

# AGENDA

## PLANNING COMMITTEE MEETING ADJOURNED FROM 16 APRIL 2015



Date: Thursday 23 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

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Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting

**Continued Over/:**

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**Issued on 17 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](http://www.maidstone.gov.uk)

*Alison Broom*

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

6. Disclosures by Members and Officers
7. Disclosures of lobbying
8. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
9. 13/1453 - Land Off Clapper Lane, Staplehurst, Kent, TN12 0RB 1 - 12
10. 14/0566 - Land South Of Heath Road, Coxheath, Kent 13 - 52
11. 14/502152 - Lenham United Reformed Church, Maidstone Road, Lenham, Kent, ME17 2QH 53 - 96
12. 14/504538 - Little Birling, Ware Street, Weaving, Kent, ME14 5LA 97 - 107
13. 14/504556 - Brandys Bay, South Lane, Sutton Valence, Kent, ME17 3AZ 108 - 138
14. 15/502180 - Land At Oakapple Lane And Hermitage Lane, Maidstone, Kent 139 - 147
15. Appeal Decisions 148
16. Update on Matters Referred to Cabinet Members
17. Chairman's Announcements

## **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.**

	<b>Head of Schedule 12A and Brief Description</b>	
18. Minutes (Part II) of the meeting held on 19 March adjourned to 23 March 2015	5 – Legal Proceedings	149
19. Report of the Head of Planning and Development - Application MA/13/2197 - Land at Boughton Lane, Maidstone, Kent	5 – Legal Proceedings	150 - 234

### **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 9

## 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**

<b>REFERENCE NO - 13/1453</b>			
<b>APPLICATION PROPOSAL</b> 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.			
<b>ADDRESS</b> Land Off, Clapper Lane, Staplehurst, Kent, TN12 0RB			
<b>RECOMMENDATION</b> Approve with conditions			
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b> The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and the aims and objectives of the National Planning Policy Framework and there are no overriding material considerations to indicate a refusal of planning consent.			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Staplehurst Parish Council wish to see the application refused.			
<b>WARD</b> Staplehurst Ward	<b>PARISH/TOWN COUNCIL</b> Staplehurst	<b>APPLICANT</b> Mr Frank Uden <b>AGENT</b> Philip Brown Associates Ltd	
<b>DECISION DUE DATE</b> 31/10/13	<b>PUBLICITY EXPIRY DATE</b> 31/10/13	<b>OFFICER SITE VISIT DATE</b> 27/03/2015	
<b>RELEVANT PLANNING HISTORY</b> <b>No planning application on this site. Relevant history on adjacent sites is as follows.</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
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](http://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 13<sup>th</sup> March 2013 as the pitch target and were included in the consultation version of the Local Plan.

6.06 Regulation 18 version of the Draft Local Plan states that the Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTTSA) revealed the need for 187 permanent Gypsy and Traveller pitches to be provided in the borough during the period October 2011 and March 2031. Accommodation for Gypsies and Travellers is also a specific type of housing that councils have the duty to provide for under the Housing Act (2004). Draft Policy DM26 of the Regulation 18 version of the Draft Local Plan accepts that this type of accommodation can be provided in the countryside provided that certain criterion is met. The Draft Plan also states that the Borough's need for gypsy and traveller pitches will be addressed through the granting of permanent planning permissions and through the allocation of sites. The timetable for adoption is currently 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 1<sup>st</sup> 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 1<sup>st</sup> 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.

## Planning Committee Report

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.

## Planning Committee Report

Case Officer: Andrew Jolly

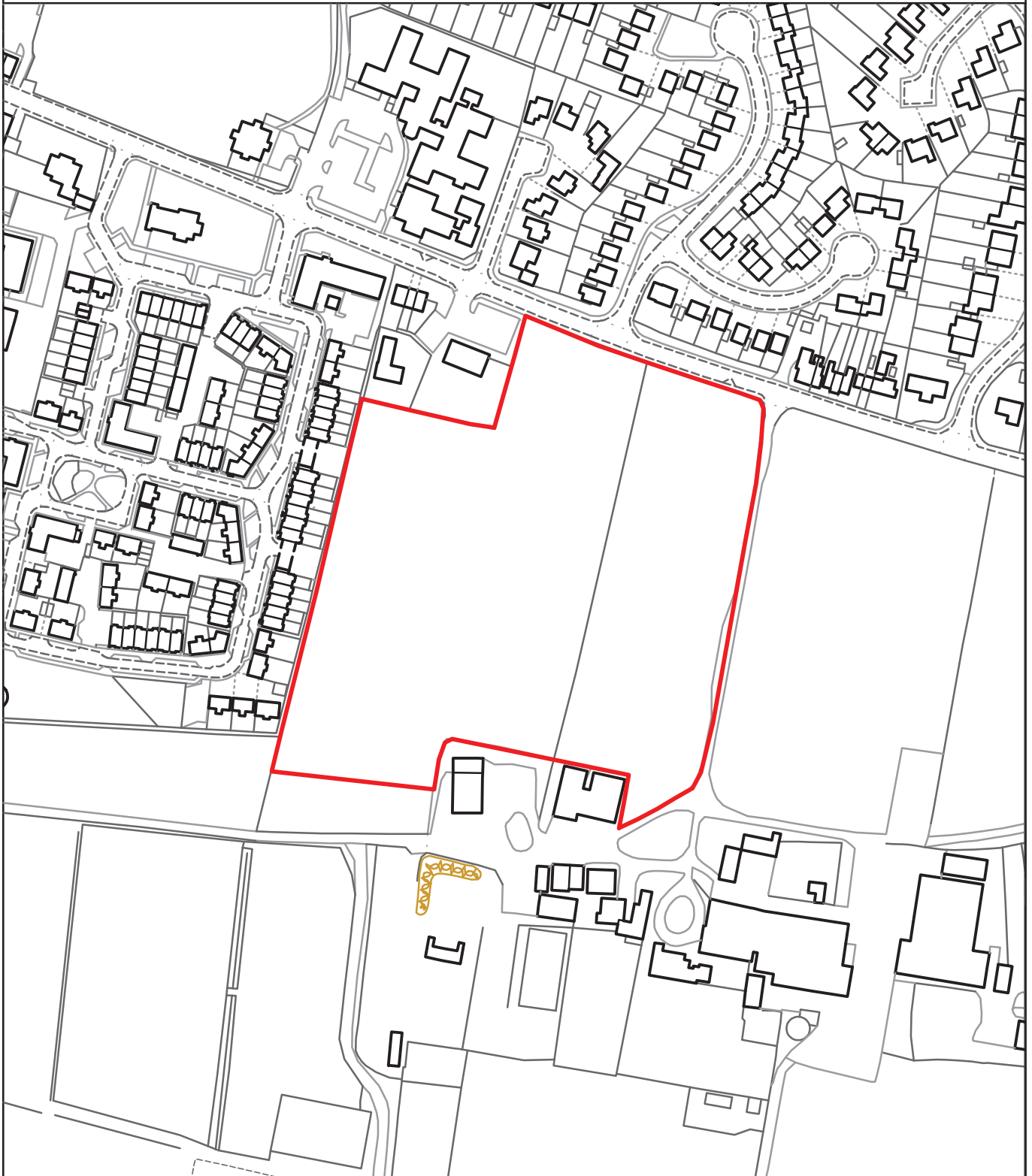
NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.  
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

# Agenda Item 10

## 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

<b>REFERENCE NO:</b> MA/14/0566			
<b>APPLICATION PROPOSAL:</b> 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.			
<b>ADDRESS:</b> LAND SOUTH OF, HEATH ROAD, COXHEATH, MAIDSTONE			
<b>RECOMMENDATION:</b> DELEGATED POWERS TO APPROVE SUBJECT TO CONDITIONS AND LEGAL AGREEMENT			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>			
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.			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
<ul style="list-style-type: none"> <li>To seek Members agreement to amend S106 contributions and condition 1.</li> </ul>			
<b>WARD</b> Coxheath and Hunton	<b>PARISH COUNCIL</b> Coxheath	<b>APPLICANT:</b> Hillreed Homes <b>AGENT:</b> Hume Planning Consultancy Ltd.	
<b>DECISION DUE DATE:</b> 28/11/14	<b>PUBLICITY EXPIRY DATE</b> 23/09/14	<b>OFFICER SITE VISIT DATE</b> 15/04/14 & 20/10/14	
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
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 5<sup>th</sup> 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 6<sup>th</sup> 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 17<sup>th</sup> 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 17<sup>th</sup> 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**

<b>REFERENCE NO:</b> MA/14/0566			
<b>APPLICATION PROPOSAL:</b> 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.			
<b>ADDRESS:</b> LAND SOUTH OF, HEATH ROAD, COXHEATH, MAIDSTONE			
<b>RECOMMENDATION:</b> DELEGATED POWERS TO APPROVE SUBJECT TO CONDITIONS (See Section 8 of report for full recommendation)			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> 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.			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
<ul style="list-style-type: none"> <li>• Departure from the Development Plan.</li> <li>• Councillor Brian Mortimer has requested the application be reported to Committee for the reasons set out below.</li> <li>• Coxheath Parish Council wish to see the application approved and have requested the application be reported to Committee for the reasons set out below.</li> </ul>			
<b>WARD</b> Coxheath and Hunton	<b>PARISH COUNCIL</b> Coxheath	<b>APPLICANT:</b> Hillreed Homes <b>AGENT:</b> Hume Planning Consultancy Ltd.	
<b>DECISION DUE DATE:</b> 28/11/14	<b>PUBLICITY EXPIRY DATE</b> 23/09/14	<b>OFFICER SITE VISIT DATE</b> 15/04/14 & 20/10/14	
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
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 7,700m<sup>2</sup> 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

## Planning Committee Report

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 17<sup>th</sup> 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 17<sup>th</sup> 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 17<sup>th</sup> 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**

# Agenda Item 11

## 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**

<b>REFERENCE NO - 14/502152/FULL</b>		
<b>APPLICATION PROPOSAL</b> 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		
<b>ADDRESS</b> Lenham United Reformed Church Maidstone Road Lenham Kent ME17 2QH		
<b>RECOMMENDATION</b> GRANT OUTLINE PLANNING PERMISSION SUBJECT TO PRIOR COMPLETION OF AN APPROPRIATE LEGAL MECHANISM AND CONDITIONS		
<b>REASON FOR REFERRAL TO COMMITTEE</b> 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.		
<b>WARD</b> Harrietsham And Lenham Ward	<b>PARISH/TOWN COUNCIL</b> Lenham	<b>APPLICANT</b> Akehurst Epps Limited <b>AGENT</b> Hume Planning Consultancy Ltd
<b>DECISION DUE DATE</b> 28/11/14	<b>PUBLICITY EXPIRY DATE</b> 28/11/14	<b>OFFICER SITE VISIT DATE</b> Various
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>		

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. Subserving 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:

<b>Affordable</b>	<b>No.</b>
2 bed house	4

3 bed house	5
4 bed house	1
	(10)
<b>Market</b>	
2 bed house	2
3 bed house	9
4 bed house	3
	(14)
<b>Total</b>	<b>24</b>

- 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 11<sup>th</sup> September 2014. The application was also advertised by way of a press notice published on 12<sup>th</sup> 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 9<sup>th</sup> 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 20<sup>th</sup> Century works now being accorded listed building status. The Lenham chapel, however, whilst being a pleasant enough example of mid-20<sup>th</sup> 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 19<sup>th</sup> 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 1<sup>st</sup> Ed OS map; Congregational Chapel on 2<sup>nd</sup> and 3<sup>rd</sup> 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 1<sup>st</sup> 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 25<sup>th</sup> July 2014; drawing numbers 13-0158-01 rev A, 13-0158-03 and 13-0158-04 received 28<sup>th</sup> 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 21<sup>st</sup> 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 30<sup>th</sup> August 2014; drawing numbers 13-0158-05 rev B and 13-0158-07 rev A received 9<sup>th</sup> 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 2<sup>nd</sup> April 2015; and drawing number 13-0158-06 rev D received 8<sup>th</sup> 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 25<sup>th</sup> July 2014; a Heritage Impact Assessment (undertaken by Purcell) received 21<sup>st</sup> August 2014; and a Bat Emergence Survey (undertaken by Arbtech) and Phase I Habitat Survey (undertaken by Arbtech) received 9<sup>th</sup> 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 6<sup>th</sup> 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 regrettably 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 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 6<sup>th</sup> 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 to 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 25<sup>th</sup> July 2014; drawing numbers 13-0158-01 rev A, 13-0158-03 and 13-0158-04 received 28<sup>th</sup> 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 21<sup>st</sup> 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 30<sup>th</sup> August 2014; drawing numbers 13-0158-05 rev B and 13-0158-07 rev A received 9<sup>th</sup> 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 2<sup>nd</sup> April 2015; and drawing number 13-0158-06 rev D received 8<sup>th</sup> 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 25<sup>th</sup> July 2014; a Heritage Impact Assessment (undertaken by Purcell) received 21<sup>st</sup> August 2014; and a Bat Emergence Survey (undertaken by Arbtech) and Phase I Habitat Survey (undertaken by Arbtech) received 9<sup>th</sup> 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](http://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.environment-agency.gov.uk) ([https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/290124/LIT\\_1404\\_8bdf51.pdf](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.

Reference number: 15/502152

Amendment to report:

The recommendation as set out on the report summary on the papers refers to outline planning permission; this is incorrect as the application is for full planning permission, which is accurately reflected in the recommendation under section 9 of the report.

Amended drawings and appendices to LVIA:

An amended drawing numbers 13-0158-04 rev D and 13-0158-07 rev B have been received which show the correct footprint of the dwelling to plot 14, and a streetscene from Maidstone Road. Copies of both drawings are attached. As such I propose amending conditions 16 and 21 be amended and the following informative added to the recommendation as follows:

**Condition 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 D received 10<sup>th</sup> April 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.*

**Condition 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 13-0158-06 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; drawing number 13-0158-06 rev D received 8th April 2015; drawing number 13-0158-04 rev D received 10<sup>th</sup> April 2015; and drawing number 13-0158-07 rev B received 14<sup>th</sup> 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 (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; and Visual Impact Assessment Appendices (undertaken by David Hares Landscape Architecture reference 227-01-01 and 227-01-02) received 14<sup>th</sup> April 2015;*

*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.*

**Additional informative:**

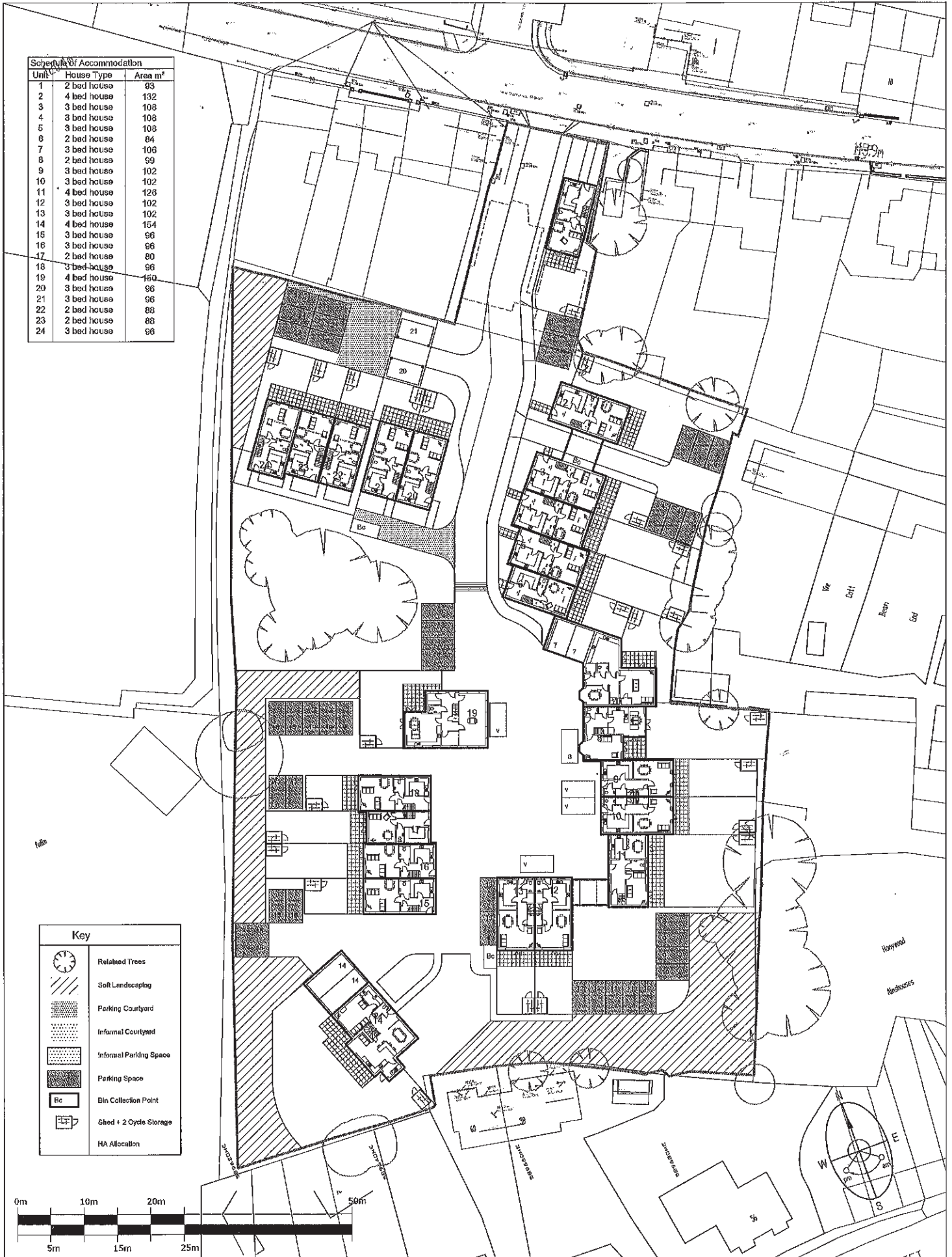
*For the avoidance of doubt, the approved layout (subject to details required by way of conditions) is that shown on drawing number 13-0158-04 rev D received 10<sup>th</sup> April 2015.*

Members will note that in paragraph 5.14 the Maidstone Borough Council Landscape Officer makes reference to report being undertaken to 2002 LVIA guidance. This was in response to a drafting error in the appendices (note the Officer's comment that the "broad principles of the LVIA are acceptable"), and an amended version making reference to the correct (2013) guidance has been provided. The Council's Landscape Officer has confirmed that this is acceptable to address this matter in a satisfactory manner.

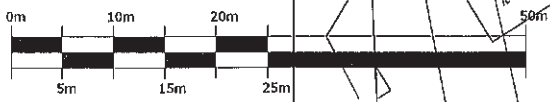
**Recommendation:**

My recommendation remains unchanged, subject to the amended conditions and additional informatives as set out above.

Schedule of Accommodation		
Unit	House Type	Area m <sup>2</sup>
1	2 bed house	93
2	4 bed house	132
3	3 bed house	108
4	3 bed house	108
5	3 bed house	108
6	2 bed house	84
7	3 bed house	106
8	2 bed house	99
9	3 bed house	102
10	3 bed house	102
11	4 bed house	128
12	3 bed house	102
13	3 bed house	102
14	4 bed house	154
15	3 bed house	96
16	3 bed house	96
17	2 bed house	80
18	3 bed house	96
19	4 bed house	150
20	3 bed house	96
21	3 bed house	96
22	2 bed house	88
23	2 bed house	88
24	3 bed house	98



Key	
	Retained Trees
	Soft Landscaping
	Parking Courtyard
	Informal Courtyard
	Informal Parking Space
	Parking Space
	Bin Collection Point
	Shed + 2 Cycle Storage
	HA Allocation



Project Title:  
**Proposed Residential Development**  
 Maidstone Road  
 Lenham  
 Kent

Drawing Description:  
**Proposed Site Plan**  
 with Ground Floor Plan Overlay

Scale:  
 1:500 @ A3

Date:  
 July 2014

Drawn By:  
 DM

Checked By:  
 KO

Purpose:  
**PLANNING**

Drawing No:  
**95**  
 13 - 0158 - 04

Revision:  
 D

Wysepian Building, Occupation Road,  
 Wye, Ashford, Kent TN25 5EN  
 01233 812148  
 www.osgarchitecture.com

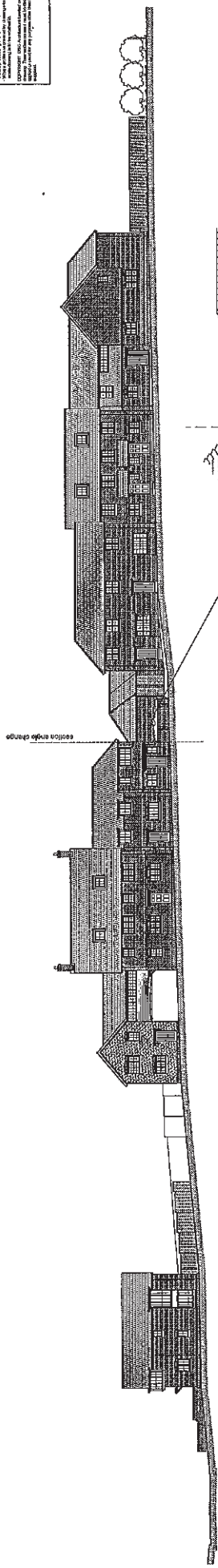
**osg**  
 ARCHITECTURE LTD

**NOTES:**

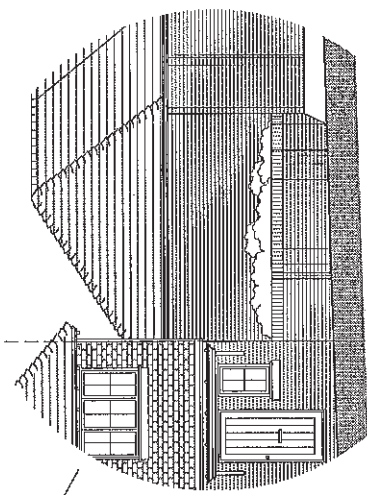
- Do not scale.
- The contractor is responsible for checking dimensions, tolerances and references. Report all discrepancies to OWEN SHEPPARD GEE LLP before proceeding with the works.
- Where the floor is covered by drawings in different scales the larger scale drawing is to be worked to.

COPYRIGHT: OWEN SHEPPARD GEE LLP own the copyright in this drawing. Their written consent must be obtained before this drawing is copied or used for any purpose other than the one for which it was supplied.

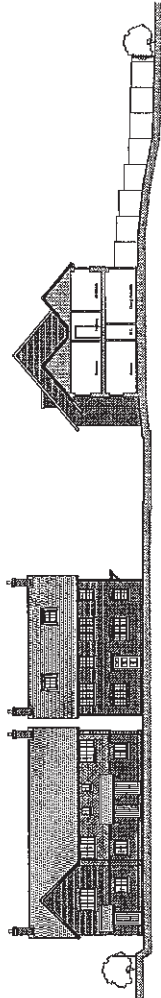
**NOTES:**  
 1. This drawing is a conceptual architectural rendering and is not intended to be used for construction purposes.  
 2. All dimensions are approximate and subject to change.  
 3. The design is based on the information provided and is not a guarantee of performance or results.  
 4. The design is subject to change without notice.  
 5. The design is not intended to be used for any other purpose.  
 6. The design is not intended to be used for any other purpose.



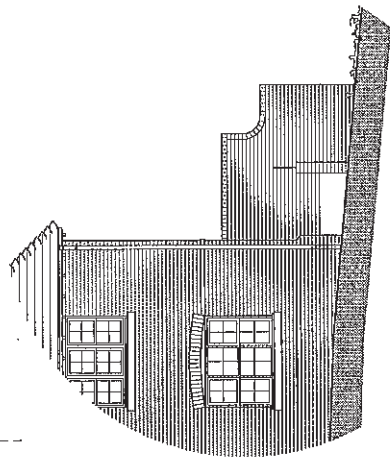
Proposed Site Section 1  
 Scale: 1:200



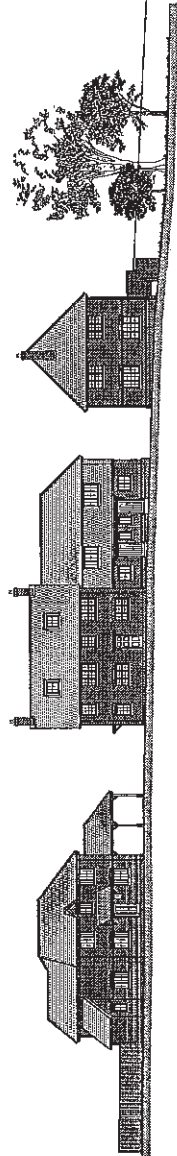
Retaining Wall + Raised Planter between Plots 6 and 7  
 Scale: 1:50



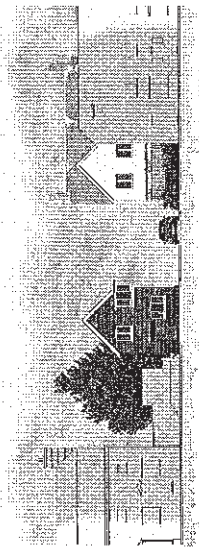
Proposed Site Section 2  
 Scale: 1:200



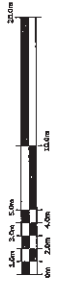
Retaining Wall + Ramped Access to Plot 19  
 Scale: 1:50



Proposed Site Section 3  
 Scale: 1:200



Proposed Site Section 4  
 Scale: 1:200



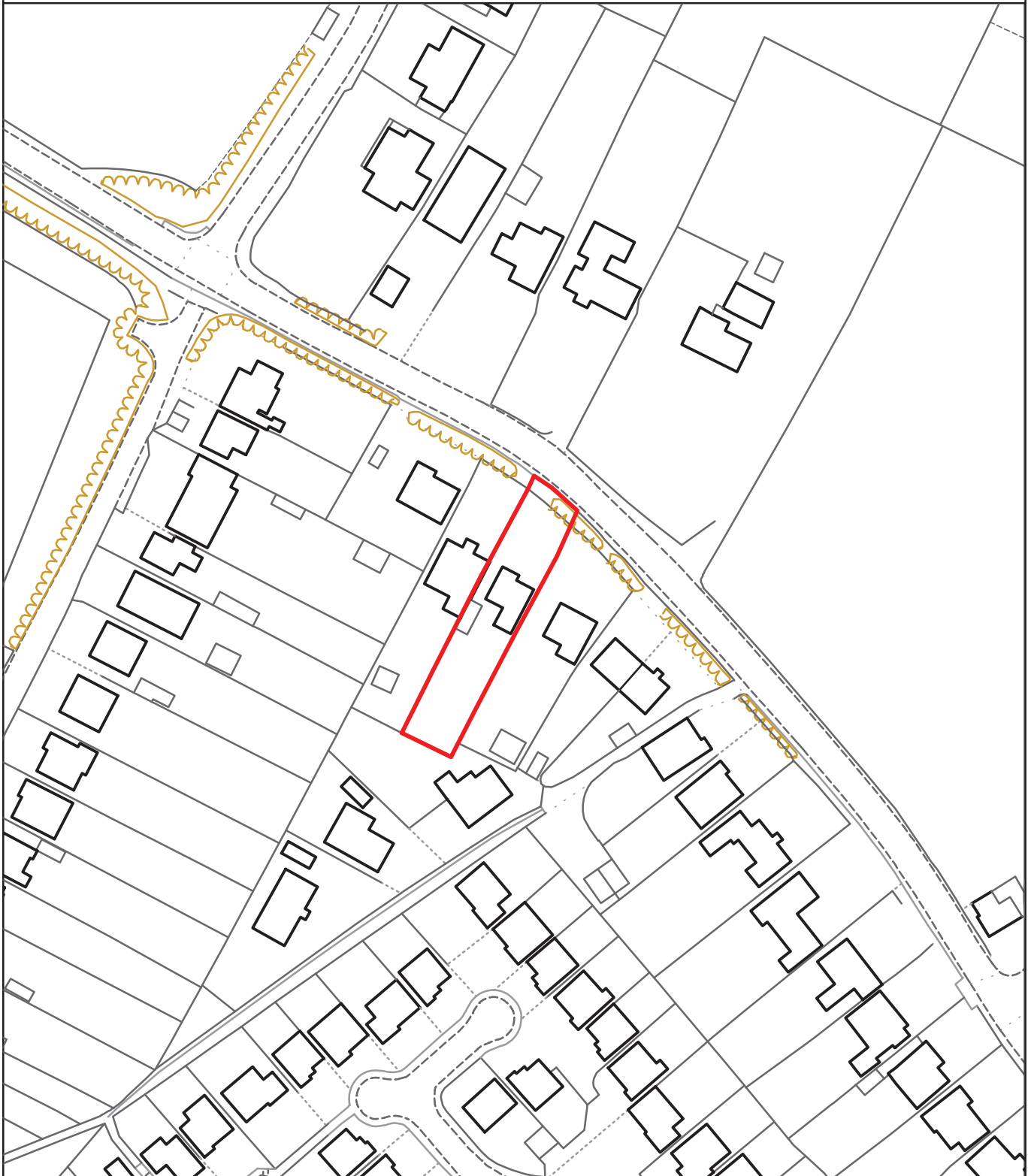
Project No.	1200 @ A1	Date	October 2014
Proposed Residential Development	Proposed Site Sections	Drawn	NO
Plot 19	PLANNING	Checked	13-0188-07
Scale	1:200	Sheet	B
Author	OSG	Project Manager	OSG

# Agenda Item 12

## 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

<b>REFERENCE NO - 14/504538/FULL</b>			
<b>APPLICATION PROPOSAL</b> Erection of single storey front, side and rear extensions and new roof.			
<b>ADDRESS</b> Little Birling Ware Street Weaving Kent ME14 5LA			
<b>RECOMMENDATION</b> Approval subject to conditions			
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b> 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.			
<b>REASON FOR REFERRAL TO COMMITTEE</b> The application is contrary to views expressed by the Parish Council.			
<b>WARD</b> Detling And Thurnham Ward	<b>PARISH/TOWN COUNCIL</b> Thurnham	<b>APPLICANT</b> Mr P And Mrs C Newstead <b>AGENT</b> Mr Paul Fowler	
<b>DECISION DUE DATE</b> 29/12/14	<b>PUBLICITY EXPIRY DATE</b> 29/12/14	<b>OFFICER SITE VISIT DATE</b> 20/11/14	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
MA/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

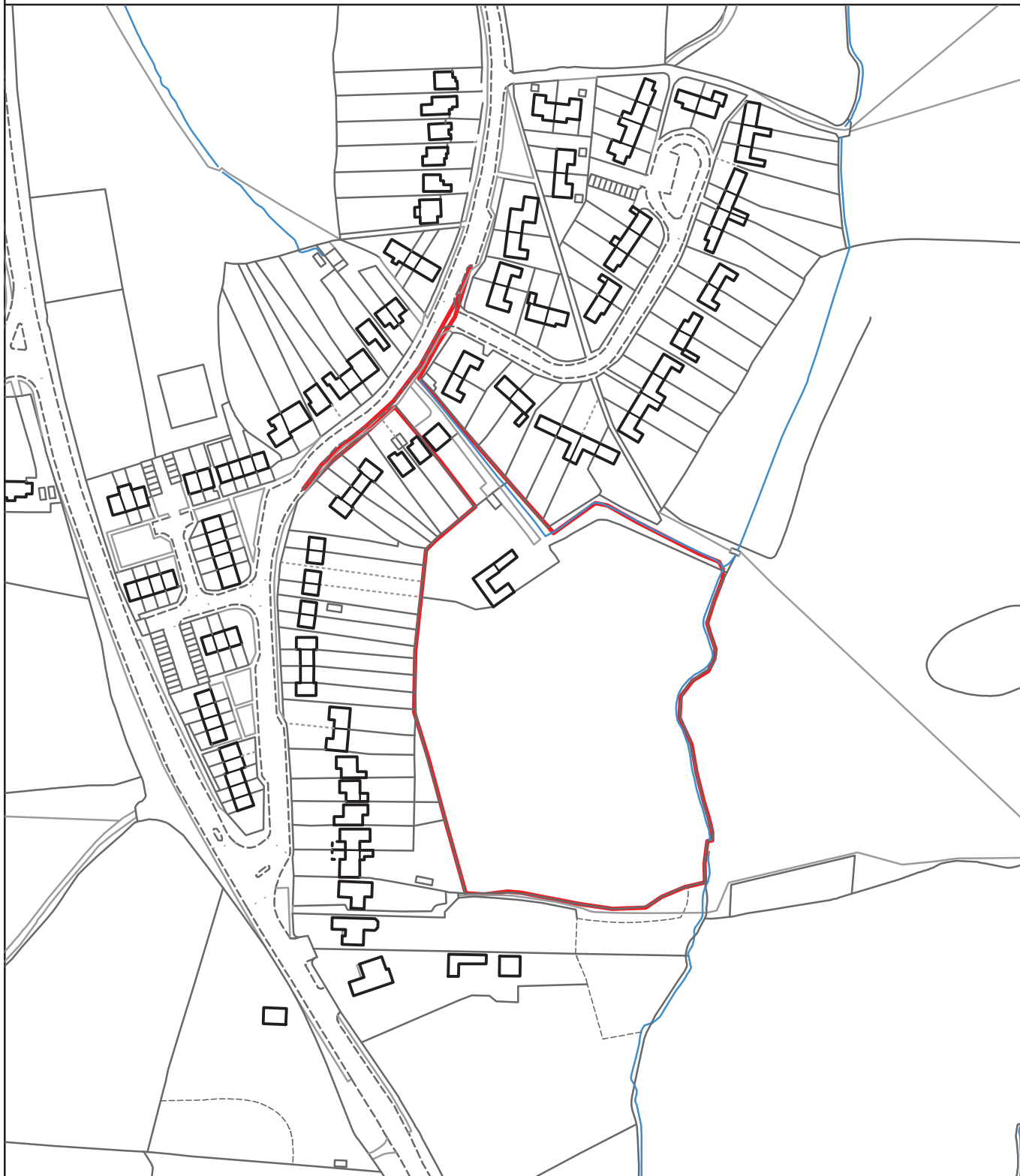
NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

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

# 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

<b>REFERENCE NO - 14/504556/FULL</b>		
<b>APPLICATION PROPOSAL</b> Demolition of Brandy's Bay including rear garage, stable block and outbuildings to enable the construction of 40 dwellings with parking provisions.		
<b>ADDRESS</b> Brandys Bay South Lane Sutton Valence Kent ME17 3AZ		
<b>RECOMMENDATION</b> Delegated Authority to approve subject to conditions and legal agreement.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> 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.  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.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> The application is a departure from the Local Plan.		
<b>WARD</b> Sutton Valence And Langley Ward	<b>PARISH/TOWN COUNCIL</b> Sutton Valence	<b>APPLICANT</b> Wealden Homes <b>AGENT</b> Graham Norton MRTPI
<b>DECISION DUE DATE</b> 23/01/15	<b>PUBLICITY EXPIRY DATE</b> 23/01/15	<b>OFFICER SITE VISIT DATE</b> 02/12/2014
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): None</b>		

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 Application site is an irregular area of land about 2.1 hectares 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:

<b>Request Summary</b>	<b>Per applicable House (x39)</b>	<b>Total</b>
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
	<b>Per Dwelling x (39)</b>	<b>Total</b>
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.

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### **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**.

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

## Planning Committee Report

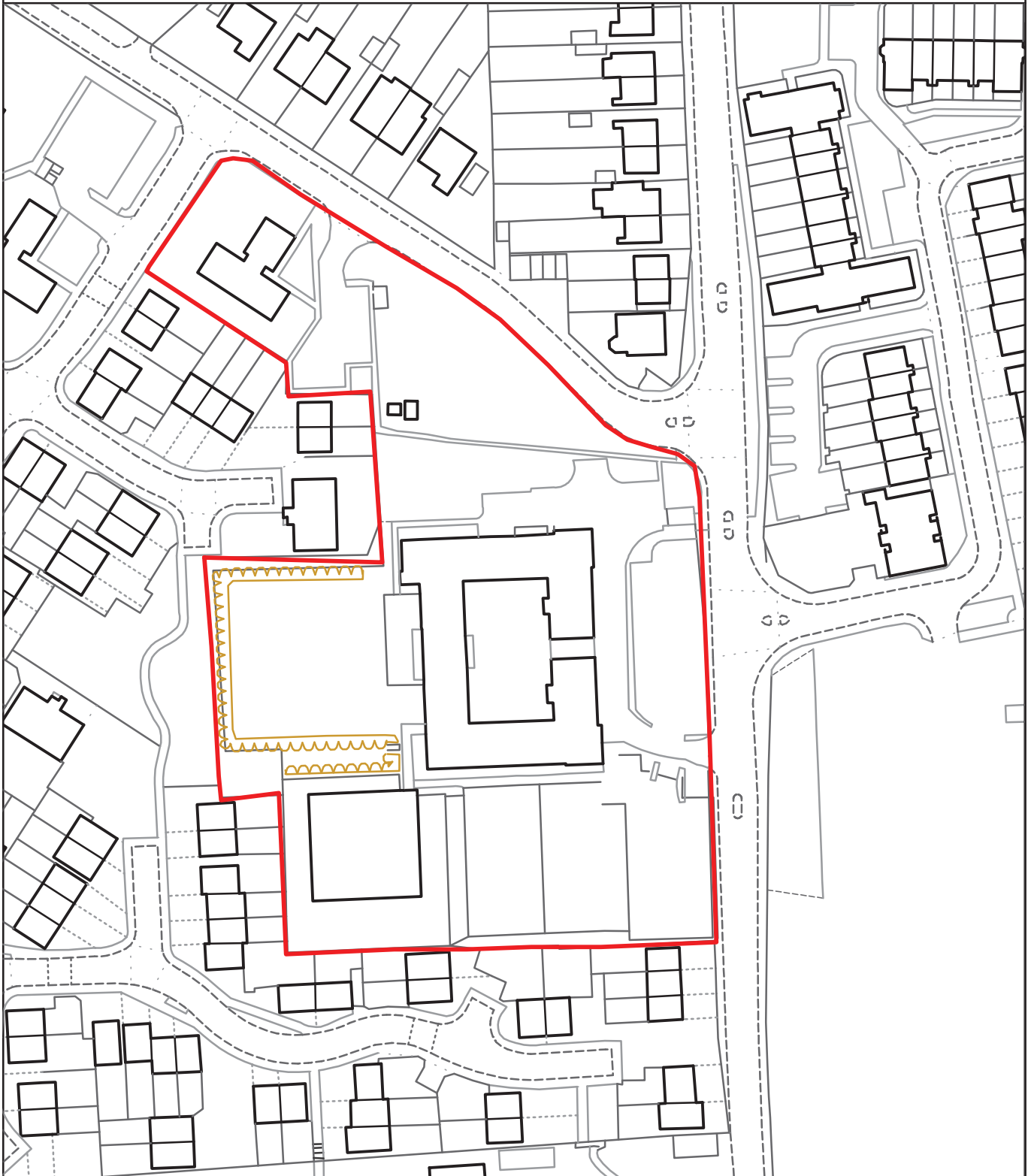
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

# Agenda Item 14

## THE MAIDSTONE BOROUGH COUNCIL

Land At Oakapple Lane And  
Hermitage Lane  
Maidstone  
Kent

MBC Ref: 14/500412



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**Rob Jarman**  
Head of Planning

## REPORT SUMMARY

<b>REFERENCE NO - 15/502180/SUB</b>		
<b>APPLICATION PROPOSAL</b> Submission of Details to discharge Condition 13 ( Landscape Management Plan) subject to 14/500412/FULL		
<b>ADDRESS</b> Land At Oakapple Lane And Hermitage Lane Maidstone Kent		
<b>RECOMMENDATION</b> APPROVAL OF DETAILS		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The details are acceptable.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Planning Committee resolved on 5 <sup>th</sup> February 2015 that the landscaping details submitted in relation to condition 13 of 14/500412 be reported back to Planning Committee for consideration.		
<b>WARD</b> Heath Ward	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Bellway Homes Limited <b>AGENT</b> Mr. Peter Clifton
<b>DECISION DUE DATE</b> 18/07/15	<b>PUBLICITY EXPIRY DATE</b> 18/07/15	<b>OFFICER SITE VISIT DATE</b> various
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>		

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 5<sup>th</sup> February 2015, and a decision notice subsequently issued on 20<sup>th</sup> 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 23<sup>rd</sup> 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.

Reference number: 15/502180

Representation from Councillor Harwood:

A representation has been received from Councillor Harwood requesting that the *Amelanchier lamarkii* shown on the submitted drawings should be replaced with *Crataegus monogyna* (Hawthorn). The applicant has requested that an alternative be used due to the high water demand of the suggested species, and has requested that Hornbeam be substituted instead.

The Council's Landscape Officer has raised no objection to the use of this native species, making the following comments:

*"Hornbeam is low water demand and as it is included in the scheme elsewhere, would provide some uniformity through the planting in the site."*

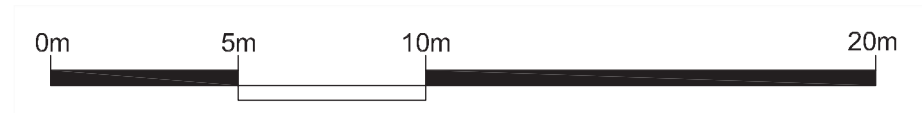
Inclusion of foundation stones into landscaping scheme

In addition to the above alterations to the planting scheme, the applicant has suggested that two foundation stones detailing the architects and builders of the original building which have been salvaged from the Nurses' Home be incorporated into the landscaping adjacent to the footpath to the immediate north of block 1. This is considered to be an appropriate use of the historic fabric of the original building on the site which positively contributes to the landscaping scheme, and as such is supported by the Council's Conservation Officer. The Council's Landscape Officer has confirmed that the positioning and anchoring of the stones will not prejudice the landscaping scheme or the survival of trees to be retained, and thus raises no objection.

Drawing numbers 5480/ASP001 rev G, 5480/ASP002 rev G and 5480/A&B-SPD have been submitted (copies attached) which show these amendments to the scheme.

Recommendation:

My recommendation remains unchanged.



145



Number	Abbreviation	Species	Specification	Height	Pot Size	Density
1	Ac	Acacia campestre	Advanced Nursery Stock	400-500cm	16-18cm	3m <sup>2</sup>
2	AcSW	Acer campestre 'Streetwise'	Advanced Nursery Stock	400-500cm	16-18cm	3m <sup>2</sup>
7	BETPE	Betula pendula	Advanced Nursery Stock	400-500cm	16-18cm	3m <sup>2</sup>
15	CARBETFF	Carpinus betulus 'Frans Fontaine'	Advanced Nursery Stock	400-500cm	16-18cm	3m <sup>2</sup>
1	MalSY	Malus sylvestris	Semi-Mature	550-600cm	20-25cm	3m <sup>2</sup>
6	Par	Pinus	Advanced Nursery Stock	400-500cm	16-18cm	3m <sup>2</sup>
7	Sar	Sortus aria	Advanced Nursery Stock	400-500cm	16-18cm	3m <sup>2</sup>

Number	Abbreviation	Species	Specification	Height	Pot Size	Density
20	AC	Aucuba japonica 'Crotonefolia'	Bushy	5 brks	40-60cm	3L
173	BERATRA	Berberis thunbergii 'Atropurpurea'	Bushy	4 brks	30-40cm	3L
159	BRASU	Brachyglottis 'Sunshine'	Bushy	5 brks	30-40cm	3L
240	Bse	Buxus sempervirens	Bushy	4 brks	30-40cm	3L
64	CBM	Ceanothus 'Blue Mound'	Bushy	5 brks	30-40cm	3L
66	CHOTE	Choisya ternata	Bushy	4 brks	40-60cm	3L
353	CORSA	Cornus sanguinea	Bushy	4 brks	40-60cm	3L
12	Csc	Corylus avellana 'Contorta'	Branched	4 brks	100-125cm	Counted
45	CRAMO	Crataegus monogyna	Bushy	3 brks	60-80cm	2m <sup>2</sup>
150	Csc	Cytisus scoparius	Bushy	4 brks	40-60cm	3L
65	EDS	Escallonia 'Donard Seedling'	Bushy	5 brks	30-40cm	3L
108	ESCRUWO	Escallonia rubra 'Woodside'	Bushy	5 brks	30-40cm	3L
255	EISO	Euonymus fortunei 'Silver Queen'	Bushy	5 brks	20-30cm	3L
11	FATJAV	Fatsia japonica 'Varegate'	Bushy	3/5 brks	60-80cm	Counted
1	FL	Forchya intermedia 'Lynwood'	Bushy	5 brks	80-100cm	Counted
245	GENLY	Genista lydia	Bushy	5 brks	30-40cm	3L
84	HEBBEAA	Hebe 'Midsummer Beauty'	Bushy	5 brks	30-40cm	3L
292	HEBALRE	Hebe aliciana 'Red Edge'	Bushy	5 brks	30-40cm	3L
360	HEBRA	Hebe rakaiensis	Bushy	5 brks	20-30cm	3L
81	HH	Hypericum 'Hidcote'	Bushy	5 brks	30-40cm	3L
189	JUNI	Juniperus communis	Bushy	3/5 brks	30-40cm	3L
62	JUNIBST	Juniperus squamata 'Blue Star'	Bushy	3/5 brks	30-40cm	3L
354	Lah	Lavandula angustifolia 'Hidcote'	Bushy	5 brks	30-40cm	3L
230	Lah	Lavandula angustifolia 'Munstead'	Bushy	5 brks	30-40cm	3L
189	LONNIM	Lonicera nitida 'May Green'	Bushy	5 brks	30-40cm	3L
7	MAHCHAA	Mahonia media 'Charly'	Bushy	3/5 brks	60-80cm	Counted
181	PIE	Potentilla fruticosa 'Elzabeth'	Bushy	5 brks	30-40cm	3L
104	PT	Polystichum 'New Green'	Bushy	3 brks	30-40cm	3L
178	PICL	Prunus laurocerasus 'Otto Luyken'	Bushy	5 brks	40-60cm	3L
150	PRUSP	Prunus spinosa	Bushy	1+1 BR	60-80cm	3m <sup>2</sup>
106	Rca	Rosa 'Princess Diana'	Bushy	4 brks	40-60cm	3L
152	ROSO	Rosmarinus officinalis	Bushy	3 brks	30-40cm	3L
290	RUSAC	Ruscus aculeatus	Bushy	5 brks	20-30cm	3L
139	SALOPFU	Salvia officinalis 'Purpurascens'	Bushy	3 brks	30-40cm	3L
277	SKG	Skimmia confusa 'New Green'	Bushy	3 brks	30-40cm	3L
83	SIRU	Skimmia japonica 'Rubella'	Bushy	5 brks	30-40cm	3L

Number	Abbreviation	Species	Specification	Pot Size	Density
132	SAJ	Sedum 'Autumn Joy'	Full Pot	Bushy: 4 brks	3L
41	SbSC	Sisymbrium officinalis 'Silver Carpet'	Full Pot	3L	5m <sup>2</sup>

Number	Abbreviation	Species	Specification	Pot Size	Density
84	MISSYD	Miscanthus sinensis 'Yakushima Dwarf'	Full Pot	3L	4m <sup>2</sup>

Number	Abbreviation	Species	Specification	Height	Density
38	ACECAM	Acer campestre	BR: Double staggered row	100-125cm	5m
17	CM	Cornus avellana	BR: Double staggered row	100-125cm	5m
151	Crmo	Crataegus monogyna	BR: Double staggered row	100-125cm	5m
19	LIGVJ	Ligustrum vulgare	BR: Double staggered row	100-125cm	5m
38	PRUSP	Prunus spinosa	BR: Double staggered row	100-125cm	5m
38	VIBLA	Viburnum lantana	BR: Double staggered row	100-125cm	5m
38	VIBOP	Viburnum opulus	BR: Double staggered row	100-125cm	5m
Total: 4094 No.					

Number	Abbreviation	Species	Specification	Height	Density
1685	CARBET	Carpinus betulus	BR: Double staggered row	100-125cm	5m
Total: 1685 No.					

Number	Abbreviation	Species	Specification	Height	Pot Size	Density
759	EAB	Escallonia 'Apple Blossom'	Double staggered row	60-80cm	3L	5m
Total: 759 No.						

Number	Abbreviation	Species	Specification	Height	Density
615	CROCHB	Crocus chrysantherus 'Blue Pearl'		20cm	15%
615	CROCHC	Crocus chrysantherus 'Cream Beauty'		20cm	15%
615	CROTOR	Crocus tommasinianus 'Ruby Giant'		20cm	15%
615	CRN	Crocus nivalis		20cm	20%
615	HYANOS	Hyacinthus non-scriptus		20cm	15%
617	NARPE	Narcissus pseudonarcissus		20cm	20%
Total: 4094 No.					

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No Dimensions to be scaled from this drawing.

- KEY:**
- Site Boundary
  - Existing Trees
  - Proposed Trees
  - Proposed Hedge
  - Proposed Feature Shrub
  - Proposed Shrubs
  - Proposed Amenity Grass / Turf
  - Proposed Bulbs
  - Proposed Root Barrier (ReRoot 1000 or similar)
  - Proposed Macadam Surface
  - Proposed Blockwork Road
  - Proposed Slabbed Patio and Path
  - Proposed Blockwork Driveway
  - Proposed Lighting
  - Proposed Feature Ragstone Wall
  - Proposed Bollards
  - Proposed Hibernacula
  - Proposed Stone Plinth Locations

N.B Refer to Reuby and Stag Engineers drawings for full details of hard landscape finishes and boundary treatment.

**PLANTING NOTES**  
All plants to be supplied in accordance with the HTA 'National Plant Specification' and from a HTA certified nursery. All plants and trees to be planted in accordance with BS5836 and BS8545. Delivery and handling of plant material to be in accordance with BS4422:2010:CPSE. Code of Practice for 'Handling and Establishing Landscape Plants' Parts 1, 2 and 3 (BS8545).

**Planting Pit and Trench Preparation**  
Tree pits in soft landscape to be excavated to 1m x 1m x 1m depth prior to topsoiling and all shrub planting areas excavated to 450mm depth. All proposed hedge planting trenches to be excavated to 600mm depth. Unless otherwise specified, all tree pits & hard borders to be 2m x 2m x 1m, backfilled with compacted Urban Tree Soil.  
The preparation of planting pits, beds or trenches shall comply with the appropriate British Standards, namely BS5484, BS5428, BS5537 and BS8545.  
Excavation of planting pits, beds or trenches shall not take place when the ground is frozen or waterlogged such that damage may occur to the structure of the soil. All excavated areas to be backfilled with either won topsoil or imported topsoil to be BS3882-General purpose grade. All topsoils areas to be clear of rocks and rubble larger than 50mm diameter and any other debris that may interfere with the establishment of plants. The Contractor shall break up and cultivate at the base of the trenches or planting pits. The sides of the trenches or planting pits shall be lined with a 100mm thick or other similar material. All stores and the like over 75mm in any dimension, deleterious matter, weeds and weed roots brought to the surface by any cultivation or excavation shall be removed off site. The Contractor shall remove off site the excavated subsoil material when preparing planting pits. The imported topsoil should make up any deficiencies caused by the removal of the subsoil material. Trenches and pits shall have the topsoil and any subsoil material thoroughly broken up and mixed prior to backfilling.  
All trees shall be supplied root balled, unless otherwise stated. Root balled trees shall be well grown, healthy and with a compact, contained rootball. They shall be nursery grown and have been regularly watered. Prior to planting, all plant material shall be stored and sorted in accordance with best practice.

**Planting**  
All plants shall be planted in a random fashion avoiding formal regimented lines at densities indicated in the schedule, unless otherwise specified. Unless otherwise specified, all hedges shall be planted in a double staggered rows and hedgehog mixes shall be planted in groups of 7, 9 & 13 at densities indicated on the schedule. Ornamental shrub planting mixes shall be planted in groups of 5, 7, 9 & 11 and native shrub planting mixes shall be planted in groups of 9, 13 & 15. The selection, procurement, storage and planting operations of all proposed trees shall be in accordance with BS5455:2014 - Trees: from nursery to installation in the landscape, recommendations.  
Planting and associated operations shall comply with BS5454, BS4422, BS5837 and BS5455. Unless otherwise stated planting shall be carried out during the period of 1 Nov to 31 March when the ground is not frozen or waterlogged. If planting is required outside this period agreement shall be sought and all bare root plants shall be substituted with container grown stock.

**Watering**  
All plants shall be watered in to field capacity immediately after planting and mulched with 50mm depth of medium grade crushed mulch. The Contractor shall water the trees, shrubs and hedges once planted so that the entire tree pit or planted area is moistened to field capacity, i.e. 'The amount of water retained by previously saturated soil once full drainage has ceased'. Watering to field capacity shall continue frequently and on a regular basis as considered necessary by the landscape contractor and as necessary to ensure the successful establishment and continued thriving of all planting. Additional watering shall be undertaken during summer months and/or periods of drought. Post planting management and maintenance specifically for new tree planting shall include ongoing irrigation and formative pruning as outlined in BS5855. The period over which regular irrigation required for transplanted trees is likely to be at least two full growing seasons to ensure successful establishment. As the root system develops the frequency of irrigation can be reduced.  
All trees within soft landscape areas to be double staked with cross bar and tied, using 1.5m long, 75mm diameter rounded tree stakes 75mm brace, rubber tie and spacer block. Stakes not to extend more than 650mm above ground level. All trees with hardstanding/highways visibility plays to be clear stem to 1.5m high unless otherwise specified. Trees within hardstanding / specific pits to be underground guyed unless otherwise specified.

**Root Barriers**  
Root barriers (ReRoot 1000 or equivalent) to be included adjacent to buildings and services where necessary. Landscape contractor shall check all planting operations comply with appropriate standards and that in the absence of detailed surveys, any necessary underground investigations are undertaken to ensure there are no conflicts with existing or proposed utilities, services or foundations.  
**PROTECTION OF EXISTING VEGETATION TO BE RETAINED**  
Existing trees to be retained shall be protected in accordance with BS5857, from commencement to completion of all works on site.

**aspect landscape planning**

TITLE  
Hermitage Lane, Maidstone  
Detailed Planting Plan 1 of 2

CLIENT  
Bellway Homes

SCALE 1:200@A1	DATE FEB 2015	DRAWN CW	CHKD CJ
DRAWING NUMBER 5480 / PP / ASP001	REVISION G		

Based on Architects drawing no. 10100-SC\_CIVIL\_2013



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KEY:

- Site Boundary
- Existing Trees
- Proposed Trees
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- Proposed Macadam Surface
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- Proposed Blockwork Driveway
- Proposed Lighting
- Proposed Feature Ragstone Wall
- Proposed Bollards
- Proposed Hibernacula
- Proposed Stone Plinth Locations

N.B Refer to Reuby and Stag Engineers drawings for full details of hard landscape finishes and boundary treatment.

PLANTING NOTES  
All plants to be supplied in accordance with the HTA National Plant Specification and from a B11A certified nursery. All plants and trees to be planted in accordance with BS3936 and BS8545. Delivery and handling of all plant material to be in accordance with BS4428:CLCIPSE Code of Practice for Handling and Establishing Landscape Plants Parts I, II and III and BS5854.

Planting Pit and Trench Preparation  
Tree pits in soft landscape to be excavated to 1m x 1m x 1m depth prior to topsoiling and all other planting areas excavated to <math>450\text{mm}</math> depth. All proposed hedge planting trenches to be excavated to 600mm depth. Unless otherwise specified, all tree pits in hard landscape to be 2m x 2m x 1m, backfilled with compacted Urban Tree Soil.

The preparation of planting pits, beds or trenches shall comply with the appropriate British Standards, namely BS4428, BS4429, BS5837 and BS8545.

Excavation of planting pits, beds or trenches shall not take place when the ground is frozen or waterlogged such that damage may occur to the structure of the soil. All excavated areas to be backfilled with either site topsoil or imported topsoil to be BS3982 General purpose grade.

All topsoiled areas to be clear of rocks and rubble larger than 50mm diameter and any other debris that may interfere with the establishment of plants. The Contractor shall break up and culminate at the base of the trenches or planting pits. The sides of the trenches or planting pits shall be backfilled with a brick or other similar material. All stones and the like over 75mm in any dimension, deleterious matter, weeds and weed roots brought to the surface by any cultivation or excavation shall be removed off site. The Contractor shall remove off site the excavated and/or fill material when preparing planting pits. The imported topsoil should make up any deficiencies caused by the removal of the soil/fill material. Trenches and pits shall have the topsoil and any subsoil material thoroughly broken up and mixed prior to backfilling.

All trees shall be supplied root balled, unless otherwise stated. Root balled trees shall be well grown, healthy and with a compact, contained rootball. They shall be nursery grown and have been regularly watered. Prior to planting, all plant material shall be stored and sorted at in accordance with best practice.

Planting  
All plants shall be planted in a random fashion avoiding formal regimented lines at densities indicated in the schedule, unless otherwise specified. Unless otherwise specified, all hedgerows shall be planted in a double staggered rows and hedgerow mixes shall be planted in groups of 7, 9 & 13s at densities indicated on the schedule. Ornamental shrub planting mixes shall be planted in groups of 5, 7 & 11s and native shrub planting mixes shall be planted in groups of 5, 13 & 15s. The selection, procurement, handling, storage and planting operations of all proposed trees shall be in accordance with BS8545:2014 - Trees: from nursery to independence in the landscape, recommendations.

Planting and associated operations shall comply with BS4428, BS4429, BS5837 and BS8545. Unless otherwise stated planting shall be carried out during the period of 1 Nov to 31 March when the ground is not frozen or water logged. If planting is required outside this period agreement shall be sought and all bare root plants shall be substituted with container grown stock.

Watering  
All plants shall be watered in to field capacity immediately after planting and mulched with 50mm depth of medium grade crushed mulch. The Contractor shall water the trees, shrubs and hedges once planted so that the entire tree pit or planted area is moistened to field capacity, i.e. "the amount of water retained by previously saturated soil once full drainage has ceased".

Watering to field capacity shall continue frequently and on a regular basis as considered necessary by the landscape contractor and as necessary to ensure the successful establishment and continued thriving of all planting. Additional watering shall be undertaken during summer months and/or periods of drought. Post planting management and maintenance specifically for new tree planting shall include ongoing irrigation and formative pruning as outlined in BS8545. The period over which regular irrigation required for transplanted trees is likely to be at least two full growing seasons to ensure successful establishment. As the root system develops the frequency of irrigation can be reduced.

Staking  
All trees within soft landscape areas to be double staked with cross bar and tied, using 1.5m long, 75mm diameter rounded tree stakes 75mm brace, rubber tie and spacer block. Stakes not to extend more than 650mm above ground level. All trees within hardscaping/highways visibility plays to be clear stem to 1.5m high unless otherwise specified. Trees within hardscaping / specific pits to be underground guyed unless otherwise specified.

Root Barriers  
Root barriers (ReRoot 1000 or equivalent) to be included adjacent to buildings and services where necessary. Landscape contractor shall check all planting operations comply with appropriate standards and that in the absence of detailed surveys, any necessary underground investigations are undertaken to ensure there are no conflicts with existing or proposed utilities, services or foundations.

PROTECTION OF EXISTING VEGETATION TO BE RETAINED  
Existing trees to be retained shall be protected in accordance with BS5837, from commencement to completion of all works on site.

aspect landscape planning

TITLE  
Hermitage Lane, Maidstone  
Detailed Planting Plan 2 of 2

CLIENT  
Bellway Homes

SCALE 1:200@A1 DATE FEB 2015 DRAWN CW CHKD CJ

DRAWING NUMBER 5480 / PP / ASP002 REVISION G

Based on Architects drawing no. 10100-SC\_CIVIL\_20& 21P3



Planting Schedule					
Trees					
Number	Abbreviation	Species	Specification	Height	Girth
7 No.	Ac	Acer campestre	Advanced Nursery Stock :RB	400-450cm	16-18cm
2 No.	AcSW	Acer campestre 'Streetwise'	Advanced Nursery Stock :RB	400-450cm	16-18cm
7 No.	BETPE	Betula pendula	Advanced Nursery Stock :RB	400-450cm	16-18cm
4 No.	BETPE	Betula pendula	Semi-Mature :RB	550-600cm	20-25cm
15 No.	CARBETFF	Carpinus betulus 'Frans Fontaine'	Advanced Nursery Stock :RB	400-450cm	16-18cm
2 No.	MALSY	Malus sylvestris	Advanced Nursery Stock :RB	400-450cm	16-18cm
1 No.	Pisly	Pinus sylvestris	Semi-Mature :RB	550-600cm	20-25cm
6 No.	Pav	Prunus avium	Advanced Nursery Stock :RB	400-450cm	16-18cm
7 No.	Sar	Sorbus aria	Advanced Nursery Stock :RB	400-450cm	16-18cm

Shrubs					
Number	Abbreviation	Species	Specification	Height	Pot Size Density
20 No.	AJC	Aucuba japonica 'Crotonifolia'	Bushy :5 brks	40-60cm	3L 3/m <sup>2</sup>
82 No.	BERAMSA	Berberis frikartii 'Amstelveen'	Bushy :5 brks	20-30cm	3L 4/m <sup>2</sup>
173 No.	BERATRA	Berberis thunbergii 'Atropurpurea'	Bushy :4 brks	30-40cm	3L 4/m <sup>2</sup>
159 No.	BRASU	Brachyglottis 'Sunshine'	Bushy :5 brks	30-40cm	3L 4/m <sup>2</sup>
240 No.	Bse	Buxus sempervirens	Bushy :4 brks	30-40cm	3L 5/m <sup>2</sup>
64 No.	CBM	Ceanothus 'Blue Mound'	Bushy :5 brks	30-40cm	3L 4/m <sup>2</sup>
66 No.	CHOTE	Choiysa termaia	Bushy :4 brks	40-60cm	3L 3/m <sup>2</sup>
353 No.	CORSA	Cornus sanguinea	Bushy :4 brks	40-60cm	3L 3/m <sup>2</sup>
12 No.	Cac	Cornus avellana 'Contorta'	Branched :4 brks: Multistem :RB	100-125cm	3L Counted
45 No.	CRAMO	Crataegus monogyna	1+1 :Bushy :3 brks :BR	60-80cm	3L 2/m <sup>2</sup>
150 No.	Csc	Cytisus scoparius	Bushy :4 brks	40-60cm	3L 4/m <sup>2</sup>
55 No.	EDS	Escallonia 'Donard Seeding'	Bushy :5 brks	30-40cm	3L 4/m <sup>2</sup>
108 No.	ESCRUWO	Escallonia rubra 'Woodside'	Bushy :5 brks	30-40cm	3L 4/m <sup>2</sup>
255 No.	EFSQ	Euonymus fortunei 'Silver Queen'	Bushy :5 brks	20-30cm	3L 5/m <sup>2</sup>
11 No.	FATJAVA	Fatsia japonica 'Variegata'	Bushy :3/5 brks	60-80cm	10L Counted
6 No.	FIL	Forsythia intermedia 'Lynwood'	Bushy :5/6 brks	80-100cm	10L Counted
245 No.	GENLY	Genista lydia	Bushy :5 brks	30-40cm	3L 5/m <sup>2</sup>
84 No.	HEBBEAA	Hebe 'Midsummer Beauty'	Bushy :5 brks	30-40cm	3L 4/m <sup>2</sup>
182 No.	HEBALRE	Hebe albicans 'Red Edge'	Bushy :5 brks	20-30cm	3L 6/m <sup>2</sup>
360 No.	HEBRA	Hebe rakaiensis	Bushy :5 brks	20-30cm	3L 6/m <sup>2</sup>
81 No.	HHH	Hypericum 'Hidcote'	Bushy :5 brks	30-40cm	3L 5/m <sup>2</sup>
163 No.	JUNI	Juniperus communis	Bushy :3/5 brks	30-40cm	3L 3/m <sup>2</sup>
62 No.	JUNIBST	Juniperus squamata 'Blue Star'	Bushy :3/5 brks	30-40cm	3L 6/m <sup>2</sup>
354 No.	LAH	Lavandula angustifolia 'Hidcote'	Bushy :5 brks	30-40cm	3L 6/m <sup>2</sup>
230 No.	LAM	Lavandula angustifolia 'Munstead'	Bushy :5 brks	30-40cm	3L 6/m <sup>2</sup>
169 No.	LONNIMG	Lonicera nitida 'May Green'	Bushy :5 brks	30-40cm	3L 5/m <sup>2</sup>
7 No.	MAHCHAA	Mahonia media 'Charity'	Bushy :3/5 brks	60-80cm	10L Counted
181 No.	PIE	Potentilla fruticosa 'Elizabeth'	Bushy :5 brks	30-40cm	3L 4/m <sup>2</sup>
194 No.	PIT	Potentilla fruticosa 'Tangerine'	Bushy :5 brks	30-40cm	3L 5/m <sup>2</sup>
178 No.	PIOL	Prunus laurocerasus 'Otto Luyken'	Bushy :5 brks	40-60cm	3L 4/m <sup>2</sup>
196 No.	Rca	Rosa canina	Bushy :4 brks	40-60cm	3L 3/m <sup>2</sup>
152 No.	ROSOF	Rosmarinus officinalis	Bushy :3 brks	30-40cm	3L 5/m <sup>2</sup>
290 No.	RUSAC	Ruscus aculeatus	Bushy :5 brks	20-30cm	3L 4/m <sup>2</sup>
139 No.	SALOFPU	Salvia officinalis 'Purpurascens'	Bushy :3 brks	30-40cm	3L 5/m <sup>2</sup>
277 No.	SOFG	Skimmia confusa 'Kew Green'	Bushy :3 brks	30-40cm	3L 4/m <sup>2</sup>
83 No.	SJRu	Skimmia japonica 'Rubella'	Bushy :5 brks	30-40cm	3L 4/m <sup>2</sup>

Herbaceous					
Number	Abbreviation	Species	Specification	Pot Size	Density
132 No.	SAJ	Sedum 'Autumn Joy'	Full Pot: Bushy :4 brks	3L	4/m <sup>2</sup>
41 No.	SbSSC	Stachys byzantina 'Silver Carpet'	Full Pot	3L	5/m <sup>2</sup>

Grasses					
Number	Abbreviation	Species	Specification	Pot Size	Density
84 No.	MISSIID	Miscanthus sinensis 'Yakushima Dwarf'	Full Pot	3L	4/m <sup>2</sup>

Native Hedge Mix					
Number	Abbreviation	Species	Specification	Height	Density %
38 No.	ACECAM	Acer campestre	BR :Double staggered row	100-125cm	5/m 10%
57 No.	Cav	Corylus avellana	BR :Double staggered row	100-125cm	5/m 15%
151 No.	Cmo	Crataegus monogyna	BR :Double staggered row	100-125cm	5/m 40%
19 No.	LIGVU	Ligustrum vulgare	BR :Double staggered row	100-125cm	5/m 5%
38 No.	PRUSP	Prunus spinosa	BR :Double staggered row	100-125cm	5/m 10%
38 No.	VIBLA	Viburnum lantana	BR :Double staggered row	100-125cm	5/m 10%
38 No.	VIBOP	Viburnum opulus	BR :Double staggered row	100-125cm	5/m 10%
Total :379 No.					

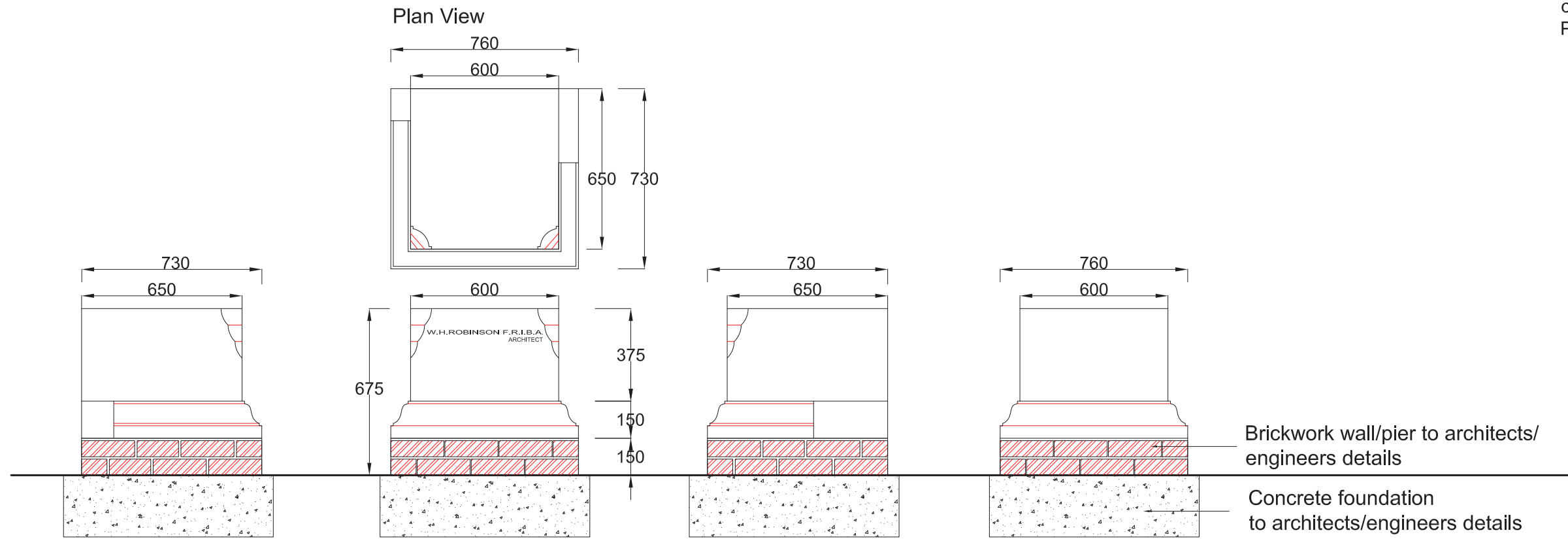
Hornbeam Hedge					
Number	Abbreviation	Species	Specification	Height	Density
1685 No.	CARBET	Carpinus betulus	BR : Double staggered row	100-125cm	5/m
Total :1685 No.					

Ilex Hedge					
Number	Abbreviation	Species	Specification	Height	Pot Size Density
296 No.	ILXAQU	Ilex aquifolium	Bushy :3/4 brks :BR	60-80cm	3L 5/m
Total :296 No.					

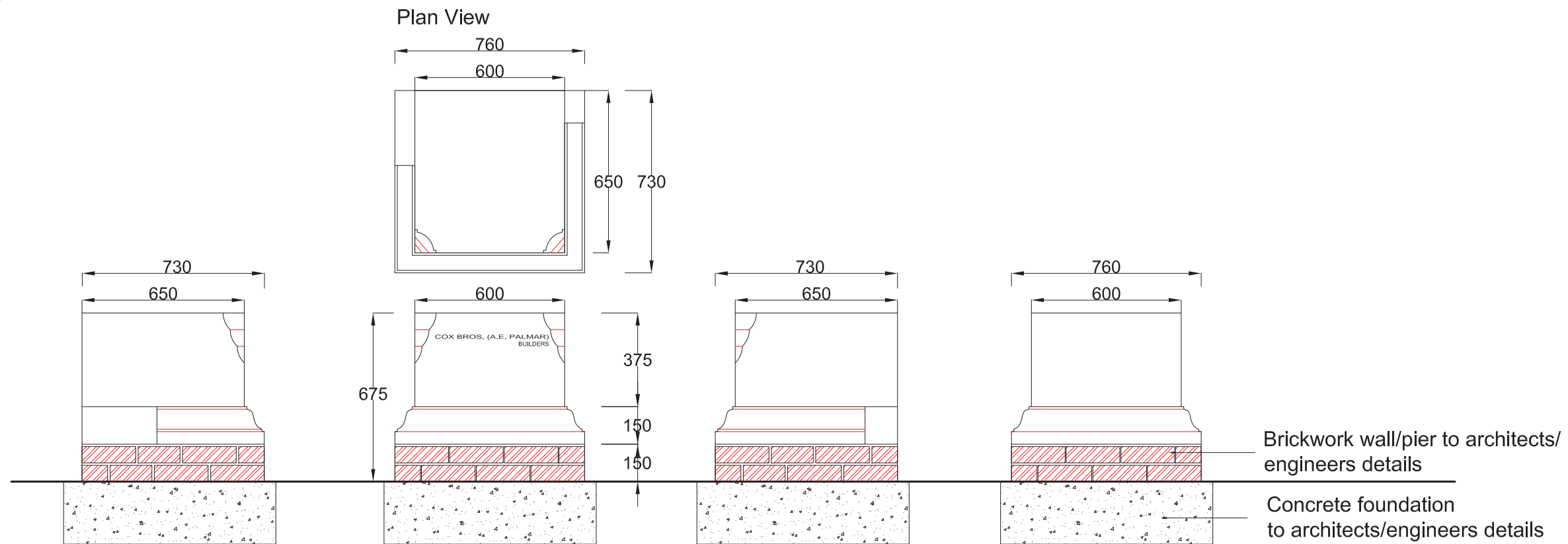
Escallonia Hedge					
Number	Abbreviation	Species	Specification	Height	Pot Size Density
759 No.	EAB	Escallonia 'Apple Blossom'	Double staggered row	60-80cm	3L 5/m
Total :759 No.					

Bulbs Mix					
Number	Abbreviation	Species	Specification	Height	Density %
615 No.	CROCHBP	Crocus chrysanthus 'Blue Pearl'		20/m <sup>2</sup>	15%
615 No.	CROCHCB	Crocus chrysanthus 'Cream Beauty'		20/m <sup>2</sup>	15%
615 No.	CROTORG	Crocus tommasinianus 'Ruby Giant'		20/m <sup>2</sup>	15%
817 No.	GALRI	Galanthus nivalis		20/m <sup>2</sup>	20%
615 No.	HYANOS	Hyacinthoides non-scripta		20/m <sup>2</sup>	15%
817 No.	NARPSE	Narcissus pseudonarcissus		20/m <sup>2</sup>	20%
Total :4094 No.					

Stone plinth locations to be aligned with corners of building. For locations of Stone Plinths refer to Detailed Planting Plan drawing 5480 / PP / ASP001



Architect's Plinth - Elevation Views



Builder's Plinth - Elevation Views

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**aspect** landscape planning

TITLE  
Hermitage Lane, Maidstone  
Architect & Builder Stone Plinth Detail

CLIENT  
Bellway Homes Ltd

SCALE 1:20@A3	DATE APR 2015	DRAWN CJ
DRAWING NUMBER 5480/ A&B-SPD		REVISION

## **THE MAIDSTONE BOROUGH COUNCIL** **PLANNING COMMITTEE – 16<sup>th</sup> 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)

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**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)

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**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)

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