorised as Grade 3a agricultural land and thus within the "best and most versatile" category. The NPPF advises that account should be given to the economic and other benefits of the best and most versatile agricultural land. In this case, it is considered that the need for housing, in view of the lack of a 5 year supply, is sufficient to outweigh the loss of the agricultural land and that the loss is not sufficient grounds to object to the development.
- 6.54 The Parish Council have stated that they should be involved in discussions on any s106 agreement. The allocation of any funding towards primary schools, upgrading of footpaths and cycle routes, the allocation of such monies would be the responsibility of KCC and not the Parish Council. The Parish Council considers more space should be provided around the Orchard Medical Centre to allow future expansion and the land should be gifted. This is a matter between the landowner, the Parish Council and the NHS. Notwithstanding this, layout is not being considered at this stage and so any approval does not hinder further discussions on this matter. The Parish Council also consider a strip of land should be safeguarded on the south side of Heath Road to provide an off-road cycle route as per the draft NP. The NP does not hold sufficient weight to insist on such measures or refuse the application on this basis.
- 6.55 Other issues raised in representation but not considered above include the loss of views and devaluation of property. The loss of a view is not grounds to refuse an application and the loss of value to property is not a planning consideration or grounds to object.

7.0 CONCLUSION

- 7.1 The proposed development is contrary to policy ENV28 in that it represents housing development outside a settlement boundary in the Local Plan. However, in the absence of a five year supply of housing the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development, and policies such as ENV28 cannot form grounds to object in principle.
- 7.2 The site is at a sustainable location adjoining the settlement boundary of Coxheath in the Local Plan, which offers a good range of facilities and services, and public transport links. The site would represent a logical expansion of the village in keeping with its morphology, with the visual impact being localised and not resulting in any significant protrusion into open countryside. There are no highway objections and contributions would be secured to mitigate impacts upon the Linton Crossroads. Appropriate infrastructure would be provided and affordable housing. There are no heritage, ecology, or amenity objections, or any other matters that result in an objection to the development.
- 7.3 I have taken into account all representations received on the application, including the petition. Considering the low level of visual harm caused by the development, in the context of a lack of 5 year housing supply, I consider that the low adverse impacts would not significantly and demonstrably outweigh the benefits of providing much needed housing, including affordable housing, at a sustainable location. This is the balancing test required under the NPPF. As such, I consider that compliance with policy within the NPPF is sufficient grounds to depart from the adopted Local Plan. Therefore I recommend permission is approved and that Members give delegated

powers to the Head of Planning to approve the application, subject to the receipt of an appropriate S106 legal agreement and the following conditions.

8.0 RECOMMENDATION

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

- The provision of 40% affordable residential units within the application site.
- Contribution of £4,000 per applicable house and towards construction of a new primary school in south east Maidstone and £2,701.63 per applicable house towards land acquisition costs. Contribution of £2360 per applicable house towards secondary education provision in Maidstone.
- Contribution of £30.70 per household sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both through dedicated adult education centres and through outreach community learning facilities local to the development.
- Contribution of £8.44 per household sought to be used to address the demand from the development towards youth services locally.
- Contribution of £16.28 per household sought to be used to address the demand from the development towards additional bookstock and services at local libraries serving the development.
- Contribution of £15.94 per household sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both on site and local to the development including assistive technology, and enhancement of local community facilities to ensure full DDA access.
- Contribution of £93,384 towards extension, refurbishment and/or upgrade of the Orchard Medical Centre and Stockett Lane Surgery.
- Contribution of £1,000 per dwellings towards highway works at the junction of the A229 and B2163 (Linton Crossroads) to mitigate the impact of the development.

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the imposition of the conditions set out below:

CONDITIONS

Note: this is a draft list of conditions and may be subject to change. Any amendments or additional conditions will be addressed via an urgent update.

1. The outline element of the development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

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

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

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990, 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 Policy Framework 2012 and paragraph 027 of the National Planning Policy Guidance 2014.

2. The development shall not commence until an Arboricultural Method Statement in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory external appearance to the development and to safeguard the trees on site.

3. 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. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and should include consideration of how the boundary hedgerows can be managed and retained in the long term.

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

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

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

5. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a habitat management plan detailing how all the ecological enhancements and protected species mitigation will be managed long term. The site shall be managed in accordance with the approved habitat management plan thereafter.

Reason: To ensure a satisfactory appearance and setting to the development and in the interests of biodiversity protection and enhancement.

6. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

7. 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.

8. The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

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

9. The development shall not commence until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development.

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

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

11. The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and

source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: In the interests of public safety and pollution prevention.

12. The development shall not be commenced until a report, undertaken by a competent person in accordance with current guidelines and best practice, has been submitted to the local planning authority for approval. The report shall contain and address the following:

- 1) An assessment of air quality on the application site and of any scheme necessary for the mitigation of poor air quality affecting the residential amenity of occupiers of this development.
- 2) An assessment of the effect that the development will have on the air quality of the surrounding area and any scheme necessary for the mitigation of poor air quality arising from the development.

Any scheme of mitigation set out in the subsequently approved report shall be implemented prior to the first occupation of the building and maintained thereafter.

Reason: In the interests of public safety and pollution prevention.

13. No development shall take place 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 and illuminance contour plots covering sensitive neighbouring receptors.

The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: In the interest of residential amenity

14. Details of facilities for the separate storage and disposal of waste and recycling generated by this development as well as the site access design and arrangements for waste collection shall be submitted for approval to the LPA. The approved facilities shall be provided before the first use of the building(s) or land and maintained thereafter.

The applicant should have regard to the Environmental services guidance document "Planning Regulations for Waste Collections" which can be obtained by contacting Environmental Services.

Reason: In the interests of amenity and to safeguard the appearance of the area

15. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before 85% of the dwellings are occupied.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance

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16. The details of layout and scale as required under condition 1 shall limit the housing development to 2.5 storey's and shall specify a distance back from Heath Road where this height could be used.

Reasons: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

Case Officer: Richard Timms

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.

14/0566

Amended Conditions

Please find below an amended set of conditions to supersede entirely those on the Agenda:

1. The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

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

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

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

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

2. The development shall not commence until 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 long term management. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and should include the following details:

(i) Details for the long-term management of retained hedgerows and tree lines.

(ii) New tree and hedge planting within the northeast corner of the site.

(iii) New tree and hedge planting along the south boundary of the site.

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

3. The development shall not commence until a landscape and ecological management plan (LEMP) for the site has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following:

- i) Description and evaluation of features to be managed;
- ii) Ecological trends and constraints on the site that might influence management;
- iii) Aims and objectives of management;
- iv) Appropriate management options for achieving aims and objectives;
- v) Prescriptions for management actions;
- vi) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- vii) Details of the body or organisation responsible for implementation of the plan;
- viii) On-going monitoring and remedial measures.
- ix) Specific details for the retention and protection of the badger sett.
- x) Specific details for the protection, maintenance and enhancement of reptile habitat.
- xi) Specific details of any lighting which shall be designed to minimise the impact upon wildlife.

- xii) Specific details and locations of the biodiversity enhancement measures outlined within the 'PJC Ecology letter dated 17th June 2014'.
- xiii) Biodiversity enhancement measures within the structure of buildings.

The approved plan will be implemented in accordance with the approved details.

Reason: To ensure a satisfactory appearance and setting to the development and in the interests of biodiversity protection and enhancement.

- 4. The development shall not commence until an Arboricultural Method Statement in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

- 5. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

- 6. The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

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

- 7. The development shall not commence until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development.

- 8. The development shall not commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

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

- 9. The development shall not commence until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- 3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- 4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: In the interests of public safety and pollution prevention.

10. The development shall not commence until a sustainable travel statement has been submitted to and approved in writing by the Local Planning Authority which shall incorporate the mitigation measures outlined in the Air Quality Mitigation Statement.

Reason: In the interests of pollution prevention.

11. The development shall not commence until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors.

The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: In the interest of residential amenity

12. The development shall not commence until details of facilities for the separate storage and disposal of waste and recycling generated by this development as well as the site access design and arrangements for waste collection have been submitted to and approved in writing by the Local Planning. The approved facilities shall be provided before the first use of the building(s) or land and maintained thereafter. The applicant should have regard to the Environmental services guidance document "Planning Regulations for Waste Collections" which can be obtained by contacting Environmental Services.

Reason: In the interests of amenity and to safeguard the appearance of the area.

13. The development shall not commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before 85% of the dwellings are occupied.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance

14. The development shall not commence until details of foul water drainage, which shall

include details of on-site drainage and off-site improvements to the local network, have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The approved details shall be implemented in full prior to the first occupation of the development.

Reason: In the interest of pollution and flood prevention.

15. The approved details of the access, emergency access, new footways and dropped kerb crossing/tactile paving as shown on drawing no. 07-013-003 RevB shall be completed before the commencement of the use of the land and be maintained thereafter.

Reason: In the interests of road safety.

16. Bus stop improvements comprising raised kerbing at the two nearest existing stops to the east of the site access each side of Heath Road shall be completed before the commencement of the use of the land.

Reason: In the interests of sustainable transport use and road safety.

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

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

18. The methodology for the removal of the storage container in relation to the badger sett shall be carried out in strict accordance with that detailed within the 'PJC Ecology letter dated 17th June 2014' unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of biodiversity protection.

19. 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 at least Code Level 4 has been achieved.

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

20. The details of landscaping submitted pursuant to condition 1 shall provide for the following:

- (i) Retention of the hedge line along the northern boundary of the site with Heath Road.
- (ii) Retention and strengthening of the tree line along the eastern boundary of the site with the access to Clockhouse Farm.
- (iii) Retention of the hedge lines along the western and northwestern boundaries of the site.
- (iv) Incorporation of the hedge line within the site that runs from north to south into the layout where appropriate.

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

21. The details of scale as required under condition 1 shall show no buildings over a height of 2.5 storeys (any third floor to be within the roof space). The details of layout as

required under condition 1 shall show no 2.5 storey buildings within 25 meters of Heath Road.

Reasons: To ensure a satisfactory appearance to the development.

22. The details of layout as required under condition 1 shall show the provision of on-site public open space, or a financial contribution towards off-site public open space as an alternative provision, or a combination of both.

Reason: To ensure a satisfactory external appearance to the development and the provision of adequate facilities to meet the recreational needs of prospective occupiers.

23. In respect of the details of access only, the development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing nos. SK03 received on 07/04/14, and 07-013-003 RevB received on 05/09/14.

Reason: For the purposes of clarity and highway safety.

RECOMMENDATION

My recommendation remains unchanged subject to the amended conditions outlined above.

The Head of Planning and Development BE GIVEN DELEGATED POWERS TO GRANT planning permission subject to a legal agreement and conditions

14/0566

Amendment to Heads of Terms

In respect of the financial contribution towards highway works at the junction of the A229 and B2163 (Linton Crossroads), delegated powers are sought for officers to finalise the amount, rather than the £1000 per dwelling currently specified. The £1000 per dwelling was originally estimated by Kent Highways, however, consultants are currently carrying out an assessment on behalf of MBC of options for improvement, which would enable a more accurate figure to be produced. This work is expected to be completed in March. The amendment sought is as follows:

- ***Contribution towards highway works at the junction of the A229 and B2163 (Linton Crossroads) to mitigate the impact of the development (final amount to be clarified by officers).***

Amended Condition

I wish to amend condition 3 to refer to the use of any cord wood within the site and wildlife friendly drainage gullies in the interest of biodiversity protection and enhancement as follows:

3. *The development shall not commence until a landscape and ecological management plan (LEMP) for the site has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following:*
 - i) *Description and evaluation of features to be managed;*
 - ii) *Ecological trends and constraints on the site that might influence management;*
 - iii) *Aims and objectives of management;*
 - iv) *Appropriate management options for achieving aims and objectives;*
 - v) *Prescriptions for management actions;*
 - vi) *Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);*
 - vii) *Details of the body or organisation responsible for implementation of the plan;*
 - viii) *On-going monitoring and remedial measures.*
 - ix) *Specific details for the retention and protection of the badger sett.*
 - x) *Specific details for the protection, maintenance and enhancement of reptile habitat.*
 - xi) *Specific details of any lighting which shall be designed to minimise the impact upon wildlife.*
 - xii) *Specific details and locations of the biodiversity enhancement measures outlined within the 'PJC Ecology letter dated 17th June 2014'.*
 - xiii) *Biodiversity enhancement measures within the structure of buildings.*
 - xiv) *Details of the location of cord wood to be retained on site.*
 - xv) *Details of wildlife friendly drainage gullies.*

The approved plan will be implemented in accordance with the approved details.

Reason: To ensure a satisfactory appearance and setting to the development and in the interests of biodiversity protection and enhancement.

Coxheath Parish Council

Members have been sent a letter from the Parish Council outlining that they support the outline application because they consider it is in line with the draft Coxheath Neighbourhood Plan. They request the following is included within the Section 106 (summarised):

- The Section 106 gives the Parish Council control of land around the medical centre and they be party to the agreement so that the community benefits from any return generated when the land is developed for healthcare use. That the Section 106 financial contribution allows new development for healthcare purposes on this land.
- Paragraph 6.39 is incorrect to imply that the school cannot be expanded. The school and the Parish Council are in discussions with KCC Education on this and we ask, therefore, that the education Section 106 is not earmarked for a new school at Langley but delegated to officers to take account of those discussions.
- A proportion of the affordable housing should be for local needs and this should be within the Section 106 agreement.
- A safe crossing point from the development to the Library and the rear entrance to the school.
- Land is safeguarded in parallel with the road on the north side of the site for the safe cycle route to Cornwallis School and the proposed Linton Park and Ride site, as proposed in the Coxheath Neighbourhood Plan.
- The density and character for the development of this site should not be compared, as in paragraph 6.20, with the adjoining 'Avante' site. The 'Avante' site was a 'John Prescott £60,000 house site and is completely different in density and character from the rest of Coxheath.

Officer Comment

As outlined in the main report (paragraph 6.54), the future use of the land around the medical centre is a matter between the landowner/applicant, the NHS and the Parish Council. Notwithstanding this, layout is not being considered at this stage and so any approval does not hinder further discussions on this matter or potential medical expansion here.

With regard to the primary school, paragraph 6.39 is a quote from Kent County Council. I have sought clarification once more on this point from KCC who state as follows:

"Discussions are planned in the coming weeks with the school. The ability for the school to expand is still considered unlikely at the moment given current information, however in recognition that new information obtained through these discussions or feasibility studies of the site/property may alter the situation KCC can agree to consider to use the contributions on a project closest to the development to include first considering Coxheath PS. However should the school not be able to accommodate increased provision for whatever reason the contributions will be required to cascade to the next closest project in order to mitigate the increased demand.

Suggested wording is:

"the Education contribution to be directed towards education provision at the closest appropriate location to the development capable of accommodating increased provision, dependent upon the outcome of a feasibility study & costings of any project"

Further comments outline that,

"The difficulty in expanding Coxheath PS is a result of expansion from 1 form of entry (1FE) to 2FE having already occurred in 2011/12. The school is therefore currently in the transition to 2FE, as the additional class is added at Reception each year and will take 7 years until the school has a capacity of 420 pupils.

I believe that expansion to 3FE would be difficult but currently do not have a feasibility which provides the evidence of whether this is viable. You will be aware that there is desire locally to direct s106 funds from the local development/s to Coxheath PS. The revised s106 request wording is therefore designed to allow funds to potentially be directed to Coxheath PS, whilst protecting our ability to spend funds towards the new school at Langley Park, which has firm commitment as a project."

KCC have altered their position at the last minute, or not kept MBC up to date. However, it is advised that delegated powers are given to officers to explore the potential for contributions to go to Coxheath Primary School. It is recommended that a time limit (6 weeks) is applied to seeking clarification on feasibility and costings so this is not open-ended as this would be unreasonable for the applicant. If this matter is not resolved by KCC, then the monies would go towards Langley Park. Importantly, either solution would still mitigate the impact of the development upon education provision.

An amendment to the Heads of Terms is recommended as follows:

- ***Contribution of £4,000 per applicable house towards construction of a new primary school in south east Maidstone and £2,701.63 per applicable house towards land acquisition costs; or a contribution towards the expansion of education provision at Coxheath Primary School if deemed feasible (Amount to be finalised by officers. If amount is not finalised within 6 weeks, contributions will go to the new primary school in south east Maidstone).***

In terms of local needs housing, I have discussed this with my housing colleagues who state as follows:

"A previous Local Housing Need Survey has been undertaken which identified a potential need, and despite a change in our Allocation Scheme policy, there is some evidence that we would have some applicants on our housing register of which would have a form of local connection to Coxheath. The development also appears to be providing a range/mix of affordable units (i.e. 1-beds) of which would meet local need in accordance with calculated bed need on our housing register. Also as local needs provision has not already been applied to a scheme in Coxheath, I am happy for a proportion to be provided on this site."

On this basis it would be appropriate to provide some local needs housing on this site. I therefore recommend a change to the Heads of Terms as follows:

- ***The provision of 40% affordable residential units within the application site of which a proportion shall be for local needs housing.***

In terms of a crossing point on Heath Road and safeguarding of land for a cycle route, there is a pedestrian crossing point just to the west of the site with dropped kerbing and tactile paving, and a more comprehensive crossing is not deemed necessary by Kent Highways or the applicants transport consultant, nor is this proposed. As outlined in the main report (paragraph 6.54), the provision of a cycle route is not deemed necessary or reasonable to provide, and justification based on the draft Neighbourhood Plan is not sufficient.

The 'Avante' site is an existing significant development next to the site, and forms the context for this application site. As outlined in the main report (paragraph 6.20), the density is similar to the 'Avante' development and not dissimilar to that to the north, and so would not be out of character in its context.

Representation

Members have been sent a letter from 'RACE' (Residents Against Coxheath Expansion) referring to Coxheath Parish Council. Reference is made to a number of issues including highway safety, infrastructure, loss of agricultural land, and amenity. Reference is made to brownfield land within Maidstone and that this should be used first.

Officer Comment

These planning matters have been addressed in the main report. In terms of brownfield land, Members must decide the application before them on its own merits, and in the absence of a 5 year supply, the NPPF states that that housing applications should be considered in the context of the presumption in favour of sustainable development. This 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. As outlined in the report, it is considered that the low adverse impacts would not significantly and demonstrably outweigh the benefits of providing much needed housing, including affordable housing, at this sustainable location.

RECOMMENDATION

My recommendation remains unchanged subject to the amended heads of terms (set out below for clarity) and amended condition 3 above.

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

- The provision of 40% affordable residential units within the application site of which a proportion shall be for local needs housing.
- Contribution of £4,000 per applicable house towards construction of a new primary school in south east Maidstone and £2,701.63 per applicable house towards land acquisition costs; or a contribution towards the expansion of education provision at Coxheath Primary School if deemed feasible (Amount to be finalised by officers. If amount is not finalised within 6 weeks, contributions will go to the new primary school in south east Maidstone).
- Contribution of £30.70 per household sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both through dedicated adult education centres and through outreach community learning facilities local to the development.
- Contribution of £8.44 per household sought to be used to address the demand from the development towards youth services locally.
- Contribution of £16.28 per household sought to be used to address the demand from the development towards additional bookstock and services at local libraries serving the development.
- Contribution of £15.94 per household sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both on site and local to the development including assistive technology, and enhancement of local community facilities to ensure full DDA access.

- Contribution of £93,384 towards extension, refurbishment and/or upgrade of the Orchard Medical Centre and Stockett Lane Surgery.
- Contribution towards highway works at the junction of the A229 and B2163 (Linton Crossroads) to mitigate the impact of the development (final amount to be clarified by officers).

The Head of Planning and Development BE GIVEN DELEGATED POWERS TO GRANT planning permission subject to conditions



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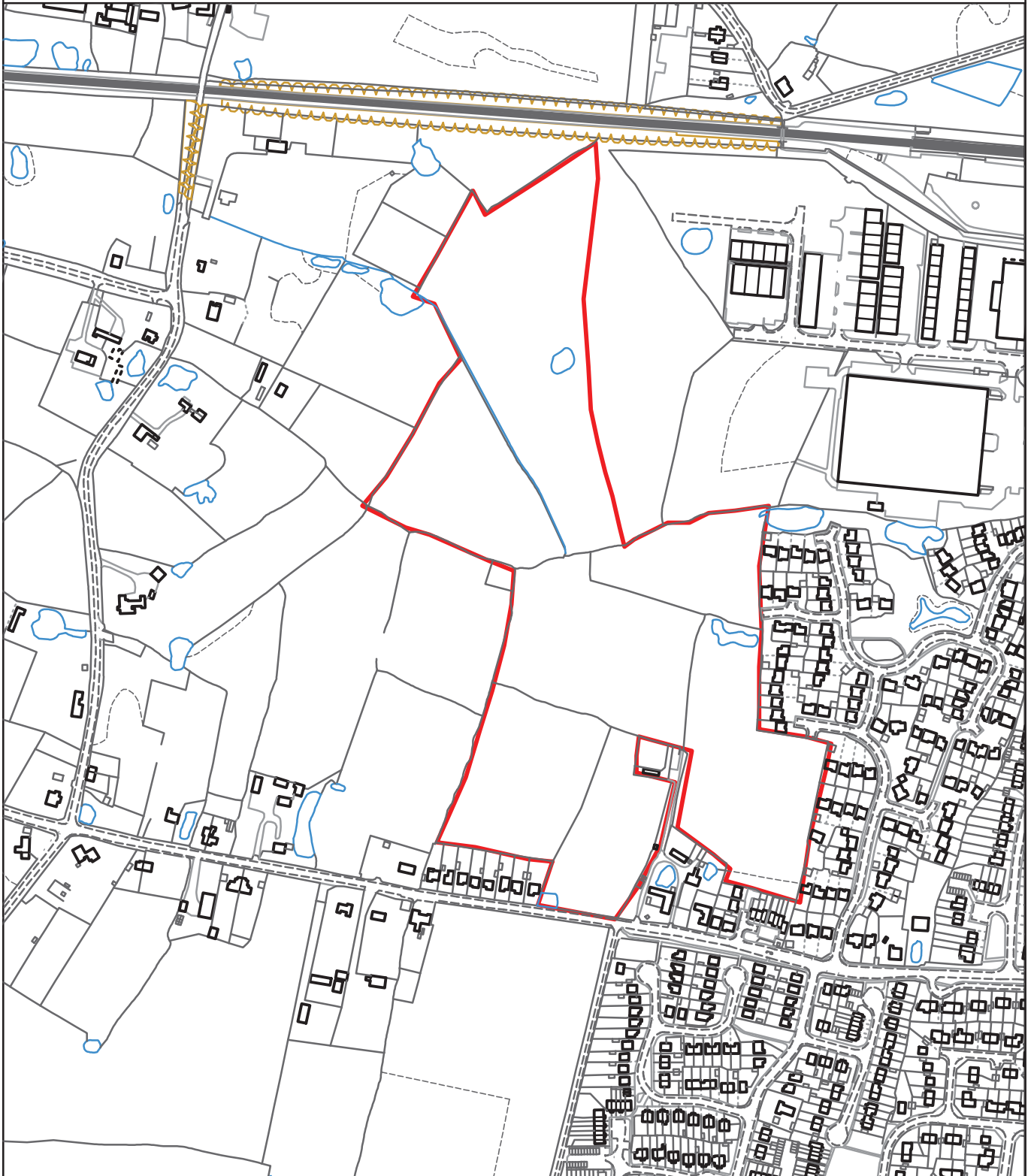


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THE MAIDSTONE BOROUGH COUNCIL

Hen And Duckhurst Farm
Marden Road
Staplehurst, Kent
TN12 0PD

MBC Ref: 14/502010



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 14/502010/OUT		
APPLICATION PROPOSAL <p>Outline application for the erection of residential development for up to 250 dwellings with access and garaging with access considered at this stage and all other matters reserved for future consideration.</p>		
ADDRESS Hen And Duckhurst Farm Marden Road Staplehurst Kent TN12 0PD		
RECOMMENDATION Delegated Authority to approve subject to conditions and legal agreement.		
SUMMARY OF REASONS FOR RECOMMENDATION <p>The development does not comply with policy ENV28 of the Maidstone Local Plan 2000. However proposed development would provide a mix of dwelling types. It would provide much needed affordable and market homes. The proposal would represent a sustainable form of development and would help to support local infrastructures.</p> <p>For the reasons set out below, it is considered that there are no overriding material considerations to indicate that a refusal of planning permission is justified.</p>		
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none"> • It is contrary to views expressed by the Parish Council • It is a departure from the Development Plan as the site is located outside the defined settlement boundary of Staplehurst • It is a major development 		
WARD Staplehurst Ward	PARISH/TOWN COUNCIL Staplehurst	APPLICANT Mr Philip Aelen AGENT Mr Martin Page
DECISION DUE DATE 21/10/14	PUBLICITY EXPIRY DATE 21/10/14	OFFICER SITE VISIT DATE 02/09/2014
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): None relevant		

MAIN REPORT

1. DESCRIPTION OF SITE

The application site is 12.18 hectares and is situated to the northwest corner of Staplehurst village and is bound from south by Marden Road (B2079), from east by two storey residential properties in Further Field, Marlfield and Barn

Meadow. It is also enclosed from north east by the existing industrial estate at Lodge Road. The site is connected to Staplehurst rail way station that is just to the north east by a footpath and the village centre through existing road networks.

The site forms part of a wider farm land with boundary hedgerows, woodland and couple of small pounds.

There is a small group of heritage asset buildings to the south east just outside the application site but part of the Hen and Duckhurst Farm. These buildings comprise a Grade II listed 17th Century farmhouse together with other traditional structures in the form of a barn and a converted oast house formerly forming part of its farmyard.

The site is relatively flat and there is an electricity sub-station just beyond the southern boundary of the application site. The sub-station is accessed from Marden Road.

The character of the area is one of urban fringe comprising farm land, low density residential properties and industrial building units located on the edge of the rail way station to the north east.

Staplehurst has good basic services, shops, pub, restaurant, school, doctor surgery and good public transport link to major towns by railway and bus services.

2.0 PROPOSAL

The proposal is in outline and seeks planning permission for the erection of up to 250 dwellings with allotments, open space and associated parking, garaging and estate road. Along with the approval for the principle of change of use of the land from agricultural use to residential, only the specific details of means of access to the site is being considered at this stage for approval and all other matters (layout, appearance, scale and landscaping) are reserved for future consideration.

The vehicular access to this development would be from the site frontage with Marden Road involving a new round about.

Although with an outline application the applicant is not required to provide any details of the reserved matters at this stage; an illustrative master plan has been submitted together with a design and access statement that provide an insight into the applicant's intention for this site.

The Master Plan and the D&A statement show a single vehicular access point of Marden Road via a roundabout with potential internal links to neighbouring development.

The layout shows a density of about 20.5 dwellings per hectare over the application site with a number of character areas of individual identity through the grouping of certain house types and variation in density. The existing landscape features (trees, hedge rows and ponds) as well as the Parish Council's aspiration for allotments site reflected in the draft neighbourhood plan are included to shape the master plan's layout; resulting in the creation of

green corridors, boulevard street-scape, mature ecology areas, play area, allotments and pedestrian connection link to the railway station.

The submitted Planning Statement states that 40% of the proposed dwellings on this site will be affordable and that the houses will be constructed to code level 4. Moreover the design and access statement indicates that out of 12.18 hectares of the application site only 7.52 hectares will be developable and the remaining 4.66 hectares would be set aside to provide allotments, Landscape and open space areas, swales and drainage facilities.

3.0 PLANNING CONSTRAINTS

- A grade II listed building is situated to the southeast and just outside of the application site.
- Ponds within and outside the application site.
- Trees and hedge rows.
- Electricity sub-station just outside the application site.

4.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV49, T1, T2, T3, T13, T23, CF1

Maidstone Borough Local Plan Regulation 18 Consultation 2014: SP3, H1(36), H2, DM2, DM3, DM4, DM6, DM10, DM11, DM12, DM13, DM14, DM16, DM23, DM24, DM30, ID1,

MBC Affordable Housing DPD (2006)

MBC Open Space DPD (2006)

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

5.0 LOCAL REPRESENTATIONS

This application has been advertised by site notice, advertised in the local press and notification letters to neighbours.

39 letters of representations have been received objecting to the application for the following reasons:

- A single exit from this housing estate to Marden Road is not viable due to volume of traffic that would be generated at the traffic light at the junction with A229. Oliver Road will be used as a rat-run.
- Additional 250 dwellings would dramatically increase the amount of traffic on A229 and through the village particularly at peak congestion times.
- The development will be one big cul-de-sac causing traffic problem, noise and air pollution.
- Sewerage problem after heavy rain,
- Inadequate infrastructure in the village.
- New houses could cause overlooking and impact on the amenities of the occupiers of the adjoining properties.

6.0 CONSULTATIONS

6.01 Staplehurst Parish Council

Notwithstanding references to the lack of MBC five year land supply, the application is premature in relation to the draft stage of the MBC Local Plan where the site's inclusion should be seen as an interim step rather than a definite position.

Staplehurst Neighbourhood Plan

The emerging status of the Staplehurst Neighbourhood Plan carries significant weight. Whilst acknowledging the site's inclusion in the emerging plan and the outline nature of the application, the Parish Council feels the application is not consistent with the plan and that a proposed 10% increase in houses in Staplehurst merits a more comprehensive appraisal of all the issues involved.

Access and Highways

The Parish Council is concerned about the proposed single access point and the strain the resulting traffic would put on Marden Road and the crossroads; references to not precluding potential further links are inadequate and a more definite proposition covering proposed site roads and other access points is essential. The Parish Council acknowledges that the proposed offsetting of the roundabout might calm traffic approaching the village but it can see no such impact on westbound traffic; it is concerned that the roundabout will be incompatible with the increasing number of heavy goods and agricultural vehicles that are using and will be using the road.

An assessment of cumulative traffic volumes should examine this proposal in the context of development envisaged in surrounding areas both in and outside the borough. The submitted plans do not clearly show a three metre path and cycleway on Marden Road east of the proposed development and to avoid damage to hedgerows this would mean narrowing the road and moving electricity poles.

Other Infrastructure

There are major problems of sewage disposal, flooding and general drainage issues on Marden Road and in the vicinity where infrastructure is failing to cope with current housing levels before even contemplating expansion. There is no evident connection with the sewer system to the west of the proposed site. Authorities are currently reviewing existing flood data, which adds to the sense that the application is premature.

There is a need to show how adequate provision would be made for schooling and healthcare; the Parish Council wishes to see details of how these and all the above infrastructure requirements would be addressed.

Parking

Comments that parking would only be provided on plot 'where possible' and about the consequent need to look to street-parking are not acceptable in the light of well-known parking problems in the village.

Conclusion

The premature nature of the application means it fails to deal satisfactorily with key issues of infrastructure and Neighbourhood/Local Plan context and these points need to be addressed if the application is to demonstrate how the site could sustain the proposed number of houses. For all the above reasons members of Staplehurst Parish Council have voted unanimously to

recommend REFUSAL and request that this application be reported to MBC Planning Committee.

6.02 Southern Water

Following initial investigation, there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result.

Additional off site sewers, or improvements to existing sewers will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location.

Should the application receive planning permission, please include as an informative to the permission, the following requirement:

The applicant /developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The planning application form makes reference to drainage using Sustainable Urban Drainage System (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

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

The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

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 the Southern Water”.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW ([Tel:03303030119](tel:03303030119)) or www.southernwater.co.uk”.

6.03 Rural Planning Limited

The proposed site comprises some 12.18 ha of low laying grassland on the western edge of Staplehurst at about 25m above sea level.

DEFRA's 1:250,000 scale mapping indicates land in this area to be Grade 3 quality however the mapping does not distinguish between Grade 3a(good quality and with 3b the “best and most versatile” (BMV) category of agricultural land).

It is doubtful, that the land will fall within the BMC category and overall I do not consider that the loss of agricultural land here per se is likely to form a determining issue in this instance.

6.04 UK Power Networks: Has no objections

6.5 KCC Archaeological Officer

The site lies to the north west of Staplehurst on traditional farmland. Hen and Duckhurst is a farm complex identifiable on the 1st Ed OS map and is considered to date from 17th century. The farm complex included several outbuildings, some of which are no longer upstanding but may survive below ground level within the application site. Hen and Duckhurst farmhouse is a Grade II listed building and is recorded within the English Heritage Farmstead Survey.

A Neolithic polished axe is recorded from within the site. This may be a stray find or it may represent part of wider prehistoric activity in this area. This area of the Weald is believed to have been exploited for its iron, timber and charcoal resources from the later prehistoric period. A Roman road extends through Staplehurst and small Roman farmsteads may be located nearby. Staplehurst developed as a later medieval market town but it is likely that this application site area was part of extensive farmland.

This large development site contains remnant historic landscape features, including field boundaries, footpaths and possible quarry sites. Some of these are still visible but some are probably surviving only as features below ground. It would be preferable and beneficial for the character of the new development, if as many of these historic landscape features as possible could be retained and integrated into the new development. A historic landscape assessment could be useful to identify some of the key historic landscape features and consider options to integrate into new development framework.

The application is supported by an Archaeological Deskbased Assessment by CgMs. The DBA is brief but I have no major comments on it.

The site may contain as yet unknown archaeological remains and it would be appropriate for a targeted programme of archaeological works to be undertaken. It would also be useful to undertake a historic landscape survey to inform retention of key historic landscape features. These issues can be addressed through conditions and I recommend the following conditions are placed on any forthcoming consent for the outline application:

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

- i historic landscape survey and assessment 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 survey and assessment, any safeguarding measures to ensure preservation in situ of important historic landscape features and/or further historic landscape 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 historic landscape implications of any development proposals and the subsequent mitigation through preservation *in situ* and integration into main development scheme or preserved by record.

And

AR5 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 and assessment, 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.

6.06 KCC Economic Services

Having had regard to the Section 123 of the Community Infrastructure Levy (CIL) Regulations 2010 that came into force on 6th April 2015 and means that planning obligations cannot pool more than 5 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010).

Following meetings with KCC service providers, the KCC have reassessed their requests in light of Section 123 of the CIL Regulation (in terms of pooling

of 5 obligations) and as a result the following contribution request that pass the test of sections 122 and 123 of the CIL Regulations:

- Primary Education @ £14,286 (new build) and £3184.60 (land acquisition) per additional pupil (x44) = £768,706.40 towards the Phase 1 of the Headcorn Primary School new expansion and site enlargement.
 - Secondary education @ £11,799 per additional pupil (x41) = £487,888.65 towards the expansion of Cornwallis school
 - Library bookstock £12,003.95 - project: bookstock for the new residents of this development alone (supplied to Staplehurst Library)
 - Youth equipment £2110.58 - required for the new residents of this development alone (supplied to Youth Workers and organisations covering Staplehurst)
-
- KCC also would request delivery of 5 Wheelchair Accessible Homes within the affordable housing units and
 - Provision of Superfast Fibre Optic Broadband 'fibre to the premises' to all buildings of adequate capacity (internal min speed of 100mb to each building) for current and future use of the buildings

6.07 Maidstone Borough Council Conservation officer

OBJECTS to the application on heritage grounds for reasons as detailed below:

The building complex at Hen and Duckhurst Farm includes the Grade II listed 17th Century farmhouse together with other traditional structures in the form of a barn and a converted oast house formerly forming part of its farmyard. This constitutes a good group of heritage assets.

This historic group has suffered from erosion of its original rural setting on two sides by late 20th century housing developments; these proposals would result in the total loss of the remaining rural setting and the heritage assets would be subsumed into a modern housing development. The total loss of the setting of this group of heritage assets would cause considerable harm to their significance. English Heritage published a Consultation Draft Good Practice Advice Note on The Setting of Heritage Assets in July 2014 which in Paragraph 8 addresses the issue of cumulative change in the following terms:

"Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies, consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset. Negative change could include severing the last link between an asset and its original setting."

In this particular case, this is exactly what would happen if the proposed development were to take place. Section 66 of the Planning (Listed Buildings

and Conservation Areas) Act 1990 requires the local planning authority to have special regard to the desirability of preserving listed buildings and their settings; thus this is a matter of considerable importance and weight when coming to a decision.

The Heritage Statement submitted with the application is factually incorrect in stating that Hen and Duckhurst Farmhouse is not visible from the public realm when it can be seen quite clearly from Marden Road (Section 3.3). Despite this the Heritage Statement does not disagree that the proposals will cause less than substantial harm to the significance of this listed building (Section 2.4); I would agree with this assessment of the level of harm. As such, the application needs to be assessed against Paragraph 134 of the NPPF and only if public benefits outweigh the harm should permission be considered.

6.08 KCC Ecology officer

Information (*Letter from PJC Ecology dated 23rd January 2015*) has been provided to respond to the queries we raised in our previous advice dated 1st September 2014. Further details of the reptile, bat and great crested newt survey results have been submitted, providing further evidence to support the incorporation of mitigation / enhancement areas within the design of the proposed development.

The revised *Illustrative Masterplan* (Rev B, though this is not stated on the document itself) incorporates additional measures that aim to provide a functional network of habitat across the site to provide mitigation for the potential impacts to reptiles and great crested newts.

We advise that Maidstone BC needs to acknowledge that there would be a net loss in area of available habitat for reptiles and great crested newts as a result of the proposed development, but that the aim of the mitigation strategy would be to minimise the potential impacts by enhancing the habitat suitability of retained (undeveloped) fields and field margins to increase the carrying capacity of these areas. In relation to the potential impacts to great crested newts, as advised in the further information submitted, a European protected species mitigation licence will be required to derogate from the offences that are likely to occur as a result of the proposed development. As such, Maidstone BC must address the requirements of the EC Habitats Directive and consider whether it is unlikely that a licence will be granted and in so doing must address its mind to the three tests when deciding whether to grant planning permission for the proposed development. The three tests are that:

- 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 satisfied that the outline of the proposed mitigation is sufficient for us to conclude that the favourable conservation status of the species will be maintained. We are unable to advise on the first two tests as we consider these to be planning matters outside of our expertise. We do however draw

your attention to the information provided within pages 7 to 9 of the *Letter from PJC Ecology dated 23rd January 2015*.

We advise that the principles of the proposed mitigation strategy are acceptable and that the details, according with these principles, can be secured by condition, if planning permission is granted.

One of the principles of the National Planning Policy Framework is that “*opportunities to incorporate biodiversity in and around developments should be encouraged*”. In addition to any necessary mitigation, ecological enhancements should be secured within the application details to support Maidstone BC in meeting this NPPF principle. This can be subject to condition, if planning permission is granted.

We suggest the following condition wording:

Ecological Design Strategy – suggested condition wording:-

No development shall take place until an ecological design strategy (EDS) addressing ecological mitigation and enhancement of the site has been submitted to and approved in writing by the local planning authority. The EDS shall include the following,

- a) Purpose and conservation objectives for the proposed works.*
- b) Review of site potential and constraints, informed by further survey effort as appropriate.*
- c) Detailed design(s) and/or working method(s) to achieve stated objectives (may be provided as a set of method statements).*
- d) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- e) Extent and location/area of proposed works on appropriate scale maps and plans.*
- f) Type and source of materials to be used where appropriate, e.g. native species of local provenance.*
- g) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.*
- h) Persons responsible for implementing the works.*
- i) Details of initial aftercare and long term maintenance.*
- j) Details for monitoring and remedial measures.*

The EDS shall be implemented in accordance with the approved details unless varied by a European Protected Species licence subsequently issued by Natural England. In the interests of securing the maximum benefit for biodiversity any variation of the agreed mitigation required by Natural England must not result in the reduction in the quality or quantity of mitigation/compensation provided and all features shall be retained in that manner thereafter.

Landscape and Ecological Management Plan – suggested condition wording:-

A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the development. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.*
- b) Ecological trends and constraints on site that might influence management.*
- c) Aims and objectives of management.*
- d) Appropriate management prescriptions for achieving aims and objectives.*
- e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).*
- f) Details of the body or organisation responsible for implementation of the plan.*
- g) On-going monitoring and remedial measures.*

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

6.09 KCC Highway Services

I have the following comments.

1. My concerns relating to the pedestrian and cycle links have been addressed; these are to be provided to the existing residential development to the east of the application site via Further Field and Marlfield.
2. A link for vehicular traffic through the development site towards Lodge Road is to be safeguarded.
3. Bus boarders are to be provided at two relevant bus stops.
4. Parking provision is to be provided in accordance with IGN3
5. Traffic calming is to be provided along Marden Road and the 30 mph speed limit is extended.
6. A pedestrian and cycle crossing is required on Marden Road to ensure safe access to the village centre from the site.
7. Contributions will be required towards the enhancement of vehicle and cycle provision at the railway station subject to agreement with South Eastern Railway.

8. Traffic generated from the development of 197 units at Fishers Farm has been included in a revised assessment of the signalised junction of the A229/Marden Road/Headcorn Road using Linsig. The cumulative effects of the development proposals and background growth indicate that the junction would operate over capacity in the 2019 design year; -6.9% PRC during the AM Peak and -5% PRC during the PM peak. Mitigation in the form of puffin technology at the crossings would help to minimise the effects of this additional traffic with resultant PRC results of -3.1% during the AM peak and -2% during the PM peak.

9. I am concerned that the capacity assessment concludes that this junction will experience capacity problems during 2019 with background growth and including only a proportion of the allocation included in the Draft Local Plan. The allocation in respect of the Hen and Duckhurst site is 370 homes and for the Fishers Farm site 535 homes. This level of development will lead to significant capacity problems at the A229/Marden Road/Headcorn Road junction.

10. It is clear from the Draft Local Plan that the developments will be required to contribute towards improvements to the A229/Marden Road/Headcorn Road junction.

As at this stage the level of contribution towards highway works at the junction of the A229 (Station Road) and Marden Road to mitigate the impact of the development is not known as part of heads of terms the final amount to be clarified by officers.

6.10 Environmental Agency

Flood Risk Condition:

Development shall not begin until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm (including an allowance for climate change) 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 scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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

We strongly recommend this condition be considered prior to or in conjunction with, approval of road and housing layout to ensure the optimum space can be allocated for storage and conveyance of storm runoff using sustainable drainage techniques.

Groundwater Protection

The site is located in a very low sensitivity area with respect to Controlled Waters. The 'Geoenvironmental Site Investigation' by BRD (reference BRD1883-OR2-A dated September 2013) did not reveal any significant contaminant concentrations. Consequently, we have no objection from a groundwater protection perspective.

6.11 Environmental Health

Although the site has not been developed the recommendation to carry out a Phase 2 intrusive site investigation, as recommended by the Geo-Environmental Site Investigation report produced by BRD Environmental, BRD1883-OR2-A, September 2013 is required.

The site is in a radon affected area with a 3-5% probability of elevated radon concentrations, therefore an assessment should be carried out and the results and any proposed mitigation measures should be submitted to the Council for approval.

An acoustic assessment in respect of railway noise should be carried out and the results and any proposed mitigation measures should be submitted to the Council for approval. The assessment should include any noise emanating from the electricity sub-station which could affect residents and the consultant should be made aware that outline approval has been granted for the site on the north east boundary of this site for use as an industrial estate.

The transport assessment (TA) does not provide information on off/on-street parking allocation, this should be clearly stated. A robust Travel Plan should be produced in accordance with Section 5.3.2 of the Transport Assessment, stating how "the close proximity of the station and the ease of using local train services could be promoted through a Travel Plan" and Section 8.1.15 stating that "improvements to the footway will be provided to facilitate pedestrian movements and provide convenient link to the railway station."

An air quality assessment, including a mitigation strategy, and a sustainability statement should be prepared for submission with any full planning application made for this site.

As there is a large electricity sub-station located in the centre of the proposed development an assessment of electromagnetic radiation should be carried out and submitted to the Council, along with any proposed mitigation measures, should elevated levels be found.

Demolition and construction activities may have an impact on local residents so these should be addressed by following the standards adopted by the local authority in respect of demolition and construction sites.

REQUESTED CONDITIONS:

Contaminated Land Conditions

DEALING WITH LAND CONTAMINATION

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 conditions ^IN; to ^IN; 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 condition ^IN; 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

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

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

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

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.

Noise

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.

Reason: In order to protect the occupiers of the dwellings from undue disturbance by noise in accordance with Policy EN1 of the Local Plan.

LOW FREQUENCY NOISE

Prior to the first use of the electricity substation an acoustic report assessing the impact shall be submitted to and approved in writing by the Local Planning Authority. The report shall address the issue of noise (including low frequency noise) and vibration from the station to ensure that there is no loss of amenity to residential or commercial properties. For residential accommodation, the scheme shall ensure that the low frequency noise emitted from the substation is controlled so that it does not exceed the Low Frequency Criterion Curve for the 10 to 160Hz third octave bands inside residential accommodation as described in The DEFRA Proposed Criteria for the Assessment of Low Frequency Noise Disturbance 2005. The equipment shall be maintained in a condition so that it complies with the levels and mitigation measures specified in the approved acoustic report, whenever it is operating. After installation of the approved plant no new plant shall be used without the written consent of the local planning authority.

Reason: In order to protect the occupiers of the dwellings from undue disturbance by noise in accordance with Policy EN1 of the Local Plan.

Radon (In a Radon suspected area)

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.

Electromagnetic radiation

The applicant must consult EDF Energy, the National Grid Company and PHE's Centre for Radiation, Chemical and Environmental Hazards to acquire information and advice that will take into account the proximity of the proposed dwellings. EDF Energy must confirm that the levels of emissions can be mitigated to an acceptable level in the dwellings and details of measures to ensure that the required levels are met must be submitted to the Council for approval. All necessary works must be carried out before the premises area occupied.

Air Quality and Sustainability

An air quality assessment (taking into account cumulative impacts from nearby committed developments), should be carried out and a mitigation strategy to minimise impacts of generated traffic on local air quality should be produced. This should include a robust Travel Plan, including measures to encourage sustainable transport modes and the use of low emission vehicles. Parking allocation should be designed in line with the above. The installation of electric

vehicle recharging infrastructure for off and on street charging should be considered.

The developer should seek all possible ways to promote sustainability.

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.

6.12 Maidstone Borough Council Housing

I note that the application seeks outline planning permission for:

‘the erection of residential development for 250 dwellings with access and garaging with access considered at this stage and all other matters reserved for future consideration.’

The applicant has acknowledged in both the planning statement and the design and access statement for the need to follow the Council’s policy of 40% affordable units as stated in the adopted 2006 DPD.

Furthermore, at 4.3.7 of the planning statement, the applicant has stated that, *‘some 60% of these dwellings are anticipated to be for social rent with 40% being for intermediate accommodation such as shared ownership or discounted rent.’* Again, this is in line with what Housing would be requiring on this site.

The total development of 250 dwellings would equate to 100 affordable units. As this is an outline application the exact unit size and tenure mix is to be agreed at a future stage. However, in the design and access statement, the applicant has submitted an indicative site layout along with a suggested unit split in order to demonstrate how the land could be developed. The developer’s indicative affordable unit split is:

1 Bed units	37	37%
2 Bed units	34	34%
3 Bed units	23	23%
4 Bed units	6	6%

Although appreciating this is just an indicative unit split at present, we would consider this a good mix of unit sizes.

We would therefore welcome early engagement and consultation regarding the affordable mix, tenure and the spacing of these units, as this will affect any

proposed master plan layouts. Furthermore, we would like to be made aware at the earliest opportunity of the proposed size of the individual units and would be looking to have the vast majority of the 2 bed units to be suitable for 4 persons.

Finally, I would also like to raise the issue of design and quality standards, in particular Life Time Homes which should be taken into consideration for the affordable housing provision.

6.13 MBC Park and leisure

For a development of this size we would expect a minimum onsite provision of formal open space of 2.62ha (not including Green Corridors or Natural & Semi-Natural Green Spaces). The development is located within Staplehurst Ward. Staplehurst is generally underprovided for in all types of open space.

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

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

It is pleasing to note that the development proposes to include Allotments on site as Staplehurst currently has no provision for this type of Open Space.

We would have queries over the benefit of an on-site LEAP in terms of serving a development this size. Typically LEAP's only cover equipment for children aged 4-12 and generally of a size for developments of up to 100 homes. If the developer wishes to provide an on-site Equipped Play Area then a NEAP would be a better option, covering an age range of 4-14.

The onsite play provision would obviously depend on land layout and availability, however should a NEAP and associated teenage provision not be a viable option then an off-site contribution may be sought to cover a shortfall for the residents of the development.

The planned location of the equipped play area is also in a location not ideally central to the development which would result in other existing play areas in Staplehurst being closer to residents.

Lime Trees Open Space and Play Area will be directly adjacent to the proposed development site, whilst Surrenden Fields is approximately 0.25 miles away from the development and also adjacent to Staplehurst Primary School. It is not unreasonable to assume that residents of this proposed development would make use of these two sites for their play and recreation time.

In the light of Section 123 of the Community Infrastructure Levy (CIL) Regulations 2010 that came into force on 6th April 2015 planning obligations cannot pool more than 5 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010).

MBC Park and Leisure have assessed their request in light of Section 123 of the CIL Regulations (in terms of pooling of 5 obligations) and as a result have made the following request. MBC Parks & Open Spaces Department have confirmed that there have not been 5 pooled contributions since April 2010

towards Lime Trees, Surrenden Playing Fields. It is considered that this request pass the test of section 123 of CIL Regulation.

The Parks and Open Spaces have considered this application and would make the following comments;

The development of this size will have an impact on the existing areas of formal open space in the local area where no on site provision exists.

There is an already established area near the development site. We would recommend that the developer make an offsite contribution which can be used to improve and refurbish existing play provision at the sites known as Lime Trees, Surrenden Playing Fields.

The off site financial contribution be agreed at reserved matter stage.

We would seek per dwelling £1575.

The improvement, refurbishment and maintenance of the existing area of open space and equipped play and outdoor sport facilities at Lime Trees, Surrenden Playing Fields within Staplehurst.

7.0 BACKGROUND PAPERS AND PLANS

Site Location Plan DHA/9702/01 Rev B ; Transport Assessment Statement July 2014; Flood Risk Assessment Report May 2014; Archaeological Desk Based Assessment Feb 2013; Arboricultural Survey by Tree: Fabrick, drawings tf930/TS/100 and 101Dec 2013; Ecological Survey Jan 2013 and updated report Feb 2014; Design and Access Statement May 2014; Site appraisal Report June 2024, Sustainable Design and Construction Statement August 2014, Planning Statement June 2014 and Statement of Community Involvement June 2014, Indicative Master Plan Drawing DHA/9702/04.

8.0 APPRAISAL

The main issues for determination are-

- Principle of the development;
- Highway and traffic impacts,
- Visual impact and landscape
- Heritage assets,
- Impact on local Ecology;
- Flood Risk Surface Water and Foul Drainage,
- sustainability,
- Affordable housing and infrastructure contribution;

Principle of the development

- 8.01 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.
- 8.02 The application site is mainly located in the countryside outside the defined settlement boundary of Staplehurst.
- 8.03 The saved policy ENV28 of the Maidstone

Borough-wide Local Plan 2000 is a material consideration which states:-

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

(1) That which is reasonably necessary for the purposes of agriculture and forestry; or

(2) The winning of minerals; or

(3) Open air recreation and ancillary buildings providing operational uses only; or

(4) The provision of public or institutional uses for which a rural location is justified; or

(5) Such other exceptions as indicated by policies elsewhere in this plan.

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

- 8.04 It is necessary therefore to consider two main issues in relation to the proposals. Firstly, whether there are any material considerations that would indicate that a decision not in accordance with the Development Plan is justified, and secondly whether the development would cause unacceptable harm.

- 8.05 The Reg 18 Maidstone Local Plan is a material consideration. In this plan, the application site is included as a residential allocation through Policy H1(36).

This refers to several important aspects to be taken into account notably

Design and layout by retention and enhancement of hedges and trees along the northern and western boundaries, application of high quality landscaping and screening of the electricity sub-station.

That primary access to the site to be from Marden Road, secondary or emergency access from Lodge Road, Pedestrian and cycle link to the industrial estate and railway station, cycle and pedestrian linkage to the existing residential areas and the village centre.

Phase 1 ecological survey, Water quality and flooding assessment, Noise assessment, open space provision Highway impact assessment and mitigation provision and contribution towards Community infrastructure.

The need for high-quality design and layout that responds positively to the site, preserves the significance of the heritage assets affected, and addresses the potential isolation of the site from existing communities.

- 8.06 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.

- 8.07 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.
- 8.08 This lack of a five year supply is a significant factor and paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as EN28 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.
- 8.09 With respect to this case, the application site is located adjacent to the settlement boundary of Staplehurst 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 school, shops, restaurants, doctors surgery and good public transport including rail link and bus service.
- 8.10 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. 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".
- 8.11 It is considered that the application site is in a sustainable location in the context of the NPPF and draft Local Plan. The land is also classified as grade 3b moderate quality land.
- 8.12 The Parish Council has made reference to the on-going Local Plan and Neighbourhood Plan and that this application is premature and should not be considered in advance of the completion of that work. The Local Plan will be out for public consultation in due course. The Neighbourhood Plan although has been through public consultation it is being revised and has not being through public examination as yet and there are still a number other stages that the neighbourhood plan needs to go through which will take some while yet; as such it is considered that limited weight should be afforded to it. Therefore in view of the stage at which these plans are and likely timescales for their process, and the current housing supply issue set out above, it is not considered appropriate or reasonable to delay consideration of this application on that basis.
- 8.13 It is considered that in the light of the allocation of this site in the Reg 18 Local Plan and the NPPF advice regarding the short fall of 5 years housing land

supply and that the site is adjacent to an existing service centre and in a sustainable location the principle of the proposed development is acceptable.

Highway and traffic impacts

- 8.14 The issue of access to the site is to be decided at this stage. A Transport Assessment statement has been submitted with the application which has been considered by KCC Highway Services. It is proposed that vehicular access to the site would be from Marden Road.
- 8.15 To encourage less reliance on cars, cycle and pedestrian links are proposed through the industrial estate to the rail way station and from the south via Marden Road to the rest of the village services.
- 8.16 KCC Highway consider the measures proposed as mentioned in 6.09 above including traffic calming along Marden Road and the 30 mph speed limit to be acceptable.
- 8.17 Concern has been expressed by the parish and local residents about additional pressure on the junction of Marden Road with A229 and potential congestion. In response to this issue Maidstone Borough Council has commissioned a capacity assessment of the junction and design consideration and preparation in response to potential increase in traffic and demand. This work is currently being carried out by consultant and the findings will inform the changes required and potential cost associated with the works need to be carried out.
- 8.18 KCC highway has also suggested that additional car parking and cycle storage provision be made available at the railway station. It is considered that although this would enhance cycle rack and car parking provision at the station, the station is outside the control of the applicant and the highway authority and as such this cannot be dealt with either as part of section 106 or planning condition. It is advised that an informative be added to any permission asking the applicant to seek the station management support in this regard.
- 8.19 KCC highway Services are recommending a series of measures that are outside the application site and these measures would have to be carry out under section 278 of the Highway Act and these would form part of a section 106 legal agreement.
- 8.20 The application site is considered to be in a very sustainable location with good access to public transport and essential services; on that overall basis, the impacts of the proposal in trip generation terms will be mitigated to an acceptable degree. Again, it is important to view objections on this count in the context of the allocation of the site for housing in the Reg 18 LP.
- 8.21 The issue of car parking provision, street layout and access to the site by service vehicles will be considered in detail at reserve matters stage.

Visual Impact and landscape

- 8.22 The site is situated on the western edge of Staplehurst settlement where the countryside meets urban edge and residential pockets have encroached onto

the countryside. Properties surrounding the application site comprise a mixture of large industrial buildings and predominately two storey houses. The Development along the southern boundary fronting Marden Road is linear in character where two and single storey houses and hedge row gaps shape the road frontage. The western boundary of the site comprises open farm land subdivided to smaller fields enclosed by tall hedge and trees.

- 8.23 Views into the application site from the north are limited to the passengers of the passing trains. A wide buffer area separates the rail way track from the edge of the application site. This buffer although not within the application site provides opportunity for landscaping and softening of the northern edges of the development.
- 8.24 From the east the development would be visible to some of the properties in Lime Tree, Marfield, Further Field, Green Hill and Lodge Road that border the application site. Likewise views from the south would be limited to those bordering the application site and front Marden Road. These views would change substantially from open countryside and farm land to urban form and housing estate.
- 8.25 The application site has 76m wide frontage with Marden Road which is currently enclosed by 1.5m high boundary hedge. This frontage will be altered by introduction of a new vehicular access and houses; as a result countryside backdrop views will be replaced by an urban environment, when viewed from the south.
- 8.26 Countryside views and the farm land setting of Hen and Dockhurst Farm listed buildings towards north and west would also be lost if the submitted indicative master plan is pursued (impact of the proposal on heritage asset is discussed below).
- 8.27 Views from Clapper Lane and the west towards the application site would be extremely curtailed by existing substantial hedge rows, trees and large buffer amenity area. The indicative layout plan shows that the applicant intends to provide allotments along northwest corner and a large amenity area along the western boundaries of the application site. These designated open space areas would act as a formal landscaped buffer area between the new urban edge and the countryside to the west and as such it is considered that the development would not be visible from longer distances.
- 8.28 Moreover, due to natural contour of the land and presents of hedgerows and trees long range views to the site from the west would be very limited and in fact not much different from the current situation provided the height of the buildings in the proposed development is confined to no more than two storey plus roof height.
- 8.29 The impact of the re-alignment of Marden Road and introduction of a new vehicle access would undoubtedly have a visual impact on the immediate area. However, as part of reserved matters pursuant to landscaping condition, landscaping would be used to enhance the new junction and views from the south (subject to suitable visibility splays).
- 8.30 Whilst the proposed development would change the character of the site, there would not be greater visual harm to the character and appearance of the area. As such it is consider that the general principle of development of this

site to be acceptable in relation to the visual change to the site and the development of this site represents an extension to the urban boundary and would constitute modest urban extension and infill development of houses further west on Marden Road.

Heritage assets

- 8.31 The application site is subdivided by substantial hedgerows trees. There is also a complex of ex farm buildings just outside the application site boundary that are Grade II listed and are known as at Hen and Duckhurst Farm buildings.
- 8.32 The council conservation officer has objected to the development of the application site due to the loss of the setting of the Hen and Duckhurst Farm Grade II Listed Buildings.
- 8.33 The proposed new development would inevitably have a visual impact on the setting of Hen and Duckhurst Farm listed buildings which currently benefits from unobstructed views to the north and west across the site.
- 8.34 The Conservation Officer is of the opinion that the development would result in harm to the significance of these designated heritage asset. The proposed development would undoubtedly have a visual impact on the setting of the grade II listed building, however in my view, the level of harm would be less than substantial, therefore this needs to be weighed against any public benefit arising from the proposals in accordance with the tests set out in the NPPF.
- 8.35 The application is in outline and details of layout are reserve matters for future consideration. However, an indicative layout plan has been submitted that shows the applicant's intentions. The estate layout shows the houses would be close to the northern boundary of the listed building and as such the farm land and open space that forms part of the setting of the listed buildings would be developed for housing and access road.
- 8.36 Although the submitted layout plan is not for approval; to reduce the impact of the development on the setting of the heritage asset listed building and in compliance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that imposes a duty on the decision-maker to pay special regard to the desirability of preserving the setting of the listed buildings, it is recommended that an area of public open space is proposed directly to the north of Hen and Duckhurst Farm buildings in order to help to preserve the character, appearance and setting of the listed building and to reduce harm to the setting of the listed building. This can be incorporated in to the term of the reserved matters conditions.
- 8.37 It is considered that subject to the above provision of amenity land the proposed development would have an acceptable impact on the setting of Hen and Duckhurst Farm buildings due to the separation distance between the site and these heritage properties.
- 8.38 It is therefore considered that the significant public benefits arising from the additional 250 houses would, in my view, outweigh the limited harm to the setting of this group of buildings and in particular 17th century grade II listed building.

Impact on local Ecology

- 8.39 The NPPF, Local Plan and emerging plan all seek to protect and enhance the natural environment. Applications that adversely affect the natural assets and for which mitigation measures appropriate to the scale and nature of the impact cannot be achieved will not be permitted.
- 8.40 The KCC Ecology officer has confirmed that there is no objection to the development subject to conditions regarding Ecological Design Strategy and a Landscape and Ecological Management Plan. It is also expected that the applicant to demonstrate funding arrangement for the implementation, up keep and management of the designated ecology schemes and areas. The issue of funding and long term management will be addressed though long term maintenance and management of the landscaped areas, SUDS, ponds and swales. Funding for long term management of these areas will be secured by an appointed management company through a levy against each dwelling on site. It is considered that subject to the above mentioned conditions the development would be acceptable.
- 8.41 It is important to note that this application is in outline and landscaping, appearance and design are reserved matters and will be subject to planning conditions for submission later. It is considered that the reserved details would include details regarding swift brick and ecological protection measures for consideration by the Council.

Flood Risk, Surface water and Foul Water Drainage

- 8.42 The NPPF requires that when determining planning applications, local planning authorities should ensure flood risk is not increased and measures should be taken to reduce the overall level of flood risk resulting from the development and the development should introduce through the layout and appropriate use of Sustainable Urban Drainage (SUDs) to deal with drainage issues.
- 8.43 The site is in zone 1 and not within a high risk flood area as identified by the Environment Agency; however a Flood Risk Assessment report (FRA) has been submitted for this major housing development.
- 8.44 The FRA is proposing a sustainable drainage system which utilises permeable paving with a porous sub base for all roads, car parking and drives areas. The drainage system will also make use of the existing ponds on the site. As this application is an outline, the detailed design for the development is not provided at this stage but the preliminary design works submitted indicate that a SUDs system will be used to accommodate the 1 in 115 year rainfall event with a 30% allowance for climate change.
- 8.45 The Environment Agency raise no objection to the proposal, subject to a condition requiring a surface water drainage scheme to be submitted for approval by LPA.
- 8.46 In terms of foul water, Southern Water has confirmed that there is inadequate capacity in the local network to provide foul sewage disposal for the proposed development. They advise that additional off site sewers or improvements to

existing sewers would be required to provide sufficient capacity to serve the development.

8.47 To facilitate the development there will be a requirement to either upgrade the local network or requisition a new sewer to the point at which capacity is available. Assessment has shown that capacity is available at the existing waste water treatment works which is located approximately 780m to the northeast of the development site.

8.48 According to the applicant FRA report Southern Water has provided three potential options to upgrade the local network to provide the necessary capacity; these are as follows:-

- 1- Connection in Lodge Road.
- 2- Connection in Further Field Road
- 3- Connection in Marden Road

Following consideration of the above three options applicant has it is considered connection to Lodge Road would cause minimal disruption and is the most favoured option. The upgrade works in this option are as follows:-

The upgrade of 325m of 150mm diameter sewer to 225mm diameter, 208m of 225mm diameter sewer to 300mm and 40m of 300 diameter sewer pipes to 375mm diameter. This is considered the most direct route and follows wide industrial standard road which provides the necessary capacity.

8.49 Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested. Request that an informative setting out the need for the applicants to enter into formal agreement with them should be attached to any formal grant of planning consent. Also to ensure that the necessary foul water infrastructure measures are in place before the proposed dwellings are occupied it is considered appropriate to add a planning condition accordingly.

Sustainability

8.50 The application site is situated just on the edge of settlement of Staplehurst which has essential services like school, doctor surgery, restaurant, shops, etc as well as is within walking distance of rail way station and bus service and as such it is considered that the application is in a most sustainable location for housing development.

Affordable housing

8.51 The Council's Affordable Housing DPD 2006 requires affordable housing to be provided at 40% and is the current policy basis for requiring affordable housing. Emerging policy DM24 seeks 40% delivery of affordable housing on this site.

8.52 The application proposes the provision of 40% affordable units; (equates up to 100 dwellings) as this is an outline application with only access under consideration at this stage, the breakdown of the proposed units is reserved for future consideration. MBC Housing has reviewed the application and welcomes the proposed amount of affordable units proposed in this development.

- 8.51 KCC also have request delivery of 5 Wheelchair Accessible Homes within the affordable housing on site. This can be added to the heads of terms.

Infrastructure contribution

- 8.52 The Planning obligations have been considered in accordance with the legal tests set out in section 122 and 123 (that came into force on 6th April 2015) of Community Infrastructure Levy Regulations 2010 in that they are necessary to make the development acceptable.
These tests have been duly applied in the context of this planning application and give rise to the following specific requirements.
- 8.53 It is considered that the proposed development would place extra demand on the local services and facilities and it is important to ensure that the development can fit in the local community the following contributions have been sought in line with the Council's policy CF1 of the Local Plan and the Open Space DPD. Policy ID1 of the emerging plan relates to infrastructure delivery and its preamble sets out the Council's moves towards developing its Community Infrastructure Levy (CIL). Where there are competing demands for developers' contributions towards the delivery of infrastructure for new development proposals, the Council will prioritise these demands as follows affordable housing, transport, open space, public realm, health, education, social services, utilities, libraries and emergency services.
- 8.54 A number of contributions to be secured through the application. It is important that any contributions that are secured through a Section 106 agreement would meet the requirements of the three tests of Regulation 122 and 123 of the CIL Regulations 2015 and paragraph 204 of the NPPF 2012.
- 8.55 The following Contributions have been sought:-
- Primary Education @ £14,286 (new build) and £3184.60 (land acquisition) per additional pupil (x44) = £768,706.40 towards the Phase 1 of the Headcorn Primary School new expansion and site enlargement.
 - Secondary education @ £11,799 per additional pupil (x41) = £487,888.65 towards the expansion of Cornwallis school
 - Library bookstock £12,003.95 - project: bookstock for the new residents of this development alone (supplied to Staplehurst Library)
 - Youth equipment £2110.58 - required for the new residents of this development alone (supplied to Youth Workers and organisations covering Staplehurst)
 - On site opens space and allotment area no less than 4.66 hectares shall be provided and off site financial contribution shall be provided toward improvement or upgrade of facilities at Lime Trees, Surrenden Playing Fields. The final amount to be clarified by officers.

Developer contribution is also sought by KCC highway services towards engineering works to improve capacity of junction of Marden Road and A229.

In addition KCC highways has sought following highway works mentioned above as part of a section 278 highway condition.

1. Provision of pedestrian and cycle links via Further Field and Marlfield to the Staplehurst rail way station to be provided from the existing residential development to the east of the application
2. A link for vehicular traffic through the development site towards Lodge Road is to be safeguarded.
3. Bus boarders are to be provided at two relevant bus stops.
4. Parking provision is to be provided in accordance with IGN3
5. Traffic calming is to be provided along Marden Road and the 30 mph speed limit is extended.
6. A pedestrian and cycle crossing is required on Marden Road to ensure safe access to the village centre from the site.

9.0 Other matters

Benefits

- 9.01 Paragraph 47 of the Framework highlights the need for the supply of housing to be boosted significantly. It is accepted that the Council cannot demonstrate a five-year supply of deliverable housing sites and that there is a significant and serious shortfall of housing when tested against the Council's proposed housing target. There is also a rising and substantial need for affordable housing in the Borough. Against this background, the provision of up to 250 houses, with up to 40% (100 houses) of those affordable homes, is a matter that attracts significant weight in favour of the proposal.
- 9.02 Moreover, paragraphs 18 and 19 of the Framework are very clear that the Government is committed to securing economic growth in order to create jobs and prosperity and to ensuring the planning system does everything it can to support sustainable economic growth. The proposal will generate construction jobs and economic activity. In the longer term, as the site is occupied, residents will add to local spending levels and help to boot local economy.

The Balancing Exercise

- 9.03 There would be traffic generated by the proposal, and pressure placed on existing facilities, but all this would be mitigated to a significant degree by the various measures set out above.
- 9.05 The proposal would have an adverse impact in landscape terms, and on the setting, and thereby the significance, of the listed buildings at Hen and Dockhurst Farm, The latter factor is one that attracts considerable importance

and weight in the balancing exercise. However, it is important to acknowledge that considerable importance and weight is not the same as overriding importance and weight.

- 9.06 The provision of new open-market and affordable houses and the associated economic activity are very weighty matters in economic and social terms. Notwithstanding that considerable importance and weight must be attached to the harmful impact on the setting of the listed buildings affected, in my view, the adverse impacts of the proposal, considered in their totality, do not come close to significantly and demonstrably outweighing the benefits, when assessed against the policies of the Framework considered as a whole. On that basis, the proposal benefits from the presumption in favour of sustainable development.
- 9.07 In spite of a number of contacts with NHS Properties they failed to submit any section 106 developer request.

10.0 CONCLUSION

- 10.01 Development at this site would extend the urban boundary of Staplehurst further to the west and would infill the space between the urban area and the more sporadic development to the west of the site. The development would provide 250 new dwelling houses of which 40% would be affordable housing.
- 10.02 Whilst the development would have an impact upon the setting of the listed buildings of Hen and Duckhurst Farm buildings it is not considered that this would be a significant impact to resist development altogether. In addition to this, the need to provide sites suitable for housing holds significant weight which outweighs this harm. The site is situated in a sustainable location where there are very good public transport facilities (train and bus service) as well as a number of other services and facilities. The development would conform to the aspirations of the NPPF.
- 10.03 The proposed development due to its countryside location is contrary to policy ENV28 of the local plan. However, because of lack of 5 years housing land supply NPPF states that planning applications for housing development should be considered in the context of presumption in favour of sustainable development and policy ENV28 should be considered as out of date and not grounds for refusal.
- 10.04 It is therefore considered that the development of the site for residential purposes is acceptable and it is recommended that subject to the completion of a section 106 agreement planning permission is granted.

- 11.0 **RECOMMENDATION** – GRANT Subject to a section 106 legal agreement and the following conditions:

The Head of Planning be given DELEGATED POWERS TO GRANT permission subject to the conditions and informatives set out in the report and to the prior completion of a Section 106 legal agreement in such terms as the Head of Legal Services may advise to secure the followings:

- A: The provision of 40% (equated to 100) affordable housing.
- At least 5% of the affordable units should be designed to provide Wheelchair Accessible Homes.
- B: Contribution towards highway works at the junction of the A229 (Station Road) and Marden Road to mitigate the impact of the development (final amount to be clarified by officers)
- C: Secure the following developers' contributions:
- Primary Education @ £14,286 (new build) and £3184.60 (land acquisition) per additional pupil (x44) = £768,706.40 towards the Phase 1 of the Headcorn Primary School new expansion and site enlargement.
 - Secondary education @ £11,799 per additional pupil (x41) = £487,888.65 towards the expansion of Cornwallis school
 - Library bookstock £12,003.95 - project: bookstock for the new residents of this development alone (supplied to Staplehurst Library)
 - Youth equipment £2110.58 - required for the new residents of this development alone (supplied to Youth Workers and organisations covering Staplehurst)
 - On site open space and allotment area no less than 4.66 hectares shall be provided and off site financial contribution shall be provided toward improvement or upgrade of facilities at Lime Trees, Surrenden Playing Fields. The final amount to be clarified by officers.
- D Grant planning permission subject to the imposition of the conditions set out below:
- 1) Details of appearance, layout, scale and landscaping, (the reserved matters) for any phase shall be submitted to and approved in writing by the local planning authority before any development begins on that phase. Development shall be carried out in accordance with the approved details.
- The layout reserved matters details shall ensure that at least .04 Ha of the to the north and west of the Hen and Duck Farm listed buildings is set aside as an open space or structural open space as part of a deliberate strategy to minimise so far as possible harm to the setting of the listed buildings.
- The landscaping reserved matters details shall be designed using the principle's established in the Council's adopted Landscape Character Assessment 2012 and using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 12 months from the date of this permission.

3) The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

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.

4) The development hereby permitted shall be carried out in accordance with the following approved plan: Site Location Plan DHA/9702/01 Rev B

Reason: To ensure that the location of vehicular access is defined.

5) No development shall take place until a Scheme of Phasing has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved Scheme of Phasing.

Reason: To ensure that the development is carried out in a satisfactory manner and in compliance with NPPF advice regarding good design.

6) Prior to the commencement of each phase of development as approved under Condition 5 an Interim Certificate of Compliance with the Code for Sustainable Homes for that phase shall be submitted to and approved in writing by the local planning authority. The certificate shall demonstrate that the development within that phase will attain a minimum standard of Code Level 4. The development shall be carried out only in accordance with the details the subject of the certificate and prior to occupation of each dwelling a Code for Sustainable Homes Post Construction Stage Review is to be completed by an independent licensed Code of Sustainable Homes assessor demonstrating that the dwelling is expected to achieve Code Level 4. The results of the review must be submitted to the local planning authority in writing.

Reason: In the interests of sustainability and in compliance with NPPF.

7) Prior to the commencement of development of each phase of development as agreed under condition 5 of this permission, no development shall commence (in relation to that specific phase being pursued) until a materials schedule detailing the types and colours of external materials to be used, including colour of mortar and windows, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

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

8) No development shall take place until full details of both hard and soft landscaping for the site have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include existing and proposed contours and finished ground levels and structures (e.g. street furniture, refuse or other storage units, signs, lighting etc.). Soft landscaping details shall include planting plans; written specifications (including

cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme. Development shall be carried out in accordance with the approved details. The scheme shall include full details of all proposed boundary treatments and shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines.

Reason: In the interest of visual amenity of the area.

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 first occupation of any of the dwellings hereby permitted, or completion of development, whichever is the sooner. Any trees or plants, which, within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: In the interest of visual amenity of the area.

10) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped and open areas allotment other than privately owned domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to first occupation of any dwelling on the site. The landscape management plan shall be carried out as approved.

Reason: In the interest of residential and visual amenity of the area.

11) Prior to the commencement of any development, a scheme for the protection of trees and hedges to be retained on site shall be submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and or ground protection in accordance with BS5837 (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 barrier and/or ground protection measures 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 area protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground level changed, nor excavations made within these area 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 in compliance with National Planning Policy Framework 2012.

12) Prior to the commencement of each phase of development as agreed under condition 5 of this permission, no works (in relation to that specific phase being pursued) shall take place until a measured survey of that phase has been undertaken and a plan prepared to a scale of not less than 1:500 showing details of existing and intended final ground levels and finished floor levels in relation to a nearby datum point which shall be submitted to and approved in writing by the local planning authority. The development shall be completed and thereafter retained in accordance with the approved details.

Reason: In the interests of visual and residential amenities of the area.

13) Prior to the commencement of each phase of development as agreed under condition 5 of this permission, no works (in relation to that specific phase being pursued) shall take place until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall make provision for arrangements during the period up until the last dwelling is completed and shall include details of:

- a) A programme for the phasing of work to construct the development, including the roads, landscaping and open space;
- b) The location of temporary site buildings, compounds and areas used to store plant and materials;
- c) Arrangements for the routing, turning and access of lorries into the site;
- d) Arrangements for the parking of vehicles of site operatives and visitors;
- e) Measures to control emissions of dust and dirt that take account of Best Practice Guidance on The Control of Dust and Emissions from Construction and Demolition, 2006 (London Authorities);
- f) Measures to control and mitigate noise and vibration from construction activities, including piling;
- g) Arrangements for the storage, collection and disposal of waste;
- h) Measures to prevent mud and dust being deposited on the highway;
- i) The erection and maintenance of security hoarding, including any decorative displays and facilities for public viewing;
- j) Temporary lighting; and
- k) Noise generating plant.

Development shall take place in accordance with the approved plan.

Reason: In the interests of residential amenities of the area

14) Prior to the commencement of each phase of development as agreed under condition 5 of this permission, no works (in relation to that specific phase being pursued) shall take place until details of a scheme to address risks associated with contamination of the site and mitigation shall be submitted to and approved in writing by the local planning authority. Those details shall

include:

- i) Assessment of radon affect and mitigation measures;
- ii) Assessment of electromagnetic radiation from the electricity sub-station and mitigation measures;
- iii) An acoustic assessment in respect of noise from Railway line to the north and noise from the electricity sub-station to the south and mitigation measures;
- iv) An Air quality assessment and submission of a mitigation strategy;

The approved mitigation measures shall be carried out in accordance with the approved details.

Reason: In the interests of residential amenities of the area

15) If during the course of development of each phase approved under condition 5, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Reason: In the interests of amenities of the future occupiers of the dwellings.

16) Prior to the commencement of development of each phase as agreed under condition 5 of this permission, an archaeological investigation of the phase shall be carried out comprising:-

- i historic landscape survey and assessment in accordance with a specification and written timetable which has been submitted to
- ii following on from the survey and assessment, any safeguarding measures to ensure and approved by the Local Planning Authority; and preservation in situ of important historic landscape features and/or further historic landscape 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 historic landscape implications of any development proposals and the subsequent mitigation through preservation *in situ* and integration into main development scheme or preserved by record.

17) Prior to the commencement of development of each phase as agreed under condition 5 of this permission, an archaeological investigation of the phase shall be carried out to 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 and assessment, 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.

18) Prior to the commencement of development of each phase as agreed under condition 5 of this permission, an ecological design strategy (EDS) addressing ecological mitigation and enhancement of each phase in the context of wider site shall be submitted to and approved in writing by the local planning authority. The EDS shall include the following,

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints, informed by further survey effort as appropriate.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives (may be provided as a set of method statements). Incorporation of birds and bats boxes and swift bricks in the fabric of houses and on trees within the landscaped areas.
- d) The role and responsibilities on site of an ecological clerk of works (ECOW) or similarly competent person.
- e) Extent and location/area of proposed works on appropriate scale maps and plans.
- f) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- g) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- h) Persons responsible for implementing the works.
- i) Details of initial aftercare and long term maintenance.
- j) Details for monitoring and remedial measures.

The EDS shall be implemented in accordance with the approved details unless varied by a European Protected Species licence subsequently issued by Natural England. In the interests of securing the maximum benefit for biodiversity any variation of the agreed mitigation required by Natural England must not result in the reduction in the quality or quantity of mitigation/compensation provided and all features shall be retained in that manner thereafter.

Reason: In the interest of biodiversity and local ecology and in compliance with NPPF.

19) Prior to the commencement of development of each phase as agreed under condition 5 of this permission, a Landscape and Ecological Management Plan for each phase in the context of wider site shall be submitted to and approved in writing by the local planning authority. The Landscape and Ecological Management Plan shall include the following,

A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the development. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management prescriptions for achieving aims and objectives.
- e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- f) Details of the body or organisation responsible for implementation of the plan.
- g) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

20) No development shall take place until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm (including an allowance for climate change) 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 scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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

21) The development hereby permitted 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 the Southern Water”.

Reason: To ensure that foul and surface water is satisfactorily managed and disposed off from the site.

22) None of the houses hereby permitted shall be occupied until provision of Superfast Fibre Optic Broadband ‘fibre to the premises’ to all buildings of adequate capacity (internal min speed of 100mb to each building) for current and future use of the buildings. Also 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.

23) During the construction and fitting out of the development hereby permitted, there shall be no burning of waste material on the site.

Reason: In the interests of amenities of the occupiers of surrounding properties.

24) During the construction period, no construction or deliveries to the site shall take place on Sundays or Bank Holidays or outside the following times:

0800 to 1800 on Mondays to Fridays; and 0900 to 1300 on Saturdays.

Reason: In the interests of amenities of the occupiers of surrounding properties.

25) No development shall take place until full details of the vehicular access and emergency access have been submitted to and approved in writing by the local planning authority. The details shall include footway and verge crossings; visibility splays; and three-dimensional representations. No dwelling shall be occupied until the means of access have been constructed in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of Highway safety.

26) The roads and footways within the development shall be constructed and finished in accordance with a programme that has been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until it has a direct connection with an existing highway.

Reason: In the interests of highway safety and residential amenities.

27) 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:

1. Pedestrian and cycle links to be provided to the existing residential development to the east of the application site via Further Field and Marlfield.
2. A link for vehicular traffic through the development site towards Lodge Road is to be safeguarded.
3. Bus boarders are to be provided at two relevant bus stops.
4. Parking provision is to be provided in accordance with IGN3
5. Traffic calming is to be provided along Marden Road and the 30 mph speed limit is extended.
6. A pedestrian and cycle crossing to be provided on Marden Road to ensure safe access to the village centre from the site.

Informatives

1) Applicant is strongly advised that details pursuant to condition 21 be considered prior to or in conjunction with, approval of road and housing layout to ensure the optimum space can be allocated for storage and conveyance of storm runoff using sustainable drainage techniques

2) 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, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel. 0330 303 0119) or www.southernwater.co.uk

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.

THE MAIDSTONE BOROUGH COUNCIL

Lenham United Reformed Church
Maidstone Road
Lenham, Kent
ME17 2QH

MBC Ref: 14/502152



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 14/502152/FULL		
APPLICATION PROPOSAL Demolition of United Reform Church and adjoining hall to facilitate the erection of 24 No. dwellings on this land and land to the south with associated parking, access (from Maidstone Road) and landscaping		
ADDRESS Lenham United Reformed Church Maidstone Road Lenham Kent ME17 2QH		
RECOMMENDATION GRANT OUTLINE PLANNING PERMISSION SUBJECT TO PRIOR COMPLETION OF AN APPROPRIATE LEGAL MECHANISM AND CONDITIONS		
REASON FOR REFERRAL TO COMMITTEE The recommendation is contrary to the views of Lenham Parish Council, who have requested that the application be reported to Planning Committee in the event of a recommendation for approval.		
WARD Harrietsham And Lenham Ward	PARISH/TOWN COUNCIL Lenham	APPLICANT Akehurst Epps Limited AGENT Hume Planning Consultancy Ltd
DECISION DUE DATE 28/11/14	PUBLICITY EXPIRY DATE 28/11/14	OFFICER SITE VISIT DATE Various
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

Proposal site (applications relating to the use of the United Reformed Church as a playgroup/nursery and 36 High Street have been omitted for purposes of clarity):

- 14/502407 Demolition of United Reform Church and adjoining hall to facilitate the erection of 24 No. dwellings on this land and land to the south with associated parking, access (from Maidstone Road) and landscaping – CURRENTLY UNDER CONSIDERATION
- MA/14/0226 Demolition of United Reform Church and adjoining hall to facilitate the erection of 25No. dwellings on this land and land to the south with associated parking, access (from Maidstone Road) and landscaping – WITHDRAWN BY APPLICANT
- MA/14/0225 An application for the demolition of United Reform Church and adjoining hall to facilitate the erection of 25No. dwellings on this land and land to the south with associated parking, access (from Maidstone Road) and landscaping- WITHDRAWN BY APPLICANT
- MA/87/0956 Erection of four detached dwellings, garage to serve 21 Maidstone Road and formation of new access from Maidstone Road - REFUSED
- MA/83/0771 Renewal of permission for use for a playgroup for 24 children - APPROVED
- 50/0117/MK2 The building of a church - APPROVED WITH CONDITIONS

Adjacent site (land to south of Parapet House):

- MA/06/0023 Erection of 4 no. dwellings with associated garaging and access (resubmission of application MA/04/2365) – REFUSED, DISMISSED AT APPEAL

- MA/04/2365 Erection of 4 no. dwellings and 1 no. apartment and creation of new vehicular access – REFUSED, DISMISSED AT APPEAL
- MA/95/1589 Erection of three four bedroom houses and two five bedroom houses with associated garages – REFUSED, DISMISSED AT APPEAL

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The proposal site is located within the defined settlement boundary of Lenham, and comprises an irregularly shaped parcel of land. The site is entirely within the Lenham Conservation Area, but the site is not subject to any environmental or other designations, whether national or Maidstone Borough-Wide Local Plan 2000 specific and is not located in an area recorded by the Environment Agency as being prone to fluvial flooding. The main body of the site is entirely severed from public areas, including highways. The exception to this is the far northern projection of the site which fronts onto Maidstone Road, a classified road (C259) which provides a key route between the centre of the village and the A20. The site is currently in use as garden land associated with various properties surrounding it, other than the northern part of the site referred to above, which is currently occupied by the Lenham United Reformed Church, which has been unused for approximately four years.
- 1.02 The site, which has an area of approximately 0.9Ha, is predominantly given over to lawned garden areas, however there are a small number of modest single storey buildings and other structures in various states of disrepair on the land including a swimming pool and changing room in the south east of the site. There are two conjoined buildings on the land associated with the Lenham United Reformed Church, an early twentieth century striking red brick building set gable on to the highway, with a steeply pitched roof allowing additional accommodation in the roof space. Subservient to this is the church hall, a more modest building set further back from the highway which replicates some of the architectural forms of the dominant building such as the flat roofed projection to the front elevation, which is also constructed of red brick. There are a number of trees on the site, including a band of self seeded woodland along the boundary of the site with the cricket pitch, a mature Beech to the south of the church, and a row of trees along the eastern boundary of the site, all of which are protected by virtue of their location within the Lenham Conservation Area. Of these, most are of limited value and quality, however there are 2 Grade A trees and 21 Grade B trees among them.
- 1.03 The land uses surrounding the site are predominantly residential, including dwellings fronting onto Maidstone Road and High Street, however the western boundary of the site adjoins the Lenham Cricket Ground, and to the north of the site is a public car park. The neighbouring dwellings vary in age, size and design, and a number are listed, including 23 Maidstone Road, and 56, 58 and 60 High Street, all of which have curtilages which abut that of the proposal site. Of these all are Grade II listed, with the exception of 56 High Street (Honywood House), which is Grade II* listed. Notwithstanding this, there are more recent properties within close proximity to the site, including 10A Maidstone Road to the east of the car park, north east of the site. The site is located in close proximity to the village square, the proposed access from Maidstone Road being approximately 100m to the west of The Square, and accordingly the grain of the built environment tends to be quite tight to the north and east of the site, being largely comprised of terraced centre of village properties with small gardens. The grain of development tends to expand to the south and further to the north with distance from the heart of the village.
- 1.04 The topography of the site steps up in three distinct phases, with the land fronting onto Maidstone Road (currently occupied by Lenham United Reformed Church)

being lowest in elevation and set down in relation to the land to the south by approximately 1m, the boundary between the two being marked by a wall with some degree of retaining function located to the rear of the church buildings in line with the rear boundaries of adjacent residential properties. The land then steps up by approximately 2m towards the south, and beyond this rises more gently towards the south west of the site. Altogether there is a difference in heights of 4.4m between the northern edge of the site and its far south west corner. Notwithstanding the elevation of the site in relation to the land to the north and east, it is subject to very limited external views, largely limited to glimpses between dwellings, due to the screening effect of existing properties to the north, east and south of the site and tree'd landscaping buffers to the north of the Lenham Cricket Ground and along the southern side of Maidstone Road.

2.0 PROPOSAL

- 2.01 The application seeks full planning permission for the erection of 24 dwellings together with associated landscaping and access.
- 2.02 The site is, as set out above in section 1 above, very contained in terms of public views, with very limited frontage onto the public highway. The application proposes to gain access to the development by way of the land associated with Lenham United Reformed Church, which together with its hall would be demolished to allow this. Members will be aware that although located within the Lenham Conservation Area, these buildings are not listed.
- 2.03 The layout of the proposed development is very much a function of the constraints of the site, which include its topography and enclosed character, as well as the proximity of existing dwellings and heritage assets. The layout, which incorporates a central square and has a strong sense of enclosure to the development, also seeks to refer to the pattern of historic parts of Lenham particularly Church Square, and to a lesser extent The Square and more recent developments like Wickham Place, which have strong presence and closely packed properties centred around shared space.
- 2.04 The demolition of the existing church buildings would allow the provision of the access into the site, together with a detached dwelling which would be set back from the site frontage with Maidstone Road. Moving further into the site, to the east of the access way (and to the rear of numbers 17, 19-21 and 23 Maidstone Road) dwellings would be arranged in a staggered terrace of five, the northernmost of which would be connected to the others by an undercroft, allowing access to a parking area to the rear, beyond which is the neighbouring property Theohurst. This terrace would provide a strong frontage to the eastern side of the route into the site, opposite which would be a pair of semi-detached dwellings and a terrace of three properties, set perpendicular relative to the terrace on the opposite side of the access. These dwellings, located to the west of the site access would face south west, backing onto a parking area between the dwellings and the existing properties fronting onto Maidstone Road (numbers 31, 33, 35, 37 and 39). These dwellings would face into the site, and an open area of landscaping forming a "green" within the development which allows for the retention of a group of trees which include a grade A Beech and two grade B Sycamores.
- 2.05 Moving beyond these housing elements and the "green", the site opens out into a "square", around which are arranged twelve dwellings, comprising a right angled terrace of seven (incorporating an undercroft to allow access to rear parking in the south east of the site) along the south and east edges of the square, a smaller terrace of four forming the western edge of the square, and a detached dwelling on the northern edge of the square, which serves to provide a separation between the two main zones of the site. The siting of the dwellings around the square would serve to enclose this space, a sense of place which would be reinforced by the direct

fronting of the dwellings onto the central communal area. At the same time, the staggered frontages and variation of design of the dwellings would provide visual interest, and the inclusion of an undercroft and spaces between the dwellings would allow glimpses beyond the central space.

- 2.06 Beyond the square in the south west of the site a detached dwelling is proposed, which would essentially be separate from the main body of the site, although it would be accessed by way of the main route through the site.
- 2.07 All of the dwellings would have rear gardens; whilst these would be of variable size, the layout also includes communal areas of landscaping including the green in the west of the site and an area to the west of the access, together with zones of soft landscaping to the south and west boundaries of the site.
- 2.08 In terms of the detailed design of the proposal, the approach taken has been that of the traditional Kentish vernacular in terms of scale, overall appearance, architectural detailing and materials, which is a response to the setting of the site within the Lenham Conservation Area, and the high number of listed buildings forming the immediate and intermediate context of the development. As set out above, the development would incorporate terraced, semi-detached and detached dwellings, and care has been taken in the treatment of key frontages to shared spaces within the site to provide visual interest through variation and articulation of design, by way of the detailing of multi-aspect buildings. This is most clearly demonstrated in the variety of roof heights and forms incorporated into the design, which takes its cue from the roofscape of the heart of the village, although it also extends to the use of storm porches, bay windows, brick arches, roof overhangs, flat roofed dormers and undercrofts throughout the site. This approach is supported through the use of a variety of traditional materials local to the proposal site including hanging tiles, weatherboarding and brick.
- 2.09 Of particular note is the dwelling proposed to plot 1, which occupies the most prominent position within the site in respect of public views. The building is comparable in terms of its footprint to neighbouring terraced dwellings, but is set back from Maidstone Road by 6.5m in relation to the adjacent properties due to the requirement to provide appropriate visibility splays to the site access. Whilst this is out of keeping with the general pattern of the historic fabric of the surroundings, it is by no means a unique arrangement, and it should be noted that the front elevation of the building is in line with that of the garage to number 23 Maidstone Road which is located immediately adjacent to the proposed building. Furthermore, the existing buildings on the site are themselves set further back from the road than the building proposed. The design of this dwelling incorporates a first floor oriel window which wraps around its northern corner, making a nod to recessed features to properties in the locale including number 19-21 Maidstone Road and The Red Lion as well as cantilevered first floor projections to other buildings within the centre of the village. This feature provides a striking architectural feature of interest in the streetscene and also to the entrance of the development. The use of feature fenestration to this building is continued in the incorporation of a double height glazed feature to the side elevation of the dwelling.
- 2.10 The development would provide 40% affordable housing, including the detached dwelling fronting Maidstone Road at the site access, the terrace and pair of semi-detached dwellings located to the rear of numbers 31, 33, 35, 37 and 39 Maidstone Road in the north of the site, and four terraced properties forming the eastern boundary of the square in the south of the site. The housing mix is set out in the table below:

Affordable	No.
2 bed house	4

3 bed house	5
4 bed house	1
	(10)
Market	
2 bed house	2
3 bed house	9
4 bed house	3
	(14)
Total	24

- 2.11 The development would achieve Level 4 of the Code for Sustainable Homes.
- 2.12 The application has been subject to pre-application discussion, and represents the resubmission of a withdrawn application, itself subject to pre-application advice. The applicant engaged in consultation with the local community by way of leafleting and a meeting with the Parish Council prior to submission of the previous application, a scheme for the erection of 25 dwellings. The current application has been arrived at in light of consultation responses received in response to the previous application, in particular those of English Heritage, Maidstone Borough Council's Conservation and Landscape Officers, and Kent County Council's Highway Services Engineer, as well as advice from Maidstone Borough Council Planning Officers.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework 2012 (NPPF)

National Planning Practice Guidance 2014 (NPPG)

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV22, ENV49, T13, T21, CF1, CF3

Supplementary Planning Documents: Affordable Housing Development Plan Document (2006), Open Space Development Plan Document (2006)

Maidstone Borough Council Draft Local Plan: NPPF1, SS1, SP3, H3 (3), H2, DM1, DM2, DM4, DM5, DM6, DM10, DM11, DM12, DM13, DM23, DM24, ID1

4.0 LOCAL REPRESENTATIONS

- 4.01 A site notice was displayed at the site on 11th September 2014. The application was also advertised by way of a press notice published on 12th September 2014.
- 4.02 Twenty five discrete neighbour representations were received from (or on behalf of) sixteen households, in addition to which, a representation was received from Lenham Cricket Club. Of these, all raised objection to or concern over the proposal. The following issues were raised:
- Unsustainable location of site in relation to the village centre.
 - Setting of precedent and prematurity in respect of emerging Neighbourhood Plan.
 - Erosion of green space within the village of Lenham.
 - Overdevelopment of the site, excessive density of built development.
 - Impact upon the Area of Outstanding Natural Beauty.
 - Design of the proposal being out of keeping with the character of the village.
 - Highway issues, including traffic generation, inadequate provision of on site parking, inappropriate location for a new access, speed of traffic/speed limit.
 - Flood risk on the site.
 - Harm to residential amenity by way of loss of privacy/overlooking..

- Pressure on social infrastructure and waste water services.
- Lack of consideration of impact on biodiversity, particularly bats and reptiles.
- Loss of trees.
- Harm to a public right of way adjacent to the site.
- Harm to heritage assets including Lenham Conservation Area and neighbouring listed buildings.
- Lack of detail and inaccuracies in the plans.
- Conflict with the activities of Lenham Cricket Club.
- Damage to neighbouring properties as a result of the development, including during the construction process and flood.
- Loss of views.
- Reference made to petition against the allocation of Lenham as a focus of housing development in the draft Local Plan.

- 4.03 A further representation was received which, whilst raising concern over the impact on local services and infrastructure, noted the contribution that the development would make towards providing local housing.

5.0 CONSULTATIONS

- 5.01 **Lenham Parish Council** wish to see the application refused on the following grounds:

“The site lies within the conservation area of the village and offers a green landscaped area, which is a natural environment for many substantial well established trees and undergrowth. Loss of such a landscape would impact upon the birds and several species of wildlife living in the habitat, in their natural environment.

The site is situated adjacent to many listed buildings and would impinge upon the privacy of several buildings. The density of the development places properties on the western boundary in close proximity to the Lenham Cricket Club ground and may make future use of the ground untenable, which could lead to the loss of a well used, popular sporting facility. Obviously, the concerns relate to possible injury to residents from stray cricket balls entering the development.

Many local residents are concerned that in an area where parking is already at a premium, the expected loss of parking spaces will cause more inconvenience to those who do not have off road parking facilities. It will be difficult to find alternative spaces to park, as the car park opposite the site is already regularly used to capacity and has time constraints on the length of time parking is permitted. The extra vehicles accessing/exiting the site will cause congestion on a busy main thoroughfare into the village centre. The actual access road to the site is perilously close to adjoining buildings with poor sightlines and visibility for pedestrians, particularly as it is opposite a busy entrance/exit to the Maidstone Road car park.

We consider this site to be a green lung in the village and a natural buffer from continuous development along the south side of Maidstone Road. We request that the application is refused and reported to Planning Committee.”

- 5.02 **Kent County Council** raise no objection to the proposal, subject to the provision of contributions towards community and education infrastructure in the local area as follows:

- Primary Education: £2360.96 per applicable house (£56,663.04) towards expansion of Primary Schools local to the development.

- Secondary Education: currently no requirement.
- Libraries: £1,152.38
- Youth Service: £202.62.

5.03 **Primary Care Trust (NHS Property Services)** raise no objection to the proposal, subject to the provision of contributions of £14,292 towards local primary and community health services, being an extension to the Glebe Medical Centre (based on a contribution of £360.00 per person extrapolated from calculated occupancy rates of market housing units).

5.04 **Kent County Council Highway Services** raise no objection to the proposal subject to securing provision of the proposed access arrangements and the introduction of on street parking restrictions, as set out in the detailed comments:

"In the context of national planning policy it is not considered that this proposal will generate traffic levels that could warrant or sustain an objection on those grounds. I also write to confirm that the car parking levels proposed with this housing development are in line with County Council standards and are therefore acceptable. The applicant's transport consultant, through the Transport Statement provide, has also demonstrated that there is appropriate provision for turning a refuse freighter so that appropriate refuse collection can be undertaken.

Turning to visibility the applicant has proposed a simple vehicle crossover type access (which will need to be of a heavier duty in terms of construction) and this is considered acceptable for a development of this scale. This leads to a predominantly shared surface drive which again is considered acceptable for a development of this scale. The applicant has shown on drawing no. TPHS/047/DR/003 Rev. A, visibility splays from the access, marked from a realistic emerging viewing point. I also consider however that more realistic through traffic road positions can be applied with respect to visibility object points which could appropriately but safely reduce the need for on street parking restrictions further to that shown on the drawing.

Despite this it should be noted that it is considered that a section of double yellow lines will be required covering the garage access to no. 23 Maidstone Road and the frontage of no. 31 Maidstone Road.

Should this application be approved, implementation of the vehicle crossover and necessary on street parking restrictions will require the applicant to enter into a Section 278 agreement with the Highway Authority. From the topography of the site it is will also be necessary for the applicant to provide measures to prevent the discharge of surface water onto the highway."

5.05.1 Subsequently further comments were received which address specific concerns raised by objectors, as follows:

"I would like to add further comments regarding the road safety aspects of this application. A main tool in considering road safety for the future is to look at road safety records of the past. I can report that there have been no records of injury crashes on Maidstone Road, Lenham between Faversham Road and Swadelands Close for at least the last nine years. I have considered this and the details of this application proposal and am satisfied, subject to further details and implementation of measures that will require the applicant to enter into a S278 agreement with the Highway Authority, that this proposal will operate satisfactorily."

5.06 **Maidstone Borough Council Parking Services** raise no objection to the proposal or to the mitigation requested by Kent County Council Highway Services.

- 5.07 **Maidstone Borough Council Parks and Open Spaces** raise no objection to the proposal, subject to the provision of contributions of £37,800 (£1,575 per dwelling) towards Ham Lane Play Area.
- 5.08 **Maidstone Borough Council Housing Services** raise no objection to the proposal, stating that the proposed provision of affordable housing (being 40%), the tenure mix (being 60/40 affordable rent to shared ownership), and the mix of units (as set out in the table above under paragraph 2.10) is acceptable, as is the distribution of the ****
- 5.09 **Kent County Council Biodiversity Officer** raises no objection to the proposal, subject to conditions requiring the implementation of the recommendations of the Phase I Habitat Survey (undertaken by Arbtech) received 9th October 2014 and the inclusion of ecological enhancements within a detailed landscaping plan.

"We have reviewed the ecological information which has been submitted are satisfied that sufficient information has been provided to determine the planning application."

Bats

The ecological scoping survey identified the site as having low potential for bats roosting within the building and 1 emergence survey was carried out. Unfortunately the survey was not carried out in optimal weather conditions as detailed within the report:

There was heavy rain before the survey start time, however this ceased at 20:36. Light rain persisted from the survey start time until 21:41, leading to intermittent spitting/no rain until 22:45.

As such we had concerns on the validity of the survey data – this is backed up by the fact that no bats were recorded during the survey.

As a result of our comments an additional survey was carried out and no bats were recorded emerging from the building. As bats were recorded foraging within the site and emerging from adjacent buildings we are satisfied with the results of this survey.

Trees

The arboricultural report details that a number of trees are covered in ivy, contain dead wood or have cavities. A number of these trees are proposed to be removed as part of the proposed development.

An email from the ecologists has been provided detailing the below information which has satisfied us that the trees within the site have limited potential to be used by roosting bats.

All the trees on site were examined in detail in the course of the phase 1 survey. Although some were covered in ivy and had dead branches etc., they were thin and immature (see figure 3 in the report), without suitable bat roosting features. Some cavities were explored and found to be blind and exposed. No evidence e.g. staining, droppings, feeding remains was found on any tree on site, so it was concluded that the trees do not represent bat roosting habitat.

Reptiles

We accept that the majority of the site contains low potential for reptiles however the aerial photos clearly show that there is suitable habitat in areas adjacent to the site.

We had concerns that sufficient consideration has not been given to the potential of reptiles being present within the boundary and wooded areas of the site and as a result being impacted by the proposed construction work.

However a precautionary mitigation strategy has been detailed within the submitted report to minimise the potential of reptiles being injured/killed as a result of the proposed development.

We advise if planning permission is granted the precautionary mitigation strategy must be implemented if planning permission is granted. Although it does not state it in the submitted report – the precautionary works can only be carried out during the reptile active season (approximately April – September depending on the weather conditions).

Breeding Birds

There is suitable habitat within the site for breeding birds within the site. All nesting birds and their young are legally protected under the Wildlife and Countryside Act 1981 (as amended). We advise that all vegetation and buildings are removed outside of the breeding bird season (March – August).

If that is not possible an ecologist must examine the site prior to works starting and if any nesting birds are recorded all works must cease until all the 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 site plan details that a soft landscaping scheme will be included within the site – we advise that this can be designed to incorporate ecological enhancements.

If planning permission is granted a detailed landscape plan clearly showing all the ecological enhancements to be incorporated in to the site must be submitted as a condition of planning permission.”

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

5.11 **Maidstone Borough Council Conservation Officer** raises no objection to the proposal subject to conditions requiring the submission of samples and details of materials, joinery, architectural detailing, slab levels, boundary treatments, and hard and soft landscaping, and implementation of the approved details, as well as a condition restricting permitted development rights and the submission of an archaeological watching brief, making the following detailed comments:

“A Congregational Chapel has existed on this site since 1824, but the original building was destroyed by a bomb in 1940. This chapel occupied a backland position, being approached off Maidstone Road by a narrow alleyway next to two buildings which continued the building line of the street frontage to either side of the present site. These buildings were presumably also demolished by the bomb. Rebuilding of the chapel took place in 1950 to designs by the architects George Baines and Son, who had a long pedigree of non-conformist church work, some of their earlier 20th Century works now being accorded listed building status. The Lenham chapel, however, whilst being a pleasant enough example of mid-20th Century church design, has none of the special qualities of these earlier works. An architectural appraisal of the Lenham Conservation Area carried out by Kent County Council in April 1972 identified the chapel as being of little or no architectural or townscape value, tending to weaken the character of the area. I concur with this assessment. When the chapel was rebuilt, the frontage buildings were not, resulting in an unfortunate gap in the built-up street frontage which weakens the character of the townscape.

The proposal is to demolish the existing chapel and hall (the latter surviving from the previous church is an undistinguished late 19th Century building) in order to provide access to develop open land to the rear. This open land was formerly in orchard use

but is now of rather indeterminate use and character with some informal garden encroachments and the remains of an open-air swimming pool seemingly formerly associated with the residential property at No 36 High Street. Given the fully built-up frontages to both Maidstone Road and High Street, this open land is not widely visible and makes only a limited contribution to the character of the conservation area.

I have no objection to the demolition of the chapel and in principle I consider that the site behind is capable of development without adversely affecting the character of the conservation area. The proposals as now submitted are the result of extensive pre-application discussions which have resulted in significant improvements over the originally submitted scheme.

Ideally it would have been advantageous to re-instate buildings to the frontage of Maidstone Road to continue the strong building line. However, the need to construct an access road with adequate highway geometry means that it is only possible to place one building in this location and unfortunately this will need to be set back from the existing building line (although forward of the existing chapel). Nevertheless, I consider that this will result in an improvement over the existing situation; whilst I note English Heritage's disappointment that this building does not respect the adjacent building line, this is simply not possible if an adequate access is to be created. English Heritage also raises concerns regarding the design of this unit, considering that it fails to respond to local character and is a standard mass-produced house design; however, I consider it to be of appropriate scale and its simple design makes it suitably self-effacing so as not to compete visually with the listed buildings either side of the chapel plot, whilst quirky details such as the corner oriel window add interest to the street scene and features such as the segmental window and door arches and the flat door hood contribute appropriate vernacular touches.

Behind the frontage the layout has been significantly changed in the course of pre-application discussions in order to create an appropriate enclosed townscape culminating in an informal square which reflects built form in other parts of the conservation area such as Church Square. The impact on listed buildings at 58 and 60 High Street has also been significantly improved. The design of the proposed houses is based on vernacular precedent and roof spans have been kept to an appropriate dimension to produce buildings of appropriate scale to the context of the conservation area. The materials palette proposed is also appropriate. Whilst the development will undoubtedly have some impact on the character of the conservation area, in my opinion such impact will be acceptable and not lead to any material harm to significance."

- 5.12 **English Heritage** raise no formal objection to the proposal, although concerns are raised over some specific elements of the proposal, as set out in the following detailed comments:

"Some improvements have been made to the designs in respect of the Maidstone Road frontage. The visibility splay from the entrance road is, for example, less dominant.

However, despite a curious wrap-around oriel window, Plot 1 is still a standard mass-produced house, designed without particular reference to the character or appearance of the street or to the conservation area as a whole. We think that the design of this house in particular needs to address the NPPF's requirement for new development to respond to local character and history, and to reflect the identity of local surroundings and materials (para. 58). This does not mean a trite traditional pastiche, but instead a design which innovatively builds on the character of its

locality. We also remain disappointed that Plot 1 does not respect the building line of its existing neighbours.

English Heritage is content to defer to your Council in conjunction with its specialist conservation advice to seek an appropriate solution in this case and there is therefore no need to return to English Heritage for further advice on this application."

- 5.12.01 English Heritage provided the following comments in relation to the principle of the development in relation to the previous application on the site:

"Lenham is unusual for a Kent village for being laid out around a square, its form determined by the medieval market held weekly by one of St Augustine Canterbury's outlying farms, now Court Lodge Farm, to the south of the square. The square is at the convergence of highways serving Ashford, Maidstone and Faversham, forming a cruciform street pattern which remains readable today despite modern village extensions to the north and south.

Each of the four principal routes is lined with street-frontage properties, with the undeveloped quadrant of backland to the west of the High Street and south of Maidstone Road now forming part of the estate of the United Reform Church and is the subject of the current application. The site is largely hidden from Maidstone Road and the High Street because of the density of development along these routes. Although there is no development along the western edge of the site, this boundary is well screened from the adjacent cricket ground. Providing that this boundary is maintained and not reduced as appears to be shown on the proposed site plan, we would not object to the proposed houses.

The church itself, an unlisted former Congregational Church of 1951, is a simple, restrained design. It has now closed and we would not object in principle to its replacement, providing that any replacement building is of a high quality of design that reinforces the character and appearance of the conservation area. The NPPF encourages local authorities to seek opportunities for new development in conservation areas to enhance their significance (para. 137) and to respond to the area's local character and history (58).

English Heritage does not object to this development in principle, but we recommend that the western tree-lined boundary to the site should be retained and, if necessary, reinforced. A more sensitive approach to the Maidstone Road street scene is also called for and it would be beneficial to seek amendments to address the design issues raised above."

- 5.13 **Kent County Council Archaeological Officer** raises no objection to the proposal subject to a condition requiring the submission of details of archaeological field evaluation works and implementation of the approved details, making the following detailed comments:

"The site lies within 130m of some Anglo-Saxon burials, located during some shop works along the High Street to the east. Three inhumations were revealed with associated grave goods. Lenham is known to be a medieval market town and there are indications that it may have been an Anglo-Saxon settlement too. The presence of these burials suggests there is high potential for further early medieval remains within the development site. The site also partially lies within an area identified as medieval building plots in the Historic Towns Survey of Lenham (KCC/EH 2005).

The site along the Maidstone Road was occupied by a chapel, originally known as Ebenezer Chapel on 1st Ed OS map; Congregational Chapel on 2nd and 3rd Ed OS maps. The current building seems to be later but remains associated with the earlier structure may survive on site. It is not clear if there were burials associated with this

chapel and this needs to be reviewed to ensure there is sensitive handling of burial remains.

Current information suggests there is potential for early medieval remains to survive on this site. Much of the site might have been "backland" during the medieval and post medieval periods but the area fronting Maidstone Road could contain medieval or later buildings. There is a chapel marked on the 1st Ed OS map and remains associated with a post medieval chapel and burial ground could survive on the site."

- 5.14 **Maidstone Borough Council Landscape Officer** raises no objection to the proposal subject to the imposition of conditions requiring the submission of a detailed landscaping plan and tree protection plan, and implementation of the approved details, making the following detailed comments:

"A landscape and visual impact assessment (LVIA) and an arboricultural impact assessment (AIA) have been submitted in support of this application.

Whilst the broad principles of the LVIA are generally acceptable it appears not to have been based on current guidelines. It should adhere to the recommendations of LVIA3 (not the 2002 version).

Pre application advice has been provided to the applicant by the Council's Arboriculturists and the Arboricultural Impact Assessment produced by Ben Larkham appropriately considers the tree issues in some detail. It is not possible for the development on the site to proceed without the loss of the A grade Beech tree but significant areas of new planting have been provided around site boundaries and trees shown on the proposed site plan can be successfully retained without future pressure issues.

If you are minded to approve this application I would want to see pre commencement conditions requiring a detailed landscape scheme and a tree protection plan for both retained trees and areas of new planting."

- 5.15 **Environment Agency** raise no objection to the proposal in respect of flood risk but provide advice in respect of surface water drainage, pollution prevention and waste, which are appropriately dealt with by way of informative.
- 5.16 **Mid Kent Partnership Environmental Health Manager** raises no objection to the scheme, but request the imposition of informatives relating to the treatment of asbestos and best practice in construction.
- 5.17 **Southern Water** confirm that there is currently inadequate capacity in the local network to accommodate additional foul water disposal within the local network, however raise no objection to the proposal on the basis of the submitted FRA which states that the expected peak foul water discharge resulting from the development represents an overall reduction from the existing peak flow, which is acceptable in principle subject to conditions requiring the submission of details of foul and surface drainage, and implementation of the approved details, and an informative relating to the need for a formal connection to the public sewerage system.
- 5.18 **Kent County Council Surface Water Drainage Officer** raises no objection to the proposal subject to the imposition of conditions requiring the submission of details of surface water drainage (including a management plan) and implementation of the approved details, making the following detailed comments:

"It appears that the site may be suitable for infiltration as it is underlain by chalk; therefore in concept the utilisation of soakaways may be appropriate. However the FRA appears only to discuss management of runoff from the roof areas and there is no discussion of what is proposed for highway drainage.

It would be recommended that:

a) *The drainage strategy should account for all impermeable areas. At present the FRA discusses only those associated with roof areas and no provisions appears to have been made for highway drainage. It is not clear if other surface finishes (e.g. permeable pavement) are proposed.*

b) *A large number of soakaways are proposed but no information has been presented to indicate locations. If soakaways are utilised adequate separation distances must be allowed from boundaries, building foundations and other soakaways. An appropriate arrangement must be demonstrated prior to any construction.*

c) *Site specific ground investigation must be undertaken at the location of any measure proposed for infiltration and at the appropriate depth to ensure that adequate infiltration rates are achievable as well as confirming ground stability.*

d) *If soakaways are to be included as individual house soakaways information must be attached to each house sale on maintenance responsibilities. Appropriate access arrangements must be provided within the site layout to enable future maintenance.*

Management of surface water should be achievable onsite at this location but the information as currently submitted is insufficient to demonstrate this. Planning conditions should be placed to ensure that such information can be supplied and the feasibility of the drainage proposal demonstrated prior to construction."

- 5.19 **Sport England** raise no objection to the proposal, but raise concern over the proximity of the site to the Lenham Cricket Club ground and request a condition requiring the submission of details of cricket ground mitigation measures, and implementation of the approved details, making the following detailed comments

"The proposal involves the demolition of the United Reform Church and adjoining hall and the erection of 24 No. dwellings on this land and land to the south and provision of associated parking, access (from Maidstone Road) and landscaping. Due to the existing use of the area, it would not be considered possible to accommodate a playing pitch or part thereof this area and there are no existing sports facilities within this site.

I can therefore confirm that no objection is made to the principle of the planning application.

However, Sport England would wish to make comments on the following issue.

The proposed development site adjoins Lenham Cricket Club to the south west. The club have been based at their current site since 1968 and play in the Invicta cricket league and take part in the local 20/20 evening knockouts, as well as hosting friendly cricket matches against a number of local sides. Furthermore, the club hold junior coaching and nets sessions.

Due to the proximity and the existing use of the cricket club, potential exists for there to be an impact on the proposed development i.e. cricket balls leaving the site boundary and entering residential properties. Sport England would wish to avoid a scenario where future residents of the proposed development make complaints to the cricket club and/or Council about the impact of balls entering their properties if such impacts could have been considered and addressed at the planning stage. Retrospective mitigation measures are likely to be more difficult to implement and fund and the range of options available will be reduced. Mitigation measures are therefore required as part of the residential development to ensure that the use of the cricket ground does not have an adverse impact on the proposed development in terms of residential amenity and to ensure that the cricket club does not come under pressure from residents or the Council at a later date to implement such measures

which would be unreasonable given that the club is established on the site. There are a number of measures which could be pursued which include boundary treatments such as ball stopping nets and/or strategic tree planting and also cricket ball resistant material choices for windows and roofs, etc. and generally protecting the new residents from balls entering the private space. If a ball stop net was the chosen solution the ECB would recommend an 8m high fence for a net 50m away from the closest pitch. It appears that the scheme proposes to locate houses 47m from the cricket square on the adjacent site, with the proposed gardens being less than 37m away. Without appropriate mitigation measures being put in place the risk of balls entering the new development will be extremely high."

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

6.0 BACKGROUND PAPERS AND PLANS

6.01 The development proposals are shown on drawing numbers SK01 and T13128 received 25th July 2014; drawing numbers 13-0158-01 rev A, 13-0158-03 and 13-0158-04 received 28th July 2014; drawing numbers 13-0158-10 rev A, 13-0158-11 rev A, 13-0158-16 rev A, 13-0158-17 rev A, 13-0158-21 rev A, 13-0158-22 rev A, 13-0158-23 rev A, 13-0158-24 rev A, 13-0158-25 rev A, 13-0158-26 rev A, 13-0158-27 rev A, 13-0158-28 rev A, 13-0158-29 rev A, 13-0158-31 rev A, 13-0158-32 rev A, 13-0158-33 rev A, 13-0158-40 rev A, 13-0158-41 rev A, 13-0158-42 rev A, 13-0158-46 rev A, 13-0158-50 rev A, 13-0158-51 rev A and 13-0158-52 rev A received 21st August 2014; drawing numbers 13-0158-30 rev A, 13-0158-35 rev A, 13-0158-36 rev A, 13-0158-37 rev A and 13-0158-38 rev A received 30th August 2014; drawing numbers 13-0158-05 rev B and 13-0158-07 rev A received 9th October 2014; drawing numbers 13-0158-04 rev C, 13-0158-15 rev A, 13-0158-18 rev B, 13-0158-20 rev B, 13-0158-45 rev B and 13-0158-47 rev C received 2nd April 2015; and drawing number 13-0158-06 rev D received 8th April 2015.

6.02 The application is supported by a Design and Access Statement (undertaken by Hume Planning Consultancy); Planning Statement (undertaken by Hume Planning Consultancy), Arboricultural Impact Assessment (undertaken by Ben Larkham Associates reference tr-1117-14), Landscape and Visual Impact Assessment Report and Appendices (undertaken by David Hares Landscape Architecture reference 227-01-01 and 227-01-02), Bat Emergence Survey (appendices only) (undertaken by Arbtech), Drainage Impact and Flood Risk Assessment (undertaken by BSF Consulting Engineers reference 15304 rev 2.2), Transport Statement Report (undertaken by TPHS) and Statement of Community Involvement (undertaken by Hume Planning Consultancy) received 25th July 2014; a Heritage Impact Assessment (undertaken by Purcell) received 21st August 2014; and a Bat Emergence Survey (undertaken by Arbtech) and Phase I Habitat Survey (undertaken by Arbtech) received 9th October 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 saved policies of the Maidstone Borough-Wide Local Plan 2000 (MBWLP). In the circumstances of this case, the key saved policy is H27, which restricts new residential development in "villages" such as Lenham to minor development; clearly the proposal currently under consideration goes beyond what can reasonably be considered to represent minor development, and is therefore contrary to this policy. The key material consideration outside of the Development

Plan in the determination of applications for residential development 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.

- 7.02 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;"

- 7.03 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, as set out in a jointly commissioned addendum to the SHMA. This revised figure, which is based on central government population projections based on 2011 census data, was agreed by Cabinet in September 2014.
- 7.04 Currently, the Council has a 2.1 year supply of housing assessed against the objectively assessed housing need of 18,600 dwellings. The Council remains in the position of being unable to demonstrate a 5 year housing land supply.
- 7.05 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 in the Maidstone Borough-Wide Local Plan 2000 for the supply of housing (such as H27 which seeks to restrict housing within villages such as Lenham) 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.
- 7.06 In respect of the circumstances of the specifics of this case, the proposal site is located within 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 and community facilities including a nursery, primary and secondary schools, retail choices, and good public transport links to employment and retail centres.
- 7.07 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 by virtue of their accessibility, potential for growth and role as a service centre of 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."

- 7.08 In this context, it is considered that, for the purposes of the determination of the current application, the location of the site is sustainable in the terms of the NPPF and draft Local Plan.
- 7.09 Policy SP3 of the emerging Local Plan seeks to focus new residential development on allocated sites and previously developed land (neither of which the proposal site is considered to represent) and otherwise to minor development (carrying forward the restriction set out in policy H27 of the MBWLP). Notwithstanding this, the site is within the zone identified under the scope of draft Local Plan policy H3 (3) as being suitable as a future location for housing growth comprising approximately 1500 units for the later parts of the plan (post-2026). The detail of the policy, however, states that in the event of sites such as this within the growth location coming forward prior to 2021, they will be assessed subject to the following detailed criteria:
- *Submission of necessary ecological and landscape surveys with detailed mitigation schemes;*
 - *Individual transport assessment for each development;*
 - *Provision of, or contributions towards, infrastructure improvements that benefits public transport users, pedestrians and cyclists;*
 - *Provision of, or contributions towards, community infrastructure where proven necessary;*
 - *Provision of publicly accessible open space as proven necessary, and/or contributions; and*
 - *Appropriate surface water and robust flood mitigation measures will be implemented where deemed necessary, subject to a flood risk assessment, incorporating sustainable urban drainage systems.*
- 7.10 As Members will be aware, the Council is in the position of not having an up to date adopted Local Plan and is not in a position to demonstrate a five year housing land supply. As such normal restraints on volume residential development do not currently apply as the adopted Local Plan is considered out of date. In such circumstances the NPPF advises that when planning for development through the Local Plan process and the determination of planning applications, the focus should be on existing service centres and on land within or adjoining existing settlements. The development of this site is therefore in accord with the objectives of the NPPF. The application is also supported by the location of the site within a general zone considered acceptable for housing under policy H3 (3) in the emerging Local Plan. Furthermore, the bringing forward of development on this sustainable site within an RSC, identified as being suitable for residential development in the emerging Local Plan, will of itself contribute towards the provision of housing and therefore help in meeting the shortfall in housing supply. This represents a strong material consideration in favour of the development.
- 7.11 The site was not submitted in the recent “call for sites” for residential development exercises undertaken by the Council; it is understood this was due to land ownership issues that have subsequently been resolved. The adjoining parcel of land, currently occupied by Lenham Cricket Club, was submitted in the most recent “call for sites” however in the absence of any information to suggest that alternative facility of equivalent scale, quality and accessibility could be provided locally, it was rejected solely on the basis that the loss of a community sports facility would be contrary to saved and emerging Local Plan policy.
- 7.12 Lenham is in the process of progressing a Neighbourhood Plan, however at the current time does not have a draft document. The documentation published to date does not contain any policies or discussion of housing provision other than

generalities which are not specific enough to be taken into consideration in the determination of the application before Members.

- 7.13 The concerns raised in respect of pre-maturity of consideration of the application due to the current status of the draft Local and Neighbourhood Plans is noted, however the Local Planning Authority has a duty to determine applications as and when submitted, and cannot refuse to determine applications on the basis that the policy framework is immature. Given the requirement for further work and procedural stages to be completed in respect of both documents, including examination, and the likely timetable for this to take place, and in light of the Council's position on its 5 year land supply (as discussed above) it is not appropriate or reasonable to delay consideration of the application in this regard.
- 7.14 I am aware that a grant of planning permission for the scheme currently under consideration could be seen as being premature in the strictest terms of policy H3 (3). However, given that the broad location has been identified as being suitable for housing development and RSCs as being the focus of new development outside of the main urban area in the emerging Local Plan, in the context of the presumption in favour of sustainable development set out in the NPPF it is considered that the principle of the development, which is not of a scale to prejudice future large scale provision of housing in accordance with the longer term objectives of the policy, is acceptable, 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 affordable and market housing in a sustainable location.
- 7.15 In the circumstances of this case, the key planning issues in the consideration of this case are considered to be visual impact (including design quality); impact upon heritage assets (including listed buildings, the Lenham Conservation Area and non-designated heritage assets); affordable housing provision and S106 contributions; conflict with adjacent land uses (including residential properties and the Lenham Cricket Club); access/highway safety; landscaping and loss of trees; ecology; and loss of the church itself and associated buildings as a "community facility".

Visual Impact (including design quality) and Impact Upon Heritage Assets (including listed buildings, the Lenham Conservation Area and non-designated heritage assets)

- 7.16 Members will be aware that the designation of land within the boundary of a conservation area does not preclude suitable development on the land, and further that the key qualities of conservation areas are those of the built, rather than the natural environment. In this case, the detailed design, including the layout, is described above in paragraphs 2.02 to 2.09 (inclusive). In terms of the layout, it is considered that it represents a positive response to the constraints and topography of the site, and pays due respect to the historic fabric of the village heart of Lenham, taking its cue from established forms of development within the centre of the village, namely enclosed squares around which residential development of an intimate scale is arranged and open greens which in this case allow the retention of mature trees within the development as part of a shared space. The positioning of blocks of development within the site allow a distinct sense of transition when entering the site, from the point of entry off of Maidstone Road, opening out into the "green", progressing into the "square" with its sense of seclusion and beyond this, a single dwelling set in its own space in order to provide a sense of openness and respect the immediate setting of the neighbouring Grade II listed buildings, 58 and 60 High Street. As described above, a great deal of consideration has gone into the detail of the dwellings within the site. The frontages of the buildings in particular are considerably articulated and staggered in order to provide variety and depth, as well

as general visual interest to the streetscape within the site, whilst maintaining a consistent thread through the development in terms of the choice of materials and design detailing, which pays due respect to the traditional Kentish forms evident within the vernacular of the Lenham Conservation Area and the wider village environment. The quality of the scheme extends to the multi-aspect design of key buildings within the site which would give interest to different aspects of the streetscene, and allow natural surveillance of the open shared spaces within the site. For these reasons, the overall and detailed design of the proposed development is considered to represent a considered and sensitive response to the site itself, and its wider setting.

- 7.17 The critical point at which the development will present its public face, as it were, is the access of the site to Maidstone Road. The introduction of an access to the main body of the site will inevitably lead to the loss of the Lenham United Reform Church and its hall, which are features of note in the streetscape in this particular location. Notwithstanding this, as set out in the comments of the Council's Conservation Officer and English Heritage, the church, which is a mid twentieth century replacement of a former chapel lost as a result of bomb damage during World War Two, is not considered to be of sufficient historical or architectural merit to warrant a refusal of planning permission on the basis of its loss or an application for spot listing. Furthermore, the siting of the buildings within their grounds is such that, notwithstanding their elevation in relation to the public highway, their prominence in public views of the streetscene is limited due to the screening effect of other, adjacent buildings.
- 7.18 As Members will note from the consultation responses set out above, there is disagreement between English Heritage and the Council's Conservation Officer in respect of the assessment of the dwelling proposed to the frontage of the site on Maidstone Road, primarily in regard to its siting in relation to the public highway and its detailed appearance. In considering the merits of this element of the scheme, it is necessary to assess the impact of the development on the conservation area and the setting of adjacent listed building in the context of the existing buildings on the site, which, as set out in the preceding paragraph, are recognised by both parties as being of limited quality. In terms of the detailed design of the dwelling, it is described by English Heritage as a "*standard mass-produced house, designed without particular reference to the character or appearance of the street or to the conservation area as a whole*", whilst the Maidstone Borough Council Conservation Officer regards the building as "*of appropriate scale and its simple design makes it suitably self-effacing so as not to compete visually with the listed buildings either side of the chapel plot, whilst quirky details such as the corner oriel window add interest to the street scene and features such as the segmental window and door arches and the flat door hood contribute appropriate vernacular touches*". In this, I agree with the views of the Conservation Officer. The dwelling has been designed with key features that pay respect to characteristic to the surroundings whilst not slavishly copying the appearance of the adjacent properties, and in its simplicity otherwise clearly adopts a subservient presence in relation to the adjacent listed building as well as other key buildings within the Lenham Conservation Area. This modesty in appearance to my mind is an appropriate design approach which is also consistent with the positioning of the building in relation to the frontage of the site. Whilst the comments of English Heritage concerning the integrity of the historic streetscape and restoring the continuity of the original frontage, in this case it is considered that the setting back of the dwelling is a valid approach, for the following reasons. Firstly, because the existing church and hall (as well as to a lesser extent the adjacent garage serving number 23) are themselves set back, the positioning of the property forward of them will go some way to restoring a more engaged interaction between the buildings on the site and the public highway than currently exists, and secondly (on a practical

note) the proposed arrangement will allow visibility splays adequate to ensure safe access and egress to the site, this being the only realistic entry point to the site, allowing the land to be used for the provision of housing in a sustainable location in accordance with emerging Local Plan policy at a time of significant undersupply. These factors are of significant weight in assessing the comments and views of English Heritage, which in this case are not considered to be of sufficient robustness to tip the balance towards refusal of planning permission on heritage grounds, and in particular the impact on the character and appearance of the Lenham Conservation Area. It is noted that no concerns are raised by English Heritage in relation to the impact on the setting of listed buildings or the principle of the development of the site for residential purposes per se.

- 7.19 The site is elevated in relation to the central part of the village of Lenham to the north west, however as set out above, despite this close by views, including from within the Lenham Conservation Area, are restricted due to its confined nature and the screening effect of buildings to the north, south and east, and landscaping associated with the Parapet House and the Lenham Cricket Club to the north and west. Other than the aspect into the site at the point of access, key views of the site and the proposed development would be largely limited to glimpses between buildings from isolated points along Maidstone Road and High Street, such as between number 13 Maidstone Road and the adjacent public conveniences; numbers 34 and 36 High Street; numbers 36 and 38 High Street; numbers 54 and 56 High Street; and 56 and 58 High Street) which would be in many cases limited by virtue of the presence of tree screening.
- 7.20 The site is elevated in relation to the central part of the village of Lenham to the north east as well as the North Downs to the north, and as such would be visible in longer distance views. This has been explored in the visual impact assessment submitted in support of the application, which assessed the visual impact of the development from public viewpoints as being not significant due to the screening effect of intervening buildings and vegetation. These views include points along the Pilgrims' Way and the North Downs Way, which in the vicinity of Lenham share a route. This conclusion is supported by the Council's Landscape Officer.
- 7.21 In these wider views the development would be seen against the existing surrounding development, which includes terraced, semi-detached and detached dwellings to the north, south and east, which are of a variety of heights and scales. The development would be seen in the context of this existing pattern of built development, and for this reason, and by virtue of the not excessive height of the proposed dwellings and its varied roofscape which would ensure that the development would not appear as a monolithic block beyond the existing buildings, to my mind the visual impact on the general streetscape of the centre of Lenham would be, on balance, acceptable.
- 7.22 For these reasons, in the circumstances of this case, the broad visual impact of the development is considered to be acceptable as the scheme would be subject to limited close range views but in longer views would be seen as a logical extension to the built environment within the heart of Lenham. The visual impact of the proposal is further mitigated by the detailed design, which would provide a high quality of development which responds in a positive fashion to the historic fabric of the village and maintains existing landscaping within the site.
- 7.23 I am aware of appeal decisions relating to the dismissal of a smaller residential scheme to the rear (south) of Parapet House, to the north west of the current application site, dating from 2006 as summarised above in the site history. In determining the appeals, the Inspector took the view that the proposed development was inappropriate in a location considered to be relatively remote from the village

centre, and in particular that the introduction of backland development on the site would be out of keeping with the character of the immediate setting, which was predominantly comprised of spaciouly arranged frontage development. Whilst I note the outcome of the appeals, to my mind they differ from the circumstances of the proposal currently under consideration in two key respects. Firstly, the site before Members is located adjacent to existing properties themselves represent backland development including Theohurst, Vine Cottage, Beam End and The Old Forge, located to the east of the site, as well as a listed building (numbers 58 and 60 High Street) to the south of the site which, whilst not technically constituting backland development, are residential properties located to the rear of other dwellings fronting onto High Street. The introduction of backland dwellings cannot, in these circumstances, be considered to represent a foreign pattern of development in the same way as those proposed under the scope of MA/04/2365 and MA/06/0023. Secondly, these appeal decisions are almost ten years old, and predate the publication of the NPPF. Whilst the NPPF seeks to safeguard heritage assets, it also sets out the “golden thread” of the presumption in favour of sustainable development in the planning decision making process, and also establishes the prioritisation of the provision of housing as a key national objective and the requirement for Local Planning Authorities to demonstrate a five year housing land supply, which at the current time Maidstone Borough Council is unable to do. These factors, together with the absence of any significant harm to either the setting of listed buildings or the Lenham Conservation Area identified by Council or English Heritage officers, weigh substantially in favour of a grant of planning permission.

- 7.24 For the reasons set out above, it is considered that, on balance, the proposal is of suitably high quality of design and would not be harmful to the character of appearance of the Lenham Conservation Area, general streetscape, or wider landscape, including views from the North Kent Area of Outstanding Natural Beauty. Whilst I note the comments of English Heritage in respect of the enhancement of the conservation area, to my mind the proposal would be of equal merit to that of the buildings to be lost, and as such should not be viewed as a retrograde step in the evolution of the streetscene in this particular location. In order to safeguard the quality of the development, in this case it is considered appropriate and necessary to impose conditions requiring the submission of samples and details (as appropriate) of materials, joinery, architectural detailing and boundary treatments, and the implementation of the approved details.

Affordable Housing and S106 Contributions

- 7.25 A development of this scale will place extra demands on local services and facilities and it is important to ensure that the development can be assimilated within the local community. As such, policy CF1 of the Maidstone Borough-Wide Local Plan 2000 and the Council's Open Space DPD allow for suitable contributions to make the development acceptable in planning terms to be sought in line with policies of the Local Plan.
- 7.26 This is supported by policy ID1 of the emerging Local Plan, which relates to infrastructure delivery. The preamble of the draft policy sets out the Council's progress towards developing its Community Infrastructure Levy (CIL), and in the event of competing demands for developer contributions towards the delivery of infrastructure for new development proposals, identifies the Council's hierarchy of prioritisation as follows:
- affordable housing, transport, open space, public realm, health, education, social services, utilities, libraries and emergency services.
- 7.27 In this case, the applicant proposes 40% affordable housing built to Lifetime Homes standards, which is in accordance with the current Maidstone Borough Council

Affordable Housing DPD. The proposed distribution of affordable housing within the site (plots 1, 8 - 9 inclusive and 20 - 24 inclusive) and the mix of housing stock and tenure (60% social rented and 40% shared ownership), being a mix of 4 x 2-bed units, 5 x 3-bed units and 1 x 4-bed unit have been arrived at in consultation with the Council's Housing Officer who has raised no objection to the details proposed. Therefore, subject to a S106 agreement safeguarding this provision, this element of the proposal is considered to be acceptable.

- 7.28 In terms of financial contributions towards social infrastructure other than affordable housing, any request for contributions needs to be scrutinised, in accordance with Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criteria that set out that any obligation must meet the following requirements: -

It is:

- 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.

*And

A planning obligation ("obligation A") may not constitute a reason for granting planning permission to the extent that —

(a) obligation A provides for the funding or provision of an infrastructure project or type of infrastructure; and

(b) five or more separate planning obligations that—

(i) relate to planning permissions granted for development within the area of the charging authority; and

(ii) which provide for the funding or provision of that project, or type of infrastructure have been entered into before the date that obligation A was entered into.

*This section came into force on 6th April 2015 and means that planning obligations cannot pool more than 5 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010).

- 7.29 In this case, the following contributions have been sought in respect of the proposed development, which will be considered in detail below:

- **£2,360.96 per 'applicable' house (£56,663.04)** is sought towards the enhancement of teaching space at Lenham Primary School
- **£1,152.38** is sought to be used to provide additional bookstock at Lenham library to serve the residents of the development.
- **£202.62** is sought to provide youth service equipment at Swadelands Youth Centre to serve the residents of the development.
- **£14,292** (£360 per person, per market housing unit calculated in accordance with NHS formulae of occupancy) is sought towards the extension of the medical facilities available at The Glebe Medical Centre.
- **£37,800** (£1,575 per dwelling) is sought towards the improvement, maintenance, refurbishment and replacement of the Ham Lane play area.

- 7.30 Kent County Council has requested a contribution of £2,360.96 per 'applicable' house and £590.24 per 'applicable' flat towards the enhancement of the existing teaching space of Lenham Primary School, which will allow the building to be

reconfigured to provide additional space and enable the future expansion of the facility in due course. Evidence has been submitted that demand for places at this school will, as a result of the cumulative impact of developments in the vicinity of the village, exceed capacity. The contributions set out above would go towards meeting the additional strain placed upon the school facilities within the locality, is considered to be a reasonable sum, related to the scale of the development, and represents a specific project for which contributions have not to date been secured by way of S106 monies. I am therefore satisfied that this contribution meets the tests as set out above.

- 7.31 A contribution of **£1,152.38** per dwelling is sought by Kent County Council towards additional bookstock at Lenham library to serve the residents of the development on the basis that the development would result in additional active borrowers when overall borrower numbers are in excess of area service capacity and bookstock in Maidstone generally below the County and UK average, and the contribution would go towards mitigating this impact upon local services. I consider this request to be compliant with policy CF1 and to meet the tests set out above.
- 7.32 A contribution of **£202.62** is sought by Kent County Council towards the provision of equipment at local youth services at the Swadeland Youth Centre in order to accommodate the additional strain that would be placed on the service by the proposed development. I consider that this request is justified, compliant with policy CF1 and the tests as set out above.
- 7.33 A contribution of **£23,587** is sought to fund the extension of local surgery premises at The Glebe Medical Centre. This represents a specific project for which contributions have not to date been secured by way of S106 monies. I consider this request to be justified, compliant with policy CF1 and the tests as set out above.
- 7.34 A contribution of **£37,800** is sought towards the improvement and maintenance of Ham Lane play area in order to mitigate the additional pressure on public open space within Lenham. The Maidstone Borough Council Officer has confirmed that contributions sought to date do not result in this contribution breaching the limit on a pool of no more than five contributions towards a single project. I consider that this request is justified, compliant with policy CF1 and the tests as set out above.
- 7.34 The contributions set out above are considered to be necessary to mitigate the impact upon local social and other infrastructure, to be reasonably related to the character and scale of the proposed development, to be fully financially justified, tested against the requirements of S122 and S123 of the Community Infrastructure Levy Regulations 2010, and otherwise compliant with existing and emerging Development Plan policy. The provision of these contributions by way of an appropriate legal mechanism is therefore considered to be acceptable.

Conflict with Adjacent Land Uses (including residential properties and the Lenham Cricket Club)

- 7.35 The site is located within the village envelope and in close proximity to a large number of residential properties. In assessing the impact upon the residential amenity of surrounding occupiers, the key properties are those along the southern edge of Maidstone Road, in particular numbers 23 and 31, which are located to either side of the proposed access; Theohurst and Vine Cottage; numbers 56 to 72 High Street (inclusive [evens]) which are located to the north of High Street; and in particular numbers 58 and 60 High Street which are located to the rear of number 62 High Street in close proximity to the southern boundary of the site.
- 7.36 The layout of the development and detailed design of the dwellings has been arrived at so as to avoid overlooking/loss of privacy or loss of light/overshadowing to dwellings adjacent to the site. Moving through the site, whilst the property proposed

to plot 1 (fronting onto Maidstone Road) would be located in relatively close proximity to the existing dwellings on either side of the land associated with the Lenham United Reform Church, in the case of number 23, the existing dwelling would be separated from the proposed building by an existing garage, and has no facing flank windows. In the case of number 31, this dwelling has facing windows at ground and first floor level, however the flank elevation would be separated from the proposed dwelling by the access and associated landscaping. Whilst these buildings would have a separation distance of only 11.5m, the relative alignment of the openings and the fact that they would predominantly serve non-habitable rooms are such that it is considered that the relationship between the two buildings would be acceptable. In terms of the existing dwellings along the southern edge of Maidstone Road which have rear gardens adjoining the proposal site, the rear elevation to rear elevation distances exceed 21m, which is taken to be an acceptable arrangement in built up areas which has previously been held up at appeal. The land would also be used for car parking as well as private gardens, which would lead to decreased likelihood of activities and use of the land which would give rise to sustained overlooking of adjacent properties. Concern has been expressed that the introduction of residential development, and in particular the location of the access, will give rise to disturbance to the occupiers of number 31 Maidstone Road. The impact of the introduction of the access has been assessed by the Mid Kent Environmental Health Officer who has raised no objection on this basis. In any case, the level of disturbance arising from what is a relatively small development, the access of which is not hard up against the property boundary, is not excessive in the context of the village centre location.

- 7.37 Turning to the properties located to the east of the site, of these the closest is Theohurst, the flank elevation of which would be set perpendicular to the rear elevation of the dwelling proposed to plot 2. Whilst the separation distance in this case would be 20m, in the circumstances of the case, being the absence of primary windows to habitable rooms to this elevation of Theohurst, and the intervening provision of parking to serve the dwellings on plots 3 and 4, it is considered that this arrangement is acceptable.
- 7.38 Whilst the dwellings proposed to plots 3 to 11 (inclusive) would back onto gardens associated with existing properties, the separation distances involved are great enough that it is considered that there would be no conflict in respect of residential amenity. The dwellings proposed to plots 12 and 13 would be oriented directly towards the rear elevation of number 58, however there would be a separation distance of 17.5m and 20m, and the layout allows for intervening rear gardens as well as a band of landscaping which would extend around the southern corner of the site. This would be required to be managed collectively in order to maintain an appropriate level of vegetation screening between the site proposed dwelling and the existing buildings. The property proposed to plot 14 would be located in close proximity to number 60, however it would be set at an angle to the existing dwelling, (between 7m and 10m separation between the two buildings), however the relationship between the two, insofar as the proposed dwelling is to the north west and offset, is such that no loss of light would result to the openings of habitable rooms of number 60. No first floor openings are proposed to the south east elevation of the property proposed, and as such it is not considered that the relationship between the existing and proposed dwellings would give rise to overlooking of such a degree to warrant refusal of planning permission.
- 7.39 The properties proposed to plots 15 to 19 inclusive would not have any impact upon existing dwellings, however the dwellings proposed to plots 20 to 24 inclusive would back towards the rear of properties located to the south of Maidstone Road (numbers 31 to 39 [odds] inclusive), however the proposed dwellings would have a separation of in excess of 35m from the rear elevations of the existing properties, largely forming

the rear gardens of the existing dwellings, and would be severed from these private garden areas by rear gardens and shared parking areas.

- 7.40 Members will be aware that there is no private right to a view, and whilst there would inevitably be some loss of openness of aspect to some householders as a result of a grant of planning permission, the proposed dwellings are arranged in such a way as to avoid the introduction of an overly overbearing aspect to the occupiers of existing properties. The relationship of the proposed dwellings within the site to each other is such that it is not considered that the design of the development would give rise to conditions unfavourable to the residential amenity of future occupiers.
- 7.41 For these reasons, the impact of the development in terms of the residential amenity of the occupiers of existing dwellings and future occupiers of the development is considered to be acceptable, subject to conditions restricting permitted development rights and requiring the submission of slab levels (and implementation of the approved details).
- 7.42 In respect of the relationship of the site to the adjacent cricket ground, it is recognised that there is potential for conflict between the two, in particular the dwellings proposed to plots 14 to 19 (inclusive) and their associated parking and garden areas. However, notwithstanding this, there are mitigation methods available, including the incorporation of buffer landscaping (as shown on the submitted plans) in to the layout of the development, the use of toughened glass to facing openings, and the introduction of protective ball stop netting, the latter of which are recommended by Sport England in their comments, which raise no objection in principle. To my mind, in order to safeguard the continued use of the Lenham Cricket Club on its current premises, and the potential severity of damage to body and property, all three are necessary in order for any conflict to be adequately mitigated, and to that end I propose the incorporation of the requirement for toughened glass to facing elevations and appropriate planting along the western boundary of the site in the wording of the materials and landscaping conditions, as well as a condition requiring the provision of a continuous permanent ball stop netting system along the western site boundary between the rear boundary of 72 High Street to the corner of the Lenham Cricket Ground to the north east of the pavilion. In accordance with the recommendations of the England Cricket Board and Sport England, this should have a minimum height of 8m. Whilst the netting element can be lowered when not in use, it is my understanding that the conventional construction of heavy duty ball stop mesh nets in respect of their material and mesh size is such that overshadowing would not result from the installation to the extent that harm would result to residential amenity. Whilst Lenham Cricket Club suggest that this would not be effective, this is an arrangement that has been successful at other pitches in Kent, and is supported by Sport England and the England Cricket Board. In respect of impact on the outlook of the proposed dwellings, to my mind this would be a matter of “buyer beware”. Although the supporting structures and the netting itself would be located on the boundary of a conservation area, to my mind its introduction would be acceptable in the circumstances of this case by virtue of the very limited visual impact of the permanent uprights and the transparent and fine appearance of the netting, which would be seen against the landscaping proposed and is a form of development which would not be alien to the established use of the adjacent land. Reference has been made to a judgement relating to the quashing of a planning permission allowing an extension above a forge in the South Downs National Park, however it appears that in that case Sport England had considered the proposed mitigation “unenforceable”; in the case of the application currently before Members, Sport England have suggested the mitigation, and therefore must consider it to be effective and enforceable. The separation distances in the South Downs case were also less than those in Lenham.

- 7.43 For these reasons, it is my view that the securing of the mitigation listed above by way of appropriate conditions would enable the two adjacent land uses can co-exist without conflict, even allowing for the changes of level between the site and the neighbouring properties to the north and east.

Access and Highway Safety

- 7.44 The proposed access would be located in the north of the site and would extend southward into the main body of the development, at the point of junction with Maidstone Road taking the form of a “simple vehicle crossover” with shared surfaces and “home zone” design within the scheme. In light of the scale of the proposed development, this is considered to be acceptable. The Kent County Council Highway Services Engineer has requested the imposition of conditions, including the safeguarding of the delivery of the approved access arrangements and the provision of on street parking restrictions to enable safe vehicular access and egress to take place; the Maidstone Borough Council parking Services manager raises no objection to the proposed alterations to on street parking restrictions. These conditions are considered to be reasonable and necessary in the circumstances of this case.
- 7.45 Whilst the proposal would inevitably give rise to increased traffic movements, this is not in excess of the capacity of the local highway network, and no objection is raised by the County Engineer on this basis.
- 7.46 For these reasons, subject to the imposition of the relevant conditions, it is not considered that there is any objection to the proposal on highway safety grounds.

Landscaping and Loss of Trees

- 7.47 The existing landscaping on the site is of mixed and limited quality, and not considered worthy of specific protection. However, it provides context to the site and the wider village as a whole and where possible trees of value are retained within the scheme, for example along the south eastern edge of the site and on the “green”, without future pressure for removal of key specimens as a result of the residential development. The exception to this is a Grade A Beech located centrally to the proposed site access, however it would not be possible to retain this specimen in the bringing forward of the site as any arrangement of the site access would prejudice the survival of the tree. This has been the subject of ongoing discussions between the developer and the Council’s Landscape Officers, and regretfully it is accepted that, in the absence of an alternative site access and the context of bringing forward a residential scheme of high design quality in a sustainable location such as this, the loss of the tree is outweighed by the wider benefits of the proposal and the retention of other trees of value within the scheme and the introduction of additional areas of periphery planting to soften the edge of the development.
- 7.48 As can be seen above, the Council’s Landscape Officer raises no objection to the proposal, subject to the imposition of conditions requiring the submission of details of detailed landscape proposals (including implementation details and a long term management plan) and an tree protection plan, and implementation of the approved details. Due to the screening role of the shared landscaping areas on the periphery of the site and the need to prevent excessive height and appropriate maintenance of these areas within the development, I propose a tightly worded landscape condition which incorporates the requirement for the submission of details of an ongoing long term management plan and its implementation for 10 years. As Members will be aware, the proposed layout and arrangement of parking is somewhat novel in a new development, although it takes its cue from the historic fabric of Lenham. In this case, the parking arrangement proposed, as well as responding a positive fashion to the historic fabric of Lenham, frees up space within the development for landscaping. In order to discourage on street and anti-social parking within the site and safeguard

landscaping the introduction of dwarf and post and rail fencing, which will maintain the openness of the development will be utilised, as shown on drawing number 13-0158-06 rev D, and it is considered that this “nudge” tactic will be sufficient to encourage occupiers to make effective use of the parking spaces allocated and to discourage parking behaviours detrimental to correct use of the highway.

- 7.49 Subject to the conditions set out above, it is not considered that, on balance, there is any objection to the proposal on arboricultural or landscape grounds.

Biodiversity

- 7.50 Concerns have been raised about the detrimental impact of the scheme on biodiversity assets. A Phase I Habitat Survey and Bat Emergence Survey have been submitted in support of the application which conclude that the site is of limited biodiversity value. These findings have been accepted by the Kent County Council Biodiversity Officer, who has raised no objection to the proposal subject to the imposition of a condition requiring the development to be undertaken in accordance with the recommendations of the Phase I Habitat Survey. In addition, to ensure enhancements to biodiversity, I propose that the wording of the materials condition include a requirement to incorporate swift bricks and bat boxes within the development and to include the provision of cordwood within the site to provide for hibernacula within landscaped areas.
- 7.51 Subject to the imposition of the relevant conditions, it is not considered that there is any objection to the proposal on the grounds of harm to biodiversity assets, subject to conditions.

Loss of the church and associated buildings

- 7.52 The church, and associated buildings used ancillary to the ecclesiastical use of the property, does not fall to be considered as a community facility under the scope of adopted plan policy CF3, however places of worship are included within the scope of policy DM12 of the emerging Local Plan, which although of material weight in the determination of the current application is not adopted policy, which diminishes that weight. In the circumstances of this case, the proposal would result in the loss of a church and hall, however the church ceased operation in 2012. Following the decision by the church to cease the use, the property was marketed at a realistic and competitive rate regionally and nationally, however no significant interest in relation to a continued D1 use emerged; the dominant interest being in the redevelopment of the site and land for residential purposes. It is therefore considered that the premises has been adequately been demonstrated to be non-viable under recent and current conditions.
- 7.53 Concern has been raised over the loss of the existing buildings as a viable community facility. In relation to the provision of alternative facilities, Lenham has a modern community centre which provides a significant local facility for meetings and a wide variety of activities. Whilst this is not provided as a direct replacement of the hall which is to be lost as a result of the current application, it does represent an alternative within the local area. There are alternative active United Reform Churches in Maidstone and Sittingbourne. Furthermore, whilst there is uncertainty over whether non-Church of England churches can be considered as assets of community value in accordance with the Localism Act 2011, no application has been made on behalf of the local community in this regard. In the context of the absence of adopted local plan policies relating specifically to the loss of such facilities and the existence of alternative facilities within the local area, it is not considered that there is any objection to the proposal on this basis.

Other Matters

- 7.54 Concern has been raised in respect of the potential for there to be graves on the site. This has been explored by the applicant, and it is understood that the remaining gravestones will be relocated to a suitable alternative establishment. Whilst it is believed, in the context of the site history, to be unlikely that there are any human remains on the site which has been deconsecrated following the cessation of the use of the church for ecumenical purposes, nonetheless in the event of bodily remains being found, the exhumation and subsequent disposal of any material would be controlled under the Disused Burial Grounds Act 1884 and the Disused Burial Grounds (Amendment) Act 1981 separate of planning control. English Heritage has published guidance on the treatment of human remains disturbed as a result of development, which states that the principle of burials being disturbed as a result of development is potentially acceptable (and particularly where it is believed that most or all known burials have been removed), but that if disturbance does take place, an archaeological condition is acceptable to deal with the event (and the developer would thereafter be responsible for the study and subsequent reburial of the remains). There has been a suggestion that the landscaping of the site access incorporate reference to the historic use of the site as a place of worship; whilst admirable and appropriate given the history of the site, it is not considered that this is necessary to make the development acceptable in planning terms and therefore fails the tests for conditions, however the applicant is by way of an informative encouraged to work together with the Parish Council and other parties to ensure that the landscaping scheme submitted in association with the relevant condition is mindful of the previous spiritual use of the site and pays it due respect.
- 7.55 The site is known to be of archaeological potential, and as such a pre-commencement condition has been requested by the Kent County Council Archaeological Officer for the purposes of investigating and recording any features of archaeological interest. This condition should also cover the potential for the discovery of human remains.
- 7.56 The site is not a location recorded by the Environment Agency as being prone to fluvial flood, and as such no objection is raised to the proposal on the grounds of flood risk. A drainage impact and flood risk assessment has been provided in support of the application. The report recommends that a surface water management strategy be developed for the scheme, and that SuDS techniques be incorporated into the detailed design of the development. Although no detail of these mitigation strategies are provided, the document indicates that surface water will be dealt with by way of soakaways. No objection in principle has been raised to this by either the Environment Agency or the Local Lead Flood Authority (KCC), who take over responsibility for such matters as of 6th April 2015, subject to the imposition of a pre-commencement condition requiring the submission of details of a sustainable surface water drainage scheme (including highway drainage), and implementation of the approved details. Whilst I note the concerns of the occupiers of neighbouring properties in this respect, in the absence of objection from the Environment Agency or the Local Lead Flood Authority (in this case Kent County Council), no objection is raised in this regard, subject to the suggested conditions.
- 7.57 In regard to foul drainage, Members will note that the submitted drainage impact and flood risk assessment states that the proposed development would result in a net reduction in foul drainage from the site. The rationale for this is that the surface (roof) drainage from the existing buildings on site all drain to the mains sewer. As all surface water drainage resulting from the proposed development would be dealt with by way of a sustainable surface water drainage system, and (notwithstanding modern consumption of water resources) the use of highly efficient white goods, sanitary wear and other appliances would be incorporated into the development, the net output to the mains sewer would be less than existing, regardless of the fact that the

extent of the built development on the land would be far greater than at present. This report has been scrutinised by Southern Water, who (despite there being no capacity in the local waste water network) raise no objection to the proposal on the basis of the reduction in flows, subject to a pre-commencement condition requiring the submission of details of foul and surface drainage, and implementation of the approved details.

- 7.58 The former and current uses known to have taken place on the land are not believed to be likely to give rise to land contamination such that contaminated land condition are required in the circumstances in this case, a view supported by the comments of the Environment Agency and the Mid Kent Partnership Environmental Health Manager.
- 7.59 I am aware that Ward Members have previously expressed a desire that the occupancy of the affordable housing units be restricted to use for local needs housing, however the application has been assessed on the basis of the affordable housing being available to serve borough wide need, and in the absence of an up to date local housing needs survey, it is not appropriate to restrict occupancy in this way. Notwithstanding this, the Council's Housing team have confirmed that there are currently 15 households on the register who have evidenced a local connection, and 6 households which have claimed, but not evidenced, a local connection, although the claimed local connections have not to date been formally verified. Those households on the housing register who have a local connection will have the opportunity to bid for the affordable rented properties on this scheme and will be considered in accordance with the council's housing allocation scheme policy. They will also be able to express an interest in any shared ownership properties by applying direct to the Homebuy Agent.
- 7.60 Concerns have been raised in respect of the density of the development, which is 26.6 dwellings per hectare (dph). This housing density is in fact lower than the objective of achieving housing densities of 30dph in locations such as this within RSCs as set out in emerging Local Plan policy H2. However, in the circumstances of this case, in particular the location of the site within a conservation area, this housing density is considered on balance to be acceptable in the interest of securing a high quality of design that responds in a positive manner to the specific context of the site.
- 7.61 The agent has confirmed that the proposed development is expected to achieve Code for Sustainable Homes Level 4, and as such is compliant with emerging Local Plan policy. A condition should be imposed safeguarding this standard of sustainable development.
- 7.62 The site is not considered to represent agricultural land for the purposes of determining the current application. Reference has been made in objections to a public right of way associated with Lenham Cricket Ground; this is not recorded on the Kent County Council definitive map, and as such any impact on this informal route cannot be taken into consideration in the determination of the application.
- 7.63 The site is currently the subject of an application for conservation area consent in respect of the demolition of buildings on the land including the church and hall, and various outbuildings within the centre of the site. This application remains under consideration at the current time, however it is expected that the application will be recommended for approval subject to conditions, in particular tying the demolition of the church buildings to the build out of the scheme currently under consideration. No objection has been raised to the application for conservation consent by either English Heritage or the Council's Conservation Officer.

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 location of the site within a larger area identified as being suitable for volume housing under policy H3 (3) of the emerging Local Plan, and the location of the site within an identified Rural Service Centre in a 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 Maidstone Road and High Street, the limited visual impact of the development and the quality of the design are such that it is not considered that substantial harm would result to the character or appearance of the streetscene or the Lenham Conservation Area. The proposal would not be detrimental to the setting of neighbouring listed buildings, or to the residential amenity of the occupiers of adjacent properties, and conditions are capable of mitigating any conflict between the residential occupation of the development and the use of the adjacent cricket ground, whilst impact on biodiversity and landscape can be adequately mitigated and there is no objection to the proposal on the grounds of highway safety.
- 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 24 dwellings, including affordable housing provision, in a 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 delegated powers to the Head of Planning and Development to approve the application subject to the receipt of an appropriate S106 legal mechanism and the following conditions.

9.0 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 residential units within the application site; and

A contribution of £2,360.96 per 'applicable' house (£56,663.04) towards the enhancement of teaching facilities at Lenham Primary School; and

A contribution of £202.62 towards youth service equipment at Swadelands Youth Centre; and

A contribution of £1,152.38 to be used to address the demand from the development towards additional book stock at Lenham Library; and

A contribution of £14,292 (£360 per predicted occupier based on size of market dwellings) to be prioritised firstly towards the extension of healthcare facilities at The Glebe Medical Centre, Harrietsham; and

A contribution of £37,800 towards the improvement, maintenance, refurbishment and replacement of the Ham Lane play area.

The Head of Planning and Development be given DELEGATED POWERS 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 three years from the date of this permission;

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

(2) The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The details shall include, inter alia:

i) Traditional building materials including stock brick, plain clay tiles, hanging tiles and timber weatherboarding which reflect the local vernacular of Lenham; and

ii) Incorporate a bat box to the boundary facing elevation of every dwelling at a height of at least 5m above ground level and a minimum of two swift bricks to either the north or the west elevation of every dwelling at a height of at least 5m above ground level, and

iii) The use of cricket ball impact resistant glazing and roofing materials in the construction of west facing elevations of the dwellings on plots 14, 15, 16, 17, 18 and 19.

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, to safeguard and enhance the character and appearance of the Lenham Conservation Area and the setting of adjacent listed buildings, and in the interests of avoiding conflict between adjacent land uses.

(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) Details of the roof overhangs and eaves, which shall include exposed rafter feet and soffits (which shall be constructed of timber); and

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

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

iv) Details of decorative brick work including arches to fenestration, string courses and plinths.

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

Reason: To ensure a satisfactory appearance to the development and a high quality of design, to safeguard and enhance the character and appearance of the Lenham Conservation Area and the setting of adjacent listed buildings.

(4) 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 safeguarding of biodiversity assets, ensure a satisfactory appearance to the development and a high quality of design, and safeguard and enhance the character and appearance of the Lenham Conservation Area and the setting of adjacent listed buildings

(5) 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 of a permanent retractable ball stop net with a minimum height of 8m to the western boundary of the site between the rear boundary of 72 High Street to the corner of the Lenham Cricket Ground to the north east of the pavilion, which shall be constructed of permanent supporting posts and a fully retractable heavy duty ball stop mesh net constructed in accordance with ECB guidelines;

ii) Details in the form of drawings to an appropriate scale of 1:20 or 1:50 and a sample panel of all proposed retaining walls within the site, which shall have a maximum height of 1m when measured against the highest adjacent approved ground level within the site; and

iii) Post and rail fencing of a height of no more than 1m to define garden areas.

The details shall not include any means of enclosure forward of any front elevation to any dwelling.

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 and enhance the character and appearance of the Lenham Conservation Area and the setting of adjacent listed buildings.

(6) No development shall take place until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority. The details submitted shall include drawings to an appropriate scale of 1:20, or 1:50 of all retaining walls and their relationship to adjoining buildings. 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, to safeguard and enhance the character and appearance of the Lenham Conservation Area and the setting of adjacent listed buildings and secure the residential amenity of the occupiers of neighbouring dwellings.

(7) 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 prior written permission of the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development and a high quality of design, to safeguard and enhance the character and appearance of the Lenham Conservation Area and the setting of adjacent listed buildings and secure the residential amenity of the occupiers of neighbouring dwellings.

(8) The approved details of the parking, garaging and turning areas and visibility splays as shown on drawing number 13-0158-04 rev A received 4th March 2015 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.

(9) The approved details of the access and visibility splays as shown on drawing number TPHS/047/DR/003 Rev A (Appendix H to TPHS Transport Statement Report) received 25th July 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 appropriate provision for vehicular and pedestrian access and egress and visibility splays will give rise to conditions detrimental to the interests of highway and pedestrian safety.

(10) No part of the development hereby permitted shall be occupied until all works necessary to provide the approved access arrangements and double yellow lines on either side of the site access, extending across the existing access to the garage serving number 23 Maidstone Road and across the frontage of number 31 Maidstone Road, have been constructed and completed to the satisfaction of the Highway Authority;

Reason: In the interests of highway and pedestrian safety.

(11) 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.

(12) The development hereby permitted shall not commence until a detailed sustainable 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 the Local Planning Authority and approved in writing in consultation with the Lead Local Flood Authority.

The drainage details submitted to the Local Planning Authority shall:

Include details of all sustainable drainage features; and

Specify a timetable for implementation; and
Provide a long term management and maintenance plan for the lifetime of the development which shall specify the responsibilities of each party for the implementation of the SUDS scheme and any other arrangements to secure the operation of the scheme throughout its lifetime; and
Relevant manufacturers details on all SUDS features.

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

(13) The development shall not commence until details of foul water drainage have been submitted to and approved by the Local Planning Authority in consultation with Southern Water. The development shall be carried out and maintained thereafter in strict accordance with the approved details;

Reason: In the interest of pollution and flood prevention.

(14) The development hereby permitted shall be undertaken strictly in accordance with the recommendations of the Phase I Habitat Survey (undertaken by Arbtech) received 9th October 2014, and all precautionary works recommended by the Phase I Habitat Survey shall be carried out during the reptile active season approximately April to September depending on weather conditions);

Reason: in the interests of safeguarding biodiversity assets.

(15) 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, the detailed design of kerb-stones/crossing points which shall be of a wildlife friendly construction, and the use of variable surfacing materials to indicate areas for parking within the square, have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and a high quality of design, safeguard and enhance the character and appearance of the Lenham Conservation Area and the setting of adjacent listed buildings, and safeguard biodiversity assets.

(16) 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 in the form of a Tree Protection Plan undertaken by an appropriately qualified party in accordance with BS5837:2012 and a programme for the approved scheme's implementation and long term management.

The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines (Harrietsham to Lenham Vale landscape type) and shall be based on the principles shown on drawing number as shown on drawing number 13-0158-04 rev A received 4th March 2015 and shall include, inter alia, the retention of all trees and hedges identified as such in

the Ben Larkham Associates Arboricultural Impact Assessment (reference tr-1117-14) received 25th July 2014; landscaped buffer zones to the western boundary and south east corner of the site, a "green" in the west of the site, and a landscaped area adjacent to the site access. The landscaping scheme shall include the provision of cordwood greater than 150mm in diameter arising from tree clearance shall be retained and stacked safely within landscaped areas and other appropriate features of biodiversity enhancement.

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

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

Reason: To safeguard existing trees and hedges to be retained, ensure a satisfactory appearance to the development and a high quality of design, and safeguard and enhance the character and appearance of the Lenham Conservation Area and the setting of adjacent listed buildings.

(17) The use or occupation of each phase of the development hereby permitted shall not commence until all planting, seeding and turfing specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the Local Planning Authority gives written consent to any variation;

Reason: To safeguard proposed landscaping and existing trees and hedges to be retained, ensure a satisfactory appearance to the development and a high quality of design, and safeguard and enhance the character and appearance of the Lenham Conservation Area and the setting of adjacent listed buildings.

(18) 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 undertaken in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

ii) 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.

(19) The development shall not commence until, details of the refuse and cycle storage facilities 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 to ensure a satisfactory appearance to the development and a high quality of design, and to safeguard and enhance the character and appearance of the Lenham Conservation Area and the setting of adjacent listed buildings.

(20) 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 and enhance the character and appearance of the Lenham Conservation Area and the setting of adjacent listed buildings.

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

drawing numbers SK01 and T13128 received 25th July 2014; drawing numbers 13-0158-01 rev A, 13-0158-03 and 13-0158-04 received 28th July 2014; drawing numbers 13-0158-10 rev A, 13-0158-11 rev A, 13-0158-16 rev A, 13-0158-17 rev A, 13-0158-21 rev A, 13-0158-22 rev A, 13-0158-23 rev A, 13-0158-24 rev A, 13-0158-25 rev A, 13-0158-26 rev A, 13-0158-27 rev A, 13-0158-28 rev A, 13-0158-29 rev A, 13-0158-31 rev A, 13-0158-32 rev A, 13-0158-33 rev A, 13-0158-40 rev A, 13-0158-41 rev A, 13-0158-42 rev A, 13-0158-46 rev A, 13-0158-50 rev A, 13-0158-51 rev A and 13-0158-52 rev A received 21st August 2014; drawing numbers 13-0158-30 rev A, 13-0158-35 rev A, 13-0158-36 rev A, 13-0158-37 rev A and 13-0158-38 rev A received 30th August 2014; drawing numbers 13-0158-05 rev B and 13-0158-07 rev A received 9th October 2014; drawing numbers 13-0158-04 rev C, 13-0158-15 rev A, 13-0158-18 rev B, 13-0158-20 rev B, 13-0158-45 rev B and 13-0158-47 rev C received 2nd April 2015; and drawing number 13-0158-06 rev D received 8th April 2015;

supported by a Design and Access Statement (undertaken by Hume Planning Consultancy); Planning Statement (undertaken by Hume Planning Consultancy), Arboricultural Impact Assessment (undertaken by Ben Larkham Associates reference tr-1117-14), Landscape and Visual Impact Assessment Report and Appendices (undertaken by David Hares Landscape Architecture reference 227-01-01 and 227-01-02), Bat Emergence Survey (appendices only) (undertaken by Arbtech), Drainage Impact and Flood Risk Assessment (undertaken by BSF Consulting Engineers reference 15304 rev 2.2), Transport Statement Report (undertaken by TPHS) and Statement of Community Involvement (undertaken by Hume Planning Consultancy) received 25th July 2014; a Heritage Impact Assessment (undertaken by Purcell) received 21st August 2014; and a Bat Emergence Survey (undertaken by Arbtech) and Phase I Habitat Survey (undertaken by Arbtech) received 9th October 2014;

Reason: To ensure a satisfactory appearance to the development and a high quality of design, to safeguard and enhance the character and appearance of the Lenham Conservation Area and the setting of adjacent listed buildings, and in the interests of avoiding conflict between adjacent land uses.

INFORMATIVES

(1) The landscaping details required by condition 15 above should be worked up in discussion with Ward Members and the Parish Council in order for the historic use of the site to be appropriately referenced in the design of a public area of open space within the site.

(2) There is suitable habitat within the site for breeding birds within the site. All nesting birds and their young are legally protected under the Wildlife and Countryside Act 1981 (as

amended). We advise that all vegetation and buildings are removed outside of the breeding bird season (March to August). If that is not possible an ecologist must examine the site prior to works starting and if any nesting birds are recorded all works must cease until all the young have fledged.

(3) 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.

(4) 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).

(5) Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the EHM regarding noise control requirements.

(6) 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.

(7) 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.

(8) 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.

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

If the existing premises, including outbuildings, are found to contain asbestos based material the following informative must also be complied with:

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

As the development involves demolition and/or construction, compliance with the Mid Kent Environmental Code of Development Practice is expected.

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

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

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 Environment Agency guidance PPG1 General guide to prevention of pollution, which is available on online at www.environment-agency.gov.uk (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/290124/LIT_1404_8bdf51.pdf).

(11) 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

(12) Clean water from a roof will be acceptable discharging to ground via soakaway, provided that all roof down pipes are sealed against pollutants entering the system from surface run-off, effluent disposal or other forms of discharge. The method of discharge must not create new pathways for pollutants to groundwater or mobilise contaminants already in the ground.

Soakaways constructed for the discharge of clean roof water should be no deeper than one metre below ground level. No soakaway should be sited in or allowed to discharge into land impacted by contamination or land previously identified as being contaminated.

There should also be no discharge to made ground. Roof drainage going to soakaway is generally acceptable, but other surface drainage may need to go through treatment systems or to foul main, for instance from vehicle parking areas

(13) The details submitted in accordance with condition 12 above (surface water drainage) shall include run off from include run off from all hard surfaces, as well as all roofs. Please note that soakaways require adequate separation distances must be allowed from boundaries, building foundations and other soakaways, and an appropriate arrangement must be demonstrated prior to any construction.

(14) The details required by condition 18 (archaeology) above should include provision for the disturbance of human remains associated with burials on the church site.

Case Officer: Catherine Slade

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

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Gents

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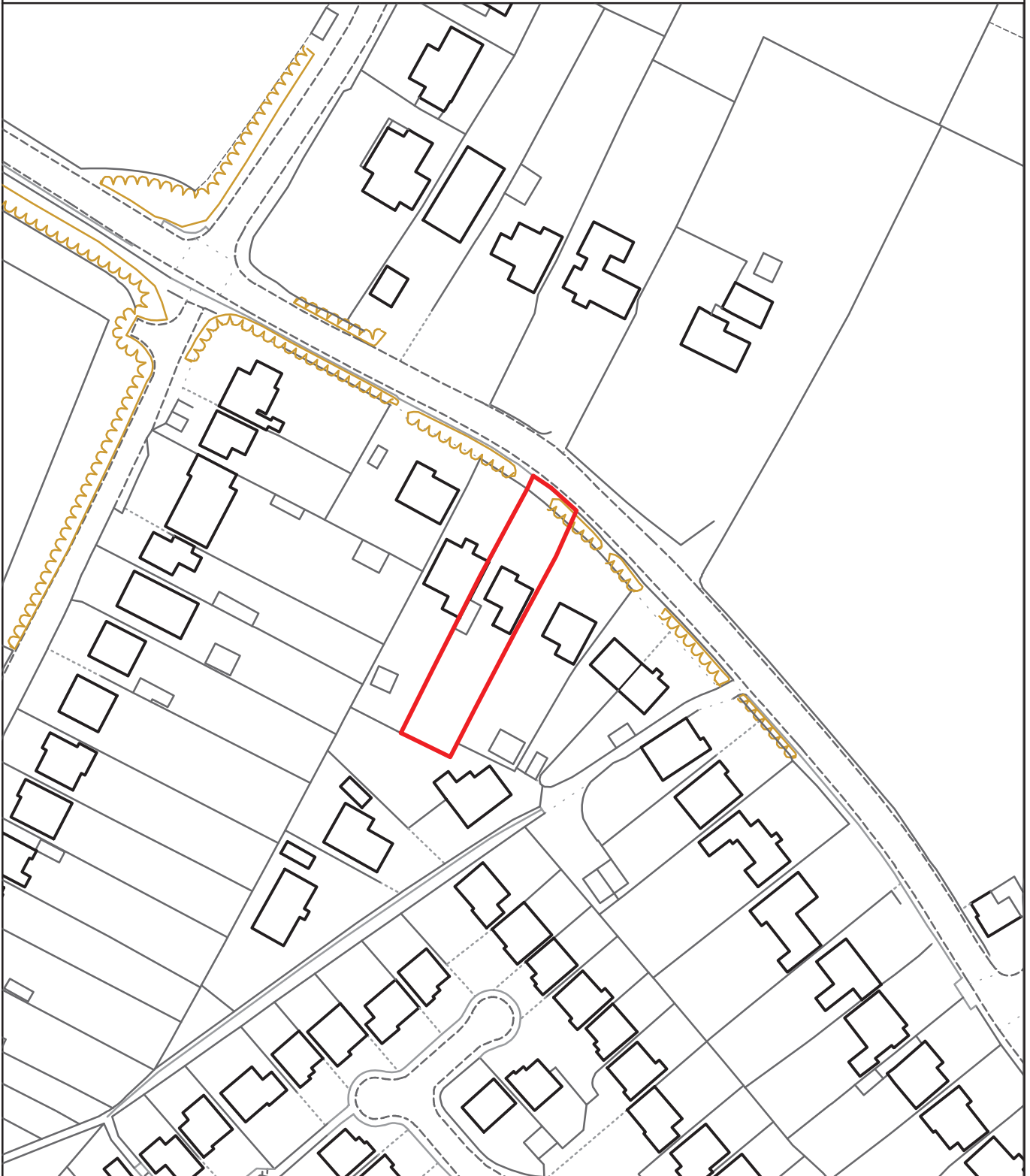
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17. 3. 2014

THE MAIDSTONE BOROUGH COUNCIL

Little Birling
Ware Street
Weaving
Kent
ME14 5LA

MBC Ref: 14/504538



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 14/504538/FULL			
APPLICATION PROPOSAL Erection of single storey front, side and rear extensions and new roof.			
ADDRESS Little Birling Ware Street Weaving Kent ME14 5LA			
RECOMMENDATION Approval subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed single storey front, side and rear extensions and new roof to the existing single storey dwelling are considered acceptable in terms of scale, design and appearance, impact on the character and appearance of the host building, impact in the street scene along Ware Street, and impact on the visual amenities of the locality generally. The proposed extensions and new roof to the single storey dwelling are considered acceptable in the context of the neighbouring built development along Ware Street. There are no unacceptable unneighbourly impacts or highway safety issues as a result of the proposed development and there are no overriding material considerations to indicate a refusal of planning consent.			
REASON FOR REFERRAL TO COMMITTEE The application is contrary to views expressed by the Parish Council.			
WARD Detling And Thurnham Ward		PARISH/TOWN COUNCIL Thurnham	APPLICANT Mr P And Mrs C Newstead AGENT Mr Paul Fowler
DECISION DUE DATE 29/12/14		PUBLICITY EXPIRY DATE 29/12/14	OFFICER SITE VISIT DATE 20/11/14
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal		Decision
MA/76/1619	Single storey rear extension.		Approved
			04/03/77

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is located on the south-west side of Ware Street, approximately 90 metres to the south-east of the junction of Hockers Lane with Ware Street, and the site comprises a detached single-storey dwelling with pitched hip ended roof and an angled sided front bay window. The single storey dwelling has a flat roofed single storey rear extension and a detached garage to the rear with access drive off Ware Street running along the north-western side of the dwelling. The access drive ramps up from Ware Street and the existing dwelling is elevated in relation to road level outside the site. The single storey dwelling has a rendered/pebbledashed finish with a concrete tiled roof. The property is adjoined by the detached chalet type bungalows with first floor accommodation set predominantly within the roof space at Leyfield Lodge to the south-east and High Bank to the north-west. A detached property, The Retreat, adjoins in a backland location to the rear (south) of the site. This section of Ware Street consists of predominantly detached properties of varying designs, including bungalows, chalet type bungalows, and the occasional full two-storey

dwelling. The properties are generally relatively well set back from the road frontage and elevated in relation to the road level outside the site.

- 1.02 The site forms part of a predominantly residential area and is part of the urban area of Maidstone as defined on the Proposals Map to the Maidstone Borough-Wide Local Plan. The land on the opposite side of Ware Street to the north is outside the defined urban area and forms part of the open countryside and a defined Special Landscape Area.

2.0 PROPOSAL

- 2.01 The application proposes the erection of single storey extensions to the front, side and rear of the existing single storey dwelling, and the construction of a new roof to the dwelling covering the proposed extensions and the existing dwelling. The existing single storey rear extension and detached rear garage are to be removed in the proposals.
- 2.02 The existing dwelling has a staggered front building line and the proposed single storey front extension extends between 1.25 metres and 1.9 metres beyond the existing main front wall and 0.775 metres beyond the line of the existing front bay window. The proposed front extension extends across the full width of the existing dwelling. The front part of the proposed single storey side extension also projects beyond the existing front building line to the property but is recessed 0.5 metres back from the proposed front wall to the front extension. The proposed front extension incorporates a more or less central front entrance door to the property with small gable fronted canopy above. The proposed new pitched roof to the property finishes in a gable end above the proposed front extension.
- 2.03 The proposed single storey side extension infills the gap between the existing north - western side wall of the single-storey dwelling and the side boundary common with the neighbouring detached property at High Bank. As noted above, the proposed side extension is recessed 0.5 metres back from the proposed front wall to the front extension. The side extension extends to a depth of 6.8 metres along the common side boundary with the neighbouring property at High Bank and incorporates a pitched hip ended roof which appears subordinate to main new pitched gable ended roof to the main extended building.
- 2.04 The proposed single storey rear extension extends 8.25 metres into the rear garden from the line of the original rear wall to the property, extends 4.175 metres beyond the rear wall of the existing single storey rear extension which is to be removed, and extends across the full width of the original back wall to the property. The proposed new pitched roof to the property finishes in a gable end above the proposed rear extension.
- 2.05 With regards to the proposed new roof, the existing single storey dwelling has a pitched hip ended main roof, a subordinate hip ended roof over the front bay window projection, and a flat roof to the existing single storey rear extension. As noted above, the proposed new pitched roof covers the proposed extensions and the existing dwelling. The main part of the new roof covers the existing dwelling and the proposed front and rear extensions and incorporates gable ends above the front and rear extensions. A subordinate pitched hip ended roof is proposed to the north-western side of the main new gable ended roof above the proposed side extension. The existing pitched hip ended roof to the property has a roof ridge height of 5.3 metres and an eaves height of 2.45 metres and the main part of the proposed new roof raises the ridge line to 6 metres and the eaves height to 2.85 metres.

- 2.06 Whereas the existing single-storey dwelling has a rendered/pebbledashed finish externally at present, the new external front, rear and north-western side walls are shown in the submitted plans to be stock brickwork, the front gable to the new roof is shown to be tile hung, and new tiles are proposed to the new roof.
- 2.07 The submitted plans show the proposed extensions to the property to provide enlarged kitchen/dining and living room facilities to the dwelling, enlarge two existing bedrooms, incorporate a study and small utility room within the existing floorspace, and provide an attached garage to the side.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	0.074 ha	0.074 ha	No change
Approximate Ridge Height (m)	5.3m	6.0m	+ 0.7m
Approximate Eaves Height (m)	2.45m	2.85m	+ 0.4m
Approximate Depth (m)	12m	16.8m	+ 4.8m
Approximate Width (m)	8.9m	11.45m	+ 2.55m
No. of Storeys	1	1	No change
Net Floor Area	70 sq. m	132 sq. m	+ 62 sq. m
Parking Spaces	4	4	No change
No. of Residential Units	1	1	No change
No. of Affordable Units	0	0	No change

4.0 PLANNING CONSTRAINTS

- 4.01 The site forms part of the urban area of Maidstone as defined on the Proposals Map to the Maidstone Borough-Wide Local Plan.
- 4.02 No overriding planning constraints have been identified which would make the principle of extending the existing single storey dwelling unacceptable from a planning point of view.

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: Maidstone Borough-Wide Local Plan (2000): Policy H18
Supplementary Planning Documents: Residential Extensions (Adopted 2009)
Draft Local Plan policies: DM4, DM8

6.0 LOCAL REPRESENTATIONS

- 6.01 Eight neighbouring properties were consulted by letter on the application. A site notice was displayed. No responses/representations on the application have been received from neighbours.

7.0 CONSULTATIONS

- 7.01 **Thurnham Parish Council:** Object to this application as they feel that the side extension is too close to the neighbouring property. Comment further that they have no

objections to the front and rear extensions. Request that the objection is reported to the planning committee meeting.

- 7.02 **KCC Public Rights of Way Officer (Maidstone):** Comments that the proposed development site is in the vicinity of Public Right of Way KH119 but notes that this development does not directly affect the Right of Way. In light of this the Rights of Way Officer has no objection to the application.

8.0 BACKGROUND PAPERS AND PLANS

- 8.1 The application is accompanied by a site location plan, a drawing showing an existing site plan and existing ground floor plan, a drawing showing existing front, rear and side elevations, and a drawing titled Proposed Plans & Elevations dated October 2014 showing a proposed site plan, proposed floor plan and proposed front, rear and side elevations. A Design and Access Statement has been submitted

9.0 APPRAISAL

- 9.01 The key issues with this case are the scale, design and appearance of the proposed extensions and new roof to the property and the impact on the character and appearance of the host building, the street scene along Ware Street, and the character, appearance and visual amenities of the locality generally; the impact on neighbouring property; and, the impact on highway safety.

Scale, design and appearance

- 9.02 Policy H18 of the Maidstone Borough-Wide Local Plan states that extensions and additions to residential properties will be permitted provided that the proposal is of a scale and design which does not overwhelm or destroy the character of the original property; and, will complement the street scene and adjacent existing buildings and the character of the area.
- 9.03 The Council's adopted Supplementary Planning Document - Residential Extensions requires that the scale, proportion and height of extensions should be subordinate to the original house and fit unobtrusively with the building and its setting. The SPD states that a range of devices are available to subordinate an extension such as set backs, lower roofs, changes in materials or detailing. The SPD states that the extension should normally be roofed to match the existing building in shape and that where visible from public view, a flat roof extension would not normally be allowed.
- 9.04 With regards to front extensions the SPD states that front extensions can have an adverse effect on the street scene because of their prominence on the front elevation. The SPD further states that front extensions may be acceptable in a street where (amongst other situations) there is already considerable variety in the building line, there is a strong tradition of projecting elements such as gables facing the street, and it is an extension to a detached house, where there is no strong visual relationship with adjoining properties. The SPD states that where an extension is acceptable, the roof should match the roof of the original house in style in order to complement the existing building and the character of the area.
- 9.05 With regards to side extensions the SPD states that a single storey extension to the side of a property should normally be acceptable if it does not have a significant adverse impact on the nature of space between buildings. The SPD states that the use of, for example, a set back from the front elevation of the original house and lower roof can assist in assimilating the development where it is desirable that the form,

proportions or symmetry of the original building are respected; the rhythm of buildings in a street follows a regular form or buildings are regularly spaced; a close match of materials is not available; or there is a need to break down the mass of the resultant building. The SPD states that a side extension should be subordinate to the original building.

- 9.06 The SPD acknowledges that rear extensions have least impact on the street scene and in terms of respecting existing building lines and the pattern of buildings and spaces between them, rear extensions are preferable to those on the side or front extensions. The SPD acknowledges that amenity considerations are important factors in determining the appropriateness of the depth of any rear extension. The SPD states that the acceptable depth and height of a rear extension will be determined by the ground levels, distance from the boundaries and also the size of the neighbouring garden/amenity space.
- 9.07 With regards to roof extensions the SPD states that increasing the roof height of a dwelling by altering the eaves height or the pitch of the roof can have a detrimental impact on the dwelling and street scene and should be avoided. The SPD states that large dormers/roof extensions requiring planning permission, which are disproportionate to the house, will not be allowed.
- 9.08 The proposed single storey front and rear extensions to the existing single storey dwelling more than double the building footprint of the original dwelling, the proposed front extension brings the existing building forward in the street scene, and the proposed new roof with gable ends to the front and rear increases the ridge height of the existing hip ended pitched roof by 0.7 metres and the eaves height by 0.4 metres. The proposed new gable ended roof represents a significant increase in the bulk and massing of the existing hip ended roof to the property and the new roof together with the proposed front, side and rear extensions represent a significant increase in the size and scale of the existing dwelling on the site. For these reasons the proposed extensions and new roof to the property are not considered to be subordinate to the original dwelling and do significantly change the appearance of the existing dwelling.
- 9.09 This section of Ware Street consists of predominantly detached properties of varying designs, including bungalows, chalet type bungalows, and the occasional full two-storey dwelling. The properties are generally relatively well set back from the road frontage and elevated in relation to the road level outside the site. The current application property is a detached single storey dwelling with pitched hip ended roof and the adjoining properties either side are chalet type bungalows with first floor accommodation set predominantly within the roof spaces. The application property is slightly set back in relation to the main front building lines of the properties either side and has a lower roof line. The proposed front extension to the application property will generally reflect the existing front building lines of the properties either side and the new higher roof ridge line to the property will remain below that of the properties either side with the new higher roof eaves line reflecting that of the neighbouring property to the south-east at Leyfield Lodge but remaining below that of the neighbouring property to the north-west at High Bank. The proposed brick finish to the front extension with tile hung gable to the new roof above is considered appropriate in the context of the varied property types and designs along the road. The proposed single storey side extension to the application property is set back in relation to the front wall of the proposed front extension and has a subordinate hip ended roof line in relation to main section of the proposed new gable ended roof. The proposed single storey rear extension to the application property does not extend significantly further into the rear garden than the rear addition to the neighbouring property at High Bank.

- 9.10 In the context of the two chalet type bungalows either side of the application property and the varied property types and designs along this section of the road generally, it is not considered that the resulting enlarged dwelling would appear as overdominant or visually incongruous or be harmful to the visual amenities of the locality. The design and appearance of the extensions to the property and new roof are in themselves considered appropriate. The property is well set back from the frontage to Ware Street, is elevated in relation to the road level outside the site, and there is vegetation along the frontage to Ware Street which all limit the impact of the property in the street scene along the road and public views of the property from the road.
- 9.11 The proposed single storey side extension infills the gap between the existing north - western side wall of the single-storey dwelling and the side boundary common with the neighbouring detached property at High Bank. With regards to the close relationship of the proposed side extension to the neighbouring chalet type bungalow at High Bank, it must be noted that the extension and neighbouring property will share a similar front building line, the application property is at a slightly lower level, the extension will have a hipped roof line whereas the neighbouring chalet bungalow type property is predominantly gable fronted, and the extension will have a lower roof eaves line to that of the roof to the neighbouring property. Given the varied property types and designs along this section of the road generally and the absence of a regular pattern and rhythm of gaps between the detached properties along the road with some properties having been built/extended up to the side boundaries, and in light of the design variations between the side extension and neighbouring property identified above, it is not considered that the proposed side extension would appear as an incongruous link with the neighbouring property. As noted above, the impact of the property in the street scene along the Ware Street and in public views of the property from the road is limited.
- 9.12 Overall in the context of neighbouring properties, it is not considered that the resulting enlarged single storey dwelling on the site would appear as visually incongruous or be harmful to the character and/or visual amenities of the locality. In terms of scale, design and appearance, it is not considered that there is any overriding conflict between the proposed additions and new raised roof to the property and the above Local Plan policies and adopted SPD guidance.

Residential Amenity

- 9.13 Policy H18 of the Maidstone Borough-Wide Local Plan states that extensions and additions to residential properties will be permitted provided that the proposal will respect the amenities of adjoining residents regarding privacy, daylight, sunlight and maintenance of a pleasant outlook. Further detailed guidance on these amenity considerations is set out in the Council's Supplementary Planning Document – Residential Extensions. The SPD states that extensions should not cause significant harm to the amenity of adjoining occupiers. The SPD states that for reasons of potential impact on a neighbour's outlook or amenity space and the potential loss of light or privacy, the size of an extension at the back of a property needs careful consideration.
- 9.14 The proposed single storey side extension adjoins the common side boundary with the neighbouring chalet type bungalow at High Bank to the north-west. The submitted plans show the proposed side extension to have an eaves height of 2.85 metres along the boundary with the pitched hip ended roof sloping up away from the boundary to an overall height of 5.4 metres. The neighbouring property at High Bank has a ground floor bathroom window in its side wall facing the proposed side extension. Whilst there will be some enclosing impact from the proposed side extension along the common

side boundary with the neighbouring property at High Bank, no windows to habitable rooms are affected. The proposed single storey rear extension extends 8.25 metres into the rear garden from the line of the original rear wall to the property. The submitted plans show the proposed rear extension to be set in 2.6 metres from the common side boundary with the neighbouring property at High Bank. The existing detached garage building to the rear of the application property is to be removed as part of the proposals. The existing garage building is sited along the common side boundary with the neighbouring property at High Bank and extends along the common side boundary to a not dissimilar depth as the proposed rear extension. Whilst the pitched gable ended roof line of the proposed rear extension is higher than the flat roof of the existing rear garage, the extension is set in from the common side boundary, as opposed to the existing garage being sited along the boundary, and the pitched roof slopes up away from the side boundary. It is not considered that the proposed rear extension has a more significant impact on the neighbouring property at High Bank than the existing rear garage to be removed.

- 9.15 The proposed single storey front extension extends 1.9 metres adjacent to the common side boundary with the neighbouring property to the south-east at Leyfield Lodge and the proposed single storey rear extension extends to a depth of 4.2 metres adjacent to the common side boundary with that property beyond the existing single storey rear extension to the property. The submitted plans show the proposed front and rear extensions to be sited 0.6 metres in from the boundary fence along the common side boundary with the neighbouring property at Leyfield Lodge. The combined depth of the existing and proposed rear extensions is 8.25 metres into the rear garden from the original rear wall to the property. The submitted plans show the proposed rear extension to extend to a depth of 7 metres beyond the adjacent part of the rear wall of the neighbouring property at Leyfield Lodge. The submitted plans show that a separation gap of 3 metres will be maintained between the side walls of the proposed front and rear extensions and the side wall and closest part of the rear wall to the neighbouring property at Leyfield Lodge. The plans show that the pitched gable ended roof to the proposed front and rear extensions has an eaves height of 2.85 metres adjacent to the common side boundary with the roof sloping up away from the common boundary to a ridge height of 6 metres. Whilst it is considered that there will be some increased sense of enclosure along the common side boundary with the neighbouring property at Leyfield Lodge as a result of the proposed front and rear extensions, the neighbouring property has no side wall windows serving habitable rooms to the dwelling and it is considered that the 3 metre minimum separation distance from the closest part of the rear wall to that dwelling will prevent any unacceptable unneighbourly impacts on the main ground floor windows to the rear elevation of that neighbouring property.
- 9.16 The proposed front, side and rear extensions are single storey only. Two rooflight windows are proposed in the south-east facing side roof slope to the new roof. These rooflight windows are at high level in relation to the ground floor rooms to the application property they serve. It is not considered that the proposed extensions and new roof to the property raise any overlooking or loss of privacy issues with the neighbouring properties either side.
- 9.17 Other neighbouring properties are sufficiently distanced from the application property to prevent any unneighbourly impacts as a result of the proposals. Overall, the proposals are not considered to be contrary to the above Maidstone Borough-Wide Local Plan policies or SPD guidance which seeks to protect the amenity of neighbouring occupiers.

Highways

- 9.18 The Supplementary Planning Document – Residential Extensions states that extensions to properties result in increased built form and reduced space around a building and that the Council will seek to retain adequate off-street parking spaces (and also turning space within the curtilage where there is access onto a classified road) without diminishing the quality of front garden areas or the street scene.
- 9.19 The property in this case has an existing detached garage to the rear and an access drive of Ware Street running along the north-western side of the dwelling. The existing detached garage is to be removed as part of the proposals and a new garage provided in the proposed single storey side extension. The front access drive and front forecourt parking/vehicle manoeuvring hardstanding area are retained in the proposals. Apart from a new modest sized study room and a small utility room, the proposed extensions to the property provide enlarged kitchen/dining and living room facilities to the dwelling and enlarge two existing bedrooms only. There is no increase in the number of bedrooms to the property. The scale of development proposed (front, side and rear extensions and new roof to an existing dwelling) is not such that the development is likely to generate any significant increase in parking requirements at the property or vehicle movements to and from the site. Given that the existing garage to the property is to be replaced and the existing access drive and front forecourt hardstanding largely retained, it is not considered that the proposals conflict with the above SPD guidance with regards to parking provision and highway safety.

10.0 CONCLUSION

- 10.01 The application proposes the erection of front, side and rear extensions and a new roof to an existing single storey dwelling located in a predominantly residential area within the main urban area of Maidstone as defined on the Proposals Map to the Local Plan. There are no overriding planning constraints which would make the principle of extending the existing dwelling unacceptable from a planning point of view.
- 10.02 With regards to the objection from Thurnham Parish Council on the grounds that they feel the proposed side extension is too close to the neighbouring property, the objection is largely addressed in the main body of the report under the heading Scale, design and appearance (Para. 9.11). Whilst the proposed single storey side extension infills the gap between the side wall of the application property and the side wall to the neighbouring chalet type bungalow at High Bank, it is considered that in light of the varied property types and designs along this section of the road and the absence of a regular pattern and rhythm of gaps between the detached properties along the road with some properties having been built/extended up to the side boundaries, and in light of the variations in design between the proposed side extension and the neighbouring property, it is not considered that the proposed side extension would appear as an incongruous link with the neighbouring property. The impact of the property in the street scene along the Ware Street and in public views of the property from the road is limited. The proposed side extension does not have an unacceptable unneighbourly impact on the neighbouring property at High Bank.
- 10.03 Whilst the proposed front, side and rear extensions and a new roof to the existing single storey dwelling result in a significant increase in the size and scale of the existing dwelling, the proposed significant enlargement of the dwelling is considered acceptable in the context of the existing larger chalet type bungalow dwellings either side and the varied property types along this section of Ware Street generally.
- 10.04 The proposed extensions and new roof to the property, subject to the recommended conditions, are considered acceptable in terms of design and appearance, impact on the character and appearance of the host building and the visual amenities of the

locality generally, including the street scene along Ware Street, impact on neighbouring property, and highway safety. The proposals are considered to comply with the provisions of Government guidance in the National Planning Policy Framework and the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and all other material considerations. In the circumstances the grant of conditional planning permission can be recommended.

11.0 RECOMMENDATION – GRANT Subject to the following conditions:

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

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

- (2) No development shall take place until full details, including samples, of the external surfacing materials to be used on the new roof and single-storey front, side and rear extensions to the existing building hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details of external surfacing materials;

Reason: To ensure the character and appearance of the building are safeguarded and in the interests of the visual amenities of the locality generally.

- (3) The garage shown on the approved plan (Drawing titled Proposed Plans & Elevations dated October 2014 received 09.10.14) shall be retained and kept available for parking purposes in connection with the dwelling. No development, whether permitted by a Development Order or not, shall be carried out in any position which would preclude access by motor cars to the garage parking;

Reason: To ensure adequate provision is made and retained for off street parking for the dwelling to prevent obstruction of the adjoining highway and safeguard the amenities of the area.

- (4) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plan, drawing titled Proposed Plans & Elevations dated October 2014 received 09.10.2014;

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

INFORMATIVES

to Applicant: APPROVAL

The Council's approach to this application:

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

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

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

In this instance:

The application was acceptable as submitted and no further assistance was required.

The application was approved without delay.

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

Case Officer: 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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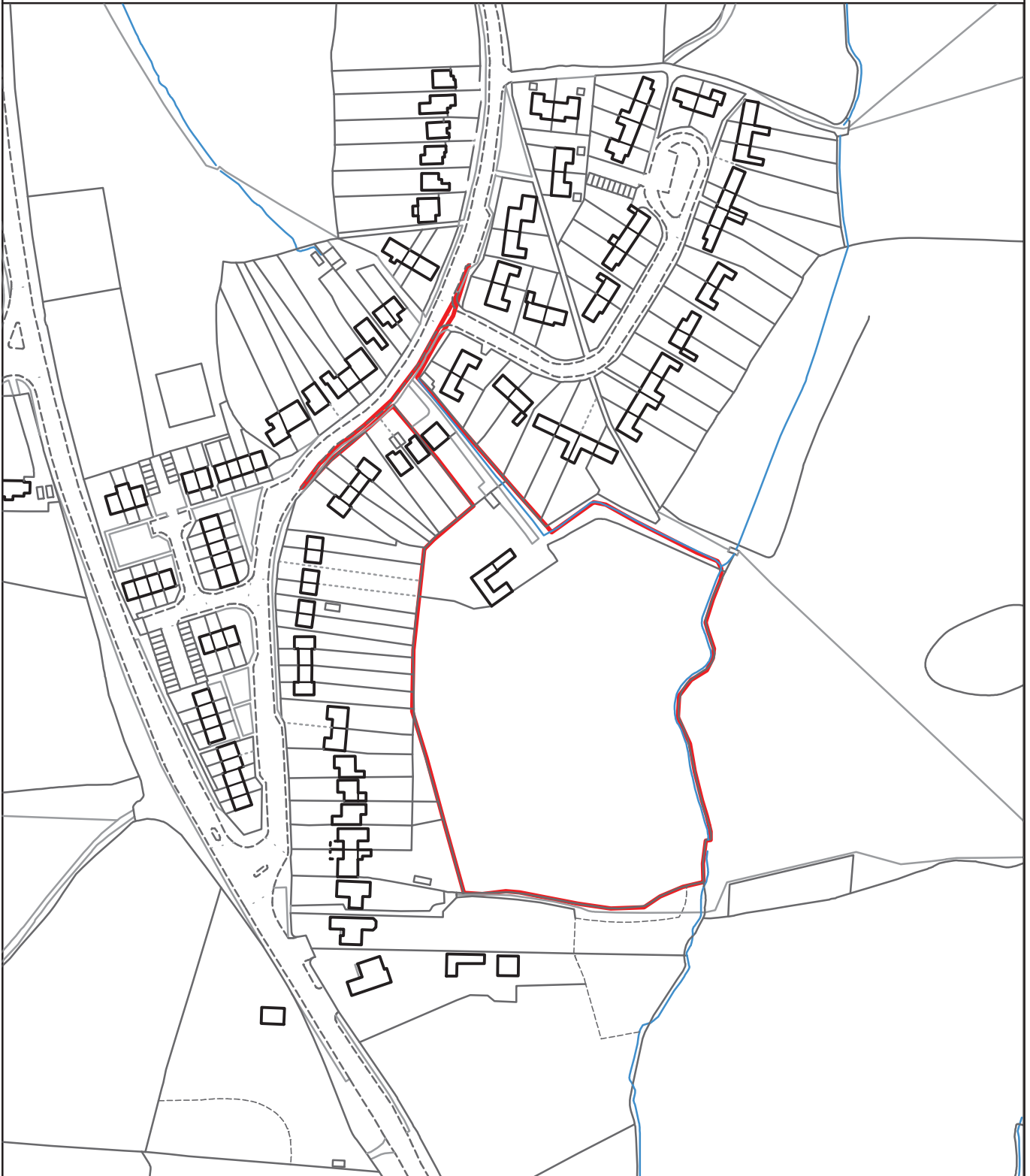
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THE MAIDSTONE BOROUGH COUNCIL

Brandys Bay
South Lane
Sutton Valence
Kent
ME17 3AZ

MBC Ref: 14/504556



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Rob Jarman
Head of Planning

REFERENCE NO - 14/504556/FULL		
APPLICATION PROPOSAL Demolition of Brandy's Bay including rear garage, stable block and outbuildings to enable the construction of 40 dwellings with parking provisions.		
ADDRESS Brandys Bay South Lane Sutton Valence Kent ME17 3AZ		
RECOMMENDATION Delegated Authority to approve subject to conditions and legal agreement.		
SUMMARY OF REASONS FOR RECOMMENDATION: <p>The proposed development would provide mix of dwelling types with high quality design. It would provide much needed affordable and market homes. The proposal would represent a sustainable form of development and would help to support local infrastructures.</p> <p>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.</p>		
REASON FOR REFERRAL TO COMMITTEE The application is a departure from the Local Plan.		
WARD Sutton Valence And Langley Ward	PARISH/TOWN COUNCIL Sutton Valence	APPLICANT Wealden Homes AGENT Graham Norton MRTPI
DECISION DUE DATE 23/01/15	PUBLICITY EXPIRY DATE 23/01/15	OFFICER SITE VISIT DATE 02/12/2014
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): None		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 Application site is an irregular area of land about 2.1 hectars on the edge of the settlement and to the east of properties fronting South Lane and south of Captain's Close. The site is currently a paddock/grazing land for sheep and horses.
- 1.02 There is a two storey detached house as well as a stable and a hay storage buildings along the northwest corner of the site. The land gently drops from west, southwest towards the north, northeast.
- 1.03 The site is enclosed by mature hedge and deciduous trees. There are also a number of trees along the northern part of the site.

- 1.04 The properties to the west are primarily two storey detached or semi-detached with large rear gardens. Similarly the properties to the north are semi-detached dwelling with generous back gardens. To the south is an open field. Public foot path KH505 runs along the southern boundary of the site. Also a narrow stream runs along edge of the access way to the site and northern boundary of the site.

- 1.05 Access to the site is from the northwest corner of the site between two residential properties fronting South Lane.

2.0 PROPOSAL

- 2.0 The proposal involves demolition of the existing detached house on the south west edge of the access drive plus stable and hay storage buildings to clear the land for housing development.
- 2.01 The application seeks full planning permission for the erection of 40 dwellings two storey houses with associated car parking, garaging, access road, and landscaping.
- 2.02 The proposal comprises 7no five bedrooms, 3no four bedrooms, 15no three bedrooms and 15no two bedrooms houses together with provision for 86 car parking and garaging spaces including visitors parking. The development would be constructed, arranged around a central loop road and access way off. The loop would be designed to link to the existing high way.
- 2.03 The proposal makes provision for 40% affordable dwellings (equal to 16 houses; 7no five person 3 bedrooms and 9no four person two bedroom units). These are located in two clusters consisting of terrace of seven and nine houses which are plots 3 to 9 and 19 to 27 inclusive.
- 2.04 The architectural design of the site layout and houses reflect local vernacular including combination of formal and informal elevational treatment that give variety and emphasis in different parts of the layout. Use of dormers, porches, gables, bay and bow windows together with local materials of brick, weather boarding and roof tiles.
- 2.05 The proposed density excluding the onsite communal amenity area would be about 26 dph.
- 2.06 A pond is proposed at the south east corner of the site which is the lowest part of the land. This pond would become a water feature with an outflow in to the adjacent watercourse.
- 2.07 A large public open space/ on site amenity area is proposed to the west of the fork junction. This area currently contains a number of mature trees, including willow trees that will be retained.
- 2.08 Access to the site would be from the existing location; however, the existing drive would be widened and upgraded by demolition of the existing detached house fronting South Lane and creation of a wider avenue style with extensive landscaping and tree planting and use of small stream as a water feature.
- 2.09 The development would be built to Level 4 Code for sustainable homes.

3.0 PLANNING CONSTRAINTS

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Development Plan - Maidstone Borough-wide Local Plan (2000) – outside built up extent of Sutton Valance. Relevant policies -

ENV28 – resists development which harms the character and appearance of the area

T13 – Seeks to ensure appropriate parking provision.

Supplementary Planning Document Affordable Housing DPD 2006 and Open space development draft local plan 2006.

This site is not within the Reg. 18 Consultation draft Maidstone Borough Local Plan 2014.

However, in February 2015 Cabinet considered a number of proposed housing allocations including H1(73) and resolved that this site should go forward to Regulation 19 consultation for 40 dwellings.

Regulation 18 Consultative documents policies for development SS1, SP4, DM2, DM3, DM4, DM11, DM12, DM13, DM23, DM24, DM30, ID1.

4.0 LOCAL REPRESENTATIONS

4.1 The application has advertised, site notice displayed and local residents notified by letter.

47 letters of representations have been received raising the following comments:

- The proposal represent over development of the site.
- Traffic survey carried out was short and inadequate. The survey should have lasted at least a week.
- Application sit is outside village boundary.
- The land is grade 3agricultural land.
- It is contrary to NPPF and policy ENV28 of MBC Local Plan 2000.
- The development would increase traffic on the village roads, A274 and create risk for highway safety.
- The development will change the character of the village due to its size.
- There is insufficient local infrastructure (school space, doctor surgery capacity, shops) to cope with this development.
- The filed is frequently water logged and is natural habitat to a number of wildlife, tree and a stream also runs through the site.
- It would have effects on the visual appearance, natural light of the properties overlooking the site and potential cause harm by reason on noise, smell and general disturbance as well as from street lighting and cars headlight.

5.0 CONSULTATIONS

5.01 KCC Economic Development:

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 (x39)	Total
Primary Education (<i>new build</i>)	£4000.00	£156,000.00
Primary Land (<i>acquisition cost</i>)	£2701.63	£105,363.54
Secondary Education	£2359.80	£92,032.20
	Per Dwelling x (39)	Total
Community Learning	£30.70	£1197.30
Youth Service	£ 8.49	£331.11
Libraries	£111.01	£4329.39
Adult Social Care	£63.56	£2478.84

And one Wheelchair Accessible Home delivered as part of the affordable Housing

Highway Kent Highway Services will respond separately

Primary Education

The proposal gives rise to 11 additional primary school pupils during occupation of this development. This need, cumulatively with other new developments in the vicinity, can only be met the provision of new Primary School accommodation in the Headcorn and Sutton Valence local school Planning Group, as the forecast primary pupil product in the locality results in the maximum capacity of local primary schools being exceeded.

KCC plans to accommodate the pupils arising from this development and others in the vicinity through expansion of Headcorn Primary School. Through a commissioned feasibility, KCC's architects have recently informed the Council that the nature of the Headcorn Primary school site will mean that the cost of the new accommodation will be higher than other expansion projects which aren't in an area of flooding. The per pupil cost of constructing the new accommodation and enlarging existing core facilities (total cost/210 places) is on par with the per pupil cost of constructing a new primary school. Given this new information regarding the project, those developments where the new works at Headcorn Primary School is the mitigation project for pupils will be charged the Primary New Build Rate.

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.

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

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

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.

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

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

The impact of this proposal on the delivery of the County Council's services is assessed.

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

The proposal is projected to give rise to 8 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.

The County Council requires a financial contribution towards extension of existing Secondary schools in Miadstone at **£2359.80 for each 'applicable' house** ('applicable' means: all dwellings except 1 bed of less than 56sqm GIA).

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

The new secondary school accommodation will be provided in Maidstone 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

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.

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.

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

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.

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 **£8.49 per household**.

.....

Libraries and Archives

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.

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 **£111.01 per household** to address the direct impact of this development.

5.02 KCC Ecology

The *Ecological Scoping Survey* report has been submitted in support of this application. It is concluded in the report that the site is of low ecological value. The main area of the site is maintained as short grassland, the buildings proposed for demolition are of good condition and there are limited opportunities for wildlife, particularly protected species, on the site.

The exception to this is the boundary vegetation, and in particular two mature oak trees have been identified as having potential for roosting bats. It is recommended in the report that bat surveys are carried out if these trees are to be felled or subject to management works.

The proposed layout plan appears to show that the boundary vegetation will be retained but we advise that confirmation of this is sought, with particular reference to the mature oak trees. If there is a need to carry out works to or fell these trees, the bat survey will be needed prior to determination to ensure that the potential for impacts to bats can be adequately addressed in the decision.

One of the principles of the National Planning Policy Framework is that *“opportunities to incorporate biodiversity in and around developments should be encouraged”*. We advise that

Maidstone BC should seek to secure ecological enhancements within the proposed development, for example through the planting of appropriate native species in the landscaping of the site, the provision of bird and bat boxes and sympathetic management of the existing boundary hedgerows, trees and ditch. We note that a pond is proposed and we advise that this should be designed to provide wildlife habitat in addition to any SUDS function.

5.03 KCC Highway

I note the revised drawings, in particular the addition of shared refuse collection points to enable efficient and safe refuse collection with less likelihood of damage being caused to property or highway verges. I note that part of the internal road network is proposed for adoption and this will require the applicant to enter into a section 278 agreement with this authority. Other salient points are that the proposed access will comprise a 5.5m wide road (paragraph 1.3 of the Transport Statement). It is considered that the access point is suitably located to achieve appropriate visibility. Construction of the access onto South Lane will require the applicant to enter into a Section 278 agreement with this authority.

The general layout drawing 22072A/100 Rev. F submitted also shows connection with the public footpath to the south and it is considered that this should be a requirement in any approval notice. I note the schedule of car parking submitted and confirm that the car parking allocations are within County Council standards and are acceptable. On behalf of the Highway Authority I write to confirm that I have no objection to this application.

5.04 Environmental Agency

Have no objection to the proposed development but request that the following

conditions be included in any permission granted:

Condition: Development shall not begin until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr 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 scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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

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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons: To protect controlled waters as the site is located on a secondary aquifer and to comply with the NPPF.

Informatives

Foul Drainage

We note foul drainage is being discharged to mains sewer. If this changes we wish to be reo-consulted.

Pollution Prevention

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

National Planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution.

Ordinary watercourses

Development which involves a culvert or an obstruction to flow on an Ordinary Watercourse will require consent under the Land Drainage Act 1991 and the Floods and Water Management Act 2010. In the case of an Ordinary Watercourse the responsibility for Consenting lies with the Lead Local Flood Authority (LLFA) which is KCC in this case. An Ordinary Watercourse is defined as any watercourse not identified as a Main River on maps held by us and DEFRA. For further information on Ordinary Watercourses contact the LLFA at flood@kent.gov.uk. We would still wish to be consulted on any proposed culverting or an obstruction to flow on a Main River.

Water Resources

Water is one of our most precious natural resources, and the South East of England is “Water Stressed”, so we are keen to ensure water is used wisely. As such, water conservation techniques should be incorporated into the design of all new development. If appliances are to be provided in the new development, the applicant is asked to consider installing water and energy efficient models/devices.

We also recommend early discussions with water and sewage undertakers.

You can find more information on water conservation at this link:

<http://www.netregs.gov.uk/netregs/275207/275517/1737030/?version=1&lang=e>

Waste

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

5.05 MEC Housing

The development is for a total of 40 units with the applicant proposing 40% affordable housing which equates to 16 units.

The submitted planning application includes at Appendix 1 an email from you to the applicants which includes a suggestion to contact myself to discuss the affordable provision being proposed. Unfortunately, the developer has not been in contact.

The proposed affordable provision from the applicant is:

2 bed units – 9

3 bed units – 7

The site as a whole consists of 2 - 5 bed dwellings with 25% being made up of 4 and 5 bed units.

Ideally we would like to have seen some 1 bed provision on this site (as this is the greatest need among applicants on the Council's housing register) as well as at least a couple of the larger houses for the affordable units.

However, due to the proposed layout of the scheme it is acknowledged that this would probably cause the site plan to be changed at this stage.

Therefore we would accept the units being proposed for this development.

A natural tenure split would be:

Plots 19 – 27: 5, 2 bed houses and 4, 3 bed houses – Affordable Rent

Plots 3 – 9: 4, 2 bed houses and 3, 3 bed houses – Shared

Ownership

All the 2 bed units are for 4 person which is acknowledged and welcomed.

It is noted that all the units will be delivered at Code Level 4 of the Code for Sustainable Homes. We would further like to see Life Time Homes standard considered for the affordable housing provision.

5.06 UK Power Networks: Has no Objections

5.07 Agricultural Consultant: The proposal would involve the loss of some 2 ha, mainly of agricultural land.

The land has been the subject of a detailed Agricultural Land Classification study, conducted in September 2014, and has been found to comprise heavy silty clay soils subject to poor drainage, giving a grade of 3b (moderate quality) and thus not in the “best and most versatile” land category.

Consequently I consider the loss of this relatively small site to agricultural production would not comprise a “significant” development of agricultural land for the purposes of para.112 of the NPPF.

5.08 Mid Kent Environmental Service:

REQUESTED CONDITIONS:

HOURS OF WORKING (CONSTRUCTION)

No construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.

Reason: To protect the amenity of local residents in accordance with policy EN1 of the Local Plan.

CODE OF CONSTRUCTION PRACTICE (MAJOR SITES)

Prior to the commencement of the development a Code of Construction Practice shall be submitted to and approval in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003).unless previously agreed in writing by the Local Planning Authority.

The code shall include:

1. An indicative programme for carrying out the works
2. Measures to minimise the production of dust on the site(s)

3. Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s).
4. Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s).
5. Design and provision of site hoardings.
6. Management of traffic visiting the site(s) including temporary parking or holding areas.
7. Provision of off road parking for all site operatives.
8. Measures to prevent the transfer of mud and extraneous material onto the public highway.
9. Measures to manage the production of waste and to maximise the re-use of materials.
10. Measures to minimise the potential for pollution of groundwater and surface water.
11. The location and design of site office(s) and storage compounds.
12. The location of temporary vehicle access points to the site(s) during the construction works.
13. The arrangements for public consultation and liaison during the construction works

Reason: To protect the amenity of local residents in accordance with Policy EN1 of the Local Plan.

REPORTING OF UNEXPECTED CONTAMINATION

If, during development, contamination not previously identified, is found to be present on the development hereby permitted, then no further development shall be carried out until remediation works, in accordance with a Method Statement for remediation, including a timetable that has previously been submitted to and approved in writing by the local planning authority, have been completed and a verification report demonstrating completion of the works set out in the Method Statement has been submitted to and approved in writing by the local planning authority. The Method Statement shall detail how the unsuspected contamination shall be dealt with. The verification report demonstrating completion of the works set out in the Method Statement shall include results of any sampling and monitoring. It shall also include any plan for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the local planning authority.

Reason: In the interests of residential amenities of the future occupiers of the dwellings.

5.09 Southern water

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 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, SO21 2SW (Tel 0330 303 0119) or WWW.southernwater.co.uk.”

The planning application form makes reference to drainage using Sustainable Urban Drainage System (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adopted by sewerage undertakers. Therefore, the applicant will need to ensure that arrangement exist for the long terms maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. This where a SUDS scheme is to be implemented, the drainage details submitted to the LPA should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the life time of the development.

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

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 surface water sewerage disposal have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water.”

5.10 MBC Parks & Leisure

The Parks and Open Spaces have considered this application and would make the following comments;

The development of this size will have an impact on the existing areas of formal open space in the local area where no on site provision exists.

Whilst it is noted that the layout plan shows a LAP we would question the usefulness of a small pocket area of open space which is likely to include minimal equipment for toddlers only, especially when there is an already established area opposite the development site. MBC would not seek to adopt any open space and so the developer would remain responsible for any play area installed. We would recommend that the developer reconsiders the plan to include an on site LAP and instead make an offsite contribution which can be used to improve and refurbish existing areas of open space which can be used to improve and refurbish existing areas of open space within in the vicinity. Namely this would be at the site known as the Harbour and Harbour Field and also at the War Memorial Play Field.

Should a LAP not be provided would seek per dwelling £1575. (£1575x40= £63,000.

Any offsite contribution would be used within one mile radius of the development site for the improvement, refurbishment and maintenance of the

existing area of open space and equipped play and outdoor sport facilities. Those facilities targeted would be at Harbour Field and Play rare and War Memorial Playing Field that are all situated within Sutton Valence.

6.0 BACKGROUND PAPERS AND PLANS

The application was accompanied with the following drawings and supporting documents. 22072A/10 Rev A, 22072A/100 Rev F, 22072A/515 Rev A, 22072A/514 Rev B, 22072A/513 Rev B, 22072A/512 Rev B, 22072/511 Rev A, 22072/510 Rev A, 22072A/509 Rev B, 22072A/508 Rev B, 22072A/507 Rev B, 22072A/505 Rev B, 22072A/504 Rev B, 22072A/503 Rev B, 22072A/500 Rev B, 22072A/502 Rev B, 22072A/501 Rev B, 22072A/600 Rev A, 22072/601 Rev A, J49.13/01, T01 Rev A, T02 Rev A, T03 Rev A, T14092 sheet A01 and 02A.

Design and Access Statement, Planning Statement, Contamination report, Food risk assessment report, Ground stability assessment, Agricultural land classification report, Access Road Noise Assessment Report, Tree survey Report, Ecology Scoping Survey,

7.0 APPRAISAL

- 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, 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 circumstances of the specifics of this case, the proposal site is located adjacent to the settlement of the Harbour part of village of Sutton Valence, identified as a large village in the draft Local Plan under draft policy

SP4, provide some services that meet the day to day needs of their communities including a school, doctor surgery, shops, public house facilities, albeit that these would require improvement or upgrade commensurate with any increase in population, and good public transport links to employment and retail centres.

- 7.09 Large Villages are considered to be sustainable locations in Maidstone's settlement hierarchy outside of the town centre and Rural Service Centres as set out in the draft Local Plan for limited new housing development provided that it is in keeping with their role, character and scale. It is considered that an appropriate increase in population would help to support village services and facilities, by virtue of their accessibility, potential for growth and role as a service delivery area for the surrounding areas
- 7.10 In February 2015 Cabinet considered a number of proposed housing allocations including Site H1(73), and resolved that this site should go forward to Regulation 19 consultation.
- 7.11 Notwithstanding the recent resolution by Cabinet the current application should be determined on its planning merits on the basis of the adopted policies in the Development Plan and other material considerations.
- 7.12 In this context, it is considered that the location of the site is sustainable in the terms of the NPPF and draft Local Plan.
- 7.13 Policy H1(73) of the emerging Local Plan has identified this site for housing development for 40 dwellings subject to the following detailed criteria:

Design and Layout

- 1- The proposed site layout will retain the existing streams within and adjacent to the site boundaries open and un-culverted
- 2- The development will provide ecological mitigation/enhancement areas and landscaped buffers along the North, East and South site boundaries to ensure appropriate habitat connectivity and the retention of existing trees and hedgerows.
- 3- The layout shall provide for a centrally positioned access road off South Lane with landscaping to the site boundaries and an avenue of trees along the new access road.
- 4- The scheme shall provide for a footpath link from South Lane to PROW KH505 at an appropriate access point on the southern site boundary to improve connectivity to the countryside beyond.
- 5- The site layout will be designed to accommodate the difference in site levels west to east across the site without extensive excavation and re-modelling of the landform.
- 6- The layout will provide for a range of dwelling types and sizes to ensure an appropriate mix of accommodation is provided.

7- Development proposals will be of a high standard of design and sustainability incorporating the use of vernacular materials and demonstrating compliance with the requirements of policies DM2, DM3 and DM4.

Landscape/Ecology

1- 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.

2- The development proposals are designed to take into account the results of a detailed arboricultural survey, tree constraints plan and tree retention/protection plans.

3- The development proposals are designed to take into account the result of a phase 1 habitat survey and any species specific surveys that may as a result be recommended ,together with any necessary mitigation/enhancement measures.

Contamination

1- Development will be subject to the results and recommendations of a land contamination survey.

Flood risk and drainage

1- Development will be subject to the results of a detailed flood risk assessment and a sustainable surface water drainage strategy that demonstrates that surface water run-off from the site will not lead to an increased risk of flooding off-site.

Community facilities

1- Appropriate contributions towards community infrastructure will be provided where proven necessary.

Open space

1- Provision of publicly accessible open space as proven necessary and/or contributions towards such provision off-site.

Site area 2.1ha Developable area 1.499ha

Approximate yield: 40 Net density: 26.7dwellings/ha

- 7.12 The Council is not in a position to demonstrate a five year housing land supply, and as such normal restraints on volume residential development in the open countryside in considerations of sustainability and other harm remain to be considered. In such circumstances the NPPF advises that when planning for development through the Local Plan process and the determination of planning applications, the focus should be on existing service centres and on land within or adjoining existing settlements. The development

of this site is therefore in accord with the objectives of the NPPF. The application is also supported by the allocation of the site for housing in the emerging Local Plan, which is a material consideration, although not on its own grounds to approve the application.

- 7.13 Furthermore, the bringing forward of development on this sustainable site adjacent to a Large Village identified as being suitable for residential development in the emerging Local Plan, will of itself contribute towards the provision of housing and therefore help in meeting the shortfall in housing supply. This also represents a strong material consideration in favour of the development.
- 7.14 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 and local planning policy as set out in the emerging Local Plan, 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 and landscaping; density of the development (including whether the site can suitably accommodate 40 dwellings); affordable housing and other contributions; residential amenity; access/highway safety; ecology; flood risk, drainage and contaminated land.
- 7.15 In the light of the above the presumption in favour of sustainable development set out in paragraph 14 of the Framework is thereby engaged. The failure to demonstrate a five year supply of deliverable housing sites is a matter to which substantial weight must be accorded.

Visual Impact

- 7.16 The site is pasture land and comprises 2.1ha of undeveloped greenfield land. The land is Graded 3b and therefore not considered to be Best and Most Versatile". It is enclosed by two storey houses along the western and northern boundaries and extensive hedging with mature trees in between along the eastern and southern boundaries and further grazing land beyond the south and east borders where the land rises to a small hill, well above the roof height of the houses in South Lane and the application site.
- 7.17 The proposed layout involves a circular road with a single vehicular access to South Lane. The proposed houses are all two storey with pitched roof over, Maximum eaves height would be 5.4m and ridge height 9.5m. It is considered that the development would not appear visually prominent or intrusive in the

local landscape due to domestic scale of the development and retention of all the existing boundary hedge and trees.

- 7.18 The existing houses to the west and north have deep back gardens and the proposed development would provide further opportunity for additional landscaping along the western boundary to soften the view of the new houses from the properties to the west. Also view from the access to the site would be one of an avenue with trees on both sides of the road leading to a large landscaped amenity area that screens the houses and provide an inviting and pleasant sense of arrival to the development.
- 7.19 Within the development site the mass, scale and architectural designs would be reflective of the local vernacular and comprise features that promote visual interests in the elevations of the houses and character/ appearance of the street scenes. This would be further enhanced by use of high quality materials and landscaping.
- 7.20 For the reasons stated above it is considered that this development would blend in well with its immediate surrounding and wider landscape without causing detrimental and unacceptable visual impact on the amenities or character of the area and wider village setting. On balance it is considered that this development would integrate well with the resettlement.

Residential Amenity

- 7.21 NPPF attaches great importance to the design issues of the built environment and considers good design to be a key aspect of sustainable development. The proposed development has been designed to maximise the use of existing features of the site, like trees, hedges, small stream and topography of the land to complement and enhance the environmental quality of the housing estate layout. The street layout and orientation of the houses are designed to create a sense of community and maximise the use of sun light and day light as well as providing privacy protection to the future residents and safeguard the amenities of the existing houses to the north and west.
- 7.22 The houses to the west and north have long back gardens and the proposed layout design would ensure that the new houses are sited and orientated in such a way that significantly greater distance than the minimum of 22 m back to back and 11m back to side are maintained. It is considered that the proposed development would satisfactorily protect the residential amenities of the occupiers of the surrounding properties and the future occupiers of the houses on this development site.

- 7.23 The design of the proposed houses although two storey are varied in detailing and appearance as a consequence the development would provide visual interests and areas with distinct character; like avenue entrance to the site, pockets of large open space/ amenity areas, water feature or use of large mature trees and hedges as vista and landscaped features.
- 7.24 The proposal takes advantage of the site topography/ land levels and existing established vegetation levels to further integrate the development with its wider landscape setting and surrounding.
- 7.25 The proposed development would provide a mix of houses sizes and designs including affordable units at a density of about 20dph. It is considered that the proposal would result in creation of a good environment for a mixed community and attractive living environment for the future residents. Furthermore having regards to the context of the surrounding area the proposed development would relate well with the rest of the village subject to satisfactory use of materials for external finish of the houses and landscaping; to deal with these issues appropriate conditions are recommended.
- 7.26 The proposed development although would be accessed from the existing location, it would be significantly different as a detached house to the south will be demolished to provide the opportunity for a wider access road and landscaping. It is considered that the widen bell mouth of the access with proposed landscaping would enhance the street scene and by creating greater gap between the drive access road and the flanks of the houses on either side of the access drive the proposal would not adversely harm the amenities of these houses.
- 7.27 To assess the potential noise impact of vehicular movements to and from the site on the occupiers of the properties on both side of the access drive, a noise assessment report is submitted with the application. The report concludes that although there might be occasions that the level of noise generated affects the amenities of the occupiers of no 1 Capitan's Close, if the bedroom window on the flank elevation is open. The changes in noise levels are confined to a minor increase in noise at night affecting houses on both side of access drive. This change is not enough to cause the noise to go above the lowest Observed Adverse Effect Level. The landscaping proposed within the access drive area would help to soften the changes proposed and the impact on the amenities of the adjoining houses.
- 7.28 Very limited street lighting is provided in The Harbour area of Sutton Valance and it would be out of character if substantial and urbanizing street lighting were to be provided in this development. Moreover extensive lighting would result in light pollution and harm to the amenities of the occupiers of the

surrounding properties and the character of the area. A condition therefore is recommended seeking details of a lighting scheme to be submitted for LPA's approval.

Highways

- 7.29 The proposed access would be located in the position of the existing site access, which is central to the site frontage with the South Lane.
- 7.30 The application was accompanied by a transport statement. The proposed access entrance would comprise a 5.5m wide road with 2m wide footways. The internal roads will be 4.8m wide shared surface designed to homezone principles for very low vehicular speeds of around 15- 20mph.
- 7.31 The development would make provision for 86 on site car parking spaces including visitors. The proposed parking for the dwellings will be provided by means of garages, car barns and open parking spaces.
- 7.32 The Kent County Council Highway Services Engineer sought further drawings and information about the suitability of the proposed estate road network for use by service vehicles. KCC Highway services have confirmed that the proposed access road, sight lines and the proposed housing estate internal road system and the level of car parking provision proposed are satisfactory.
- 7.33 A number of refuse collection points are design within the housing estate. These refuse collection points are close to the estate ring road and would ensure speeding movement of refuse vehicles and undue spread of wheel bins and rubbish bags around the estate.
- 7.34 There is a public footpath just outside the eastern boundary of the site to enhance permeability the application would involve a pedestrian link with this footpath. This would connect the application site with the adjoining countryside to the east and beyond.

Landscaping and Ecology

- 7.35 The NPPF sets out, inter alia, that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments. Furthermore, planning permission should be refused for development resulting in the loss of deterioration of irreplaceable habitats.
- 7.36 The application has been supported by an Ecological Scoping Survey Report which has been assessed by the KCC ecological officer. The report found

very limited ecological interests within the grass area but the boundary trees, hedgerows and stream have the potential to support nesting birds and bats.

- 7.37 To mitigate the impact of the development and enhance biodiversity it is suggested that bird and bat boxes be incorporated into the fabric of the buildings or attached to the trees. A condition to secure this is recommended.
- 7.38 Also to protect the existing trees and hedgerows tree protective measures should be put in place during the construction period. To satisfy this requirement a tree protection condition is added in order to ensure that the trees and hedgerows are not damaged.
- 7.39 On balance therefore no objection is raised with respect to ecological issues.

Flood Risk and Drainage

- 7.40 The application site has been supported by a flood risk assessment (FRA) which demonstrates that the site lies within Flood Zone 1(FZ1) where there is a low risk of flooding from all sources.
- 7.41 Environmental Agency has no objection and considers the development to be acceptable subject to a condition that seeks details of surface water drainage scheme for the site and a condition dealing with contamination not previously identified plus a number of informatives regarding no connection of foul drainage to mains sewer.

Code for Sustainable homes

- 7.42 The NPPF says that planning plays a key role in helping shape places to secure radical reductions in green house gas emission, minimising vulnerability and providing resilience to impact of climate change. The proposed house and estate layout design seeks to maximise exposure to sun light and heating. Also the location of the site on the edge of this large village with arrange of community facilities like, primary school, shops, doctor surgery and good public transport to Maidstone and Headcorn makes this site a sustainable location for housing.
- 7.43 To ensure that the development is constructed to code level 4 of code for sustainable homes a condition on would be imposed in this regard.

Other Matters

Environmental Impact Assessment

- 7.44 The development falls within the description of development at paragraph 10(b) of Schedule 2 of the Town and Country Planning (EIA) Regulations 2011, being an urban development project on a site exceeding 0.5ha. It is considered that there are no likely significant environmental effects (positive or negative) arising from the development which will require the preparation of an EIA.

SECTION 106 REQUIREMENTS

- 7.45 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 following specific requirements.

- 7.46 The application stated that this development would provide 40% affordable homes on this site. This is considered to be in line with the adopted policy.

- 7.47 Kent County Council economic development has made the following requests
- £4000, 00 per applicable dwelling house x (39) = £156,000.00 for primary school.
 - £2701.63 towards land acquisition for a new primary school.
 - £2359.80 per applicable dwelling house x (39) = £92,032.20 towards secondary school.
 - £30.70 per applicable dwelling house x (39) = £1197.30 towards Community learning.
 - £8.49 per applicable dwelling house x (39) = £331.11 towards Youth Service.
 - £111.01 per applicable dwelling house x (39) = £4329.39 towards Libraries.
 - £63.56 per applicable dwelling house x (39) = £2478.84 towards adult social care.

Maidstone Park and Leisure has made the following request if no on site play facility is provided.

- £1575 per applicable dwelling house x (39) = £61425.00 to provide enhanced play and open space facilities.

8.0 CONCLUSION

- 8.01 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.

- 8.02 This site has recently been allocated for housing development and to be considered as part of Rey 19 of local plan. This site is situated in a sustainable location on the edge of the settlement of Sutton Valance and as such is considered to be in a sustainable location with good access to public services already exists in the village and good public transport link.
- 8.03 The proposed 40 houses on 2.1 hac with acceptable density level is considered to be of high quality design and layout and satisfactory level of on-site car parking provision. The proposal will retain substantial part of the existing hedge and trees and add extensive landscaping to soften the hard edge of the development when viewed from the adjoining properties.
- 8.04 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.
- 8.05 The development will assist in delivering infrastructure in the locality.

9.0 RECOMMENDATION – GRANT Subject to the following conditions for the following reasons:

The Head of Planning be given DELEGATED POWERS TO GRANT permission subject to the conditions and informatives set out in the report and to the prior completion of a Section 106 legal agreement in such terms as the Head of Legal Services may advice to secure the followings:

- A: The provision of 40% affordable housing.
- B: Secure the following developers' contributions:
- £4000, 00 per applicable dwelling house x (39) = £156,000.00 for primary school.
 - £2701.63 towards land acquisition for a new primary school.
 - £2359.80per applicable dwelling house x (39) = £92,032.20 towards secondary school.
 - £30.70 per applicable dwelling house x (39) = £1197.30 towards Community learning.
 - £8.49 per applicable dwelling house x (39) =£331.11 towards Youth Service.
 - £111.01 per applicable dwelling house x (39) = £4329.39 towards Libraries.

- £63.56 per applicable dwelling house x (39) = £2478.84 towards adult social care.
- £1575 per applicable dwelling house x (39) =£61425.00 to provide enhanced play and open space facilities.

C Grant planning permission subject to the imposition of the conditions set out below:

1) The development hereby permitted shall begin no later than 18 months from the date of this decision.

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: Drawings no 22072A/10 Rev A, 22072A/100 Rev F, 22072A/515 Rev A, 22072A/514 Rev B, 22072A/513 Rev B, 22072A/512 Rev B, 22072/511 Rev A, 22072/510 Rev A, 22072A/509 Rev B, 22072A/508 Rev B, 22072A/507 Rev B, 22072A/505 Rev B, 22072A/504 Rev B, 22072A/503 Rev B, 22072A/500 Rev B, 22072A/502 Rev B, 22072A/501 Rev B, 22072A/600 Rev A, 22072/601 Rev A, J49.13/01, T01 Rev A, T02 Rev A, T03 Rev A, T14092 sheet A01 and 02A, PL-BB-01.

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

3) No development shall take place until schedule/samples of the materials and finishes to be used in the construction of the external walls, roofs, windows and doors of the buildings 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 to the development.

4) The dwellings shall achieve at least Code 4 of the Code for Sustainable Homes. A final code certificate shall be issued not later than one calendar year following first occupation of the dwellings certifying that level 4 has been achieved.

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

5) 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.

6) 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.

- i) the parking of vehicles of site operatives and visitors
- ii) the routing of construction traffic throughout the construction process and the mechanism for securing adherence to approved routes
- iii) loading and unloading of plant and materials
- iv) storage of plant and materials used in constructing the development the erection and maintenance of security fencing
- vi) wheel washing facilities
- vii) measures to control the emission of dust and dirt during construction
- viii) a scheme for recycling/disposing of waste resulting from the construction works
- ix) precautionary measures to ensure that no badgers become trapped or injured during development work

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

7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Class(es) A, B, C, 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.

8) No development shall take place until full details of both hard and soft landscaping for the site have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include existing and proposed contours and finished ground levels and minor artefacts and structures (e.g. street furniture, refuse or other storage units, signs, lighting etc). Soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme. Development shall be carried out in accordance with the approved details. The scheme shall include full details of all proposed boundary treatments and shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines.

Reason: In the interest of visual amenity of the area.

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 first occupation of any of the dwellings hereby permitted, or completion of development, whichever is the sooner. Any trees or plants, which, within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: In the interest of visual amenity of the area.

10) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped and open areas and link to footpath PROW KH505 other than privately owned domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to first occupation of any dwelling on the site. The landscape management plan shall be carried out as approved.

Reason: In the interest of residential and visual amenity of the area.

11) Prior to the commencement of any development, a scheme for the protection of trees and hedges to be retained on site shall be submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and or ground protection in accordance with BS5837 (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 barrier and/or ground protection measures 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 area protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground level changed, nor excavations made within these area 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 in compliance with National Planning Policy Framework 2012.

12) Prior to the commencement of any development, details shall have been submitted to, and agreed in writing by, the Local Planning Authority showing the existing and proposed site levels and the finished floor /slab levels of the buildings hereby permitted. The development shall be carried out in strict accordance with the details agreed;

Reason: In the interest of visual amenity of the surrounding properties.

13) No dwelling shall be occupied until the ecological enhancements set out at paragraphs 4.8 of the applicant's Ecological Survey (dated 19 July 2014) have been completed and evidence to that effect submitted to and approved in writing by the local planning authority.

Reason: In the interests of biodiversity and ecology of the area.

14) No tree felling/vegetation clearance works, or other works that may affect nesting birds, shall take place between 1 March and 31 August inclusive. In the event that works are required to be carried out during the nesting period, a prior survey to establish the absence/presence of nesting birds should be undertaken by an appropriately qualified ecologist. A report of the assessment, together with proposals for any required mitigation/compensation shall be submitted to and approved in writing by the local planning authority prior to any works being undertaken. Thereafter, the works shall be carried out in accordance with any necessary mitigation/compensation measures.

Reason: In the interest of visual amenity of the surrounding properties.

15) Prior to commencement of development, including works of ground clearance or site preparation, full details of the access to the site off South Lane, including a timetable for implementation of the different stages of its construction, shall be submitted to and approved in writing by the local planning authority. The access shall be constructed in accordance with the approved details and timetable.

Reason: In the interests of highway safety and residential amenities of the adjoining properties.

16) Prior to first occupation of any of the dwellings hereby permitted, visibility splays at the junction of the application site with South Lane, shall have been provided in accordance with the details shown on plan NoPL-BB-01 attached to Transport Statement received 24/20/2014. Once provided, the splays shall thereafter be retained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level.

Reason: In the interests of highway safety.

17) Prior to commencement of development, details for the construction, surfacing and drainage of the pedestrian link to PROW KH505 serving the development shall be submitted to and approved in writing by the local planning authority. The details to be submitted shall include a timetable for implementation. The upgrading works shall be completed prior to the occupation of 50% of the dwellings on the site.

Development shall be carried out in accordance with the approved details and timetable.

Reason: In the interests of amenities of the future occupiers of the development

18) None of the dwellings hereby permitted shall be occupied until the car parking, garaging and visitor spaces associated with that particular unit of accommodation have been constructed in accordance with the approved plans. The respective spaces shall thereafter be retained at all times for their designated purpose.

Reason: In the interests of residential amenities and high way safety.

19) None of the dwellings hereby permitted shall be occupied until sustainable surface water drainage works have been implemented in accordance with details that shall have previously been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until all the works necessary have been implemented in accordance with the approved details. The balancing pond, if required, shall be completed and be in operation before the occupation of the first dwelling. The submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site, including any requirement for the provision of a balancing pond and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for its implementation in relation to the development; and,
- iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker, or any other arrangements to secure the operation of the scheme throughout its lifetime.

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

20) None of the dwellings hereby permitted shall be occupied until works for the disposal of sewage have been provided to serve the development hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority.

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

21) If, during development, contamination not previously identified, is found to be present on the development hereby permitted, then no further development shall be carried out until remediation works, in accordance with a Method Statement for remediation, including a timetable that has previously

been submitted to and approved in writing by the local planning authority, have been completed and a verification report demonstrating completion of the works set out in the Method Statement has been submitted to and approved in writing by the local planning authority. The Method Statement shall detail how the unsuspected contamination shall be dealt with. The verification report demonstrating completion of the works set out in the Method Statement shall include results of any sampling and monitoring. It shall also include any plan for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the local planning authority.

Reason: In the interests of residential amenities of the future occupiers of the dwellings.

22) Works of demolition, site clearance, or construction, including the use of plant and machinery on the site, shall not take place other than between 08.00-18.00 hours Monday to Friday and 09.00-13.00 hours on a Saturday, and at no time on Sundays or bank/public holidays.

Reason: In the interests of residential of the adjoining properties.

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.

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.

2) 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. 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) 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, SO21 2SW (Tel 0330 303 0119) or WWW.southernwater.co.uk.

The site comprises 2.1ha of undeveloped greenfield land, which is in agricultural, specifically grazing use. The land is *Graded 3b and therefore not considered to be Best and Most Versatile*". The site is essentially one single parcel of land,

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.

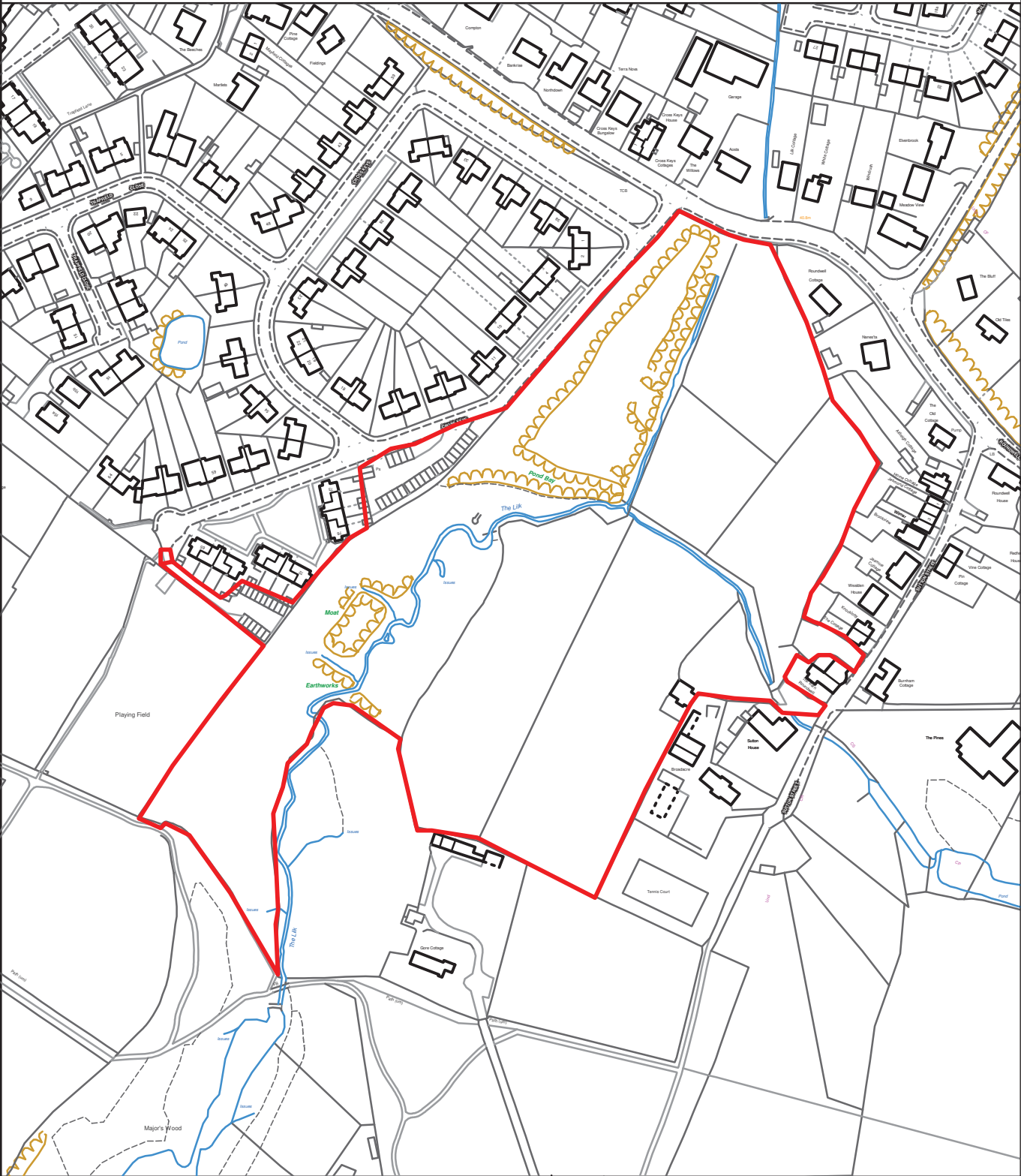
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Agenda Item 19

THE MAIDSTONE BOROUGH COUNCIL

Land To The South Of
Cross Keys
Bearsted
Kent

MBC Ref: 14/504795



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 14/504795/FULL		
APPLICATION PROPOSAL Erection of 30 no. open market homes and associated garaging, and erection of 20 no. affordable homes, construction of access road and bridge, and provision of open space, ecology park and new public footpath. Demolition of 24 bay garage court and redevelopment to provide a 16 bay garage court and amenity storeroom		
ADDRESS Land to the South Of Cross Keys, Bearsted, Kent		
RECOMMENDATION GRANT PLANNING PERMISSION SUBJECT TO PRIOR COMPLETION OF AN APPROPRIATE LEGAL MECHANISM AND CONDITIONS		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development is at a sustainable location, immediately adjoins the existing urban boundary, and is not considered to result in significant planning harm. Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan. The applicant is prepared to enter into a legal agreement to ensure that justified contributions are met.		
REASON FOR REFERRAL TO COMMITTEE The proposal is a departure from the Development Plan. Councillor Val Springett objects to the application and has requested the application be reported to Committee for the reasons set out below. Councillor Mike Cuming objects to the application and has requested the application be reported to Committee for the reasons set out below. Bearsted Parish Council wish to see the application refused and have requested the application be reported to Committee for the reasons set out below.		
WARD Bearsted	PARISH/TOWN COUNCIL Bearsted	APPLICANT Country House Developements AGENT Mr Guy Osborne
DECISION DUE DATE 06/02/15	PUBLICITY EXPIRY DATE 06/02/15	OFFICER SITE VISIT DATE 4/12/2014

1.0 This application was deferred at 19 March 2015 Committee meeting due to forthcoming legal advise regarding KCC comments and due the extended consultation date going beyond the date of the planning committee.

1.01 For clarity this is a fresh report and includes the urgent updates for the 19 March committee and additional correspondence from consultees.

2.0 RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):

2.01 There is some planning history at this site. Including 1972 and 1967 applications for residential development which were refused.

- 67/0284/MK3 – Refused
- 72/0035/MK3 – Refused
- 88/1670 – Refused
- 89/0469 - Refused
- 11/1909 - Erection of a detached dwelling – refused for the following reasons.

‘The development is considered to be contrary to PPS7 and Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 in that the dwelling would constitute additional sporadic development in the countryside and erode the open space between the existing dwellings. The development is therefore unacceptable in principle’. Dismissed at appeal.

- 13/1708 – Outline application for the erection of 39 dwellings including new access road, garaging and parking with the matters of access and layout to be considered at this time and all other matters reserved – Withdrawn by the applicant.

2.02 This site was submitted and assessed in the 2013 Call for Sites/SHLAA exercise (reference H1-18). The officer conclusion was that the site was suitable for development as set out below:

2.03 *‘Following the consideration of the issues raised above, the sustainable location and its close relationship to the urban residential area to the west, I consider that the site is suitable for development.*

2.04 *The site has some landscape importance locally and includes a number of established trees and planting, particularly concentrated to the western side of the site. This site also forms an important transitional space between the urban area of Bearsted to the west and the less developed area of Cross Keys to the east. As such, care would need to be taken in any design to ensure key elements of the character of this area are retained. The River Len also flows through this site and so the residential layout would need to allow sufficient spacing for this to mitigate the flood risk.*

2.05 *Similarly, the density of any residential development would need to be appropriate to be sympathetic to this character. Our development matrix indicates a density of 35dph for a site in this urban periphery location. However, due to the transitional character of this site and its existing constraints which are present to the western side of the site, I consider that a density of 30dph would be more appropriate.*

2.06 *As such, I recommend that the site is accepted for development’.*

2.07 The site was subsequently recommended for inclusion in the Reg. 18 Consultation draft of the Maidstone Borough Local Plan. However, at the meeting of the Cabinet on 24 February 2014 Members rejected the site for the following reasons:

- Flooding issues – Occupation of the site would have an unacceptable impact on hydrology and local flood risk.

- 2.08 The site was resubmitted for consideration during a further call for sites with additional information submitted to address the flooding issues raised by Members previously. Council officers were of the opinion that the additional flooding information (submitted by flood professionals following discussions with the Environment Agency) successfully overcame the previous reasons for rejecting the site and subsequently recommend the site for inclusion in the Reg.18 Consultation draft provided that:
- 2.09 *'The Environment Agency are satisfied with the Flood Risk and Hydrology Assessment that has been undertaken (which I understand that they are) and that the long term management of and appropriate public access to the undeveloped areas of the site can be secured, in principle, development is considered acceptable'.*
- 2.10 However, at the meeting of the Cabinet on 28 February 2015 Members rejected the site for a second time, for the following reasons:
- Flooding issues
- 2.11 The site is not therefore allocated in the Reg. 18 Draft Maidstone Borough Local Plan.
- 2.12 Allocated sites nearby:
- Site H1(17) Barty Farm, Thurnham, located on land to the north of Roundwell and east of Water Lane has been allocated for 122 new residential units as agreed by Cabinet on 2 February 2015 subject to, inter alia,
 - Appropriate contributions towards community infrastructure will be provided, where proven necessary.
- 2.13 Barty Farm site allocation has been agreed at Cabinet and will now move forward into the Regulation 19 document. The site at Barty Farm is located some 300m from the application site at Cross Keys.

MAIN REPORT

DESCRIPTION OF SITE

- 3.0 The site comprises a strip of land located to the east of Cross Keys and to the west of Sutton Street and to the south of The Street / Roundwell. The site borders the urban boundary of Bearsted village (Cross Keys and The Street) and is located within the countryside location and Special Landscape Area, for the purposes of the Local Plan 2000. The site is also located within an area of Archaeological Importance with the remains of Mott Hall, located in the south western section of the site adjacent to the Lilk stream.
- 3.01 An ordinary water course known as the Lilk flows broadly north to south across the site and is culverted under Roundwell. An ordinary water course flows from east to west and joins the Lilk approximately in the centre of the site. The Lilk continues south for approximately 1km where it joins the River Len. The site has a flat plateau area running through the middle with The Lilk stream. To the west of this the land rises sharply in places to its boundary with Cross Keys and to the east there is a gentle rise to the rear of the properties located on Sutton Street.

- 3.02 The land is largely not maintained and includes areas of established grassland and established trees and planting. In the past the grassland has been used for grazing horses and sheep.
- 3.03 The north, east and west of the site are bordered by built development while the area to the south has a more rural character.
- 3.04 The urban boundary of Bearsted is located to the west and north of the site, comprising residential properties in Cross Keys and The Street. The area to the east of the site also comprises residential properties. These properties front Sutton Street with their rear gardens generally backing onto the application site. The residential development along Sutton Street is mainly located along the west side of the street with some sporadic development along the eastern side. The western side of Sutton Street has a much more built up character than the eastern side with a fairly close knit line of residential properties stretching from the junction with Roundwell down to a property known as The Barn Roundwell, with more sporadic residential development further south. Sutton Street and the area to the east are located within the open countryside with Gore Cottage; a grade II listed building with holiday lettings located in the grounds. Sutton House and barn, a grade II listed building is located on the west side of Sutton Street.

4.0 PROPOSAL

- 4.01 Erection of 50 dwellings in total, 30 no. open market homes and associated garaging and parking spaces, and 20 no. affordable homes, construction of access road and bridge, and provision of open space, ecology park and new public footpath. Demolition of 24 bay garage court and redevelopment to provide a 16 bay garage court and amenity storeroom.
- 4.02 The application site can be broadly divided into four sections.
- 4.03 An existing block of 24 garages located on the southern side of Cross Keys are proposed for demolition and would be replaced by two rows of terraces houses, comprising seven one bed houses in total with associated off-street parking. Plots 47 to 50 comprises a terrace of single storey one bed bungalows formed of facing bricks, plinth brick detail, exposed rafter feet, timber fenestration, and slate tiles. Plot 44 to 46 comprises three two storey one bedroom units. The terrace would be formed of facing brickwork with timber weather board and hanging tiles above, timber fenestration and clay roof tiles. All seven units would be provided private amenity area at the rear. Eight off-street parking spaces are proposed to the side and front of the houses. These seven houses would all constitute affordable housing.
- 4.04 The existing 16 bay garage court located to the south of Cross Keys (behind nos. 69 to 72 Cross Keys) would be replaced with a new 15 bay garage court and a purposes built store room serving the youth football club, located adjacent the site.
- 4.05 The eastern side of the main site would be developed with 43 houses, comprising a mix of two storey terrace and detached properties with garages and off road parking. A new vehicle and pedestrian access would be formed into the site from Cross Keys. The new vehicle access would bridge over The Lilk stream and connect to two main ancillary roads at a centralised junction, with further roads stemming off the these ancillary roads.
- 4.06 In the north eastern section of the site a row of five detached houses (Plot 29, 30, 40, 41 and 42) would be afforded frontage onto the access road and over the public open spaces located to the west. The most northern property (Plot 43) would be located

at the end of the access road with orientation toward The Street and the western side of the site. Behind the five frontage properties is an L-shaped terrace of nine two storey houses (Plots 31 to 39) which would be served by a separate access. Parking for these properties would mainly be within a courtyard at the front with two additional parking spaces to the side of Plot 34 via an undercroft. 16 parking spaces would be provided in total for the nine houses. These nine properties would constitute affordable housing comprising a mix of two and three bed units each with their own private outdoor amenity space. (Plots 26 to 28) would front onto a separate shared access road and an area of public open space adjacent to The Lilk stream. Properties would be a variety of designs which are utilised in other areas of the site. Materials include facing brick, tile hanging, weatherboard, clay and slate roofs and timber fenestration.

- 4.07 Plot 25 would be a barn style development located on the eastern side of the site behind Sutton House and The Barn at Roundwell. This property would be afforded access via Sutton Street over a shared access located adjacent Sutton House. This is the only property which would be afforded access via Sutton Street. However, Sutton Street would also afforded emergency access to the site via Plot 25 and a bollarded route.
- 4.08 The southern section of the proposed built development would be served by a curved access road. The houses in this section of the site would mainly be detached properties save for a row four terrace houses (Plots 4 to 7) which would accommodated the remaining affordable housing. All the houses would present onto the access roads with three or four different property designs utilised throughout this section of the development. Materials include facing brick, tile hanging, weatherboard, clay and slate roofs and timber fenestration which are used throughout the whole site.
- 4.09 The western section of the site would remain undeveloped with an area of public open space provided between The Lilk and the housing development. On the western side of The Lilk an area of wetland would be retained for water retention and an ecology park, containing ponds and reed beds for water filtration. To the south of the proposed access bridge the woodland area would remain untouched save for a new pedestrian footpath which link the site up to the Bearsted Woodland Trust parkland and run through the site joining Sutton Street and Roundwell. A number of information boards would be erected explaining the history and ecology of the site.
- 4.10 Cross Key road would be re-aligned / widen to include nine new parking car parking spaces at the front of nos. 3 to 10 Cross Keys. The road would be widened by removing a section of the existing pavement / grassed area on the western side of the road. The nine new parking spaces would be located in the widen section of the road allowing for two lanes of passing traffic adjacent the parking spaces.

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV24, ENV26, ENV27, ENV28, ENV34, ENV49, T13, CF16.

Supplementary Planning Documents: Affordable Housing Development Plan Document (2006), Open Space Development Plan Document (2006)

Maidstone Borough Council Draft Local Plan: SS1, SP2, SP5, H1, H2, H3, DM2, DM3, DM4, DM6, DM10, DM11, DM13, DM23, DM24, DM30.

6.0 LOCAL REPRESENTATIONS

A site notice was displayed at the site on 4th December 2014.

Some 124 objections have been received from local residents. The following issues were raised:

- Flood risk – the site is a flood plain
- Highways safety and traffic congestion
- Parking provision
- Impact on archaeological remains
- Impact on the landscape / environment
- Impact on site ecology / wildlife
- Impact on local schools and doctors – lack of spaces
- Impact on the open countryside and Special Landscape Area
- Urban sprawl
- Misapplication of the flooding sequential test
- Impact on Sutton Street and nearby listed buildings
- Location of the emergency access
- Contrary to the Green and Blue Infrastructure Strategy
- Impact on local amenities
- Pastiche housing design
- Poor location of new garages
- Overdevelopment of Bearsted
- Density of the development
- Inaccurate points made in the Design and Access Statement regarding the location of the site to local shops and Maidstone
- Impact on sewers
- Loss of open space
- The site has been omitted from the draft local plan
- Loss of a view
- Overlooking / loss of privacy
- Loss of public access
- Loss of amenity space
- Cumulative impact with Barty Farm development
- Maintenance of SUDs
- Affordable housing not integrated
- Impact of construction traffic (non material planning consideration)
- Minor design alterations do not overcome in principle objections.

6.01 Prior to the committee meeting on 19 March some 20 additional neighbour representations were received. All previous objections still stand additional comments include:

- Minor design alterations do not overcome in principle objections
- Cost of removing the silt from the stream
- Bearsted Woodland Trust is unlikely to allow the footpath link to their land
- Amount of cement and CO2 required during construction process
- Access for construction vehicles

6.02 Cllr Springett has objected to the proposal for the following (summarised) reasons:

- The site is not in a sustainable location in terms of schools, doctors, SUDs and future maintenance.
- Development in the open countryside
- Visually intrusive long range views of the North Downs and AONB
- Flood risk
- Impact on the character and setting of Sutton Street
- Impact on listed buildings
- Maintenance cost of the non developed sections of the site
- To few replacement garages proposed and inconveniently located
- Insufficient parking provision
- Vehicle tracking is inaccurate
- Provision of affordable housing
- Concerns regarding the long term maintenance of the site and requests that if this application is approved, that a requirement for a Bond be taken out be conditioned, to cover failure of the proposed maintenance scheme, which includes the SUDS schemes incorporated to alleviate potential flooding.

6.03 Councillor Cuming has objected to the proposal for the following (summarised reasons):

- Flood report is un-representative due to the date of the survey
- Impact on local infrastructure
- Impact on local schools and doctors surgeries
- Vehicle safety at the point of access
- Sutton Street is not suitable for use as an emergency access

7.0 CONSULTATIONS

7.01 **Bearsted Parish Council:** objects to the application on the following grounds:

'Bearsted Parish Council objects in the strongest possible terms to this application for the reasons that the proposal will:

1. be contrary to the policies of the NPPF and to saved policies ENV 22, ENV28 and ENV34 of the Maidstone Borough-wide Local Plan 2000 because it will comprise unsustainable and inappropriate greenfield development in an edge-of-town, semi-rural area that will do great harm to the setting of Bearsted and seriously erode the sensitive open countryside between Bearsted and Leeds Castle, the protection of which was fundamental to the Secretary of State's emphatic rejection of the KIG appeal in 2010;

2. destroy forever the historic and semi-rural setting of Sutton Street, Bearsted's oldest street, and seriously harm the setting of several nearby 'listed buildings';

3. create potentially insuperable land drainage and flooding problems related to not only the application site but also to the surrounding areas because the application site functions as a 'conveyor' of substantial volumes of surface water draining from the North Downs and the M20 in the north to Majors Lake and the Lilk Stream to the south;

3. create additional traffic flows in Sutton Street and Cross Keys and into Roundwell which will cause additional hazards to existing traffic movements and be detrimental to the amenities of local residents with regard to congestion and pollution;

4. have a serious detrimental impact upon the sensitive ecology of the wetland area within the site.

In addition, the Parish Council is very concerned about the shortage of places at local infant and junior schools. A recent FOI request to KCC has revealed that between 2009 and 2014, 341 Bearsted children failed to obtain their first choice at such schools and a further 271 failed to secure their second and third choices. Consequently, many Bearsted children are currently having to be sent to schools as far away as Cranbrook, Harrietsham and Sutton Valence which is a totally unacceptable situation.

As this planning application is proposing family housing, it is inevitable that this will create yet further pressure on local schools which cannot be met as there are no proposals in the pipeline for local schools to expand or for new ones to be built.

Bearsted Parish Council will wish to send a representative to address the Borough Council's Planning Committee when this planning application is considered'.

8.0 Environment Agency: No objections.

8.01 *'We have reviewed the information submitted and have no objection to the proposed development but request the following 6 conditions be included in any permission granted:*

8.02 **CONDITION:** *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.*

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

8.04 **CONDITION:** *The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (14_504795_FULL-FLOOD_RISK_ASSESSMENT, 12th November 2014). Specifically, the mitigation measures detailed within the FRA include:*

1. *Finished floor levels are set no lower than 39.95m above Ordnance Datum (AOD) (paragraph 4.7 FRA)*
 2. *The minimum level of the access road bridge is set at 39.50mAOD (paragraph 4.9, FRA) and the lowest level of this bridge is greater than one metre above the 39.20m (paragraph 4.10)*
 3. *Limiting the surface water run-off to the watercourse of 5 litres per second, generated by the 100 year critical storm (including climate change allowance), so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.*
 4. *Provision of compensatory flood storage (for the bridge piers) on the Lilk, as detailed in section 5 of the FRA and Appendix 12.0.*
 5. *Confirmation of culvert construction and improvement works, detailed in paragraph 4.4 and drawing A2164-SK1500 in Appendix 12.0.*
- The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by*

the local planning authority.

8.05 **Reasons:**

1. *To reduce the risk of property flooding to the proposed development and future occupants*
2. *To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and ensure safe access and egress from and to the site.*
3. *To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.*
4. *To reduce the risk of flooding from blockages to the existing culvert (s).*
5. *To reduce the risk of flooding (from all sources) to the proposed development and existing road infrastructure and properties surrounding the site.*

8.06 **CONDITION:** *No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 years critical storm (including climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. These details shall include:*

- *The appropriate locations on the development site where infiltration techniques are appropriate. This will be informed by specific ground conditions (e.g. groundwater levels and infiltration rates) at each location where soakaways are proposed.*
- *Where soakaways are not appropriate, sustainable surface water drainage systems will be designed and incorporated into the development, in line with the FRA, paragraph 6.13. Updated rainfall runoff calculations based upon the detailed design will be included with the surface drainage scheme.*
- *Details of how the overall scheme shall be maintained and managed after completion*

8.07 **Reason:** *To prevent the increased risk of flooding, both on and off site.*

8.08 **CONDITION:** *Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:*

1) A preliminary risk assessment which has identified:

- *all previous uses*
 - *potential contaminants associated with those uses*
 - *a conceptual model of the site indicating sources, pathways and receptors*
 - *potentially unacceptable risks arising from contamination at the site.*
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.*
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.*
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.*

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

- 8.09 **Reason:** *For the protection of Controlled Waters. The site is located over a Principal Aquifer and insufficient information has been provided to assess the potential for contamination to be present.*
- 8.10 **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.*
- 8.11 **Reason:** *There is always the potential for unexpected contamination to be identified during development groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters.*
- 8.12 **CONDITION:** *Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved.*
- 8.13 **Reason:** *Should remediation be deemed necessary, the applicant should demonstrate that any remedial measures have been undertaken as agreed and the environmental risks have been satisfactorily managed so that the site is deemed suitable for use.*
- 9.0 KCC Economic Development:**
- 9.01 *'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'.*
- 9.02 Primary Education Provision: £2360.96 per applicable house (x43) = £101,521.28 towards the enhancement of teaching space at South Borough Primary School.
- 9.03 *'The proposal gives rise to 13 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.*
- 9.04 *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.'

- 9.05 Secondary Education Provision: £2359.80 (x43) = £101,471.40 towards the enhancement of teaching space at Maplesden Oaks School.
- 9.06 *'The proposal is projected to give rise to 9 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.'*
- 9.07 Youth Services: Youth equipment £1589.00 - required for the new residents of this development alone (supplied centrally to Infozone Youth Hub for use and distribution locally).
- 9.08 *'Forecasts indicate that there is insufficient capacity within local Centres to accommodate the increased demand generated through the development, therefore KCC require contributions to provide increased centre based youth services in the local area.'*
- 9.09 Libraries Contribution: £2400.79 towards library bookstock for the new residents of this development alone (supplied to Bearsted Library).
- 9.10 *'There is an assessed shortfall in provision: 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.'*
- 9.11 Additional comments from KCC Economic Development:**
- 9.12 *'The four schools listed [Thurnham COFE Infants, Roseacre Junior School, Madginford Park, St Johns COFE Primary] are unable to be expanded further due to restrictions in site area and other constraints.'*
- 9.13 *As you might appreciate, the Governments decision recently (26 Feb 2015) not revoke the 5 obligation restriction under CIL Reg 123 (as recommended by the Commons Select Committee) will place further pressure on service providers, not just KCC, when trying to gauge which developments can deliver or contribute towards the delivery of a project.'*
- 9.14 *The new Langley Park Primary School will be delivered in 2 phases. The first phase (240 places) will be delivered using the 4 obligations already secured with the 5th being Bicknor Wood. KCC will then need to secure a further 5 obligations from large developments within the area to deliver the second phase (a further 180 places).'*
- 9.15 *Due to 5 obligation restriction KCC is unable to use the small contribution this development will generate towards Langley Park for the reasons outlined above, therefore should the development proceed additional places will have to be provided elsewhere. A review of the most appropriate school to provide these additional places has been conducted and it is proposed that contributions from this development should be directed towards the expansion of South Borough Primary School. As this involves the expansion of an existing school as opposed to a new build the contribution requirement for this application will reduce to £2360.96 per applicable house (x43).'*

10.0 Paul Crick Director of Environment, Planning and Enforcement: Objects on behalf of the Education Planning & Access department (received 5/02/2015). Objections summarised as below:

- Contrary to para. 38 and 72 of the NPPF
- Detrimental impact of the development on sustainable local education provision would not be outweighed by the contribution to housing land supply.
- Pressure on primary schools places in Maidstone East
- Significant demand for pupil places will require the expansion of more than one school
- The quantum of development in this application does not justify a new school
- The primary schools within the local area are not capable of accommodating the forecast pupil demand.
- Expansion of local schools is restricted by building and site constraints and availability of land
- Increased need to travel to schools further afield and cost of travel

10.01 Additional comments received from Paul Crick dated 31 March 2015: further objections from KCC Education Planning & Access (EPA) summarised as follows:

- Planning Committee report is incorrect
- KCC Education Planning & Access object to the proposal
- The impact of the development would be detrimental to sustainable local Education provision.
- Contributions sought by KCC Economic Development to mitigate impacts of development.
- Comments from KCC Economic Development should not be misconstrued as a notion of support or objection to the principle of development

11.0 KCC Highways: No objections.

11.01 *'The applicant has demonstrated that the traffic generated from this proposal can adequately be accommodated on the surrounding public highway network. A robust analysis has been undertaken using future year forecasts. I note that apart from the bell mouth entrance onto Cross Keys, the internal roads are to remain privately managed. The development comprises three elements namely:-*

□ One unit constructed off Sutton Street

□ 42 units constructed off Cross Keys and

□ 7 units replacing garages adjacent to Cross Keys

11.02 *It is noted that an emergency access route of 2.5m width off Sutton Street is proposed and it is considered that the views of the Kent Fire and Rescue Service in relation to paragraphs 6.7.2 and 6.7.3 of the Department for Transport's Manual for Streets, should be sought. It is my understanding (although fire engine tracking has been provided) that the emergency access route width of 2.5m is insufficient. It is also unclear why the access road off Cross Keys is 5.750m wide, although it is suspected that this may be for traffic movement and management during potential bridge maintenance periods.*

11.03 *I have undertaken a study of the car parking provision proposed and confirm that this closely accords to Kent guidance given in Interim Guidance Note 3. I consider that the car parking allocations proposed are acceptable. This also applies to the 7 units proposed replacing garages adjacent to Cross Keys. Should this application be*

approved the crossover and integration with the Cross Keys public highway required for the construction of these units will necessitate the applicant to enter into a Section 278 agreement with this authority. This is also required for the interface of the main access road proposed.

- 11.04 *I note that a sustainable drainage system is proposed for this site and it is considered important, for the ongoing performance of these systems, that a management plan is devised. A robust sustainable funding mechanism for the maintenance of private roads and structures will also be necessary’.*
- 11.05 The agent provided further information (email dated 12.012.2014) to KCC Highways following their initial comments.

KCC subsequently provided the following highways response:

- 11.06 *‘I would recommend that the views of Kent Fire and Rescue Service are obtained to ensure that they are happy with the arrangements. Subject to this and my previous comments regarding S278 agreement(s), I confirm on behalf of the Highway Authority that I have no objection to this application’.*
- 11.07 *‘At Cross Keys it is considered that there are sufficient redundant road space opportunities to allow for alternative swept path access and egress to be undertaken in a satisfactory way that would not be overly onerous. Design details would be agreed in an S278. Details of the pedestrian access onto The Street can be addressed via an S278’.*

12.0 KCC Archaeology: No objections

- 12.01 *‘The site contains the remains of Mott Hall, a possible post medieval or earlier small holding which utilised channels of the River Lilk. Associated with this establishment are considerable earthworks, including a possible moat and linear pond. The site has been subject to two phases of archaeological deskbased and fieldwork investigations by Canterbury Archaeological Trust. The reports have been deposited on the HER and are provided as supplementary information as part of this application.*
- 12.02 *The developer has revised the scheme to the benefit of the heritage of the site. These revisions, which included a revised access road, are very welcome and should ensure that the remains of Mott Hall are conserved, understood and enjoyed by the community. They will form part of the ecology park and I welcome the proposals for interpretation panels. I do not entirely agree with the wording of the interpretation panels and would like the opportunity to discuss a few amendments but this could hopefully be achieved post consent.*
- 12.03 *The main housing development and infra-structure may disturb archaeological remains and as such it would be appropriate for a programme of archaeological works to take place prior to and/or during construction work and there needs to be mechanisms in place to secure heritage interpretation on site.*

13.0 KCC Ecology: No objections.

- 13.01 *‘The Ecology Phase 1 Habitat Survey and Reptile Survey and Habitat Creation and Woodland Management reports have been submitted in support of this application. The potential for ecological impacts has been identified and the presence of reptiles on the site has been confirmed.*

We advise that:

- *The principles of the proposed reptile mitigation are sufficiently acceptable to satisfy Maidstone BC that there is scope for securing adequate mitigation and that this should be a condition of planning, if permission is granted. We would expect a detailed mitigation strategy to incorporate all areas of potentially suitable habitat, and include an adequate number of translocation visits, informed by good practice guidelines;*
- *The measures recommended in the report to minimise the potential for impacts to nesting birds should also be secured within the mitigation strategy;*
- *The development and implementation of a detailed long-term habitat management plan for the woodland and retained grassland areas should be secured by condition, if planning permission is granted;*
- *There is potential for bats to use the site, i.e. roosting in the woodland, but also foraging and commuting over the grassland area and field boundaries. We advise that bat surveys, carried out by a suitably experienced and licensed bat ecologist will be necessary to inform the development of the proposed habitat management plan, particularly as it is stated in the Habitat Creation and Woodland Management report that there are 'unsafe' trees present that will be felled;*
- *Detailed (NVC) surveys of the areas of the retained woodland and grassland habitats would provide a suitable baseline with which to inform the proposed habitat management plan;*

13.02 Further information was submitted to KCC indicating that the surface under the bridge is intended to be left as a natural habitat including confirmation that there will not be any construction surface or man-made materials.

Overall KCC Ecology raised no objections as a result.

14.0 KCC PROW: *'I note that this development proposes a new footpath link which would be fully supported by this office as an improvement to the current network. Please ensure the new route provides a pedestrian link between Cross Keys and the current alignment of Public footpath KM75. Also please ensure the proposed footpath is legally "dedicated" through Section 25 of the Highways Act as a Public Footpath. Also its construction should be in keeping with other paths in the existing park. Full consultation regarding the new path design must be completed with KCC PROW and Access and the Trustees of the Bearsted Woodland Trust.*

14.01 *Furthermore I note that whilst the Public Rights of Way in the area are generally in good condition, the development will increase the number of local residents using the routes. I suggest the addition of two handrails for the slope steps on PROW KM75 shown on the map between the footbridge and Gore Cottage would be a useful safety enhancement.*

14.02 *I have attached a copy of the PROW development tariff. From this I calculate funding needed for the legal costs involved in a creation agreement would be around £1000 and construction and future maintenance of a new handrail would be £400. I would ask that these projected costs be included in any Section 106 contribution to KCC PROW and Access service.*

*If the points made above are considered then I have **no objection** to the application'..*

15.0 NHS: *'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:

- Bearstead Medical Practice
- The Spires Surgery (Downswood)

15.01 *The above surgeries are within a 2 mile radius of the development at Cross Keys. 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.*

15.02 *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)
3.5	30	105	£37,800

NHS Property Services Ltd therefore seeks a contribution of £37,800.'

16.0 MBC Housing: *'The development is for a total of 50 units with the applicant proposing 40% affordable housing which equates to 20 affordable units.*

Andrew Connors, Housing & Communities Funding Manager, has been in consultation with Country House Developments with regards to the affordable housing provision for this site.

The affordable provision is for the following size and tenure split:

Size	Total Units	Rental	Shared Ownership
1 Bedroom	7	7	0
2 Bedroom	10	5	5
3 Bedroom	3	1	2
Total	20	13	7

This is as agreed with Andrew during their discussions.

The area of the site has been extended to include the garage site at Cross Keys, which we would consider as off-site provision. We always expect affordable housing

to be delivered on-site and off-site provision is only considered and allowed in exceptional circumstances.

However, Housing can confirm that we are happy with the proposals for this development, given:

- The affordable units being provided on-site provide a good range of accommodation and are only short by 4 units of which would normally be required.*
- The remaining 4 units are being proposed to be delivered on a site immediately adjacent of which is therefore in the same locality.*
- As the development consists of mainly larger family type housing (70% of which are 4 bedrooms or greater) a better mix of affordable units can be achieved to meet identified housing need by providing the 7 x 1-bed units at Cross Keys.*
- The proposal is actually generating an additional 3 affordable units of which would normally be required for a policy compliant scheme.*

The affordable housing is located in 3 separate locations around the site which is recommended along with the commitment to Lifetime Homes Standards and Code Level 4 of the Code for Sustainable Homes'.

17.0 MBC Conservation Officer: Objects

- 17.01 *'A number of listed buildings lie close to this site. Those most affected would be Gore Cottage, Sutton House and barn in Sutton Street and to a lesser extent Cross Keys Cottage.*
- 17.02 *Gore Cottage currently enjoys a largely rural setting, its appearance as an isolated house in the fields with no proper road access being a significant feature. Development is proposed to the north, immediately outside its curtilage; although this will be at a slightly lower level than Gore Cottage itself, there is likely to be some degree of adverse impact on the isolated setting of the listed building.*
- 17.03 *Sutton House lies at the Southern end of Sutton Street, again in a largely rural context. Development is proposed close to its curtilage which would undoubtedly impact on this open setting to the detriment of the building's significance. Currently the rear and side of the listed building can be seen across the fields from the bridge over the Lilk in The Street, again emphasising its rural position. These views would be obscured by the new development, and development on the southern part of the application site, which is on higher ground, will dominate the views from this point, cutting off the uninterrupted rural views in this direction.*
- 17.04 *Cross Keys Cottage would not be so directly affected, but would nevertheless lose some of its rural outlook over the application site.*
- 17.05 *The site touches the boundary of the Bearsted (Holy Cross) Conservation Area at its south western tip. Although no development is proposed at this part of the site, an important part of the character of the conservation area is the feeling that it is at the edge of development with open countryside beyond. This would be compromised to some extent by development as proposed which would effectively join together the historically separate settlements of Bearsted and Sutton Street. The approved Conservation Area Appraisal and Management Plan for Bearsted identified this site*

as having potential for further study with a view to possible designation as an extension to the conservation area.

- 17.06 *The western part of the site is occupied by important archaeological remains associated with the moated site of the Medieval Mott Hall and the possible associated fishponds and dams. Although not a Scheduled Ancient Monument I consider that these remains constitute a non-designated heritage asset. Whilst I accept the benefits of the proposal in relation to the better management and interpretation of the moated site itself, the impacts on its setting and in particular of the setting of the pond and dam (which are the most visible elements) by the construction of a new bridge carrying the major access to the development across the area of the dam and by development of houses on the adjacent fields will be severe in my view and remove the monuments from their historic landscape context.*
- 17.07 *Whilst generally the house designs proposed are reasonably acceptable, I do have concerns at the introduction of “fake” elements such as the oast house and “converted barn” which, in close proximity to the listed Sutton House would give a false impression of a farmstead associated with that building where historically none existed. I also have concerns at the housing layout which generally is less spaciouly arranged than surrounding development.*
- 17.08 *For all of these reasons I have strong heritage objections to these proposals.*

Recommendation

- *I OBJECT to this application on heritage grounds for reasons as detailed above’.*
- 17.09 Amended drawings were received removing the fake oast house from the proposal and reducing the height of the barn style property located at the rear of Sutton House. The conservation officer made the following comments in response to the amendments.
- 17.10 *‘Whilst the revised designs may be considered an improvement they do not overcome my fundamental objections to development of this site’.*
- 18.0 MBC Parks and Open Space:** No objections.
The level of public open space provided on site would be in accordance with council guidance.
- 19.0 MBC Landscape:** No objections
- 19.01 *‘Raise no objection to the content of the landscaping proposals and tree removals proposed on the ‘main’ part of the site, where the new development is proposed. I note that the submitted tree report also includes details of some tree works to retained trees which I also raise no objection to.*
- 19.02 *The tree protection proposals are also acceptable. However, there appears to be some minor RPA conflicts, particularly in the vicinity of T21 and T21 on the tree survey – this should be addressed by a condition requiring an arboricultural method statement to demonstrate how tree root damage will be avoided.*
- 19.03 *The main part of the proposal is therefore generally acceptable on arboricultural and landscape grounds. However, it lacks any detail on the proposed management of the remainder of the site, particularly the woodland and wetland areas. These areas should also be protected from damage during construction, to prevent damage to soil structure from machinery movements and to prevent it being used for storage of*

materials, machinery, soil, spoil etc. and to prevent accidental contamination of the soil or watercourse. There may also be opportunity for additional planting on the northern boundary, to strengthen the visual separation of the site from the first stretch of Cross Keys, but this will depend on the management objectives for this part of the site’.

20.0 MBC Environmental Health: No objections.

‘The report recommends an intrusive investigation. No objections based upon land contamination subject to conditions’

21.0 Natural England: No objections

21.01 *‘Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England’.*

22.0 Kent Wildlife: *‘No objection to the grant of permission subject to planning conditions and/or planning agreements to secure the following:*

- Implementation of the enhancement proposals described by the applicant and as may be required by KCC biodiversity officers.*
- A requirement to complete, for approval, a detailed management and ecological monitoring regime designed to continue the biodiversity enrichment of the site in the long term.*
- Funding arrangements to secure implementation of the management and monitoring regime’.*

23.0 Kent Police: No objections subject to conditions. The applicant/agent has registered for Secured By Design (SBD) full accreditation Parts 1,2and3

24.0 Southern Water: Advise there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. Southern Water advise that additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location. Informatives and conditions recommended.

25.0 UK Power Networks: No objections

26.0 KCC Director of Planning and Environment ‘Objects to the application for the following (summarised) reasons:

26.01 *‘KCC recommends that Maidstone Borough Council **refuse** planning permission for this application for the following reasons:*

1. The proposed development is likely to have a significant landscape impacts, resulting from incursion of development into the open countryside and loss of character of a ‘Special Landscape Area’ as noted in the saved policies of the Maidstone Local Plan.

It is clear that, in assessing all previous applications, the impact on landscape and incursion of development into the countryside have been key issues of concern. The Borough Council have consistently maintained a logical objection to such development and this position has been supported (twice) by the Planning Inspectorate at appeal.

2. The site has significant issues relating to drainage and flooding – with the land located in the flood plain and proportion of the site being identified as within Flood Zone 3 according to the mapping carried out by the Environment Agency.

Given the abovementioned significant concerns relating to landscape/rural character, incursion into the open countryside and the impact on an identified Special Landscape Area, as well as the key matters relating to the flooding of the site, it is the view of KCC that refusal of the application outright on these concerns is the only appropriate course of action’.

27.0 CPRE: Raise concerns regarding flood risk and have provide an assessment of the applicants FRA by Mr Graham Warren MSc, DIC, FGS, MICE, C.GEOL, C.ENG (Retd.), formerly of the Environment Agency who raises concern regarding the use of SUDS at the site.

28.0 Amended Plans:

28.01 Amended plans were received on 11.02.2015. The amended plans related to the omission of the oast style house and replacement with an alternative design, and the reduction in height of the barn style property (Plots 24 and 25). The amended plans also changed Plot 1 and 2 to a single attached garage each, two single garages serving Plot 22 and 23 and the altered position of the garage on Plot 25. The following amended plans were received and sent out to re-consultation:

500/RP/070A, 500/RP/027A, 500/RP/002 I REVA, 500/RP/047 REVA,
500/RP/026-C, 500/RP/052 Rev A; dated February 2015

29.0 APPRAISAL

29.01 Principle of Development

29.02 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:

29.03 *“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.”*

29.04 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.

- 29.05 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.

Paragraph 47 of the NPPF states that Councils should;

- 29.06 *"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;"*
- 29.07 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.
- 29.08 At April 2014, the Council has a 2.1 year supply of housing assessed against the revised objectively assessed need figure of 18,600. The Council is unable to demonstrate a 5 year supply of housing land.
- 29.09 This lack of a 5 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 5 year supply cannot be demonstrated. The presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.
- 29.10 In respect of the circumstances of the specifics of this case, the proposal site is located on the edge of the urban boundary of Maidstone to the east of Bearsted, in reasonable proximity to a range of key services available in the village as well as good public transport links via Bearsted train station and bus routes into Maidstone town centre.

- 29.11 The draft Local Plan states the town of Maidstone cannot accommodate all of the growth that is required on existing urban sites, and the most sustainable locations for additional planned development are at the edge of the urban area of Maidstone. The Maidstone urban boundary ends at Cross Keys to the west of the site and The Street / Mallings Drive housing development located to the north of the site. The application site is therefore located directly adjacent the edge of the urban area of Maidstone and is considered to represent a sustainable location in accordance with the draft Local Plan.
- 29.12 In this context, it is considered that the location of the site is sustainable in the terms of the NPPF as it is located on the edge of the defined urban area. The application site is located some 800m from Bearsted train station with frequent services to Maidstone, London and Ashford. Bearsted Green is located some 500m distance from the site with a range of services on the edge of the green including pubs, restaurants, a convenience store, butchers, delicatessen and a computer shop. All of these facilities can be accessed by foot from the application site along lit pedestrian pavements. The nearest bus stop is located adjacent the site on The Street which operates the no.19 bus into Maidstone, offering an hourly service in the morning and evening and a more limited service in between. The frequency of the service is not considered to reduce the sustainable location of the site due to the proximity of Bearsted station and the fast connection times and frequency of the train services. Also, Roseacre Junior school is located approximately 1.6km distance from the application site, with Madginford Park Infant School some 3.2km and St Johns C Of E Primary School some 3.7km distance from the application site. Additionally the centre of Maidstone lies just over 5km by road to the east with its extensive range of shops, services and businesses.
- 29.13 The Council is not in a position to demonstrate a five year housing land supply, and as such normal restraints on volume residential development in the open countryside do not currently apply as the adopted Local Plan is considered out of date. In such circumstances the NPPF advises that when planning for development through the Local Plan process and the determination of planning applications, the focus should be on sustainable development. The development of this site is therefore in accord with the objectives of the NPPF being located directly adjacent to the edge of the urban area of Maidstone and in a sustainable location.
- 29.14 Furthermore, the bringing forward of development on this sustainable would contribute towards the provision of housing and therefore help in meeting the shortfall in housing supply. This also represents a strong material consideration in favour of the development.
- 29.15 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 and local planning policy as set out in the emerging Local Plan, acceptable in the circumstances of this case. In the circumstances of this case, the key planning issues are considered to be visual impact, heritage, design, density of the development (including whether the site can suitably accommodate 50 dwellings), residential amenity, flood risk, access/highway safety and ecology.

30.0 Flooding

- 30.1 A majority of the objections to the proposal relate to flood risk and past flooding on the application site and surrounding area.
- 30.02 It is evident from recent and historic photos that sections of the application site have experienced flooding in the past. Evidence has also been provided which

demonstrates that flooding also occurs in the locality, in particular at the bottom of Water Lane and to the north of the site on The Street / Roundwell where standing water has been recorded in the road.

- 30.03 Environment Agency (EA) Flood Risk Maps indicates that the site is partially located in Flood Zone 3 and 2 along the corridor of The Lilk and the flatter wetland areas in the western sections of the site. The higher ground in the eastern section of the application site is designated as Flood Zone 1. The site is not identified by the EA as having a critical drainage problem.
- 30.04 The EA Flood Risk Maps indicate that some of the proposed development (Plots 29, 30 and 40-43) would be located in Flood Zone 3 with the remaining development located in Flood Zone 1. However, the EA advise that their flood zones have only been derived using generalised JFlow modelling method and are therefore not fully representative of the Flood Zones in this area. The EA advise that a more detailed flood modelling assessment of the Lilk stream and the site would be appropriate to support development in this section of the site. The more detailed modelling would be used to provide a more reliable estimate of flood levels under the 100 year flow condition.
- 30.05 The application is supported by a Flood Risk Assessment by CTP and detailed site specific flooding modelling has been completed by Herrington Consulting Limited with the results of the flood modelling contained in Outline Numerical Flood Model Report by Herrington.
- 30.06 The flood modelling by Herrington includes allowance for climate change, the impact from hydraulic control structures and the impact of pluvial and fluvial sources. The modelling results indicate that the lower section of the housing development (Plots 29, 30 and 40-43) would be located approximately 0.5m above the maximum flood level and therefore outside 1 in 100 year event (with allowance for 100 years of climate change) and therefore outside Flood Zone 2 and 3. The modelling method and results have been endorsed by the Environment Agency.
- 30.07 The NPPF requires that Local Authorities should apply a sequential test to ensure that development is located in areas least at risk from flooding. The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (Flood Zone 2 and 3 or land within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency), but where development is necessary, making it safe without increasing flood risk elsewhere. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.
- 30.08 If, following application of the Sequential Test, it is not possible for the development to be located in zones with a lower probability of flooding the Exception Test can be applied if appropriate.
- 30.09 Table 1 of the NPPF sets out the definition of the flood zones.

Flood Zone	Definition
Zone 1 Low Probability	Land having a less than 1 in 1,000 annual probability of river or sea flooding.

	(Shown as 'clear' on the Flood Map – all land outside Zones 2 and 3)
Zone 2 Medium Probability	Land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding; or Land having between a 1 in 200 and 1 in 1,000 annual probability of sea flooding. (Land shown in light blue on the Flood Map)
Zone 3a High Probability	Land having a 1 in 100 or greater annual probability of river flooding; or Land having a 1 in 200 or greater annual probability of sea flooding. (Land shown in dark blue on the Flood Map)
Zone 3b The Functional Floodplain	This zone comprises land where water has to flow or be stored in times of flood. Local planning authorities should identify in their Strategic Flood Risk Assessments areas of functional floodplain and its boundaries accordingly, in agreement with the Environment Agency. (Not separately distinguished from Zone 3a on the Flood Map)

- 30.10 The application site crosses Flood Zone 1, 2 and 3 and when applying the Sequential Test for this development and the site as a whole, the proposed housing would be wholly located in Flood Zone 1 (as indicated by the Herrington flood modelling). As stated in the above table Zone 1 land represents a low risk of flooding and relates to all land outside Zones 2 and 3. It is therefore considered that the applicant has sufficiently applied the Sequential Test in this instance as the proposed housing would be wholly located in Flood Zone 1 as indicated in the Herrington flood model.
- 30.11 The proposed vehicle access and bridge would cut across the Flood Zones 3, however, the bridge would be constructed using piling and bridge struts which would significantly reduce the built footprint which would come into contact with the Flood Zone / ground. Further, the vehicle access would be constructed a minimum of 300mm above 39.20mAOD which would provide clearance over the 1 in 100 year flood level, ensuring safe access and egress to the site. Further, the bridge would be set 1m above this flood level at its lowest point.
- 30.12 As stated above the proposed houses would all be located in Flood Zone 1 in accordance with the NPPF. In addition, the FRA advises that the minimum internal floor levels for the proposed dwellings would preclude risk to flooding and the minimum internal floor levels throughout the site would provide a minimum freeboard of 750mm above the 1 in 100 year flood level including allowance for climate change.
- 30.13 The Environment Agency have engaged with the applicants flood consultants during pre-application discussions and during the call for sites allocation and have raised no

objections to the application based on the evidence submitted within the FRA and Herrington flood model report.

- 30.14 A number of the objections received in relation to flooding have raised concerns that the development of this site would result in increased flooding in the locality, particularly with regard to the use of SUDs. Concerns have been raised with respect to the timing of the Subsoil Investigations which were completed in June, a typically drier month of the year.
- 30.15 In this regard the FRA by CTP indicates that further groundwater monitoring and further soakage tests are to be carried out prior to the detailed design of the drainage systems to confirm areas of the site where infiltration techniques are suitable. In areas where infiltration methods are not found to be suitable other SUDs components would be considered. The Environment Agency have requested several conditions (as set out above) to ensure that the development does not commence until suitable methods of surface water drainage have been submitted to and approved in writing by the council. The discharge of these conditions would be subject to consultation with the Environment Agency. If SUDs infiltration techniques are not found to be acceptable in certain areas of the site the FRA Note by CTP (A2164/January 2015) advises that an alternative SUDs drainage strategy would be adopted which would include storing surface water in, inter alia, cellular storage tanks and tiered sub-base storage, before it is discharged to the Lilk stream at a controlled discharge rate of 5 litres per second.
- 30.16 Southern Water advises that there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system and have advised that additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. In this regard the applicants flood reports indicate that the surface water would not be directed into the existing sewer network and any improvements to the existing sewerage system can be addressed by way of condition as requested by Southern Water.
- 30.17 As regard to consultee comments from Southern Water and their request for improvements down-stream of the site to accommodate the additional foul sewerage generated by the development, Southern Water have recommended 3 possible options to upgrade the sewer network. The applicant has contacted Southern Water and has confirmed that option 1 would be utilised and would be agreed with Southern Water via a legal agreement.
- 30.18 The FRA modelling has sufficiently demonstrated that the proposed development of the site would not exacerbate flooding within the site or in the surrounding area, as agreed by the Environment Agency. Additionally, the proposal also includes a number of betterment techniques aimed at reducing the level flooding in Flood Zones 2 and 3 of the application site and also on the land immediately adjacent the site in the road on Roundwell / The Street which is known to flood.
- 30.19 The following flood mitigation methods are proposed in the Herrington Flood report:
- Removal of the over ground foul sewer that currently dissects the site improving surface water drainage in these areas.
 - Removal of the brick arch culvert to the south of The Street thus improving the flow of water and reducing the likelihood of the culvert blocking and overflowing.

- Removal of silt and debris from The Lilk and culverts thus increasing the conveyance of the channel.
- Improvements to the culvert under the entrance near Sutton House. Replacement of the existing culvert and overly with an increase cross sectional area thus increasing the conveyance of the channel.
- Incorporation of a wetland area in the western section of the site providing compensatory flood storage. A number of flood ponds would be excavated in this area for increased flood storage.
- Incorporation of reed bed system to provide natural filtration to assist in removing hydrocarbons from the water course.
- Inclusion of two drainage ditches running parallel to The Street to link up with the existing drainage system on the road to capture surface water run-off from the existing highway.

30.20 Overall the proposed mitigation measures are considered acceptable and are predicted to achieve an improvement over the existing situation which sees the public highway and footpath in The Street / Roundwell flooded in events of heavy rain. The Environment Agency have raised no objections in relation to increased flood risk subject to a number of conditions and have stated:

30.21 *'We find the model done by Herrington to be comprehensive, considering both the impacts of design fluvial and surface water impacts from the whole catchment. There is a margin of safety too as the model does not take into account beneficial impacts from SUDS'.*

30.22 The EA flood engineer has also confirmed the development proposes significant improvements to the site (new wetland habitat, improvements to culverts, additional land drain) which will significantly improve flood risk (surface water and fluvial) for existing properties, and the new development will not increase risk overall.

31.0 Education

31.01 KCC Economic Development department provided consultation response in a letter dated 19 November 2014, confirming KCC would seek to mitigate the impact of the proposed development via suitable contributions. Further correspondence from KCC Economic Development proposes a change to the Primary School that would receive contributions sought through the development.

31.02 Paul Crick Director of KCC Environment, Planning and Enforcement wrote to the council in a letter dated 5 February 2015 setting out objections on education grounds from the KCC Education Planning & Access (EPA) department. A further letter from Paul Crick dated 31 March reiterates the objections to the development on education grounds. Mr Crick's letter raises objections to the application due to the impact on local primary school places which he considers are not able to accommodate the forecast additional children. The proposal would give rise to 13 additional primary school children and KCC Education attest the impact of the development would be detrimental to sustainable local Education provision as the 13 additional children may not be able to access the schools most local to the application site.

31.03 The proposed development may result in unsustainable local education provision with children not being afforded access to the most local schools, however, in this instance the development would give rise to an additional 13 primary school children only and refusal on of the application on these grounds is not considered to be wholly sustainable.

- 31.04 Primary Schools within the immediate vicinity of Crosskeys and Barty Farm (site allocation H1(17)) include Madginford Park (approx. 1.6 miles away), Thurnham COFE Infants (approx 1 mile away), St Johns COFE Primary (2.9 miles) and Roseacre Junior School (approx 1 mile away). At present all of these schools are full.
- 31.05 However, the KCC Commissioning Plan for Education Provision in KENT, 2015 – 2019 indicates that planning groups in Maidstone should not be reviewed in isolation and that the overall school capacity within the Maidstone Urban area should be considered when assessing proposed housing developments and the impact of the development would be detrimental to sustainable local education provision.
- 31.06 In their correspondence KCC Economic Development advise that the school site contribution 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.*
- 31.07 *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'.*
- 31.08 KCC is currently in the process of obtaining permission and building a new 2 form entry school at Langley Park (420 spaces) and has plans for a new primary school at Hermitage Lane (up to 420 spaces) creating a total of up to 840 additional school spaces in the borough. KCC also intends to commission up to 2.1 forms of entry at existing schools in the RSCs (approx. 440 spaces) and a form of entry expansion in Headcorn/Sutton Valance (210 spaces). KCC are therefore seeking to significantly increase the capacity of primary school provision in the borough.
- 31.09 Whilst KCC do not propose to increase the size of the primary schools closest to the site, by building new schools at Langley Park and Hermitage Lane KCC anticipate that adding additional provision within these strategic sites will add capacity to the Maidstone urban area as a whole. With the opening of Langley Park KCC anticipate that there will be a realignment of pupils' school choices freeing up space at schools in the Maidstone urban area.
- 31.10 Additionally, it is noted that KCC has not objected to similar development within the borough. KCC Education did not object to a similar site at Land to the rear of Milton Street and Hartnup Street, Milton which is approx. 5.1 miles drive away from Langley Park and gives rise to 5 additional primary pupil places. KCC Stated in their response to this application: *"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"* KCC did not object to this development on the grounds of distance from primary education.
- 31.11 It is acknowledge that the development would result in some harm to sustainable education provision, however, given the proposed development only give rise to an additional 13 primary school children the level of harm is not considered to warrant a sustainable reason for refusal and is outweighed by the public benefits of the

development including an additional 50 residential units, 20 of which would be affordable. In addition, KCC confirm they will commission additional pupil places required to mitigate the forecast impact of new residential development on local education infrastructure. It is considered that the provision of new / expanded schools within the borough would free up space in the Maidstone urban area, as anticipated by KCC. Further, pupils entering primary school at age 4/5 will have their applications assessed using KCC's over subscription criteria, i.e the distance from school or sibling rule. With extra school capacity coming up at Langley Park pupils arising from these new sites in Bearsted are more likely to be offered a school place at Bearsted or other closer local schools as opposed to children living further away in Parkwood/Shepway who will be able to be accommodated where the new capacity is at Langley Park.

32.0 Visual Impact

- 32.01 With the exception of the two Cross Keys garage sites the application site is located on the edge of the urban boundary in the open countryside and within a Special Landscape Area. Saved policy ENV34 of the adopted Maidstone Borough-Wide Local Plan (2000) advises particular attention will be given to the protection and conservation of the scenic quality and distinctive character of these areas and priority will be given to the landscape over other planning considerations.
- 32.02 The majority of the site is a greenfield site and its development for residential development would clearly have an impact visually on the site. It is important to assess the impact with regard to the coverage of the development proposed.
- 32.03 The proposed residential development is comprised of detached and terrace single storey and two storey residential dwellings with associated garages, parking and access roads. Approximately half the site would remain undeveloped and preserved as woodland and ecology park.
- 32.04 The application site is boarded by other residential properties on three sides, (north, east and west) with the urban boundary of Maidstone located along the northern and eastern boundaries of the site. The area to the east of the site also comprises residential properties. These properties front the west side of Sutton Street with their rear gardens generally backing onto the application site. The western side of Sutton Street is characterised by a fairly close knit line of residential properties stretching from the junction with Roundwell down to a property known as The Barn Roundwell, with more sporadic residential development further south. The proposed development would therefore be seen in the context of the immediate neighbouring residential development and would not appear out of character in this setting given the built up nature along the boundaries of the site.
- 32.05 There are several short range public vantage points from which the site can be seen, in particular from The Street / Roundwell located to the north of the site where there is limited boundary treatment and the proposed development would be clearly visible. The site would also be visible from the northern parts of Cross Keys and also from Sutton Street, where Plot 25 would be visible between Sutton House and The Barn Roundwell. Partial views would also be afforded between the gaps in the houses along Sutton Street. Additionally, Partial views would also be afforded from Mallings Drive between gaps in the houses and the bottom of Water Lane. Views into the east of the site from the public footpath running from Sutton Street to the Bearsted Woodland Trust site would be largely screened by the hedgerow along the edge of the footpath. The south western boundary of the site would be largely screened from view by the topography of the site including woodland area located around Mott Hall. Short range views of the proposed development would be afford from these

locations and there would be a considerable change in the character, especially from the short range views immediately adjacent the site, that would clearly have a visual impact.

- 32.06 However, short range views are to be expected when developing a greenfield site for housing and in certain circumstances may generally be considered acceptable. In this instance it is considered that the proposed development would be seen in the context of the built development located to the north, east and west of the site, and in my view, would constitute visually acceptable infill development, located between the urban boundary of Maidstone at Cross Keys, The Street and Mallings Drive and the fairly close knit row of residential properties located on the western edge of Sutton Street. The proposed development would therefore be seen against the backdrop of other built development immediately surrounding it on three sides. In addition, the proposed development would be lower in height and more subordinate than the properties fronting onto Sutton Street and the development would not appear overly prominent in the Sutton Street streetscape as a result.
- 32.07 Limited medium range views of the proposed development would be afforded from the south of the site along the A20 and the public footpath that approaches Gore Cottage and from the Bearsted Woodland Trust site. The site would not be significantly visible from views from the North Downs as demonstrated by the applicant's long range impact assessment. The lower lying application site and considerable vegetation screening would ensure that the proposed development does not appear adversely prominent from North Downs. The location of existing built development on three sides of the application site would also serve to limited the visual impact of the development from any possible long range views as the housing development would be viewed in the setting of the neighbouring residential development.
- 32.08 Taking all of the above into consideration the visual impact of the development would be acceptable. Whilst it would change the character of the site, there would not be any significant wider visual harm that would be harmful to the character and appearance of the area, in particular from long range views from the North Downs. I consider that the general principle of development of this site to be acceptable in relation to the visual change to the site and the development of this site represents an extension to the urban boundary and would also partially constitute infill development being located between residential properties on three sides.
- 32.09 In addition to this, the NPPF attaches less weight to the protection of locally designated landscapes such as the Special Landscape Area which is applicable in this case.

33.0 Heritage Impact

- 33.01 The council conservation officer has objected to the development of the application site due to the impact on the setting of a number of listed buildings located close to the site. The conservation officer advises that those most affect would be '*Gore Cottage, Sutton House and barn in Sutton Street and to a lesser extent Cross Keys Cottage*'.
- 33.02 The proposed development would inevitably have a visual impact on the setting of the nearby listed buildings however it is necessary to assess whether the impact is of significant harm to warrant refusal of the planning application.
- 33.03 Gore Cottage is located to the south of the site in an largely rural setting, however, I am of the view that the lower lying development site and separation distance

between Gore Cottage and proposed housing development would ensure that the setting of this grade II listed building is not unacceptably harmed. In addition, holiday lets and other outbuildings located within the curtilage of Gore Cottage would partially screen the proposed development from the grade II listed building. It is also noted that the rural setting of Gore Cottage would remain unaltered on the east, south and west therefore I am of the view that its isolated setting would remain largely intact especially from key vantage points.

- 33.04 Sutton House is located at the southern end of the Sutton Street at the end of a fairly close knit line of houses located on the western side of Sutton Street. A further residential property is located to the south of Sutton House. The existing built development to the north and south of Sutton House are considered to detract from its original rural setting. The proposed development would undoubtedly have an impact on the setting of the Sutton House and Plot 25 would be viewed in the same setting as Sutton House from public vantage points on Sutton Street. However, the application site, in my view, is not considered wholly rural in nature, given the proximity to the Maidstone urban boundary and existing residential development situated on three sides of the site. At present Sutton House is not located in a wholly rural setting due to the surrounding built development and the principle elevation of Sutton House would still be afforded a rural / open outlook in a south eastern direction across Sutton Street. Further, following initial comments from the council conservation officer, the house on Plot 25 has been reduced in height so as to be lower, and more subservient, than Sutton House. It is also noted that historic aerial photos indicated that there once was an outbuilding / barn located at the rear of Sutton House in a similar position to the proposed house on Plot 25. I am therefore of the opinion that the proposed layout and design of the buildings in proximity to Sutton House have been designed so as to have regard to the setting of this grade II listed building.
- 33.05 The conservation officer states that 'Cross Keys Cottage would not be so directly affected, but would nevertheless lose some of its rural outlook over the application site' however this is not considered to be significant given the separation distance from the application and should not restrict the development of the site.
- 33.06 The council's conservation officer also advises that the development of this site would harm the setting of the Bearsted (Holy Cross) Conservation Area which is located at its south western tip. However, as the conservation officer states there is no development proposed at this part of the site, therefore, I am of the view the visual separation between the proposed built development and the conservation area, together with the tree screening, would be successfully maintained and, the proposal would not unacceptably harm the character or setting of the conservation area as a result.
- 33.07 The conservation officers views regarding the Medieval Mott Hall, pond and dam are noted however they are contradictory to the advice provided by the County Archaeological Officer which has been sought throughout the pre-application stages of the proposal. The advise of the County Archaeological Officer has steered the relocation of the vehicle access bridge to the current proposed position and has appraised the pedestrian footpath and historic information panels proposed throughout the site.
- 33.08 The proposed development would undoubtedly have a visual impact on the setting of the nearby grade II listed buildings and archaeological features within the site, however, in my view the level of harm would be less than substantial, therefore this

needs to be weighed against any public benefit arising from the proposals in accordance with the tests set out in the NPPF.

- 33.09 In this instance it is therefore considered that the significant public benefits arising from the additional houses would, in my view, outweigh the limited harm to the setting of the conservation area, archaeological remains and grade II listed buildings and should not prohibit the development of the site.

34.0 Design and layout

- 34.01 In terms of the acceptability of the layout, this has been the subject of discussion between the applicant, case officers and Kent Design Panel at the pre-application stage in order to achieve the most effective outcome.
- 34.02 The number of units and density is considered appropriate for the semi-rural edge of urban boundary location and the retention of the eastern sections of the site would ensure a sense of openness to the site and allow a better provision of open space on the site, which would also serve to reduce the impact on the open countryside and improve the sustainability of the development. A lower density scheme has been led by a need to located the development outside Flood Zones 2 and 3, reduce the impact on the setting of the conservation area and listed buildings and improve the suitability of the development.
- 34.03 The Design and Access Statement considers existing styles of development in the surrounding area and the materials used. The development has been designed to fit into its surroundings through the use of vernacular materials and styles including facing brick, hanging tiles and weatherboarding, clay and slate roof tiles. 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 finishes.
- 34.04 Throughout the site dwellings generally front the internal roads and turn corners where appropriate. The main entry into the site over the bridge is a requirement dictated by the wetland area and the position of this main access and bridge has been approved and dictated by County Archaeologists and Highways officers. The design of the bridge is considered acceptable subject to a high standard of materials which can be sought via condition.
- 34.05 The proposed buildings are considered to be individually of a high design standard and the use a simple palette of materials would ensure a uniform identity throughout. The palette of materials, form and design of the houses is considered appropriate for this edge of town setting and would respect the surrounding local vernacular. The council conservation officer and Kent Design Panel have endorsed the overall design of the houses. In addition, the fake oast house has been replaced by an arts and crafts style property and aerial historic photographic evidence of a barn / outbuilding previously located at the rear of Sutton House, in broadly the same location as the barn style property proposed on Plot 25, has sought to address the conservation officer's objections to these elements of the proposal.
- 34.06 No objections are raised to the demolition of the existing garage blocks on Cross Keys as these developments are considered to have a visually harmful impact on the character of the area. The proposed new dwellings located on Cross Keys would be a visual improvement on the existing garages and would enhance the character of Cross Keys streetscene. The two rows of terraces properties proposed on Cross Keys would be of a high design standard and would not appear incongruous in this predominantly residential setting. The replacement garages in the southern section

of Cross Keys would represent a visual improvement in comparison to the existing garages which are in a dilapidated state.

- 34.07 All of the proposed units would provide a good level of private amenity space, including the affordable units, and the low density scheme would create a sense of spaciousness, allowing dwellings to be set well back from the site boundaries. Significant landscaping is proposed throughout the site and on the boundaries (no close boarded fencing is proposed), all of which are considered appropriate and sympathetic to this location on the periphery of the urban area. All units would benefit from off-street parking in the form of garages and allocated parking spaces which have been sited and designed in order to limit the level of hard surfacing. Porous hard surfaces would be used throughout the site.
- 34.08 There is good connectivity within and through the site. The site would be permeable to pedestrians via new footpaths linking up The Street / Roundwell and Sutton Street to the Bearsted Woodland Trust parkland located to the south of the site. The introduction of a new public footpath along The Lilk and Mott Hall have been endorsed by the County PROW officers and Archaeological officers and would open this previously private area to the public with information boards highlighting the history of the area located at three different points within the site.
- 34.09 The boundary treatment throughout the site will be essential to achieving a good scheme, in particular the southern end of the site adjacent the open countryside which will require an appropriate mix of indigenous landscaping and, the northern boundary adjacent to the road which would need to remain largely open to preserve the character of the road. A comprehensive landscaping scheme would be sought via condition.

35.0 Residential Amenity

- 35.01 A number of objections have been received relating to loss of amenity including loss of privacy and loss of outlook.
- 35.02 The neighbouring residential development located on Cross Keys would be separated from the proposed development by the width of the public highway therefore no objections are raised with regard to loss of amenity to these properties.
- 35.03 The residential properties located on the south side of Roundwell and the west side of Sutton Road would abut the application site and would be located in closest proximity to the proposed development site with rear gardens backing onto the site.
- 35.04 Whilst the outlook from some of these properties would undoubtedly change as a result of the proposed development, overall it is considered that there would be sufficient separation distances between the new houses and the existing neighbouring properties and, the proposed development is considered not to result in an unreasonable loss of amenity in terms of loss of light, outlook or privacy.
- 35.05 A majority of the properties fronting onto Sutton Street benefit from long rear gardens which back onto the application site, and the proposed built development would be set away from the boundaries of the site which in most case would allow sufficient separation distances of more than 20m between the proposed and existing houses.
- 35.06 Roundwell Cottage is located in closer proximity to the application site. The property proposed on Plot 43 would be located some 20m distance from the rear / side elevation of Roundwell Cottage to ensure no unreasonable loss of amenity would occur. The house on Plot 42 would be located just under 20m distance from the

side / rear of Roundwell Cottage, however, the orientation between the two properties would ensure that only oblique views are afforded between the houses. The rear / private amenity space at Roundwell Cottage is located on the northern side of the house adjacent to the road and would not be overlooked by the proposed development as a result. The garages for Plots 42 and 43 would be located in closer proximity to the boundary of Roundwell Cottage, however, the garage building would be single storey, set at a lower ground level, screened by existing and proposed boundary treatment and located adjacent the drive / parking area of The Cottage. I am therefore of the opinion that this garage building would not result in an unreasonable loss of amenity in terms of outlook or loss of light.

- 35.07 Plot 25 would not be located directly behind any neighbouring residential properties fronting onto Sutton Street therefore limiting the visual impact of this building and, only oblique views would be afforded between habitable windows due to the orientation of this property.
- 35.08 The house proposed on Plot 26 would be located some 18m from the main rear elevation of The Barn Roundwell. This separation distance coupled by the existing and proposed boundary screening is considered sufficient to ensure that no unreasonable loss of amenity would occur.
- 35.09 Residential properties proposed within the southern most section of the site would be located a sufficient distance from Gore Cottage so as not to result in any unacceptable loss of amenity and would be partially screened by the outbuilding and the holiday let building located in the grounds of Gore Cottage. The holiday let building in the curtilage of Gore Cottage is a single storey structure with no openings facing towards to the application site.
- 35.10 Overall, it is considered that the proposed development, by virtue of the siting, design, ground levels, boundary screening and distances from neighbouring properties, would not result in any unreasonable loss of residential amenity in terms of loss of light, outlook or privacy.

36.0 Transport

- 36.01 Concern has been raised with regard to the impact on the existing road network. Existing residents are concerned that the proposal will increase traffic congestion on the local road network. Accompanying the application was a full Transport Assessment. Detailed comments from Kent Highways have been provided and no objections are being raised in relation to the increased traffic generation, highways safety and parking provision which are in accordance with KCC Highways guidelines.
- 36.02 A new vehicle access would be provided into the site via Cross Keys. Cross Keys would be widened to allow nine cars to park off the carriageway which would enable sufficient swept paths into the new access, by removing parked cars from Cross Street. Swept path diagrams, which have been approved by KCC Highways, have been provided indicating that refuse vehicles can turn into the site from Cross Keys.
- 36.03 The application was submitted with an accompanying transport assessment by CTP which includes a Manual Classified Turning Count (MCT) survey at the junction of Cross Keys and The Street, a Proposed Traffic Generation survey in accordance with the TRICS database in accordance with KCC guidance, and a junction analysis utilising PICADY.
- 36.04 TRICS has been used to estimate the traffic generated by the development and this indicates that there is likely to be 14 arrivals and 31 departures during the AM peak

and 35 arrivals and 25 departures during the PM peak. The number of trips generated is not considered to be a significant increase in this location and is considered not to result in an unacceptable highways impact onto Cross Keys or The Street / Roundwell.

- 36.05 A number of objections have been received regarding the date that the TRICS data was obtained. In this regard the transport assessment has factored the TRICS data using TEMPRO software to current day levels, a method which has been accepted by KCC Highways.
- 36.06 Cross Keys is a looped road however the Transport Statement predicts that 100% of the development traffic would utilise the junction between Cross Keys and The Street due to the proximity of this junction.
- 36.07 A capacity assessment of the junction at Cross Keys and The Street has been undertaken using PICADY to assess the impact of the development at this junction. Again the original data provided was dated therefore the transport assessor has utilised the TEMPRO software to predict the level of traffic at the beginning of 2015
- 36.08 The results indicate that the junction currently operates at a maximum 10% capacity at AM peak periods and a maximum 6% capacity in PM peak periods. Further analysis indicates that the proposed development is predicted to function at approximately 18% capacity in AM peak periods and 14% PM peak periods. These predicted figures are well below the capacity of the junction therefore it is considered that the existing junction at Cross Keys and The Street would be able to accommodate the proposed development and additional traffic.
- 36.09 Concerns initially raised with by Kent Highways have been overcome through discussions / amended details. Further, Kent Fire and Rescue Service have confirmed that the emergency access proposed via Sutton Street would be of a sufficient width.
- 36.10 Turning to the internal layout of the site, there is no objection to the siting and size of the parking bays, nor to the overall number of parking spaces provided which are in accordance with KCC parking standard guidance. Cycle parking storage would be secured via condition.

37.0 Affordable housing

- 37.01 The proposed scheme comprises the provision of 40% affordable housing which is in accordance with the councils Affordable Housing DPD. The applicants have been in pre-application consultation with the council housing department to agree the size and tenure split.
- 37.02 20 affordable units are proposed in total and would be distributed throughout the site so as not to form an over concentration of affordable units in accordance with the NPPF. The affordable units would be a high standard of design utilising the same palette of materials as the private housing on the site, including timber fenestration, tile hanging, weatherboard and clay and slate tiles. The affordable housing would also be completed to Code Level 4 which is above policy requirement.
- 37.03 A number of objections have referred to the off-site location of the seven of the affordable units which would be located on Cross Keys, stating that these would not be in accordance with policy as they are located within the urban area, not the open countryside.

37.04 In this instance all the proposed affordable housing (20 units) would be accommodated within the defined red boundary of the application site and therefore constitute on-site provision in accordance with policy. Additionally, council housing advises that the proposal is actually generating an additional 3 affordable units of which would normally be required for a policy compliant scheme. It should also be noted that had the garage site on Cross Keys been developed independently the number of units proposed would not have triggered a requirement for affordable houses. The mix and tenure of units has also been agreed by the councils housing department.

38.0 Landscaping

38.01 A comprehensive landscaping scheme has been proposed which would see a majority of the existing boundary trees and hedgerows retained with enhancements in a number of places through new tree and native hedgerow planting. The landscaping scheme has been endorsed by the councils Landscape officer and would be secured via appropriate conditions.

38.02 Few trees would be removed from the application site. The councils Arborist has not raised any objections to the removal of these trees subject to the additional tree planting proposed in the landscaping scheme. Protection of the trees located on the boundaries of the application site could be secured by a suitably worded condition.

39.0 Ecology

39.01 The site and adjacent land is not subject to any statutory nature conservation nature designations. The housing development would be located on the grassland fields of low ecological value, with the seasonally wetland area, adjacent grassland and woodland preserved and enhanced to be part of a habitat strategy to improve its nature conservation value.

39.02 A phase 1 ecological statement has been submitted. This reveals that there are no identified protected species on the development section of the site and overall no significant ecological constraints found on the sections of the site proposed for development.

39.03 Planning guidance states that in addition to mitigation, development should seek to enhance ecological interests. The application promotes ecological enhancement through the provision of open spaces, new tree planting and hedgerow planting in the development section of the site.

39.04 Other ecological enhancements proposed are as follows:

- Habitat creation and woodland management
- Clean up of The Lilk
- Enhancement of habitats for reptiles and bats
- Erection of bat boxes
- New reed bed and restoration of coppicing along the Lilk
- Retention of all arisings on site to create decaying timber and hibernacula
- Excavation of three ephemeral ponds

39.05 Natural England and KCC Ecology have raised no objections to the development of the site advising that no protected species would be affected.

39.06 The applicant has proposed that the woodland area and ecology park be handed to Maidstone Borough Council Parks and Leisure department for future ongoing

management. However, MBC Parks and Leisure department have advised they are not in a position to take on this site, or any other sites for future management, in immediate future. The developer would therefore retain the land and the terms surrounding the future management of the woodland and ecology park would be addressed in the S106 Agreement.

39.07 The applicant has been approached by the River Len group with respect to taking over the future management of the ecology park and woodland area.

39.08 Additionally, The applicant is making arrangements for the ecology park and woodland area to be designated as a Local Nature Reserve through Natural England and has advised that full details and official designation could, if necessary, be secured prior to the commencement by condition.

40.0 Other issues:

40.01 A number of objectors have highlighted a previous application on this site which was refused. In particular an application in 2011 (ref: 11/1909) for a single house which was refused due to loss of an open space between existing dwellings and sporadic development into the open countryside contrary to ENV28.

40.02 There is a requirement to assess the current application on its own merits. As set out above policy ENV28 is superseded by the NPPF and housing development in the open countryside is assessed, inter alia, in terms of its sustainability. Further, I see no strong comparison between the 2011 application and the current proposal as the 2011 scheme involved a single house which was classed as infill development being located between The Barn Roundwell and The Cottage with frontage onto Sutton Street.

40.03 A number of objections have been raised in relation to the demolition of the existing garage blocks on Cross Keys and the replacement new garages in less inconvenient location. There is no control over the demolition of the existing garages therefore the loss of existing off-street parking spaces cannot be taken into consideration. Additionally, 15 new garages are proposed and would be built to current parking standards and therefore able to accommodate a modern car. Visually the proposed garages would be represent an improvement over the existing block. The community benefit for a storeroom of the local youth football club is also acknowledged.

41.0 Heads of Terms

41.01 The consultees have requested a number of contributions to be secured through the application. It is important that any contributions that are secured through a Section 106 agreement would meet the requirements of the three tests of Regulation 122 of the CIL Regulations 2010 and paragraph 204 of the NPPF 2012.

These are set out below:-

- ☐ Necessary to make the development acceptable in planning terms;
- ☐ Directly related to the development; and
- ☐ Fairly and reasonably related in scale and kind to the development.

41.02 The NHS have requested £37,800 based on an average occupancy in relation to the size of the residential units towards improvements at the named surgeries of Bearsted Medical Practice and The Spires Surgery which are within 2 mile of the site. It is clear that the proposed development of 50 dwellings would result in additional

demand placed on the health facilities and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.

- 41.03 There are requests made by Kent County Council as the Local Education Authority towards primary school education contributions that amount to £2360.96 per applicable house. The monies would be put towards the enhancement of teaching space at South Borough Primary School. There will be a greater demand placed on schools within the borough from the occupants of the new 50 dwellings and information submitted by County shows that these are at capacity and as such the contribution is considered justified and appropriate.
- 41.04 In addition to a new primary school Kent County Council as the Local Education Authority require contributions towards secondary school at a cost of £2359.80 per applicable house and the monies would be put towards enhancement of teaching space at Maplesden Oaks School. There will be a greater demand placed on the local schools from the occupants of the new 50 dwellings and information submitted by County shows that these are at capacity and as such the contribution is considered justified and appropriate.
- 41.05 There is a request of £1589.00 towards the provision of staff and equipment for Maidstone Borough Youth services in the area. The contribution would go towards the Infozone Youth Hub for use and distribution locally. It is clear that the proposed development of 50 dwellings would result in additional demand placed on the youth facilities available in the area and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 41.06 There is a request from Kent County Council seeking £2400.79 towards Library services locally and additional bookstock for the new residents of this development alone to be supplied to Bearsted Library. It is clear that the proposed development of 50 dwellings would result in additional demand placed on the bookstock at Maidstone library and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 41.07 Contribution of £1400 sought for the purposes of improving the environment and furniture of Public Footpath KM75 and the legal dedication of the new footpath through the site.
- 41.08 The provision of 40% affordable residential units within the application site, 65% rental and 35% shared ownership.

42.0 CONCLUSION

- 42.01 The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development is at a sustainable location, immediately adjoins the existing urban boundary, and is not considered to result in significant planning harm. Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan.
- 42.02 Development at this site would extend the grain of development from the Maidstone urban boundary to the east and would infill the space between the urban area at Cross Keys and the line of residential development located along the western side of Sutton Street. Whilst the development would have an impact upon the setting of nearby listed buildings, I do not consider that this would be a significant impact to

resist development altogether. The site is on the boundary of the urban area in easy reach of a number of services and facilities located within Bearsted, including the Bearsted train station. The development of this site for residential purposes would represent an example sustainable of development and would conform to the aspirations of the NPPF.

42.03 Furthermore, the site, being on the edge of the urban area of Maidstone, would be in conformity with the Council's hierarchy of development which seeks to direct development to the urban area of Maidstone in the first instance followed urban fringe sites. Therefore, the development of this site for residential purposes would conform with the Council's approach to the location of development.

42.04 It is therefore considered that the development of the site for residential purposes is acceptable and it is recommended that subject to the completion of a section 106 agreement planning permission is granted.

43.0 RECOMMENDATION

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

- The provision of 40% affordable residential units within the application site, 65% rental and 35% shared ownership.
- Contribution of £37,800 to be sought from the NHS towards improvements to local surgeries.
- Contribution of £2360.96 per applicable house and towards primary education provision in Maidstone.
- Contribution of £2359.80 per applicable house towards secondary education provision in Maidstone.
- Contribution of £1589.00 sought to be used to address the demand from the development towards youth services locally.
- Contribution of £2400.79 sought to be used to address the demand from the development towards additional bookstock and services at local libraries serving the development.
- Contribution of £1400 to be provided to KCC for the purposes of improving the environment and furniture of Public Footpath KM75 to mitigate the impact of the development.
- Details of a long term management plan of the woodland and ecology park including; responsibility for management, funding, restriction of public access to certain areas and full habitat and ecology management details.

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the imposition of the conditions set out below:

44.0 CONDITIONS

(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.

(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.

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

(3) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (14_504795_FULL-FLOOD_RISK_ASSESSMENT, 12th November 2014). Specifically, the mitigation measures detailed within the FRA include:

1. Finished floor levels are set no lower than 39.95m above Ordnance Datum (AOD) (paragraph 4.7 FRA)
2. The minimum level of the access road bridge is set at 39.50mAOD (paragraph 4.9, FRA) and the lowest level of this bridge is greater than one metre above the 39.20m (paragraph 4.10)
3. Limiting the surface water run-off to the watercourse of 5 litres per second, generated by the 100 year critical storm (including climate change allowance), so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
4. Provision of compensatory flood storage (for the bridge piers) on the Lilk, as detailed in section 5 of the FRA and Appendix 12.0.
5. Confirmation of culvert construction and improvement works, detailed in paragraph 4.4 and drawing A2164-SK1500 in Appendix 12.0.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reasons:

1. To reduce the risk of property flooding to the proposed development and future occupants
2. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and ensure safe access and egress from and to the site.
3. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
4. To reduce the risk of flooding from blockages to the existing culvert (s).
5. To reduce the risk of flooding (from all sources) to the proposed development and existing road infrastructure and properties surrounding the site.

(4) No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 years critical storm (including climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. These details shall include:

- o The appropriate locations on the development site where infiltration techniques are appropriate. This will be informed by specific ground conditions (e.g. groundwater levels and infiltration rates) at each location where soakaways are proposed.
- o Where soakaways are not appropriate, sustainable surface water drainage systems will be designed and incorporated into the development, in line with the FRA, paragraph 6.13. Updated rainfall runoff calculations based upon the detailed design will be included with the surface drainage scheme.
- o Details of how the overall scheme shall be maintained and managed after completion

Reason: To prevent the increased risk of flooding, both on and off site.

(5) 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: There is always the potential for unexpected contamination to be identified during development groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters.

(6) Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved.

Reason: Should remediation be deemed necessary, the applicant should demonstrate that any remedial measures have been undertaken as agreed and the environmental risks have been satisfactorily managed so that the site is deemed suitable for use.

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

Reason: To ensure that heritage interpretation is appropriately integrated into the development.

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

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

(9) The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Reason: In the interests of public health and safety.

(10) The development hereby permitted shall not be commenced until the following highways / parking details have been submitted to and approved, in writing, by the local planning authority:

- o Provision of construction vehicle loading/unloading and turning facilities.
- o Provision of parking facilities for site personnel and visitors.
- o Provision of wheel washing facilities.
- o Provision and permanent retention of the vehicle parking spaces and/or garages.
- o Provision and permanent retention of the vehicle loading/unloading and turning facilities.

These facilities shall be provided in accordance with the approved details and remain available for the duration of the construction and where relevant shall be retained for use at all times thereafter.

Reason: In the interests of highway safety.

(11) The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

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

Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

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

(13) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a habitat management plan detailing how all the ecological enhancements and protected species mitigation, including details of the future management of the woodland and ecology park, will be managed long term. The site shall be managed in accordance with the approved habitat management plan thereafter.

Reason: To ensure a satisfactory appearance and setting to the development and in the interests of biodiversity protection and enhancement.

(14) Details of facilities for the separate storage and disposal of waste and recycling generated by this development as well as the site access design and arrangements for waste collection shall be submitted for approval to the LPA. The approved facilities shall be provided before the first use of the building(s) or land and maintained thereafter. The applicant should have regard to the Environmental services guidance document 'Planning Regulations for Waste Collections' which can be obtained by contacting Environmental Services.

Reason: In the interests of amenity and to safeguard the appearance of the area

(15) The development shall not commence until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development.

(16) No development shall take place 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 and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: In the interest of residential amenity

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

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

(18) No development shall take place until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall detail a planting specification, a programme of implementation and a 10 year management plan and include details of the responsibility for management of any area that falls outside of private residential gardens of the new properties.

Reason: To ensure a satisfactory landscaped setting for the development.

(19) The use or occupation of the development hereby permitted shall not commence until all planting, seeding and turfing specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

REASON: To ensure a satisfactory landscaped setting for the development.

(20) No development shall take place until details of barriers and/or ground protection in accordance with the current edition of BS 5837, for areas designated for retention as soft landscaped areas of the whole site, have been submitted to and approved in writing by the local planning authority.

Reason: To ensure the protection of trees on the site in the interests of visual amenity and ecology.

(21) No development shall take place until an Arboricultural method statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS shall include details of hard surfacing and any other conflicts within the root protection areas of any retained trees.

Reason: To ensure the protection of trees on the site in the interests of visual amenity and ecology.

(22) No equipment, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. These measures 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 protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority.

Reason: To ensure the protection of trees on the site in the interests of visual amenity and ecology.

(23) No development shall commence on site until details of the exact location of the new pedestrian route including the point of attachment with public footpath KM75 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: In pursuit of sustainable transport objectives.

(24) 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) B, C, and F and Schedule 2, Part 2, Class(es) A; 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.

(25) The development shall not commence until details of foul water drainage, which shall include any necessary off-site improvements to the local network and shall incorporate

wildlife friendly gullies, have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The approved details and any off-site works shall be implemented in full prior to the first occupation of the development.

Reason: In the interest of pollution and flood prevention and ecology .

(26) No development shall commence on site until a signed S278 Agreement, covering the alterations to Cross Keys road layout, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the highways works covered in the S278 have been completed.

Reason: In the interests of highways safety.

(27) The details and samples of the materials submitted pursuant to condition 11 shall include details of swift and / or bat bricks incorporated into the eaves of the proposed housing units;

Reason: In the interest of ecological enhancement.

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

CK/TSP/915-01A, CK/TRP/915-02A, CK/TRP/915-03A; dated 26 June 2014 and 500/RP/048, 500/RP/061; dated August 2014 and A2164-SK1500 P5, A2164-SK1501 P2, A2164-SK1505 P3, A2164-SK1506 P3, A2164-SK1510 P1, A2164-SK1615 P1, A2164-SK1615 P2, A2164-SK1616 P2; dated July 2014 and A2164-SK1600 P6, A2164-SK1601 P6, A2164-SK1612 P3, A2164-SK1613 P3; dated June 2014 and 2020/14/B/4A, 2020/14/B/5A; dated July 2014, 2020/14/B/2A; dated June 2014 and 500/RP/001, 500/DA/008; dated April 2014 and 500/RP/004; received 12/11/2014 and 500/RP/009, 500/RP/010, 500/RP/015; dated June 2014 and 500/RP/043, 500/RP/46, 500/RP/049, 500/RP/054; dated July 2014 and 500/RP/039, 500/RP/040, 500/RP/062; dated September 2014 and 500/RP/006, 500/RP/007, 500/RP/011, 500/DA/012 500/RP/013, 500/RP/014, 500/RP/016, 500/RP/017, 500/RP/018, 500/RP/019, 500/RP/020, 500/RP/021, 500/RP/022, 500/RP/023, 500/RP/024, 500/RP/025, 500/RP/028, 500/RP/029, 500/RP/030, 500/RP/031, 500/RP/032, 500/RP/033, 500/RP/034, 500/RP/035, 500/RP/042, 500/RP/043; dated May 2014 and 500/RP/070A, 500/RP/002 I REVA, 500/RP/047 REVA, 500/RP/052 Rev A; dated February 2015 and 500/RP/02A, 500/RP/026/C, 500/RP/027/A, 500/RP/041/A, 500/RP/042/A, 500/RP/044/A, 500/RP/045/A, 500/RP/047/B, 500/RP/053/B, 500/RP/057/A, 500/RP/058/A, 500/RP/070/A and LaDellWood Woodland Management Plan & Wetland Habitat Ref: 2020/14/B/3/B; dated February 2015 and Arboricultural Impact Assessment REF: SA/915/14A; dated 7 October 2014, Ecology Phase 1 habitat survey and reptile survey; dated September 2014, Flood Risk Assessment A2164/October 2014, Habitat creation and woodland management, Issue 2; dated September 2014, Phase 1 Geo Desk Study Ref: 3082/14; dated October 2014, Phase 2 archaeological investigation Ref: 2014/51; dated October 2014, Transport Assessment A2164/October 2014.

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

Informatives:

(1) The wording of the interpretation panels should be agreed with KCC archaeology.

(2) 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.

(3) 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

Advisory

Ordinary watercourse

Please note, any watercourse within the boundary of the site would be classified as an ordinary watercourse and would not be maintained by us or by an Internal Drainage Board. In the absence of any express agreement to the contrary, maintenance is the responsibility of the riparian owners. Under the terms of the Land Drainage Act 1991 (as amended by regulations of the Flood and Water Management Act 2010), any culvert, diversion, weir, dam, or like obstruction to the flow of the watercourse requires the consent from the Lead Local Flood Authority (Kent County Council). For details of the ordinary watercourse consent application process in Kent, please refer to the Kent County Council website at www.kent.gov.uk/land_drainage_consent. Enquires and applications for ordinary watercourse consent should be made to Kent County Council via email at suds@kent.gov.uk

(4) No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority:

There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development without the permission of this office.

There should be no close board fencing or similar structure over 1.2 metres erected which will block out the views:

No hedging or shrubs should be planted within 1.0 metre of the edge of the Public Path.

No Materials can be stored on the Right of Way.

The granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

(5) 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 Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858688), or www.southernwater.co.uk

Condition

HERITAGE & BIO-DIVERSITY INTERPRETAT

Reference number: 14/504795

Amendment to Section 43.0 of the committee report to read as follows:

43.0 RECOMMENDATION

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

- The provision of 40% affordable residential units within the application site, 65% rental and 35% shared ownership.
- Contribution of £37,800 to be sought from the NHS towards improvements at the named surgeries of Bearsted Medical Practice and The Spires Surgery.
- Contribution of £2360.96 per applicable house and towards primary education provision in Maidstone to be put towards the enhancement of teaching space at South Borough Primary School.
- Contribution of £2359.80 per applicable house towards secondary education provision in Maidstone to be put towards enhancement of teaching space at Maplesden Oaks School.
- Contribution of £1589.00 sought to be used to address the demand from the development to go towards the Infozone Youth Hub for use and distribution locally.
- Contribution of £2400.79 sought to be used to address the demand from the development towards additional bookstock and services to be supplied to Bearsted Library.
- Contribution of £1400 to be provided to KCC for the purposes of improving the environment and furniture of Public Footpath KM75 to mitigate the impact of the development to include the addition of two handrails to a section of PROW KM75.
- Details of a long term management plan of the open space, woodland and ecology park including; responsibility for management, management contribution including the duration of the contribution, restriction of public access to certain areas and full habitat and ecology management details. The Planning Manger to be afforded delegated authority to agree the specific details of the long term management plan should Members be minded to recommend approval.

Additional information:

The applicant has submitted information regarding the necessary processes to establish the ecology park and woodland as a Local Nature Reserve. An application for LNR designation to Natural England would need to be submitted and would include:

- The delivery plan for the land including improvements and enhancements.
- The management plan for the lands long term future management.
- The details of funding for the future management and a mechanism for the land to be held in its designation.

The recommendation remains unchanged

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A landscape photograph showing a wide, green field in the foreground. In the background, there is a line of trees and a bright sun in the sky, creating a lens flare effect. The sky is blue with some white clouds on the left side. The number '275' is printed vertically on the left side of the image.

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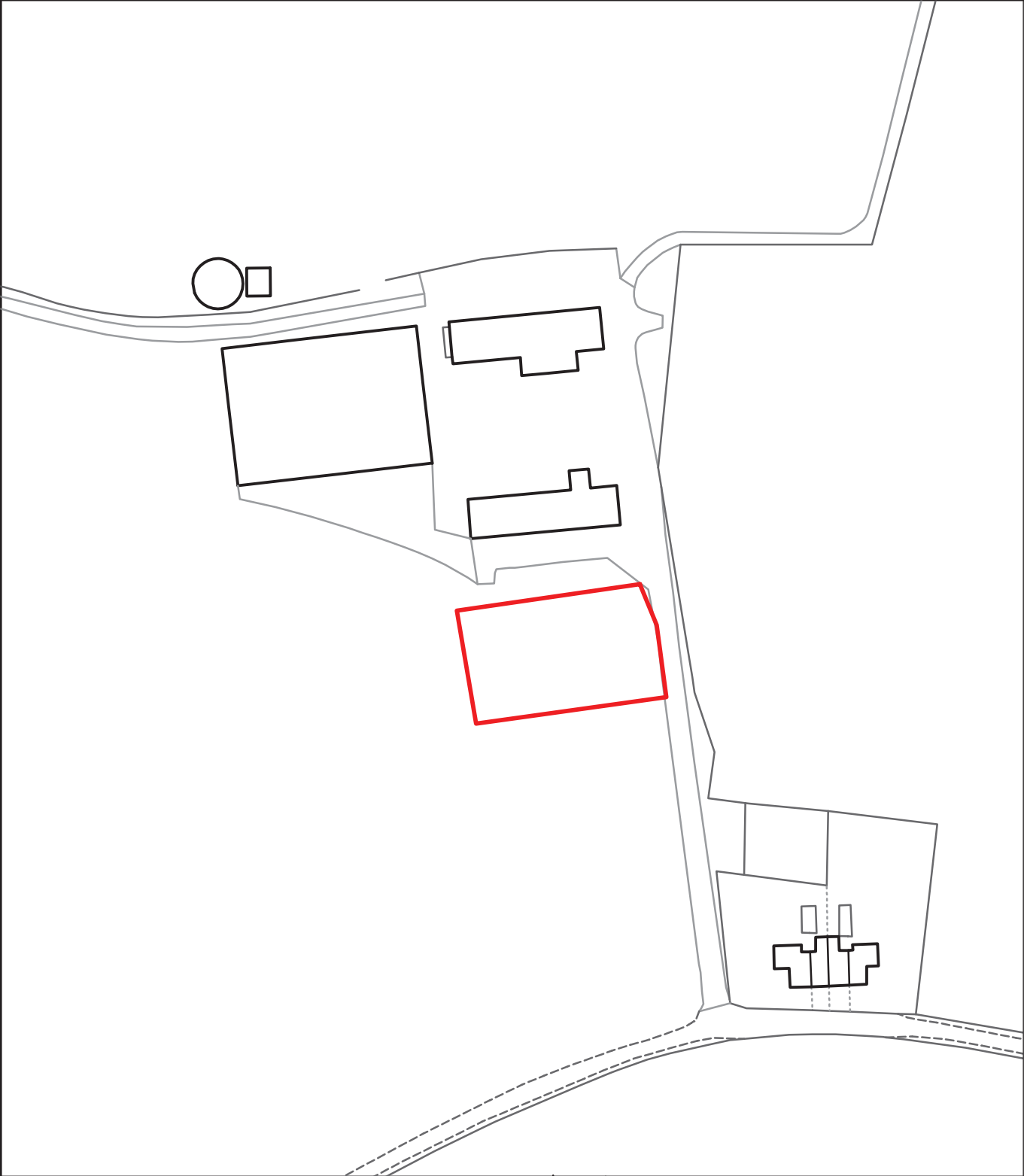


Agenda Item 20

THE MAIDSTONE BOROUGH COUNCIL

Warnhams Farm
Hunt Street
West Farleigh, Kent
ME15 0ND

MBC Ref: 14/504905



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 14/504905/FULL		
APPLICATION PROPOSAL Erection of 1 no. detached house and garage for farm owner/manager as shown on drawing nos. WF/6/1, 2, 9, 10 received 21/10/14; 3A, 4A, 6A, 7A, 8A, 11A received 29/11/14; 5B received 5/12/14.		
ADDRESS Warnhams Farm Hunt Street West Farleigh Kent ME15 0ND		
RECOMMENDATION Refuse		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL Development in the countryside is strictly controlled and the case for a new farm dwelling has not been demonstrated in this case.		
REASON FOR REFERRAL TO COMMITTEE The Parish Council has requested committee consideration.		
WARD Coxheath And Hunton Ward	PARISH/TOWN COUNCIL West Farleigh	APPLICANT Mr Thomas Sewell AGENT Mr David Thompson
DECISION DUE DATE 30/01/15	PUBLICITY EXPIRY DATE 30/01/15	OFFICER SITE VISIT DATE 30/12/14
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): MA/13/1473 - Erection of one detached dwelling and garage for an agricultural worker - Refused MA/10/1130 - Erection of an extension to an agricultural building - Permitted MA/08/0536 - Extension to existing barn to provide crop storage - Permitted MA/07/2345 - 500 tonne grain silo (not implemented) - Permitted MA/02/2281 - Erection of an agricultural building for general purpose/grain storage - Permitted		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 This application relates to an area of farmland, which is located in the open countryside, in the parish of West Farleigh. The site, which is part of an arable field, lies in the Medway Valley Area of Local Landscape Importance and is highly visible in the landscape.
- 1.2 To the north of the site lies the farmyard for Warnhams Farm. This includes two large enclosed structures, formerly hop-picking sheds, sited parallel to each other on either side of an open yard and a general purpose agricultural building/ grain store.

- 1.3 The field, where the development would take place, is generally open, with only low banking to the road edge and no field hedge. An access track from Hunt Street leads up to the farmyard and a row of terraced cottages lie to the east of the track.

2.0 PROPOSAL

- 2.1 Permission is sought for the erection of a single dwelling and garage for an agricultural worker. It would have two storeys, with an eaves height of approximately 5.2m and a ridge height of approximately 9m. The maximum dimensions of its 'footprint' would be approx. 14.3m by 13.6m.
- 2.2 Accommodation would comprise; on the ground floor - lounge, dining room, kitchen, dayroom, utility room, hall, two wc's and farm office. On the first floor - four bedrooms (including two en-suites) and a bathroom. A detached double garage would also be provided.
- 2.3 The buildings would be located to the south of the existing farmyard and accessed via the existing farm-track.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: ENV6, ENV28, ENV35, ENV43

4.0 LOCAL REPRESENTATIONS

West Farleigh Parish Council wishes to see the application approved and reported to planning committee if the Planning Officer recommends refusal

13 letters of support have been received: the general point being made that the Sewell family are genuine farmers and a dwelling is needed here to support the farm.

5.0 CONSULTATIONS

KCC Highways and Transportation has no objection.

In its initial response to this application Rural Planning Ltd. states:

"I refer to your letter of 12 December 2014 regarding the further application submitted on behalf of Mr Thomas Sewell for the erection of a detached house and garage for the farm owner/manager at the above site.

As you will be aware, a similar proposal was considered under MA/13/1473 and was the subject of my letter of 12 September 2013 and emails dated 24 February and 16 June 2014. The application was refused, on two counts; namely its scale and mass harming the open character and appearance of the countryside, and lack of essential agricultural need for a rural worker to live on site and lack of affordability and sustainability as an agricultural dwelling as part of the general housing stock.

The second issue (alone) falls within my advisory remit and in this regard I must advise, as before, that in my view, having regard to para. 55 of the NPPF, no essential need for the proposed dwelling for a rural worker, amounting to special circumstances, has been demonstrated in this case, for all the reasons set out in my previous letter and emails.

The only material change in circumstances, as far as I can see, is a redesigned dwelling which would provide a slight reduction (some 5%) in floor area; the dwelling would be some 256m² gross external floor area, with 4 bedrooms, rather than 270m²

with five bedrooms. Whilst the dwelling would appear to be affordable for the applicant, it would remain, in my view, of a size and cost beyond that which would be reasonably regarded as suitable to contribute to the general stock of agricultural dwellings in the area (the issue which formed part of the second reason for refusal previously).

My last letter included the following paragraph:

“The Planning Statement indicates that Mr Tom Sewell and family (the intended occupants of the proposed dwelling) currently reside in the area by arrangement with a local landowner for whom Sewell Farms carries out work. This is understood to be at Watlington, about 2 miles by road from Warnham Farm. The arrangement is said to be temporary, but there is no specific indication that the arrangement could not continue for the foreseeable future”.

In this regard the applicant's agent states that I said “there was no reason why the current living arrangements could not continue” without making further investigations. That is not correct; what I stated was that there was no specific indication (i.e. from the Planning Statement) that the arrangement could not continue for the foreseeable future. That still appears to be the position under the current application; nothing has been put forward, as far as I can see, to show that the current arrangements (albeit described as “temporary”) could not continue for the foreseeable future. I would suggest it is for the applicant to explain and verify the circumstances alluded to in this regard, rather than for me to investigate them.

Be that as it may, it remains the case that an essential functional need for residence at the particular site has not been demonstrated; nor has it been demonstrated, in my view (and having regard to the profits gained from the farm business) that affordable existing property in the area could not be purchased or rented.”

Rural Planning Ltd. has since stated:

“I have the following further comments, as requested, regarding Mr Thompson's letter of 13 January 2015.

Much of Mr Thompson's letter is a repeat of what he submitted in his letter of 03 January 2014 regarding the last application, which I received 20 February 2014, and responded to in my email of 24 February 2014. My response was to agree that my letter of 12 September 2013 should have referred to the 11m grain silo as “permitted” rather than “erected”, but that this detail hardly called into question the validity of the whole report, as Mr Thompson claimed. Otherwise I said that I considered I had provided a fair and objective assessment of the (lack of) case for an essential need for a rural worker to live at the site, for all the reasons set out in my letter.

Those issues were all before the Council when it refused the first application.

Regarding the size of the dwelling: in my letter of 02 January 2015, on the current application, I commented on the (slightly reduced) size of the currently proposed dwelling, as this was a specific matter raised by the previous Planning Officer in her email of 16 June 2014, to which I replied in my email of the same date; this issue was also part of the second reason for the refusal of the first application. Mr Thompson refers to the personal family reasons for wanting 4 bedrooms, and the need for a farm office, but he fails to address the issue that was the Council's concern previously, that the overall size of the dwelling was such that it would not be “affordable or sustainable as an agricultural worker's dwelling as part of the general

stock". It is difficult to imagine that this particular issue would be resolved simply by a redesign from 5 to 4 bedrooms and only a 5% overall reduction in size.

Otherwise (beyond again misquoting what I said about the current living arrangements) Mr Thompson largely appears concerned with two matters which he suggests I should not be taking into account in advising the Council on this application. These are 1) the use of Annex A of the former PPS7 as a means for judging "essential need", and 2) the specific issue (included as part of the Annex A criteria) of whether or not other suitable and affordable dwellings exist in the area.

You have pointed out the role that Annex A continues to play in Planning decisions, and various other similar Appeal examples can be referred to, if need be.

Furthermore I would observe that both these matters formed significant parts of the Planning Statement that Mr Thompson himself submitted in support of the application. He placed considerable reliance on the various aspects of Annex A in his para 5.10 onwards. He raised the specific issue of affordability of other local dwellings in his paras 5.20 and 5.21, and included various house particulars.

I consider it is entirely appropriate for me to comment on issues which form part of the Annex A criteria and which Mr Thompson, on behalf of the applicant, has himself commented (and relied) upon."

MIDKENT EHSS has no objection subject to a condition to cover potential contamination.

6.0 APPRAISAL

Background

- 6.01 This application is effectively a re-submission of application MA/13/1473 (Erection of one detached dwelling and garage for an agricultural worker) which was refused by Planning Committee on 3rd July 2014. I attach a copy of the report for that case, the general content of which is still relevant here. The key question here is whether there has been any significant change in circumstances to warrant a change in the Council's position.
- 6.02 The latest application shows a similar dwelling to that previously refused albeit the agents contend that the dwelling has been reduced in terms of 'footprint' and floorspace; has been reduced from five to four bedrooms; and the dwelling would be cut down into the land to reduce impact.
- 6.03 In terms of the need for the dwelling this latest application maintains that the 'functional and financial tests' are satisfied but also seeks to emphasise a number of points. A dwelling is said to be needed in connection with the monitoring and irrigation of fruit plants. The condition of grain and other crops needs to be continuously monitored, whilst a residential presence is needed for security purposes with regard to machinery, fertiliser, etc. The location of the dwelling has been chosen to allow a manager to view the site. The relevant farm worker currently lives close by in a temporary arrangement and this cannot be relied upon: a permanent on-site solution is needed.

Principle of Development

- 6.04 As stated with the last application, new dwellings in the countryside for agricultural workers may be permissible but need to be specially justified. Annex A to the now superseded PPS7 is regularly used as a tried and trusted methodology to assess

such applications and I am satisfied that it is appropriate to have close regard to it in this case. The Inspectorate continues to use it in the determination of appeals.

- 6.05 As can be seen from the comments of Rural Planning Ltd. (reproduced above for the current application and in the Appendix for the previous refused application) our advisors have examined the content of this latest application and maintain their view that the proposals (albeit in amended form) continue to fail the 'functional test': this is both in terms of the principle of a residential unit here; but also in terms of the scale and cost of the accommodation proposed. In the absence of a proper justification, the principle of a dwelling (and a dwelling of this scale) must fail. I therefore recommend that the previous first reason for refusal be used again for this current application.

Visual Impact

- 6.06 I do not consider that the changes to the design of the house and its setting down into the land make a significant difference as far as impact on the countryside is concerned. I remain of the view that the site is highly prominent in the landscape, due to the openness of the surrounding land. There are long range views for a considerable distance when approaching from the west. Due to its substantial scale and mass, the proposal is considered to result in significant harm to the open character and appearance of the countryside in the Medway Valley Area of Local Landscape Importance. I therefore recommend that the previous second reason for refusal be re-used here.

Residential Amenity

- 6.07 As previously, there would be no significant impact on neighbours.

Highways

- 6.08 There is no objection from the Highways Engineer and I remain of the view that the scheme does not present any significant highways problems.

Landscaping

- 6.09 The site is part of an open field and there are no important landscaping features here. Any landscaping to soften the proposal could be dealt with by condition should Members decide to grant permission.

Other Matters

- 6.10 The site remains part of an intensively managed field and there are no significant ecological issues in this case.

7.0 CONCLUSION

- 7.01 As previously, it is concluded that there is no essential need for this dwelling and it would therefore constitute unjustified and unsustainable development in the countryside. It would also be of a scale and mass which would harm the open character and appearance of the countryside in the Medway Valley Area of Local Landscape Importance. Refusal is recommended.

8.0 RECOMMENDATION – REFUSE for the following reasons:

- (1) In the opinion of the local planning authority, it has not been demonstrated that there is an essential need for a rural worker to live permanently on or near the site, nor would the dwelling be affordable or sustainable as an agricultural worker's dwelling as part of the general stock, due to its overall size and the extent of accommodation proposed. The proposal would therefore result in an unsustainable, isolated dwelling

in the countryside, contrary to paragraphs 14 and 55 of the National Planning Policy Framework.

- (2) Due to its scale and mass, the proposal would harm the open character and appearance of the countryside in the Medway Valley Area of Local Landscape Importance, contrary to policies ENV28 and ENV35 of the Maidstone Borough Wide Local Plan 2000 and paragraphs 17 and 109 of the National Planning Policy Framework.

Note to applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

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

In this instance:

The application was considered to be fundamentally contrary to the provisions of the Development Plan and the NPPF, and there were not considered to be any solutions to resolve this conflict.

Case Officer: Geoff Brown

- 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.

Attached is an appendix of 14/504905 which was inadvertently omitted from the committee agenda

REPORT SUMMARY

REFERENCE NO - 13/1473		
APPLICATION PROPOSAL Erection of one detached dwelling and garage for an agricultural worker		
ADDRESS Warnhams Farm, Hunt Street, West Farleigh, Kent		
RECOMMENDATION REFUSE		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL See report below		
REASON FOR REFERRAL TO COMMITTEE See report below		
WARD Coxheath And Hunton Ward	PARISH/TOWN COUNCIL West Farleigh	APPLICANT Mr Thomas Sewell Farms Ltd AGENT Legacy Homes
DECISION DUE DATE 17/10/13	PUBLICITY EXPIRY DATE 17/10/13	OFFICER SITE VISIT DATE 03/09/13
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): see below		

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

- it is contrary to views expressed by the Parish Council

1.0 POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV28, ENV35, ENV43
Maidstone Borough-Wide Draft Local Plan: SP5, DM4, DM30, DM35
Government Policy: National Planning Policy Framework, National Planning Practice Guidance

2.0 HISTORY

2.1 The following applications relate to the farm holding:-

MA/10/1130	Erection of an extension to an agricultural building
MA/08/0536	Extension to existing barn to provide crop storage
MA/07/2345	500 tonne grain silo (not implemented)
MA/02/2281	Erection of an agricultural building for general purpose/grain storage

3.0 CONSULTATIONS

- 3.1 West Farleigh Parish Council: wishes to see the application approved and reported to Planning Committee if officer view differs.

Rural Planning Ltd:

"Planning criteria

Following the withdrawal of PPS7, and its Annex A criteria for agricultural dwellings, the 2012 NPPF simply states (para. 55) that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as "the essential need for a rural worker to live permanently at or near their place of work in the countryside". There is, as yet, no further clarification nationally, or at the local level, to assist in deciding upon "essential need" in individual cases. However there is nothing to suggest that para. 55, albeit in summarised form, promotes any significant departure from the sort of functional and financial considerations that were set out in detail in Annex A, and there appears to be a general consensus amongst decision makers and advisors, and indeed the Planning Inspectorate, that the principles set out in Annex A continue to be a useful tool in judging applications for new isolated agricultural dwellings in the countryside.

The Annex A guidelines on functional need, in relation to permanent new agricultural dwellings, require inter alia that it is essential for the proper functioning of the enterprise that one or more workers is readily available at most times, for example if the worker is needed to be on hand day and night to care for animals or agricultural processes at short

notice or deal quickly with emergencies that could otherwise cause serious loss of crops or products.

Farm Business

Sewell Farms is a well established family farming business operated by the applicant Tom Sewell in partnership with his father J J Sewell, Mrs A J Sewell, and Mrs S Sewell.

Warnhams Farm comprises an owned arable holding of some 28.68 ha (70.86 acres); Sewell Farms also farm, on a rented or share-farmed basis, a further 808 acres (327 ha).

Other agricultural management and farm contracting work is also undertaken locally. The farm buildings adjoining the application site include two "Tyler " built enclosed concrete/asbestos structures, formerly hop-picking sheds, parallel to each other either side of an open yard, and each about 33.5m x 9.14m, and 5.5/6.0 m to eaves. One includes 3 round grain bins used for storage of about 400 tons of oil seed rape, with two free bays for general storage of machinery and fertiliser. The second has a clear floor area and is principally used for farm machinery storage.

Under MA/02/2281 consent was granted (and later implemented) for a general purpose agricultural building /1000 tonne grain store, 24.38m x 14.48m, 6.1m to eaves and 8.6m to ridge, with pre-cast concrete grain retaining walling to about 3.6m high and steel sheeting above. In the event it appears that the building, as erected, is 18m wide. An 18m square extension at the west end was added under MA/08/0536. A 500-tonne 11m radius, 11m tall grain silo was also erected under

MA/07/2345. Finally a 12m wide grain storage extension was erected on the north side of the building under MA/10/1130, to form an overall structure about 42m x 30m.

Appraisal of claimed essential agricultural need

Regarding the reference to the need to tend fruit on the farm, it is understood that this is not fruit that belongs to Sewell Farms. No fruit sales appear in the submitted accounts.

Rather, under MA/10/0449 planning consent was granted to allow the applicants Clock House Farm Ltd. (Coxheath) to crop raspberries under polytunnels on some 9.7 ha land north of the Warnhams Farm buildings, albeit part of this area is owned by Sewell Farms.

The other adjoining area of tunnels is on land belonging to Ferns Property Development.

Clock House Farm Ltd. also have up to 15 ha polytunnels nearby (consented under ref. MA/09/1061) for strawberries and cane fruit on land on the south side of Hunt Street, land which is also understood to be owned by Ferns Property Development, albeit the north-western part (only) of this land is indicated on the submitted land occupation plan as land tenanted by Sewell Farms. Thus the references in the Planning Statement that suggest this fruit forms part of the applicant's business and responsibility (thus adding weight to a claimed need for someone to reside here to monitor irrigation etc.) would appear to be misplaced.

In any event the actual growers concerned, Clock House Farm Ltd., and other similar specialist growers, commonly have intensive fruit under tunnels on scattered parcels of owned or rented land, without requiring anyone to reside nearby: whilst regular crop monitoring is required, this does not essentially require day and night attendance.

The other main claimed functional reason for needing a new residence here is to monitor stored grain. However, again, many sites are used for storing grain successfully without anyone living next to them: grain in store, whilst needing regular checking, is not something which requires essential day and night attendance at most times.

Nor is the provision of security, at a farm yard such as this, normally regarded as a sufficient reason for a new permanent agricultural dwelling. The Planning Statement indicates that Mr Tom Sewell and family (the intended occupants of the proposed dwelling) currently reside in the area by arrangement with a local landowner for whom Sewell Farms carries out work. This is understood to be at Watlington, about 2 miles by road from Warnhams Farm. The arrangement is said to be temporary, but there is no specific indication that the arrangement could not continue for the foreseeable future. The Planning Statement affirms that there are no other residential farm properties which could be used to accommodate this farm worker, (my underlining). Be that as it may, it is understood that for many years the principal ownership partners of the business, J J and A J Sewell, have lived at Bowhill Farm House, just 0.5 miles from Warnhams Farm.

The Planning Statement suggests that other existing accommodation in the area would be too expensive. However... I do not consider it has been shown, therefore, that affordable existing property in the area could not be purchased or rented. It appears that this business has operated successfully to date notwithstanding the lack of any accommodation at the Warnhams Farm buildings. In summary, taking all the above into account, and applying the Annex A guidelines to para. 55 of the NPPF, in my view no essential need for the proposed dwelling, amounting to special circumstances, has been demonstrated in this case."

Environmental Health Manager: No response.

Kent Highways: No objections

4.0 REPRESENTATIONS

4.1 None received to date

5.0 CONSIDERATIONS

5.1 Site Description

5.1.1 This application relates to an area of farmland, which is located in the open countryside, in the parish of West Farleigh. The site, which is part of an arable field, lies in the Medway Valley Area of Local Landscape Importance and is highly visible in the landscape.

5.1.2 To the north of the site lies the farmyard for Warnham's Farm. This includes two 'Tyler' built enclosed structures, formerly hop-picking sheds, sited parallel to each other on either side of an open yard and a general purpose agricultural building/1,000 tonne grain store. This building has been erected as detailed in the planning history above.

5.1.3 The field, where the development would take place, is generally open, with only low banking to the road edge and no field hedge. An access track from Hunt Street leads up to the farmyard and a row of terraced cottages lie to the east of the track.

5.2 Proposal

5.2.1 Planning Permission is sought for the erection of a single dwelling and garage for an agricultural worker. It would have two storeys, with an eaves height of approximately 5.2m and a ridge height of approximately 8.2m. Its maximum width would be 16m and its depth approximately 15m.

5.2.2 Accommodation would comprise; on the ground floor - lounge, dining room, kitchen, breakfast area, dayroom, utility room, hall, two wc's and farm office. On the first floor – five bedrooms (including 2 en-suites) and bathroom. A detached double garage would also be provided.

- 5.2.3 The buildings would be located to the south of the existing farmyard and accessed via the existing farm-track.

5.3 Principle of Development

- 5.3.1 Policy ENV28 of the Local Plan does allow for buildings which are reasonably necessary for the purpose of agriculture, providing that there is no harm to the character and appearance of the area and amenities of surrounding occupiers.
- 5.3.2 The National Planning Policy Framework states that "Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances..."

The only circumstances given which is of any relevance to this proposal is whether it constitutes "the essential need for a rural worker to live permanently at or near their place of work in the countryside."

The National Planning Policy Framework does not define "essential need" or clarify how it should be assessed.

- 5.3.3 Annex A of the now defunct PPS7 did set out criterion for assessing essential need. Whilst PPS7 is now not in force, there does not appear to be anything to suggest that any significant departure from the sort of functional and financial considerations detailed in Annex A should now be made. Indeed, the Council's agricultural advisor, Rural Planning Ltd, has stated "... there appears to be a general consensus amongst decision makers and advisors, and indeed the Planning Inspectorate, that the principles set out in Annex A continue to be a useful tool in judging applications for new isolated agricultural dwellings in the countryside." In the absence of any other specifically relevant guidance, it is considered reasonable to explore the application against the guidelines of Annex A.
- 5.3.4 Annex A requires a functional test (i.e. whether it is essential for a full time worker to live permanently on site for the functioning of the enterprise and a financial test (as to whether it is a financially sound enterprise, with a reasonable prospect of sustaining the dwelling). It is considered that these two tests are in line with the National Planning Policy Framework because they would aid the assessment of whether the development constitutes sustainable development and that is a key principle of the National Planning Policy Framework. Clearly if the enterprise cannot support the dwelling proposed or the dwelling is so large that the retention of the agricultural occupancy condition is threatened, then there is the real risk that it would no longer be able to serve its original purpose, with the result being an unsustainable isolated dwelling in the countryside.
- 5.3.5 The Annex A guidelines on functional need, in relation to permanent new agricultural dwellings, require inter alia that it is essential for the proper functioning of the enterprise that one or more workers is readily available at most times, for example if the worker is needed to be on

hand day and night to care for animals or agricultural processes at short notice or deal quickly with emergencies that could otherwise cause serious loss of crops or products.

- 5.3.6 Firstly, it is understood that fruit farmed on the land does not belong to the applicant and indeed, no fruit sales appear in the submitted accounts. The Council's agricultural advisor has stated that, in any event, "the actual growers concerned, Clock House Farm Ltd, and other similar specialist growers, commonly have intensive fruit under tunnels on scattered parcels of owned or rented land, without requiring anyone to reside nearby: whilst regular crop monitoring is required, this does not essentially require day and night attendance."

He goes on to state:

"The other main claimed functional reason for needing a new residence here is to monitor stored grain. However, again, many sites are used for storing grain successfully without anyone living next to them: grain in store, whilst needing regular checking, is not something which requires essential day and night attendance at most times.

Nor is the provision of security, at a farm yard such as this, normally regarded as a sufficient reason for a new permanent agricultural dwelling."

- 5.3.7 The application appears to cite security as a key reason why a dwelling is needed. However, it is not considered to show any reason why this specific site has a significantly greater security need than any other (chemicals and farm machinery are likely to be stored upon many farms). No information has been submitted stating why, for example, security issues could not be dealt with in a different way, such as through the installation of CCTV, nor is there any supporting information from the Kent Police to indicate that there are overriding security issues which can only be dealt with in this way.
- 5.3.8 Considering all of these points, including the advice of Rural Planning Ltd, it is concluded that there is no essential functional need for a farm worker or manager to live permanently on site.
- 5.3.9 Notwithstanding this, it has not been conclusively shown that there is no other available property in the vicinity of the site which could accommodate the applicant. Indeed, paragraph 5.20 of the Planning Statement advises that "many of the available nearby dwellings ... are completely outside of the price range of an agricultural worker." This does not show that there are no suitable properties and in any event, no comparison is made between the cost of available properties and the cost of constructing the proposed dwelling, which is not expected to be low, given its very substantial scale.
- 5.3.10 There is also no specific indication as to why the applicant's current living arrangements (stated to be temporary) could not continue for the foreseeable future. It is also noted that, whilst the Planning Statement

advises that there are no other suitable properties available; the agricultural advisor has stated that he understands that the principal ownership partners of the business live just 0.5 miles from Warnham's Farm.

5.3.11 In terms of the financial test, it is accepted that the enterprise could sustain the proposed dwelling, based upon the financial information submitted.

5.3.12 However in order to remain sustainable, it is considered that agricultural dwellings should be suitable for general use by agricultural workers, rather than exclusively supportable by the applicant. In this case, this is a five bedroomed dwelling, with three reception rooms, and the agricultural advisor has stated that, in his opinion, the size and cost of the dwelling goes well beyond what could reasonably be regarded as suitable to contribute generally to the stock of agricultural dwellings. The development is therefore considered unacceptable and unsustainable for this reason also.

5.3.13 I note that emerging policy DM35 seeks to apply functional and financial tests and to limit the scale of the dwelling to the needs of the enterprise.

5.4 Visual Impact

5.4.1 The site occupies a very rural location, with sparse development along Hunt Street. There is no hedging alongside the road and in consequence, there are long range views for a considerable distance along Hunt Street in which the site is highly prominent.

5.4.2 It is noted that an attempt has been made to group the development with the existing farm buildings, as the site chosen is to the corner of the field, adjacent to the farmyard. However, as stated, this is a highly prominent and open site, rendered more prominent by the fact that it lies upon the slope of the Medway Valley, with the land rising in a southward direction. Development in this location will be highly visible in long range views especially from the west.

5.4.3 The proposed dwelling is of a substantial, rather than a modest, scale. Indeed it would provide accommodation well beyond the basic requirements of a dwelling with 5 bedrooms (2 being en-suite), large lounge, separate dining and breakfast areas and dayroom. This results in a very substantial footprint with maximum width and depth of approximately 16m and 15m. The dwelling also has a typical two storey eaves height and a roof pitch of around 35 degrees. These factors combined result in a dwelling of very substantial bulk, which, in this prominent location, would unacceptably erode the openness of the Medway Valley Area of Local Landscape Importance and harm its character and appearance.

5.4.4 The proposed double garage with pitched roof would further add to the bulk on site. It is also noted that in general, the design of the proposal

does not attempt to reduce the bulk. It does not utilise differing roof slopes or a reduced eaves height to reduce mass and although a catslide roof is proposed, this would face away from the road, with the full two storey eaves and solid section of brickwork facing the road. Indeed, the side elevation of the house, facing the road, generally lacks fenestration and would provide a bland appearance in views of the countryside.

- 5.4.5 As stated, the site is highly prominent in the landscape, due to the openness of the surrounding land. There are long range views for a considerable distance when approaching from the west. Due to its substantial scale and mass, the proposal is considered to result in significant harm to the open character and appearance of the countryside in the Medway Valley Area of Local Landscape Importance. The application is therefore considered unacceptable in this regard.
- 5.4.6 I note that emerging policy SP5 of the draft local plan similarly seeks to preserve the quality of the Medway Valley Area of Local Landscape Importance.

5.5 Residential Amenity

- 5.5.1 The nearest residential properties are Warnhams Cottages, to the southeast of the farm yard. These dwellings would be located too far from the proposed dwelling (around 60m between the site and nearby dwellings) to experience any significant loss of light, outlook or privacy. There would be no significant noise and disturbance issues because only one dwelling is proposed and it would utilise the existing access track to the farm.

5.6 Highways

- 5.6.1 The proposal would utilise the existing farm access track, which is considered acceptable for this single dwelling. The Kent Highways Engineer raises no objection to the application.

5.7 Landscaping

- 5.7.1 There is no important landscaping which would be lost (the site is simply part of a field containing crops). Any landscaping to soften the proposal could have been dealt with by a condition.

5.8 Other Matters

- 5.8.1 There are no significant ecological issues due to the site's use as an arable field where I understand that crop spraying has taken place.

6.0 CONCLUSION

- 6.1 It is concluded that there is no essential need for this dwelling and it would therefore constitute unjustified and unsustainable development in the countryside. It would also be of a scale and mass which would

harm the open character and appearance of the countryside in the Medway Valley Area of Local Landscape Importance. Refusal is recommended.

7.0 RECOMMENDATION

REFUSE PLANNING PERMISSION for the following reasons:

1. In the opinion of the local planning authority, it has not been demonstrated that there is an essential need for a rural worker to live permanently on or near the site, nor would the dwelling be affordable or sustainable as an agricultural worker's dwelling as part of the general stock, due to its overall size and the extent of accommodation proposed. The proposal would therefore result in an unsustainable, isolated dwelling in the countryside, contrary to paragraphs 14 and 55 of the National Planning Policy Framework.
2. Due to its scale and mass, the proposal would harm the open character and appearance of the countryside in the Medway Valley Area of Local Landscape Importance, contrary to policies ENV28 and ENV35 of the Maidstone Borough Wide Local Plan 2000 and paragraphs 17 and 109 of the National Planning Policy Framework.

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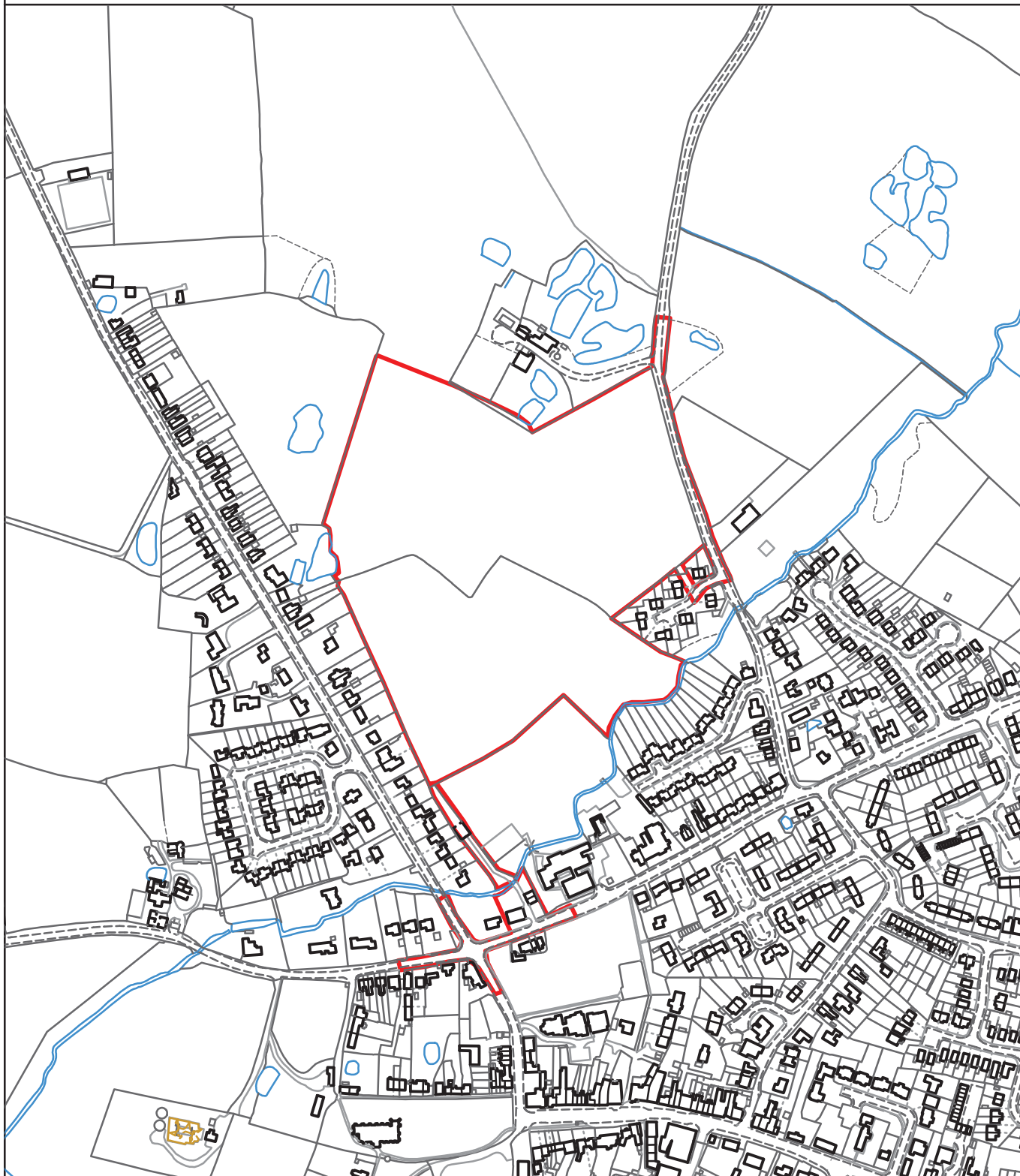
24.10.2013

Agenda Item 21

THE MAIDSTONE BOROUGH COUNCIL

Land Between Mill Bank, Ulcombe Road And Kings Road
Headcorn
Maidstone, Kent
TN27 9LD

MBC Ref: 14/505284



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO: 14/505284/OUT			
APPLICATION PROPOSAL: Outline application for development of up to 220 houses together with areas of open space, a nature conservation area, landscaping, new access onto Ulcombe Road and improved access to Kings Road plus change of use of land to school playing field, with access to be considered at this stage and all other matters reserved for future consideration.			
ADDRESS: LAND BETWEEN MILL BANK, ULCOMBE ROAD AND KINGS ROAD, HEADCORN			
RECOMMENDATION: THAT MBC RECOMMEND TO THE PLANNING INSPECTORATE THAT THEY WOULD HAVE APPROVED PLANNING PERMISSION SUBJECT CONDITIONS & SECTION 106 AGREEMENT (see section 9 of report for full recommendation)			
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development is at a sustainable location, immediately adjoins an existing settlement, and is not considered to result in significant planning harm. Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this would have been sufficient grounds to depart from the Local Plan.			
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none">• Departure from the Development Plan• Headcorn Parish Council has requested the application be reported to Committee for the reasons set out below.			
WARD Headcorn	PARISH/TOWN COUNCIL Headcorn	APPLICANT: Mr. And Mrs. Hawkes: Crabtree And Crabtree (Headcorn) Ltd AGENT: DHA Planning	
DECISION DUE DATE: 05/02/15	PUBLICITY EXPIRY DATE 03/03/15	OFFICER SITE VISIT DATE 24/12/14	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
14/501105	EIA Screening Opinion for residential development with access and open space.	ENVIRONMENTAL STATEMENT NOT REQUIRED	10/09/14
61/0138/MK2 (Part of Site)	Outline application - Residential development	REFUSED	21/07/61
60/0292A/MK2 (Part of Site)	Outline application for residential development	REFUSED	14/11/60

1.0 BACKGROUND INFORMATION – APPEAL AGAINST NON-DETERMINATION

- 1.01 This application's target date for a decision was 5th February 2015. The applicant lodged an appeal with the Planning Inspectorate (PINS) against the Council's failure to determine the application by this date in early March, and the start date for the appeal was 30th March 2015.

- 1.02 This means that the Council is no longer the determining authority for this planning application, as this now falls to PINS.
- 1.03 However, the Council needs to inform PINS what decision it would have made on the application and provide any appeal statement by **4th May**. If the Planning Committee decides that it would have granted planning permission, the Council would not contest the appeal but could be represented to have an input on any matters considered relevant, for example, the terms of any legal agreement or planning conditions. If the Planning Committee decides that it would have refused planning permission, the Council would need to defend any reasons at the appeal. Any reasons would need to be clearly justified and would need to be defensible otherwise there would be a risk of costs being awarded against the Council for acting unreasonably, and essentially wasting any parties time and costs of having to respond to any objections raised.
- 1.04 Therefore, this report recommends what decision officer's consider the Council should advise PINS it would have made.

MAIN REPORT

2.0 DESCRIPTION OF SITE

- 2.01 The site is agricultural (arable) land of some 8.6ha in area and is immediately north of Headcorn village between Ulcombe Road to the east and houses fronting the A274 (Mill Bank) to west. Parts of the site to the south and west adjoin the settlement boundary of the village in the Local Plan. There is housing development to the west, south, and southeast, with open farmland to the north and allotments/recreation ground to the east. Headcorn Primary School is located immediately south of the site. The land is agricultural and has its highest point within its centre on the west side. From here land slopes down to the south and north. There is a stream along part of the south boundary and ponds nearby.
- 2.02 The site adjoins parts of the settlement boundary of Headcorn in the Local Plan but is located within the countryside for Development Plan purposes, which here is designated a Special Landscape Area. The River Beult SSSI is around 470m to the southwest and the stream along part of the south boundary feeds into it. The southernmost part of the site falls within Flood Zones 2 and 3. 'Hazelpits Farmhouse' is a Grade II listed building, which is immediately north of the site.

3.0 PROPOSAL

- 3.01 This is an outline application for up to 220 houses together with areas of open space, a nature conservation area, landscaping, and a new access onto Ulcombe Road with access to be considered at this stage and all other matters reserved for future consideration. The application also seeks a change of use of an area of land to use as a school playing field for Headcorn Primary School.
- 3.02 Two access points are proposed from Ulcombe Road at the north and south ends of the eastern boundary with pedestrian access through 'Upton's'. An emergency/pedestrian/cycle access is proposed from Kings Road along an existing track which runs along the west side of the primary school.

- 3.03 The illustrative plans, which have been provided in an attempt to demonstrate that the site can accommodate this level of residential development, show a potential layout with the main access roads looping around the site with secondary roads running off these to cul-de-sacs and courtyards. An area of open space is shown running through the centre of the site for amenity and ecology reasons which will be discussed below.
- 3.04 Affordable housing is proposed at 40% and Code for Sustainable Homes Level 4 is also proposed.

4.0 POLICY AND OTHER CONSIDERATIONS

- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV45, T13, T21, T23, CF1
- MBC Affordable Housing DPD (2006)
- MBC Open Space DPD (2006)
- Draft Maidstone Borough Local Plan: SS1, SP3, SP5, H1, H2, DM2, DM4, DM10, DM30
- The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended)

5.0 LOCAL REPRESENTATIONS

- 5.01 Approximately 240 representations have been received raising the following main (summarised) points:
- Highway safety & congestion
 - Access should be taken off the A274
 - Lack of parking
 - Poor/lack of existing infrastructure and insufficient to support development
 - Foul drainage is not adequate
 - Flooding
 - Noise & disturbance
 - Density
 - Visual harm & loss of natural habitat
 - Urbanisation
 - Loss of agricultural land
 - Overdevelopment of village
 - Not listening to local views
 - Conflict with Neighbourhood Plan
 - Premature application
 - Gradual approach to housing is more sustainable
 - Brownfield sites should be used first
 - Not the right location for 40% affordable housing
 - Loss of village identity
 - Public transport is poor and does not have sufficient capacity
 - Environmental Impact Assessment should be required
 - Site includes neighbouring land
 - Full application should be required
 - Contrary to NPPF
 - Poor public consultation

- Loss of privacy
- Impact of construction traffic
- Harm to ecology
- Will lead to an increase in empty homes and social deprivation
- Lack of employment
- Headcorn is not sustainable for scale of development
- No need for this scale of development
- Archaeology
- Reports are inaccurate and not independent
- Increased pollution
- The application cannot be determined procedurally as it includes a change of use
- The applicant does not own all the land

5.02 **(Neighbouring) Ulcombe Parish Council:** Raises objections based on highway safety, traffic, flooding, unsustainability.

5.03 **Borough Cllr Round:** Raises objections based on urbanisation, lack of infrastructure, highway issues, drainage problems, and affordable housing provision too high.

5.04 **Headcorn Primary School:** *"In principle, the Headteacher and Governors are willing for the school to be expanded to meet the need for places arising from the development (if the proposed development is approved). However, we are determined that the school should only be expanded in a carefully planned and well-resourced way."*

5.05 **CPRE:** Harm to the landscape; flood risk; drainage infrastructure is inadequate; road and transport infrastructure is inadequate; lack of employment; affordable housing could lead to deprivation; lack of school places.

5.06 **The Weald of Kent Protection Society:** Greenfield, agricultural land; overdevelopment; urbanisation; flooding and drainage problems; traffic and highway safety.

6.0 CONSULTATIONS

6.01 **Headcorn Parish Council:** Wish to see the application REFUSED on the following (summarised) grounds and reported to planning committee:

- Not a sustainable location for this scale of development.
- Should not be an outline application.
- Not the right location for this amount of affordable housing.
- Lack of employment.
- Transport Assessment is inaccurate.
- Access should be from the A274.
- Highway safety issues.
- Cumulative impact of traffic needs to be assessed.
- Disruption during construction.
- Density is too high.
- EIA should be required.
- Sewage system is not adequate.
- It is unclear who would improve the drainage infrastructure.

- Development needs to be delayed until drains have been fully upgraded.
 - Surface water flooding.
 - Not in accordance with Neighbourhood Plan.
 - Land needs to be given to KCC to expand school.
 - Increased social amenities needed.
 - Increased medical facilities needed.
 - Increased parking in High Street needed.
 - Urbanisation.
 - Lack of infrastructure.
- 6.02 **MBC Housing Officer:** No objections and advice provided on potential affordable housing mix.
- 6.03 **MKIP Environmental Health Officer:** No objections subject to conditions regarding contaminated land and air quality mitigation.
- 6.04 **MBC Parks & Leisure:** Based on a shortfall of 0.8ha of open space on site a request of £548 per dwelling (total £120,560) towards improvements, refurbishment and maintenance of existing and new equipment and facilities at the Hoggs Bridge Green Play Area and Playing Fields, and Hoggs Bridge Green Allotments to the east of the site and Headcorn Recreation Ground and Play Area to the South of the site.
- 6.05 **MBC Conservation Officer:** Raises no objections.
- 6.06 **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.”*

Primary Education: £1,180,952 is sought towards the construction of a school extension.

“The proposed development is forecast to give rise to 62 primary pupils; these pupils cannot be accommodated within forecast school capacities and therefore this need can only be met through the provision of extended Primary Schools in the area.

Headcorn Primary School is located adjacent to the proposed development site; the school currently provides for 210 pupil places (1 Form of Entry) and occupies a site of 2.1338 hectares; the site has considerable restrictions on developable space due to being divided by a stream which flows into the River Bult. KCC has commissioned architects to examine the feasibility for the school to expand to 2FE (420 places); the results of the feasibility are that the school is capable of expansion, but at considerable cost.

The cost of the new accommodation will be higher than other expansion projects which aren't in an area of flooding. The per pupil cost of constructing the new accommodation and enlarging existing core facilities is on par with the per pupil cost of constructing a new primary school. The per pupil cost of constructing a 1FE primary school is currently £19,047.62.

Given the proposed development gives rise to 62 primary pupils KCC therefore requests £1,180,952 be secured from the development towards the construction of the school extension.”

Primary School Land:

“Should the proposed development proceed and the school be required to expand to 2 Forms of Entry (420 total pupil places) it could not do so within its current site. An assessment has been undertaken identifying additional land to the North of the existing school boundary which would be required to form part of the primary school to enable any future expansion. The additional land is required to meet Government space standards, without which any future expansion could not take place.

The additional land measures 3383m² and is identified on the attached plan. It is requested that this area of land be secured through a planning obligation such that it is transferred to KCC at the earliest opportunity and that adequate provision for highway access at the most North Eastern point of the extension land to accommodate traffic generated by a 2 Form Entry primary school is provided through this development.

The need to expand the school is created by development, KCC will seek contributions towards land acquisition from contributing developments but the land is required to be provided at no net cost to KCC.”

Secondary School Provision: £519,156 is sought towards the enhancement of teaching space at Cornwallis School.

“This proposal gives rise to 44 additional secondary school pupils during occupation of this development. This need can only be met through the expansion of appropriate Secondary Schools within the Borough. 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.

The County Council requires a financial contribution towards extension of secondary school provision at £11,799 per pupil for the 44 additional pupils from this development.”

Youth Services: £1,857 sought.

“Required for the new residents of this development alone (supplied to Youth Workers covering Headcorn).”

Libraries Contribution: £10,563.48 sought.

“There is an assessed shortfall in provision; overall borrower numbers in the Headcorn are in excess of area service capacity, and book stock 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. The County Council will mitigate this impact through the provision of additional book stock for the new residents at Headcorn Library.”

- 6.07 **KCC Highways:** No objections subject to a travel plan, and construction management plan. Improvements suggested being new 30mph signs and gateway features on Ulcombe Road; road markings on Ulcombe road; and potential extension of footway on Forge Lane. Proposed signalling of A274 North Street/Kings Road/Moat Road junction would need to be funded by the development.

- 6.08 **KCC Ecology:** No objections subject to conditions requiring mitigation in relation to GCN, reptiles, and bats, and provision of a biodiversity method statement, ecological design strategy, landscape and ecological enhancement plan, construction environmental management plan, and enhancements.
- 6.09 **KCC Heritage:** No objections subject to a condition requiring a programme of archaeological work.
- 6.10 **Natural England:** No objections. *“Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.”*
- 6.11 **UK Power Networks:** No objections.
- 6.12 **Rural Planning Ltd:** No objections. The land is not the best and most versatile and therefore I do not consider the loss of the land should be considered ‘significant’ for the purposes of paragraph 112 of the NPPF.
- 6.13 **NHS:** Seeks a healthcare contribution of £135,626.40,

“As early as 2007 the Headcorn practice held discussions with the former West Kent PCT and developed a business case for new surgery premises. Their original premises were not deemed suitable for the long term provision of primary care and the new development would include additional consulting space to enable the practice to develop a wider range of services and co-locate other primary care providers. This service expansion was required to address the needs of the local population where additional counselling, phlebotomy, clinics, specialist nurse clinics and child health services were in greater demand. In addition, the hosting of GP training would provide the practice with the opportunity of securing new GPs to join the practice and to offer some security in terms of succession planning.

The Surgery predicted housing growth after discussing the matter with the Local Authority at the time and although the Local Development Framework was yet to be finalised, Maidstone Borough Council’s Planning Policy Unit informed that there was the potential to provide new homes in Headcorn, which would fall into the Practice’s catchment area. This was in addition to any extant permission which were yet to be built out. The practice accounted for this in its development plans.

In terms of cost of the surgery development total costs (incl. VAT) for the development were set at approximately £1.5m and the practice subsequently applied for assistance to support the costs. On review, the former PCT approved recurrent costs to support the scheme by way of an increased annual current market rent which the GPs use to offset their borrowing for the extension works by way of an additional £75,000 per annum, effective from the first date of occupation, planned for late 2013/early 2014. Certainly the NHS would have expected the provision of Section 106 funding to be available to support this scheme, assuming a significant contribution towards the overall cost. However at the time the PCT Board considered the scheme, no funding was available and with the impending housing growth, the NHS in effect agreed to ‘pump-prime’ the development through the award of recurrent funding to support the costs of the development to enable it to proceed as planned, ahead of the NHS securing any additional S106 monies. The NHS would now wish to recoup its investment by way of securing additional contributions where

it can be reasonably argued that the development of new housing locally will impact on primary care services.

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."

- 6.14 **Environment Agency:** No objections subject to conditions requiring the development to be carried out in accordance with the Flood Risk Assessment (FRA).
- 6.15 **English Heritage:** Not necessary to consult us.
- 6.16 **Southern Water:** *"Following initial investigations, there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location."*
- 6.17 **Kent Police:** Recommend condition re. crime prevention.

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.
- 7.02 The application site is outside but immediately north of the defined settlement boundary of Headcorn. It is therefore upon land defined in the Local Plan as countryside.
- 7.03 The starting point for consideration is saved policy ENV28 of the Maidstone Borough-wide Local Plan 2000 which states as follows:-

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

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

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

- 7.04 The proposed development does not fit into any of the exceptions set out in policy ENV28, which is why it has been advertised as a departure from the Development Plan.
- 7.05 It is necessary therefore to consider two main issues in relation to the proposals. Firstly, whether there are any material considerations that would indicate that a decision not in accordance with the Development Plan is justified, and secondly whether the development would cause unacceptable harm. (Detailed issues of any harm will be discussed later in the report).
- 7.06 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should;
- 'identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;'*
- 7.07 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge and Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Local Plan (2011 -31). The SHMA (January 2014) found that there is the "objectively assessed need for some 19, 600 additional new homes over this period which was agreed by Cabinet in January 2014. Following the publication of updated population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014.
- 7.08 Most recently calculated (April 2014), the Council had a 2.1 year supply of housing assessed against the objectively assessed housing need of 18,600 dwellings.
- 7.09 This lack of a five year supply is a significant factor and at paragraph 49 of the NPPF it is states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a five year supply cannot be demonstrated. The presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.
- 7.10 In terms of the location of the site, The NPPF advised that when planning for development i.e. through the Local Plan process, the focus should be on existing service centres and on land within or adjoining existing settlements. Headcorn is a defined rural service centre (RSC), which outside of the town centre and urban area, are considered the most sustainable settlements in Maidstone's settlement hierarchy, under the draft Local Plan. The draft Local Plan outlines 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.” The settlement offers a good range of key services including the primary school, doctor’s surgery, employment, shops, public houses, regular public transport bus connections to Maidstone and the railway station. As such, the site is considered to be at a sustainable location and immediately adjoins the existing settlement.

- 7.11 The draft Local Plan, which went out to Regulation 18 public consultation in 2014, allocates the site for housing for 240 dwellings (policy H1(39)). However, Cabinet resolved to go back to Regulation 18 consultation for deletion of the allocation on the grounds that, *“local infrastructure is insufficient, in particular for foul water sewerage, flood risk and highway congestion.”*
- 7.12 In the light of the above five year supply position, bringing forward development on this sustainably located site immediately adjacent to a rural service centre would assist in helping to meet the shortfall in housing supply and I consider this to be a strong material consideration in favour of the development.
- 7.13 Representations have been received relating to conflict with the emerging Neighbourhood Plan (NP). Whilst work on the NP is progressing, it has not been formally submitted to the Council so there are a number of key stages ahead including pre-submission to the Council, Local Authority lead public consultation, independent examination and referendum. The NP is a material consideration, however, at its current stage, I do not consider it grounds to refuse planning permission.
- 7.14 For the above reasons, I consider the policy principle of residential development at the site is acceptable. The key issue is whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole. I will now go on to consider the key planning issues which are visual impact/design, access/highway safety, infrastructure, drainage/flood risk, ecology, heritage, residential amenity.

Visual/Landscape Impact

- 7.15 In terms of near views, the site is visible from Ulcombe Road to the east although behind an existing deciduous roadside hedge. Glimpses would also be possible between properties from the A274 (Mill Bank) to west. Otherwise close views would be from private properties bordering the site and from the school playing fields. Development of the site would inevitably result in a visual and character change from the current agricultural fields from close range views. However, there is built development to the west along the A274, at Hazelpits Farm to the north, and to the southeast/east. As such, I consider that development of the site would not represent extension of development away from the main built-up area of the settlement, or be out on a limb.
- 7.16 In longer range views, part of the northern boundary is open and this is the highest part of the site with long range views of the Greensand Ridge possible. However, any views would be seen in the context of the existing settlement so to my mind the development would not be discordant or result in protrusion beyond built development.

- 7.17 Overall, it is considered that development of the site would cause some harm but this would be low and in the context of a lack of housing supply, this is not sufficient grounds to refuse the application. Landscaping could also be secured to mitigate the impact.

Design Issues

- 7.18 Details of layout, scale, appearance and landscaping are not being considered at this stage. However, the illustrative plans show 220 dwellings over the site which equates to a density of around 28 dwellings per hectare, which I consider suitable for this edge of village site. The illustrative plans show what could be achieved, with large areas of open space, good levels of landscaping, and an emergency/pedestrian/cycleway access past the primary school linking to Kings Road. The development will be designed to achieve Code for Sustainable Homes Level 4. Overall, I consider the amount of development proposed is suitable to be able to achieve a high standard of design and that this is not grounds to refuse the application.

Highways Issues

- 7.19 Access is being considered at this stage and two vehicular access points would be provided onto Ulcombe Road with the 30mph speed limit extended north across the site frontage. There would be a pedestrian route through 'Upton's over which the applicant has a right of way. An emergency/pedestrian/cycleway access past the primary school linking to Kings Road is also proposed. Kent Highway Services (KHS) raise no objections to the access points and their visibility.
- 7.20 A transport assessment has been submitted and safety audit which has been assessed by KHS. The trip generation from the development (which was tested for 270 dwellings not 220) is expected to result in 131 arrivals and departures during the AM peak (8am to 9am) and 154 in PM peak (5pm to 6pm). Most vehicles (66%) would be expected to head south on Ulcombe Road and west along Kings Road. A third of traffic would be expected to head north on Ulcombe Road. The increase in traffic at the A274 North Street/Kings Road/Moat Road junction, including factored in background traffic growth would result in approximately a 10% increase in both peak hours.
- 7.21 Criticisms of the transport assessment have been received, however, KHS have not raised any concerns with the information provided. KHS raise no objections in terms of the impact of the additional traffic on local roads or highway safety. KHS do state that they would expect the combination of additional traffic and the narrow width of Ulcombe Road just to the south of the site would result in minor delays at busy times but do not raise objections to this.
- 7.22 The applicant has carried out a capacity assessment of the A274 North Street/Kings Road/Moat Road junction. The information reveals that the junction currently operates well within capacity and would continue to do so with the additional traffic from the development. However, because the draft policy refers to seeking contributions towards the provision of traffic signal control and that some sight lines are sub-standard, a potential junction signalisation scheme has been proposed by the applicant. This would result in 5 on-street parking spaces being lost but these would be replaced by land within the application site next to the primary school.
- 7.23 KHS advise that the Transport Assessment outlines that the additional traffic generated by the development is unlikely to cause a safety or capacity problem at the

A274 Mill Bank/North Street/Kings Road junction. This being based on the current injury crash records and junction capacity calculations. In strict evidence terms, KHS advise that they would tend to agree with this assessment. However, KHS advise that the lack of visibility remains an issue and it is possible that additional traffic passing through it could cause a problem in the future, but this would not be known until the new housing has been built. The applicant considers there is a potential safety issue arising from the junction's existing substandard sight line visibility, and that development will increase use of a junction with an existing potential safety problem, and that this would be mitigated if the lights were installed.

- 7.24 In my view the sight lines at the junction are sub-standard, KHS consider this is an issue, and that safety issues could arise in the future. To my mind this is sufficient grounds to require signalisation of the junction, which the applicant is proposing. Therefore a condition requiring this off-site highway improvement could mitigate this impact.
- 7.25 Parking and layout is not being considered at this stage but I consider a suitable level of parking could be provided and balanced against achieving a well-designed scheme and layout.
- 7.26 Overall, it is consider the accesses would be safe and that the impact of additional traffic on local roads and junctions would or could be made be acceptable through improvement, with no objections raised by the Highways Authority. As such, any highways impacts are not considered grounds for refusal.

Infrastructure

- 7.27 A development of this scale is clearly likely to place extra demands on local services and facilities and it is important to ensure that the development can be assimilated within the local community. As such suitable contributions to make the development acceptable in planning terms can be sought in line with policy CF1 of the Local Plan and the Council's Open Space DPD.
- 7.28 However, any request for contributions needs to be scrutinised, in accordance with Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criterion that sets out that any obligation must meet the following requirements: -

It is:

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

*And

A planning obligation ("obligation A") may not constitute a reason for granting planning permission to the extent that —

- (a) obligation A provides for the funding or provision of an infrastructure project or type of infrastructure; and*
- (b) five or more separate planning obligations that—*
 - (i) relate to planning permissions granted for development within the area of the charging authority; and*
 - (ii) which provide for the funding or provision of that project, or type of infrastructure*

have been entered into before the date that obligation A was entered into.

- 7.29 *This section came into force on 6th April 2015 and means that planning obligations cannot pool more than 5 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010).
- 7.30 The following contributions have been sought:
- 7.31 For primary education provision, the pupils that would result from the development cannot be accommodated within forecast school capacities of the adjacent primary school. As such, the school would need to expand but is restricted due to being divided by a stream which flows into the River Buelt. KCC has therefore commissioned architects to examine the feasibility for the school to expand to 2FE (420 places), and the results are that the school is capable of expansion, but at considerable cost. This would involve extending the school on its existing site. However, due to the loss of space on site, additional land to the north of the existing school would then be required to ensure Government space standards are still met. This land forms part of the application and would be made available for KCC and is included within the draft s106 submitted under the application and so this provision would be satisfied.
- 7.32 In terms of the cost for the new accommodation, this will be higher than other expansion projects because it would be in Flood Zone 2 (note: school expansion can be allowed in Zone 2 under the NPPF/NPPG). The per pupil cost of constructing the new accommodation and enlarging existing core facilities is on par with the per pupil cost of constructing a new primary school. The per pupil cost of constructing a 1FE primary school is currently £19,047.62. Given the proposed development gives rise to 62 primary pupils, KCC therefore requests £1,180,952 be secured from the development towards the construction of the school extension.
- 7.33 For secondary education £519,156 is sought to towards the enhancement of teaching space at Cornwallis School to address the increased impact the development would have.
- 7.34 For youth services, £1,857 is sought to be used to address the demand from the development towards youth services locally through provision to Youth Workers covering the Headcorn area.
- 7.35 For libraries, £10,563.48 is sought be used to address the demand from the development towards additional bookstock at Headcorn Library.
- 7.36 Justification for the contributions is outlined at paragraph 6.06 and I consider that the requested contributions have been sufficiently justified to mitigate the additional strain the development would put on these services and comply with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the CIL tests above.
- 7.37 In terms of open space, based on a shortfall of 0.8ha of open space on site, a request of £548 per dwelling (total £120,560) towards improvements, refurbishment and maintenance of existing and new equipment and facilities at the Hoggs Bridge Green Play Area and Playing Fields, and Hoggs Bridge Green Allotments to the east of the site and Headcorn Recreation Ground and Play Area to the South of the site. I consider this would sufficiently mitigate the impact the development would have on public open space. I also consider existing play areas for children are close enough to the site (within 250m) so as not to require an equipped area on site.

- 7.38 In terms of healthcare, the NHS are seeking a contribution of £360 per person. This is based on what they see as 'forward funding' of the new surgery in the village on Grigg Lane. They state that the new surgery was planned on the basis of the existing population of the village whilst also creating capacity for the growth predicted for the near future. The NHS considers that it should be able to recoup the costs of the surgery against the development on the basis that it discussed potential housing provision in 2007 with the Council and essentially 'planned ahead'. This approach was taken to housing applications in Marden in 2013/2014, where money was recouped, however, in that case the NHS had liaised with the Council in 2010 over potential housing numbers (more recent), and had broken down in detail the costs of expansion works carried out in the village. They provided much more detail and divided applicable costs against the planned sites in the village. In the case of Headcorn, no such detail has been forthcoming despite requests.
- 7.39 The applicant takes the view that the NHS is looking for reimbursement of moneys already spent on a local building project and that discussions in 2007 would not have foreseen the draft allocations first made in February 2014. The applicant does not consider the request passes the relevant CIL tests.
- 7.40 Due to the lack of detail and justification to clearly demonstrate that the NHS planned ahead for this development, (particularly bearing in mind Council was not planning this scale of development in 2007), and a lack of detail on the costs of the works, it is considered that the request does not pass the relevant CIL tests as being necessary, directly related to the development, or fairly and reasonably related in scale and kind to the development. As this request does not pass the CIL tests, this is not considered grounds to refuse the application.
- 7.41 Importantly however, in seeking to recoup costs, rather than require additional contributions for further expansion, the NHS are confirming that the current facilities in the village are considered sufficient to serve the proposed development. As outlined above, the new surgery was designed to be able to accommodate some growth in the village.
- 7.42 The above contributions (apart from the NHS) are considered to be necessary to mitigate the impact of the development, and I have checked with those making the requests that there are not already 5 signed s106 agreements contributions towards the projects, and clarification has been given that there are not. As such the requests would meet the CIL regulations tests.

Drainage & Flood Risk

- 7.43 The issue of foul water drainage within the village has been raised as a critical issue by numerous residents, Councillors and the Parish Council and this was one of the reasons Cabinet have opted for the site to be deleted from the emerging Local Plan. The Parish Council have submitted a foul water drainage assessment (in summary) carried out by consultants on behalf of the Parish Council. This report identifies shortcomings within the existing foul water drainage system including inadequate capacity in pipework (diameter of pipes), and inadequate velocity (some pipes have potentially not been laid falling in the right direction or at sufficient angles). It is considered that this could result in a build-up of foul material, blockages and overflows and indeed submissions have been received showing evidence of such occurrences. Whilst this information has not been independently assessed (for example like the Transport Assessment by KHS), clearly there are issues with the existing system evidenced by the problems experienced on some roads in the village where overflows occur.

- 7.44 The applicant is aware of the existing problem within the village and the serious concerns, and has submitted a detailed 'foul water management strategy' in an attempt to address the impact of the proposed development. I must advise Members that a new development can only be required to mitigate its own impact and not solve existing problems.
- 7.45 The applicant submitted a capacity check to Southern Water in July 2014 based on 240 dwellings (220 are now proposed). The check was based on two thirds of flows going to Ulcombe Road pipes, and one third to Kings Road. Southern Water's response confirmed that there is insufficient capacity in the local network to accommodate the flows. Following discussions with Southern Water, it is proposed that the site would discharge to a manhole on Kings Road (not Ulcombe Rd). This would require an upgrade of the pipework (larger size) from outside the primary school southwards to the corner of North Street/High Street, and also an increase in the capacity of the Moat Road Headcorn Wastewater Treatment Works. It is also noted that the depth of sewers in Kings Road means that it is not possible to drain the site using gravity sewers alone, and a pumping station is therefore proposed within the application site.
- 7.46 Southern Water in response to the planning application confirms again that there is insufficient capacity to serve the development but state that, *"additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location."* I consider that the applicant has demonstrated that on and off-site measures and improvements can be provided, (which have been carried out in consultation with Southern Water), and that adequate foul drainage can be provided under the Water Industry Act to mitigate the impact of the development. Clearly, this will not solve existing problems in the village but will mitigate the development's impact, which is all that is required.
- 7.47 I therefore advise that issues relating to foul drainage are not grounds to object to the application as this could be dealt with condition and/or under the Water Industry Act.
- 7.48 In terms of surface water and flood risk, a Flood Risk Assessment (FRA) and Surface Water Management Strategy have been submitted. SUDs are proposed including filter strips, permeable paving, swales and ponds to ensure run-off rates would be the equivalent of existing greenfield run-off rates. The EA has advised that they consider the submitted FRA is very detailed and has considered all aspects of surface water drainage and management. They state that, *"the FRA and drainage strategy provided, stated, calculated and showed that the runoff generated from the development will be kept at Greenfield runoff rates. The provided micro drainage calculations show that the site would discharge at Greenfield runoff rate and the SUDS provided in the development will reduce the flow of water from the site to the Hogs Stream."* On this basis no objections are raised by the EA and surface water drainage or the impact upon flooding are not considered grounds for objection.

Ecology

- 7.49 Ecological surveys have been carried out including species surveys for bats, GCN, reptiles, and aquatic invertebrates. Surveys confirmed the presence of GCN in ponds nearby and that a Natural England licence would be needed due to the impact upon terrestrial habitat. An exceptional population of slow worm and low population of common lizard and grass snake was recorded. As areas where they were recorded

will be temporarily disturbed and connectivity will be altered, a mitigation strategy is proposed. KCC Ecology have assessed the detail and raise no objections subject to conditions requiring mitigation in relation to GCN, reptiles, and bats, and provision of a biodiversity method statement, ecological design strategy, landscape and ecological enhancement plan, construction environmental management plan, and enhancements. I therefore consider any impact upon ecology would not warrant objection and that suitable mitigation would be possible. Natural England also raise no objections in terms of any impact upon the River Beult SSSI.

Heritage

- 7.50 'Hazelpits Farmhouse' is a Grade II listed building immediately north of the site. The Conservation Officer advises that there would be some slight impact on the setting of the adjacent Grade II listed Hazelpits Farmhouse by removing some of its rural context and the loss of its separation from the built up area of Headcorn. However, Hazelpits Farmhouse lies within substantial grounds which are so well wooded that views of the listed building are not obtainable from outside the site; there is therefore unlikely to be any direct visual relationship between the new housing and the listed building. No objections are raised in terms of the impact upon the setting of this listed building, which I agree with.

Residential Amenity

- 7.51 Details of layout and appearance are not being considered however my view is that the development could be designed to prevent any unacceptable impact upon nearby properties in terms of privacy, light and outlook. I also consider the proposed properties could be designed to benefit from sufficient amenity.
- 7.52 Use of the proposed pedestrian/cycle link along the rear of properties on Mill Bank would introduce residents walking close to rear gardens, however views are screened to a degree in places and new boundary treatments/landscaping could ensure privacy where necessary.

Other Matters

- 7.53 Affordable housing is proposed at 40% in line with the 2006 DPD and emerging policy and CSH Level 4 is proposed. Conditions could suitably deal with archaeology, contaminated land and mitigating any impact upon air quality. The land is not considered to fall within the best and most versatile agricultural category.
- 7.54 Some residents and the Parish Council consider that the application should be accompanied by an Environmental Impact Assessment (EIA). Prior to submission of the application, a 'Screening Opinion' was sought for up to 270 dwellings at the site. After consultations with Statutory Consultees, it was considered that any environmental implications from the development would be so significant or wide-ranging so as to warrant an EIA. For this application, I would make the same conclusion and do not consider the development would be of more than local importance, would not have significant implications for the SSSI, and would not involve unusually complex and potentially hazardous environmental effects. Therefore I do not consider an EIA is required for this application in light of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended). Notwithstanding this, the Planning Inspectorate will now need to make its own decision on this matter as it will be determining the application.

- 7.55 Comments have been received that consider the application cannot be determined procedurally as it is an outline application which includes a change of use (land changing to school use). I have sought legal advice on this matter and am advised that the application can be determined in its current form. Notwithstanding this, this is an issue for PINs as the determining authority. Land ownership has also been raised and the applicant has submitted and amended red outline plan and confirmed all land is owned by the applicant so this is not an issue.

8.0 CONCLUSION

- 8.01 I must remind Members that the Council is no longer the determining authority for this planning application, as this now falls to PINS. However, the Council needs to inform PINS what decision it would have made on the application. If the Planning Committee decides that it would have granted planning permission, the Council would not contest the appeal but would be represented to have an input on any matters considered relevant, for example, the terms of any legal agreement or planning conditions. If the Planning Committee decides that it would have refused planning permission, the Council would need to defend any reasons at the appeal. Any reasons would need to be clearly justified and would need to be defensible otherwise there would be a risk of costs being awarded against the Council for acting unreasonably, and essentially wasting any parties time and costs of having to respond to any objections raised.
- 8.02 The proposed development is contrary to policy ENV28 in that it represents housing development outside a settlement boundary in the Local Plan. However, in the absence of a five year supply of housing the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development, and policies such as ENV28 cannot form grounds to object in principle.
- 8.03 The site is at a sustainable location adjoining the settlement boundary of Headcorn in the Local Plan, which offers a good range of facilities and services. The visual impact of development at the site would be localised and would not result in any significant protrusion into open countryside beyond existing developed areas. There are no highway objections and it is considered the local roads could accommodate any increase in traffic, with some off-site improvements. Appropriate community infrastructure could be provided and affordable housing at 40%. Drainage issues have been fully considered and mitigation for the development could be achieved. There are no objections from the Environment Agency in terms of flooding. There are no ecology objections or any other matters that result in an objection to the development. The Conservation Officer considers there would not be harm to the setting of the listed building.
- 8.04 In accordance with advice in the NPPF, there are three dimensions to sustainable development giving rise to the need for the planning system to perform environmental, economic and social roles. I consider that the development would provide economic benefits through delivering houses, associated construction jobs, and the likelihood of local expenditure (economic benefits commonly recognised by Inspectors at appeal). I consider there would be social benefits through providing needed housing, including affordable housing, community infrastructure, and I do not consider the impact upon existing residents would be unduly harmful. There would be some impact upon the landscape but this would be limited and localised, and otherwise there would be no significant harm to the environment. As such, I consider the development would perform well in terms of economic, social and environmental roles required under the NPPF.

- 8.04 I have taken into account all representations received on the application and the emerging Neighbourhood Plan. Considering the low level of harm caused by the development, in the context of a lack of 5 year housing supply, I consider that the low adverse impacts would not significantly and demonstrably outweigh the benefits of providing much needed housing, including affordable housing, at a sustainable location. This is the balancing test required under the NPPF. As such, I consider that compliance with policy within the NPPF would have been sufficient grounds to depart from the adopted Local Plan.
- 8.05 Therefore I advise that there are no grounds to refuse this planning application and I recommend that Members decide that they would have approved planning permission.
- 8.06 (I have listed below the heads of terms and conditions that would have been recommended. However, I have not written conditions out in full as the Council is not deciding the application.)

9.0 RECOMMENDATION

That the Council advises the Planning Inspectorate that it would have granted planning permission subject to a legal agreement and conditions.

For Information:

Any legal agreement would have provided the following:

- The provision of 40% affordable residential units within the application site.
- Financial contribution towards the build costs of extending Headcorn Primary School.
- Provision of land to allow expansion of Headcorn Primary School with vehicular access.
- Financial contribution towards enhancement at Cornwallis School.
- Financial contribution towards youth services to address the demand from the development towards youth services locally.
- Financial contribution towards libraries to address the demand from the development towards additional bookstock at Headcorn Library.
- Financial contribution towards improvements, refurbishment and maintenance of existing and new equipment and facilities at the Hoggs Bridge Green Play Area and Playing Fields, Hoggs Bridge Green Allotments, and Headcorn Recreation Ground and Play Area.

Conditions would have covered the following:

- Time Limit for Reserved Matters and Implementation
- Parameters on Landscaping (retaining/strengthening boundaries) and securing On-site Open Space.

- Landscape Details and Management Plan, Ecological Enhancement Plan, Construction Environmental Management Plan.
- Landscape Implementation
- Arboricultural Method Statement
- Details of Materials
- Boundary Treatments
- Foul and Surface Water Drainage Details
- Compliance with Flood Risk Assessment
- Archaeology
- Slab Levels
- Contaminated Land
- Visibility Splays & Off-site Highways Works (30mph extension, gateway features, road marking, and signalisation of A274 Mill Bank/North Street/Kings Road junction)
- Travel Plan
- Construction Management Plan
- Lighting
- Level 4 of the Code for Sustainable Homes
- Compliance with Approved Plans

Case Officer: Richard Timms

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



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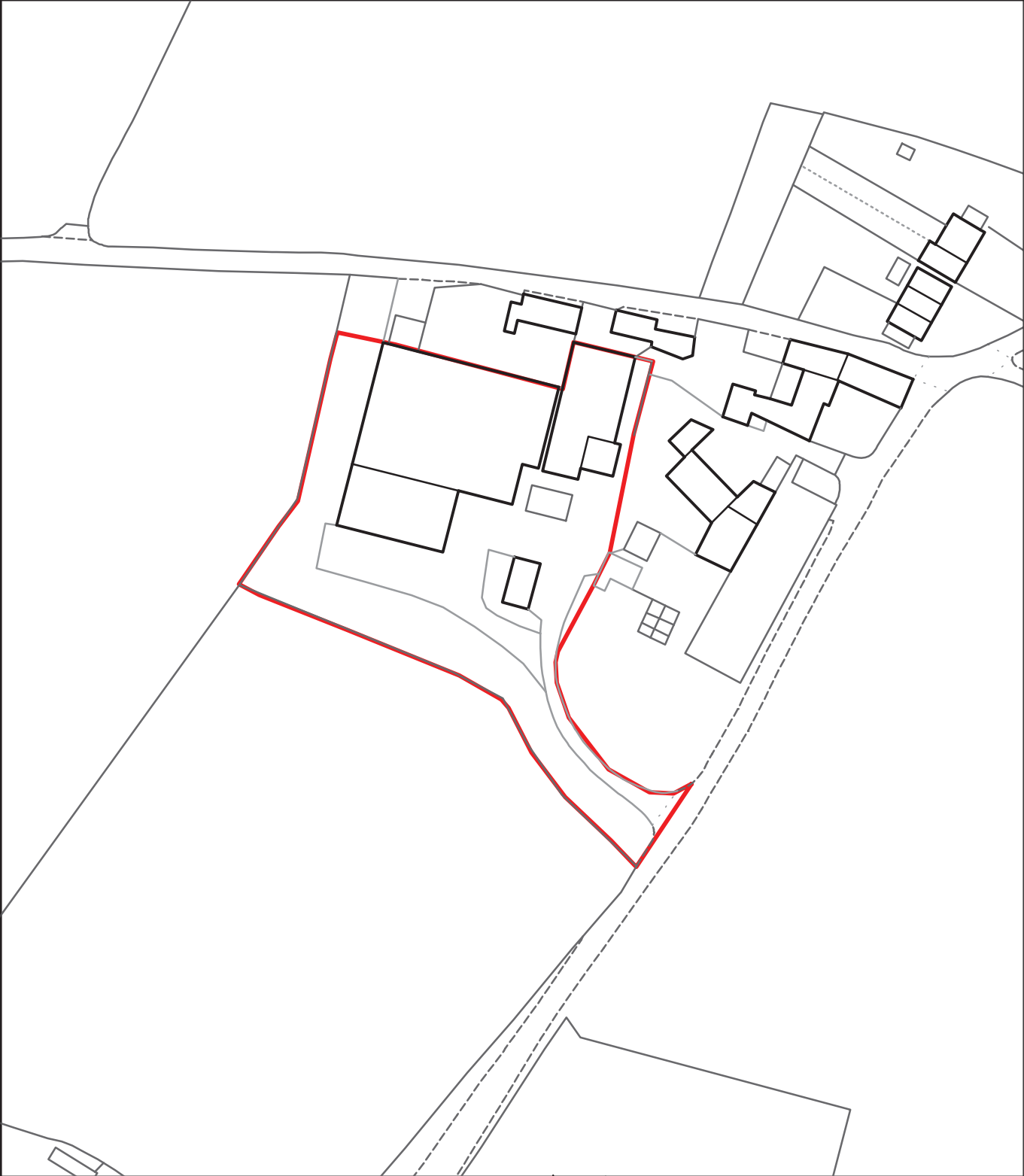


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THE MAIDSTONE BOROUGH COUNCIL

Westmount Packaging
The Forstal
Bull Hill, Lenham Heath
Kent, ME17 2JB

MBC Ref: 14/505358



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 14/505358/FULL			
APPLICATION PROPOSAL Demolition of existing buildings and erection of 6 dwellings with associated works			
ADDRESS Westmount Packaging The Forstal Bull Hill Lenham Heath Kent ME17 2JB			
RECOMMENDATION			
SUMMARY OF REASONS FOR RECOMMENDATION <p>The proposed development does not accord with policy ENV28 of the Maidstone Borough-wide Local plan 2000 or the provisions of the NPPF relating to sustainable housing development in the countryside.</p> <p>However as the proposal (a) does not result in any material loss of economic activity to the Borough, (b) involves reuse of brownfield land in accordance with Government policy, (c) makes a contribution in meeting the Borough's acknowledged housing shortfall, (d) will bring about improvements to the visual and aural amenity of nearby houses and setting of a Listed Building while safeguarding the character and setting of the adjoining countryside, (e) reduce HGV and employee traffic resulting in a material improvement to highway safety and the free flow of traffic in the locality and (f) bring about wildlife and habitat improvements to the locality, it is considered that the balance of issues fall significantly in favour of the proposal.</p>			
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none"> • The recommendation is a Departure from the Development Plan • The Parish Council object to the proposal 			
WARD Harrietsham And Lenham Ward	PARISH/TOWN COUNCIL Lenham	APPLICANT Mr D Howden AGENT Mrs Harriet Burr	
DECISION DUE DATE 05/03/15	PUBLICITY EXPIRY DATE 05/03/15	OFFICER SITE VISIT DATE 17 th December 2014	
RELEVANT PLANNING HISTORY None			

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site occupies an isolated location in open countryside not subject to any specific landscape designation.
- 1.02 The site is currently in commercial use for the storage, distribution and packing of fruit and vegetables. There are 5 main buildings on the site used for packing, processing and offices with the remainder of the site covered by hardstanding providing for vehicle circulation and parking.
- 1.03 Agricultural land bounds the site to the west and south with residential properties immediately abutting the north and east site boundaries. Access to the site is from Bull Hill to the east.

2.0 PROPOSAL

- 2.01 The proposal involves the demolition of all existing building and their replacement with a cul de sac of 6 no: detached two storey houses comprising 3 no. 4 bedroom and 3 no. 5 bedroom units all with their own private gardens. The current footprint of buildings on site comes to just over 1900 sqr metres with the proposed development reducing this to just over 1400 sqr metres resulting in a 25% reduction.
- 2.02 The dwellings are shown arranged around central paved areas which, the applicants advise, are intended to reflect a traditional farm courtyard layout. The proposed dwellings are shown having either L or T shaped footprints within a 'horse shoe' layout. A total of 12 parking spaces are to be provided plus 3 spaces in car ports. Eight spaces are to be provided in garages.
- 2.03 Dwellings are to be separated by a combination of close board fencing and hedgerows. The southern and western site boundaries are proposed to be contained by a 15 metre wide landscape buffer consisting of a low bund planted with native trees and hedgerows.
- 2.04 The applicants also advise the following:
 - Bought the site in 2011 for purpose of growing the business at least expense
 - Previously the site had been vacant and on the market for some time.
 - The business is still growing and needs to relocate to a site better suited to its purposes for the following reasons.
 - (a)The buildings are expensive to maintain while a number of smaller buildings need to be demolished as they are beyond economic repair.
 - (b)Site generates a considerable volume of staff and HGV traffic at The Forstal and on Bull Hill. Activity carried out better suited to locations with access onto good roads and close to main transport corridors.
 - (c)Locality is generally unsuitable for HGV's given the narrowness of the roads making up the immediate highway network.
 - (d) Additional expenditure cannot be justified given that this will not resolve issue of unsuitable buildings in the wrong location.
 - (e) Regarding redevelopment of the site, the requirement is for large warehouses. Redevelopment could not take place on a phased basis but would require the complete cessation of trading while this took place.
 - (f) Cost of financing the redevelopment, relocating and running the business while redevelopment took place (assuming a suitable temporary site could be found)

negotiating a short term lease, removal costs of vacating and returning to the site will place an excessive financial strain on the business.

(g) Can confirm that the target areas for relocation of the business are to the north Maidstone town, Aylesford or Larkfield which are all in the commuting area of existing staff while offering growth potential relevant to the Maidstone labour market area.

2.05 In addition also advise that:

- The current buildings, some of which lie very close to the dwellings fronting Mount Castle Lane, affect the outlook of these dwellings to a considerable degree.
- Site lies in countryside and the buildings represent a considerable built form within the landscape. They are generally not in keeping with the adjacent group of small scale traditional buildings at The Forstal and detract from the contribution those buildings make to the surroundings.
- In view of the above consider that the site is no longer suitable for commercial use and is more suited to residential reuse.
- If planning permission is not granted applicants will have to relocate in any event if they are continue to grow the business. Any sale would be to a purchaser able to use poor quality accommodation.
- Contend that the most likely users would be a speculative purchase for sub-division into small B1 and B8 units though advise that most of the older buildings are already beyond economic repair while the existing warehouse is too deep (40metres) for easy sub-division.
- Marketing prior to the applicant's purchase of the site it did not attract interest from any B1 or B8 users.

2.06 The application is accompanied by an Extended Phase 1 Habitat Survey and Bat Building Report, drainage statement, phase 1 desk study relating to site contamination , Transport and Sustainability Statements and Tree Survey.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: ENV28, T13

4.0 LOCAL REPRESENTATIONS

4.01 **Lenham Parish Council:** Object as development lies outside the village envelope and cannot be considered sustainable. The neighbourhood plan is emerging and premature decisions on applications of more than one dwelling may compromise the aims of the plan.

4.02 11 properties were notified of the proposal – 5 representations received which are summarised as follows:

- No objection in principle to proposed development but concerned over size and density of the houses along with loss of privacy and outlook.
- Cramped overcrowded development with small gardens out of character with surroundings and harmful to character of adjoining hamlet.
- Forstal House will be subjected to unacceptable overlooking from adjoining development while siting of garage to unit 6 blocks access to entrance.
- After existing buildings have been demolished brick wall of suitable height required to safeguard privacy of The Grange.

- Concerned that proposal may make it easier to develop adjoining open land or enable a higher density scheme to be permitted in the future.

5.0 CONSULTATIONS

5.01 **MBC Landscape:** No objection

5.02 **MBC Heritage:** The existing large-scale modern farm buildings are unattractive features in the countryside and have some detrimental impact on the setting of the listed Forstal House. The proposal to demolish these buildings and replace them with six new dwellings will result in less of the site being occupied by buildings than is currently the case and will also result in the softening of unbuilt areas, removing the existing extensive hardstanding. The design of the proposed dwellings is of an acceptable vernacular style utilising local materials resulting in an improvement to the setting of the listed building.

5.03 **Kent Highway Services:** The proposal involves use of an existing access while reducing traffic to the site particularly HGVs. Adequate parking and turning is shown along with cycle storage for each dwelling. In addition there have been no reported accidents in proximity to the site in the latest three year period. As such raise no objection subject to imposition of conditions to secure on site parking and turning, surface treatment to access and cycle parking.

5.04 **Environmental Health:** No objection subject to imposition of condition requiring site investigation and remediation.

5.05 **Environment Agency:** No objection subject to conditions requiring site investigation and remediation and controls over surface water disposal.

5.06 **KCC Ecology:** The submitted Extended Phase 1 Habitat Survey and Bat Building Report concluded that the site is of limited ecological interest and that no further ecological surveys are required. Nevertheless the site does provide opportunities for nesting birds and to minimise the potential for impacts a precautionary approach to vegetation clearance and the demolition of the buildings is recommended in the report.

Satisfied that the Extended Phase 1 Habitat Survey and Bat Building Report provides an adequate assessment of the potential ecological impacts.

If planning permission is granted advise that ecological enhancements set in the Extended Phase 1 Habitat Survey and Bat Building Report regarding the provision of bird nest boxes and planting of native species be made the subject of condition.

6.0 APPRAISAL

Need for EIA:

6.01 Dealing first with whether the proposal should have been accompanied by an Environmental Impact Assessment (EIA) no screening opinion was sought by the applicants as to whether one was needed. The proposal is clearly not Schedule 1 development while it does not fall within any of the categories referred to in Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011. In the circumstances it is not considered that the impact of the application is such that it triggers the need for an EIA.

Determining Issues:

- 6.02 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.
- 6.03 The key issues in relation to this development are considered to be (a) principle, (b) impact on the rural character and setting of the locality (c) impact on outlook and amenity of properties overlooking and abutting the site (d) heritage considerations (e) highways and parking (f) wildlife considerations and (g) site contamination and drainage.

Principle:

- 6.04 The site lies within open countryside abutting a row of houses fronting Mount Castle Lane to the north. The eastern most house, The Forstal, is a Grade II Listed Building. The proposal involves the redevelopment of an existing commercial site (falling within the definition of previously developed land set out in Annex 2 of the NPPF) sited in a rural area and remote from any settlement. As such the proposal is principally subject to the provisions of policy ENV28 of the adopted local plan relating to development within the countryside. None of the exemptions set out in policy ENV28 can be seen to apply to this proposal.

- 6.05 Paragraph 55 of the NPPF states, amongst other things, that

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.

- 6.06 None of the exemptions set out above can be seen to apply to this proposal which is therefore also contrary to the provisions of the NPPF relating to the siting of new housing in the countryside.
- 6.07 Notwithstanding the above, it is considered that there are other material considerations that should be taken into account in assessing whether it is appropriate to consider the redevelopment of this site for housing.
- 6.08 One of the core planning principles set out in paragraph 17 of the NPPF is to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. This site clearly falls within the category of previously developed land.
- 6.09. There is also the provisions of the NPPF with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should;

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

6.10 As of April 2014, the Council was only able to demonstrate a 2.1 year supply of housing assessed against the revised objectively assessed need figure of 18,600. This means that the Council is currently unable to demonstrate a 5 year supply of housing land.

- 6.11 This lack of a five year supply is a significant factor and paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a five year supply cannot be demonstrated. The presumption in favour of sustainable development 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.
- 6.12 The existence of large commercial buildings, which are considered to represent sources of visual intrusion, harmful to the outlook and amenity of houses abutting the site boundary in Mount Castle Lane while also intruding into the setting of The Forstal, a Grade II Listed Building, must be acknowledged. There is also the impact on aural amenity, not only from activities taking place within the buildings but also activities taking place outside, none of which are subject to any planning controls.
- 6.13 The current commercial use of the site (and in all likelihood any future commercial users of the site) will continue to attract HGV's (both articulated and fixed wheelbase) to the site in addition to car borne employee traffic given the unsustainable location of the site poorly served by public transport. Access to the site is only via narrow country roads unsuitable for HGV's. The proposal will therefore see a reduction in inappropriate HGV traffic on local roads (estimated at 23 HGV movements) along with a reduction in car borne traffic. Public safety is a material planning consideration and where a proposal can be seen to improve this by, for example, reducing HGV traffic on narrow country roads this should be given significant weight.
- 6.14 In the event of planning permission not being granted, were the site to be vacated, the buildings because of their size, condition and siting could be difficult to relet and therefore remain vacant for some time. The risk here is that the appearance of the site will deteriorate while becoming prone to damage and vandalism. Taking into account the prominent location of the site also close to houses and a Listed Building, it is considered that these possibilities also represent material considerations.
- 6.15 As such and notwithstanding that the proposal represents unsustainable development in the countryside contrary to the provisions of the NPPF, and policy ENV28 of the adopted local plan, taking into account it (a) will not result in any material loss of economic activity to the Borough (b) involves reuse of brownfield land in accordance with Government policy (c) make a contribution in meeting the Borough's acknowledged housing shortfall (c) potential improvements to the visual and aural amenity of nearby houses and setting of a Listed Building (d) potential improvements in local highway condition and (e) result in potential wildlife and habitat improvements to the locality, it is considered that the balance issues fall in favour of the principle of the proposal and consideration turns on matters of detail.

Impact on the rural character and setting of the locality,

- 6.16 The site is occupied by prominent group of large buildings and outbuildings of commercial/agricultural appearance and in that sense is not materially different from many existing farm complexes within the Borough. As such if the complex were sited in

a less sensitive location it is not considered that there would be any overwhelming visual arguments in favour of its redevelopment for housing in bringing about a material improvement in the rural character of the area.

- 6.17 Nevertheless in acknowledging the harm caused by the scale, appearance and use of the existing buildings on adjoining houses and character and setting of the Listed Building, there is the need to consider the impact of the proposed redevelopment on the rural character and setting of the locality.
- 6.18 The existing buildings are concentrated in the northern part of the site. The proposal involves the erection of 6 no: two storey dwellings of varying, design, footprint and profile looking into a courtyard in which parking, servicing and turning will all take place.
- 6.19 Dealing with the design of the dwellings, all are traditional in appearance and detailing with features such as projecting gables, chimneys, small pitched roof dormers and canopies along with the use of ragstone, and tile hanging along with a garaging 'barn' to serve the unit proposed on plot 6. Such a design approach reflects many design elements already evident in properties abutting the site in Mount Castle Lane and the nearby Listed Building. As such there is considered to be no design objection to the proposed development in its impact on the rural character of the locality. However to maintain the design integrity of the development and prevent overdevelopment of the site, rights to alter or extend the properties or to erect outbuildings should be withdrawn. In addition to ensure that the night-time rural environment is also protected no external lights should be installed anywhere on site without first obtaining the approval of the Council.
- 6.20 Turning to the layout, given that detached houses are proposed and need to provide separation between units, the proposal nevertheless concentrates development around courtyards. Notwithstanding the site constraints and nature of the proposed development, this is considered to represent the optimum layout in minimising the impression of built mass within the site. To further minimise the visual impact of the development from views across open countryside to the south and west it is intended to construct a low embankment topped by 1.2 metre high post and rail fencing and planted with a native species tree belt. It is considered that these measures will effectively screen the development from views from these directions.
- 6.21 Concerns relating to the development appeared cramped and overcrowded while having too small gardens are noted. However for the reasons set out above a more concentrated development format is considered appropriate to avoid any increase in the impression of built mass compared to current site conditions.
- 6.22 In the circumstances it is considered that there is no sustainable objection to the proposal based on harm to the rural character or setting of the locality.

Impact on outlook and amenity of properties overlooking and abutting the site

- 6.23 The houses abutting the site in Mount Castle Lane and the adjoining Listed Building already have their outlook materially affected by the bulk and siting of the existing buildings occupying the site. Submitted cross section details show that the ridge height of the unit on plot 5 only exceeds that of the cottage fronting Mount Castle Lane by 1 metre. It is acknowledged that the height of the existing commercial building is exceeded by just over 1.5 metres. Nevertheless as the commercial building is much wider and sited hard on the common boundary with the cottage whereas the unit on

plot 5 is set just under 2 metres back from the site boundary, it is considered that the impression of built mass will be substantially reduced.

- 6.24 In addition the unit proposed on plot 6 also exceeds the height of the commercial building that it replaces by just over 1 metre. Again given the reduced width of the dwelling compared to the commercial building it replaces and a separation distance in excess of 11 metres (currently this is less than 5 metres), this property will also experience a substantial reduction in built mass close to its boundary.
- 6.25 Given the current effect of the commercial buildings abutting or close to the northern site boundary, the proposed development by reducing the impact of built mass on these properties, will therefore bring about material improvement in their outlook. In addition removal of the commercial use will also bring about a material improvement to the aural amenity of houses abutting the site.
- 6.20 Turning to detailed considerations, the main visual impact of the development will be felt by houses abutting the site to the north and east. Dealing first with the impact on Malt House Cottages, wings attached to units 5 and 6 come to within 2 metres of the common boundary with the cottages. However more importantly the separation distances from the rear main wall of these houses is just under 15 metres while both wings are just under 6 metres wide. Given that they are both sited to the south of the cottages, it important to assess their impact on the access of sunlight and daylight. The wing attached to unit 5 will effect the access of sunlight to the nearest cottage to the north from mid afternoon onwards. However this must be compared with the current impact of existing buildings on the site, which given their height and width and proximity to the boundary are materially worse than what will now occur which is also applies to the impact of the wing attached to unit 6.
- 6.26 As such it is considered that the proposal will bring about a material betterment in the access of sunlight and daylight to the cottages abutting the site in Mount Castle Lane. All other existing properties lie to east such that existing standards of daylight and sunlight will remain unaffected by the proposal.
- 6.27 Turning to privacy concerns, the Council's privacy standards are set out in paragraph 4.72 of the adopted extensions SPD. It is acknowledged that these standards specifically apply to extensions. Nevertheless where proposed housing impacts on existing development, it is considered reasonable to apply the provisions of the SPD.
- 6.28 The wing serving unit 5 is two storeys in height with a bedroom window in the end elevation resulting in direct overlooking into part of the rear garden of the adjoining cottage. Though not directly overlooking the 'protected' amenity area i.e. a 5 metre wide zone immediately abutting the rear of the property, this window will give rise to some oblique overlooking and as such should be conditioned to be obscure glazed and fixed shut. The remaining north facing habitable room windows serving unit 5 are all in excess of 20 metres from the 'protected' area thereby meeting the Councils normal privacy standards.
- 6.29 This leaves the impact of the unit on plot 6. The separation distance between habitable room windows and the 'protected' zone serving the cottage to the north are all over 20 metres again meeting the Council privacy standards. Turning to the property to the east of unit 6 given the size and orientation of the garden serving this property there is considered to be no privacy conflict. Concerns have been raised regarding the size and impact of the proposed stable garage being a two storey building designed to appearance as a traditional open fronted cart store. However given the siting of the building just under 20 metres to the west of the nearest house along with a steeply

sloping catslide roof facing towards this property no material harm to visual amenity is identified.

- 6.30 In conclusion given current appearance, size and siting of buildings occupying the site it is considered that the proposal will result in a material betterment in visual amenity terms while safeguarding privacy in accordance with the Councils adopted standards.

Heritage considerations:

- 6.31 The NPPF requires the character and setting of Listed Buildings to be safeguarded. As the proposal will result in a material improvement to the setting of the Listed Building and given the support to the proposal from the Heritage Advisor the proposal is considered to be acceptable in its heritage impacts.

Highways and parking considerations:

- 6.32 The current commercial use of the site generates a significant volume of both HGV and employee traffic movements. The proposal will therefore remove these HGV movements from inappropriate country roads while reducing employee related car borne traffic.
- 6.34 In relation to car parking 12 parking spaces are to be provided plus 3 spaces in car ports.
- 6.35 Given that the proposal will bring about a material betterment in highway safety and the free flow of traffic and the absence of objection from Kent Highway Services it is considered that the proposal is acceptable in its highway and parking impacts.

Wildlife considerations:

- 6.36 The submitted phase 1 habitat survey did not identify any protected species occupying the site while proposing habitat improvements including additional planting to provide habitats for breeding birds and foraging bats along with the installation of 4 bird boxes.
- 6.37 As such in the absence of objection of KCC ecology it is considered that the proposal is acceptable in wildlife terms and meets the provisions of the NPPF.

Site contamination and drainage:

- 6.38 Subject to the imposition of a condition requiring a site investigation along with remediation measures (should this prove necessary) there is considered to be no objection to the proposal on site contamination grounds.
- 6.39 Regarding drainage, as the proposal will result in a net reduction in hard surfacing and that a SUD's system is proposed and in the absence of objection from the EA, no objection is raised to the proposal on flooding grounds.
- 6.40 In connection with foul drainage, the existing commercial use of the site (which is already connected to the waste water system) already generates a significant amount of waste water. As such there will be a considerable reduction in waste water volume. However given the site cross falls it is intended to construct a pumping station in the south east corner of the site to connect with the existing adopted pumping station in The Forstal. This comprises three underground chambers and an above ground kiosk which contains the controls for the pumps. The kiosk would be around 800 x 300 x

1000mm high and colour coded dark green. Given the small size of the exposed kiosk no harm to visual amenity is identified.

Other matters:

- 6.41 Dealing first with the comments of the Parish Council regarding failure of the proposal to comply with Neighbourhood Plan, as the plan is still at pre regulation 14 stage (i.e. the need to consult on and publicise the provisions of the plan) it cannot yet be taken as material consideration in determination of this application. Nevertheless it is considered that the concerns raised by the Parish Council have been addressed.
- 6.42 Regarding the siting of garage to unit 6 blocking access to entrance this has since been resolved and no further action is necessary while reinstatement of the northern boundary with a wall can be secured by condition.

7.0 Conclusions:

- 7.1 These are considered to be as follows:
- 7.2 Notwithstanding that the proposal can be considered to represent unsustainable housing development in the countryside taking into account that it will:
- Not result in any material loss of economic activity to the Borough;
 - Involves reuse of brownfield land in accordance with Government policy;
 - Make a contribution in meeting the Borough's acknowledged housing shortfall
 - Will bring about improvements to the visual and aural amenity of nearby houses and setting of a Listed Building while safeguarding the character and setting of the adjoining countryside.
 - Reduce HGV and employee traffic resulting in an material improvement to highway safety and the free flow of traffic in the locality and;
 - Bring about wildlife and habitat improvements to the locality

it is considered that the balance of issues fall significantly in favour of the proposal and it is recommended that planning permission is granted accordingly.

8.0 RECOMMENDATION – GRANT Subject to the following conditions

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

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

- (2) Before the development hereby approved commences details of all external materials (including wearing surfaces for the roads, turning and parking areas) shall be submitted for prior approval in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

- (3) The dwellings hereby approved shall achieve a minimum of Level 4 of the Code for Sustainable Homes. The dwellings shall not be occupied until a final Code Certificate has been issued for them certifying that at least Code Level 4 has been achieved.

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

- (4) 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 -H (inc) to that Order shall be carried out without first obtaining the permission of the Local Planning Authority.

Reason: In the interests of visual amenity.

- (5) The development hereby approved shall not be occupied until the parking and turning areas shown on the approved plans have first been provided and shall be retained at all times thereafter with no impediment to their intended use.

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

- (6) Before first use of the access onto Bull a bound surface shall be provided for the first 5 metres of the access from the edge of the highway.

Reason: To prevent surface material being dragged onto the public highway in the interests of the free flow of traffic and public safety.

- (7) Secure cycle parking shall be provided in accordance with the approved details.

Reason: In the interests of sustainability.

- (8) No external lights shall be installed anywhere on site without first obtaining the approval of the Local Planning Authority. Lighting shall only be installed with the approved details and retained as such at all times thereafter.

Reason: To protect the night-time rural environment in the interests of visual amenity.

- (9) Before first occupation of any of the dwellings shown on plots 4-6 (inc) a 1.8 metre high imperforate brick wall shall first be erected along the whole length common boundary with properties abutting north and eastern site boundaries.

Reason: In the interests of visual amenity and to safeguard privacy.

- (10) Before first use of the bedroom 2 in the unit on plot 5 the first floor north facing window serving this room shall be glazed in obscure glass and any opening parts prevented by limiter from opening more than 150mm in any direction. The approved measures shall be retained at all times thereafter.

Reason: To maintain privacy in the interest of amenity.

- (11) Following first occupation of any of the houses the size, design and siting of two house sparrow boxes and two open fronted bird boxes shall be submitted for prior approval in writing by the Local Planning Authority. The boxes shall be installed within 3 months of approval and retained as such at all times thereafter.

Reason: To ensure that adequate provision is made for wildlife in accordance with the provisions of the NPPF.

- (12) All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction-Recommendations'. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a high quality setting and external appearance to the development in accordance with the National Planning Policy Framework (2012).

- (13) Prior to first occupation of any of the dwellings hereby approved details of landscaping (including long term management) for (a) the landscape buffer running along the whole southern and western site boundaries sited as shown on drawing no: DHA/10341/03 and (b) within the site, shall be submitted for prior approval in writing by the Local Planning Authority. The approved landscaping shall be carried out in the first available planting season. Any part of the approved landscaping scheme becoming dead, dying or diseased within 5 years of planting shall be replaced with a similar species of a size to be agreed in writing beforehand with the Local Planning Authority.

Reason: In the interests of visual amenity.

- (14) The development hereby permitted shall not commence until a scheme for the disposal surface water (which shall in the form of a SUDS scheme) has been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To prevent pollution of the water environment and to ensure satisfactory drainage in the interests of flood prevention.

- (15) If during construction/demolition works contamination not previously identified is found to be present on site work shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

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

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: In the interests of amenity and public safety.

- (16) The development hereby permitted shall be carried out in accordance with the following approved plans being drawing nos:DHA/9796/01, 02, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 10341/03 and J49.11/01.

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

INFORMATIVES

1.You are reminded of the legal protection afforded to nesting birds and to ensure that no development is carried which might affect these.

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.

3.As the development involves demolition and / or construction broad compliance with the Mid Kent Environmental Code of Development Practice is expected.

4.In carrying out the development you should take into account the requirements of the Environment Agency set out in its letter dated the 8th January 2015 (Copy attached)

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

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

In this instance:

Planning Committee Report

Following clarification of the submitted details the application was acceptable

Case Officer: Graham Parkinson

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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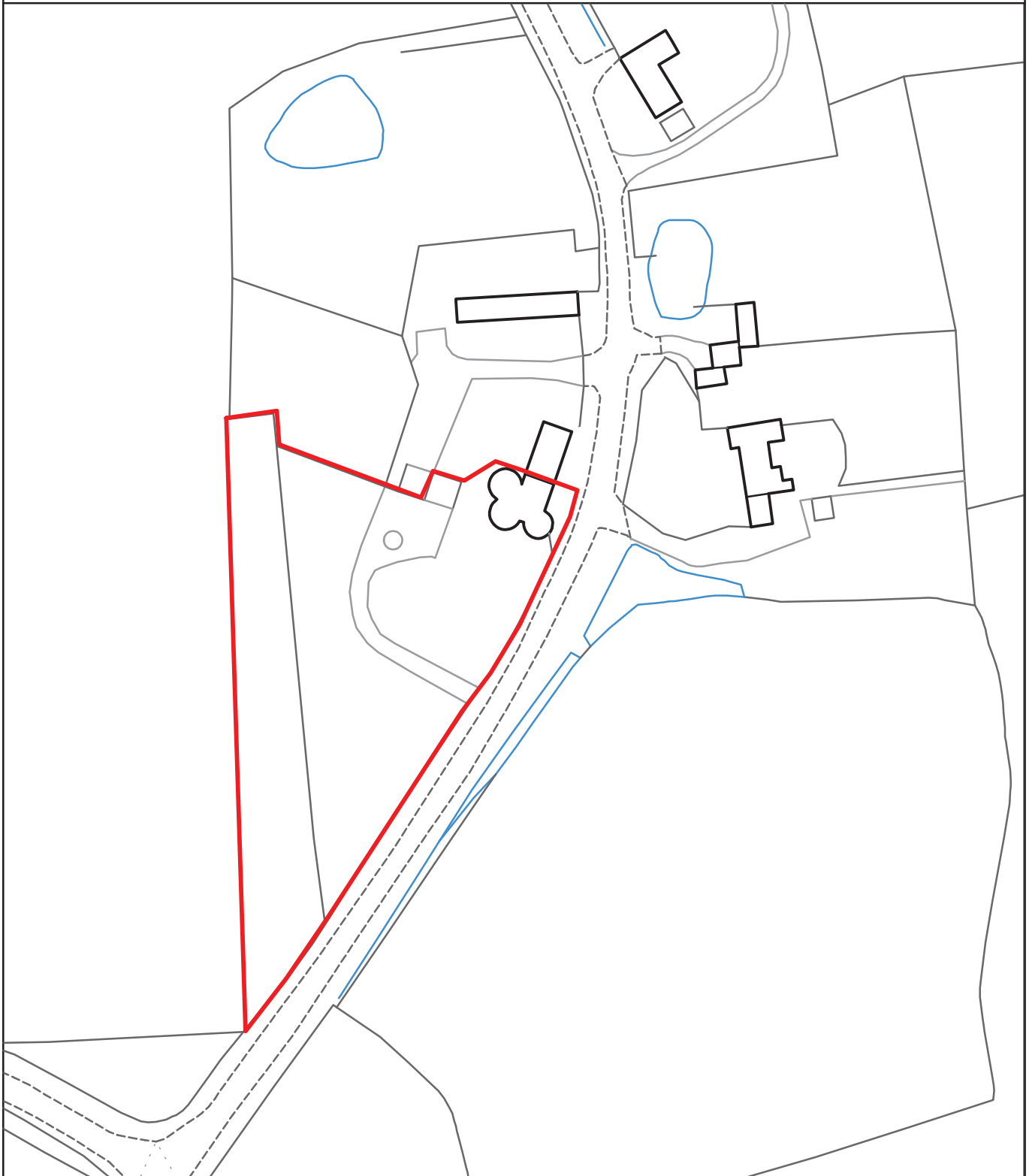
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17/12/2014 13:47

THE MAIDSTONE BOROUGH COUNCIL

The Roundels
Gatehouse Farm Oast
Hunton Road
Marden, Kent
TN12 9SG

MBC Ref: 14/505767



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 14/505767/FULL			
APPLICATION PROPOSAL Change of use of land from agricultural to residential garden along with the erection of fencing and landscaping.			
ADDRESS The Roundels Gatehouse Farm Oast Hunton Road Marden Kent TN12 9SG			
RECOMMENDATION			
SUMMARY OF REASONS FOR RECOMMENDATION It is considered that continued use of this land for residential purposes does not harm the rural character of the area or result in loss of high quality farmland.			
REASON FOR REFERRAL TO COMMITTEE The recommendation is contrary to the views of the Parish Council			
WARD Marden	PARISH/TOWN COUNCIL Marden	APPLICANT Mr S Wardlaw AGENT Mr Mathew Blythin	
DECISION DUE DATE 10/02/15	PUBLICITY EXPIRY DATE 10/02/15	OFFICER SITE VISIT DATE 08.01.15	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
10/1311	Change of use of land from agriculture to residential garden land and erection of a summerhouse	Approve	20/09/10
14/0790	An application for a Certificate of Lawful Development for the use of land as extended residential gardens	Approve	14/07/2014

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site comprises an open area of land having length of just under 130 metres and varying in width from 10 metres at its northern end to 20 metres at its southern end. Its western boundary is defined by a fence along which is some planting beyond which is open countryside while the eastern site boundary is undefined and runs into the existing garden area serving The Roundels, a Grade II Listed Building.
- 1.02 The wider area is wholly rural in character.

2.0 PROPOSAL

- 2.01 Retrospective consent is sought to regularise use of the area as part of the residential curtilage attached to The Roundels.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: ENV28, H31

4.0 LOCAL REPRESENTATIONS

- 5.01 **Marden Parish Council:** Object on the grounds that proposal is contrary to ENV28 and represents an encroachment into open countryside.
- 5.02 Three neighbouring properties notified of the proposal. No representations received

6.0 CONSULTATIONS

- 6.01 **Rural Advisor:** The land in this area is loamy and clayey, seasonally wet, with impeded drainage. On this basis it appears unlikely that the land would fall within the "best and most versatile" category, and given the small size of the site it would be difficult to regard the loss of land from agriculture as a significant.

7.0 APPRAISAL

- 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.
- 7.02 The site falls within open countryside and therefore subject to policy ENV28 and the specific provisions of policy H31.
- 7.03 Policy H31 states that planning permission will not be granted for the change of use of agricultural land to a domestic garden if it would harm the character or appearance of the countryside and/or result in loss of high quality farmland.

Impact on rural character:

- 7.04 The outer (west) line of the area is currently defined by a fence line with some landscaping already abutting it beyond which is open land in agricultural use. This fence line represents the continuation of boundary features abutting the site to the north. These boundary features already clearly differentiate the domestic uses to the east from the open agricultural land to the west.
- 7.05 The fence that has already been erected is 'permitted development' due to its height and siting. Its erection has resulted in severing a narrow irregularly shaped area of land from the adjoining agricultural land providing a clear and well defined transition between domestic and agricultural land. Given that this fence line also continues the line of existing well defined boundary treatments to the north of the site, it is considered to represent both a logical extension to these while providing a clear and defendable outer perimeter between domestic and agricultural uses in this area. In the circumstances, subject to the removal of permitted development rights for outbuildings, it is considered that the impact of the rural character of the area is

limited and that there is no sustainable objection to the use of the land on visual amenity grounds.

Loss of agricultural land:

- 7.06 The site is both small in area (0.195 ha) while of indifferent agricultural quality. As such there is considered to be no sustainable objection to the proposal due to loss of high quality farmland.

8.0 CONCLUSION

- 8.01 Notwithstanding the concerns of the Parish Council, it is considered that there are no sustainable grounds for objecting to the continued use of this land for residential purposes based on harm to rural character of the area or loss of high quality farmland. It is therefore recommended that planning permission be granted.

9.0 RECOMMENDATION – GRANT Subject to the following conditions:

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Class E to that Order shall be carried out without first obtaining the permission of the Local Planning Authority.

Reason: In the interests of visual amenity.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

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

In this instance:

The application was acceptable as submitted.

Case Officer: Graham Parkinson

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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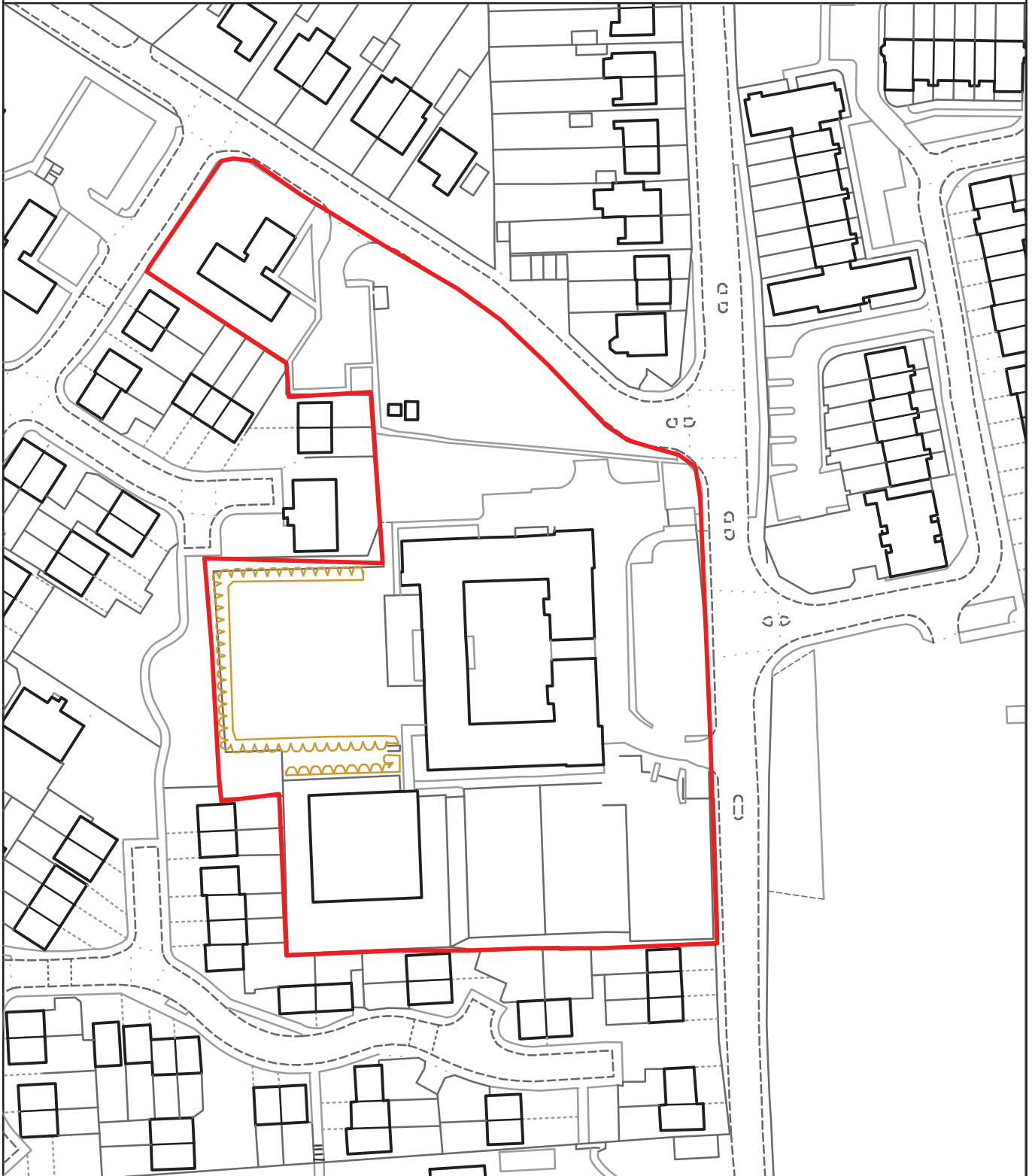
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THE MAIDSTONE BOROUGH COUNCIL

Land At Oakapple Lane And
Hermitage Lane
Maidstone
Kent

MBC Ref: 14/500412



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 15/502180/SUB		
APPLICATION PROPOSAL Submission of Details to discharge Condition 13 (Landscape Management Plan) subject to 14/500412/FULL		
ADDRESS Land At Oakapple Lane And Hermitage Lane Maidstone Kent		
RECOMMENDATION APPROVAL OF DETAILS		
SUMMARY OF REASONS FOR RECOMMENDATION The details are acceptable.		
REASON FOR REFERRAL TO COMMITTEE Planning Committee resolved on 5 th February 2015 that the landscaping details submitted in relation to condition 13 of 14/500412 be reported back to Planning Committee for consideration.		
WARD Heath Ward	PARISH/TOWN COUNCIL	APPLICANT Bellway Homes Limited AGENT Mr. Peter Clifton
DECISION DUE DATE 18/07/15	PUBLICITY EXPIRY DATE 18/07/15	OFFICER SITE VISIT DATE various
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

14/500412	Demolition of existing buildings and redevelopment of the site to provide 69 residential units including affordable housing (use class C3) together with associated car parking, landscaping and infrastructure works	Approved subject to conditions
MA/14/505590	Prior Approval to demolish former nurses' home	Approved
MA/14/501662	Notification to carry out demolition of former nurses' home	Prior Approval Needed
MA/12/2255	Outline planning permission for the erection of 53 residential units with all matters reserved	Resolution to grant planning permission subject to a S106

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The application site is located within the urban confines of Maidstone in the settlement of Barming. The site is approximately 1.36 hectares in size and fronts Hermitage Lane (B2246). The site is situated on the west side of Hermitage Lane at the junction with Oakapple Lane and extends to the north to the junction of Oakapple Lane and Springwood Road. Opposite the site on the other side of Hermitage Lane is the junction with Marigold Way.
- 1.2 The site formerly contained three main buildings comprising: an NHS walk in centre (the Pagoda Building); a former Nurses Home; and Oakapple House. There is a large car parking area on the site fronting Hermitage Lane. Members will be aware that the main buildings on the site have been demolished and the site made secure prior to works commencing.
- 1.3 The general character of the area is residential in nature and comprises a mix of

bungalows, two storey semi-detached houses and 3 storey flatted blocks. The Maidstone and Tunbridge Wells NHS Trust hospital lies to the north east. Opposite the site on the East side of Hermitage Lane the street scene is characterised by a wide grass verge and footpath. Beyond this lies a significant ragstone wall which acts as a demarcation between the road and new housing.

- 1.4 The site is currently accessed from Hermitage Lane, which forms the eastern boundary of the site. This existing access is proposed to be closed off and two new access points will be created adjoining Oakapple Lane along the northern boundary of the site.

2.0 BACKGROUND

- 2.01 A resolution to grant planning permission was taken by the Planning Committee on 5th February 2015, and a decision notice subsequently issued on 20th March 2015 following signing of the S106 agreement. At the meeting, Members resolved that details of landscaping were to be reported back to Planning Committee for consideration. The relevant condition reads as follows:

*“No development shall take place until a landscape scheme designed in accordance with the principles of the Maidstone Borough Council's Landscape Character Assessment and Landscape Guidelines has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall include a planting specification, a programme of implementation and a long term management plan. The landscape scheme shall include the provision of 5 trees of species *Acer campestre* 'Streetwise', *Carpinus betulus* 'Frans Fontaine', *Sorbus aucuparia* 'Sheerwater Seedling', or other species of appropriate character and mature size for the space available, and native hedge planting along the boundary with Hermitage Lane, to soften the impact of the built elevations. It shall also include fully dimensioned sections detailing how the planting will be achieved between the wall and footpath fronting plots 1 to 21. Cordwood greater than 150mm in diameter arising from tree clearance shall be retained and stacked safely within landscaped areas for purposes of biodiversity enhancement.*

Reason: In order to secure a satisfactory form of development and safeguard and enhance biodiversity.”

- 2.02 The applicants have sought advice from the Council's Landscape Officers and met with Ward Members to discuss the objectives of the Planning Committee in relation to securing a high quality of landscaping to the site which achieves the intended softening of the site frontage to Hermitage Lane in particular whilst retaining trees considered to be value within the site and providing an acceptably high standard of environment for future occupiers, and the resultant scheme is shown on drawing numbers 5480/CP-TPD, 5480/PP/ASP001 rev F, 5480/PP/ASP002 rev F, 5480/PP/ASP004 rev B, 5480/S-TPD and SJA AMSP 15034-01, supported by a Landscape Management Plan (ref 5480.Land.Man.001) undertaken by Aspect Landscape Planning, all received 23rd March 2015.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Borough-Wide Local Plan 2000: ENV6

4.0 LOCAL REPRESENTATIONS

- 4.01 Members will be aware that applications to discharge conditions are not normally subject to general publicity, and as such no neighbour representations have been received.

5.0 CONSULTATIONS

- 5.01 Councillor Vizzard has confirmed that he raises no objection to the submitted details.
- 5.02 Maidstone Borough Council Landscape Officer raises no objection to the submitted details.

6.0 ASSESSMENT OF DETAILS

- 6.01 The proposed details show extensive landscaped areas within the site. Of particular note is the open green area to both sides of the access, which retains the key mature tree specimens and includes a variety of planting including native bulbs within grassed areas and shrubs, which would provide visual interest within the space. This area also includes native hedge planting along vulnerable margins of the landscaped areas in order to discourage anti-social parking behaviours and would provide a strong sense of entry to the main body of the site whilst maintaining its openness and attaining an attractive appearance to the development.
- 6.02 In addition to this substantial area of landscaping, smaller zones are proposed within the site, including to the boundaries of the site, the frontage of buildings and within car parking areas to break up areas of hard standing and soften the development. The planting regime includes the use of native species and scented plants including lavender and honeysuckle, as well as the planting of trees of appropriate scale and form so as not to compromise residential amenity or the integrity of planting surfaces such as Whitebeam, Hornbeam and Field Maple. Also of note is the landscaping along the frontage of the site to Hermitage Lane, which includes the provision of a Hornbeam hedge to be maintained at a height of between 1.2m and 1.5m behind a ragstone wall in order to soften the visual appearance of the site as well as to act as a buffer between residential properties and traffic noise and fumes on Hermitage Lane, in accordance with the concerns of Ward Members. Five trees are proposed forward of the plane of the elevations of the blocks fronting onto this highway, which would be located to the front of the southern most block (2No. Hornbeam), to the east of the car parking area between two blocks (2No. Acer Streetwise) and to the north east of the northern most block (1No. Silver Birch).
- 6.03 The details submitted also include specification for tree pits which would serve to ensure the survival of the specimens planted, which are to be semi-mature and advanced nursery stock in order to ensure a rapid positive contribution to the character and appearance of the development.
- 6.04 The proposed species, the extent and detail of the landscaping on the site, the planting methodology and the maintenance plans are considered to be appropriate to the setting and to satisfy the requirements of the landscape condition.

10.0 CONCLUSION

- 10.01 For the reasons set out above, the submitted details are considered to be acceptable, and I therefore recommend their approval, and discharge of condition 13 attached to 14/500412. Given the landscape implementation condition attached to 14/500412 (condition 14) it is not considered necessary in the circumstances of this case to impose a further implementation condition.

INFORMATIVES

Please note that all other conditions, including condition 13 (landscape implementation), attached to 14/500412 remain in force and should be fully complied with unless with the prior written agreement of the Local Planning Authority.

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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Agenda Item 25

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 16th April 2015**

APPEAL DECISIONS:

1. MA/14/0558

Outline application for the provision of six new dwellings including garaging and access. Appearance, landscaping and scale reserved for future consideration.

APPEAL: Dismissed

Ye Old Cottage, Green Lane, Langley, Maidstone, Kent, ME17 3JW

(Delegate Decision)

2. TA/0054/14

Tree Preservation Order application: TPO No.9 of 2011: an application for consent to crown lift one oak tree to 6 metres above ground level, reduce the crown by 15% and thin it throughout to remove dead, broken and crossing branches

APPEAL: Allowed with Conditions

Broad Oak House, Pheasant Lane, Maidstone, Kent, ME15 9QR

(Delegated Decision)

3. 14/502189

Advertisement consent for the installation of one internally illuminated freestanding sign and three non-illuminated signs to the building.

APPEAL: Allowed with Conditions

3 Ashford Road, Maidstone, Kent, ME14 5BJ

(Delegated Decision)

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

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