

# AGENDA

## PLANNING COMMITTEE MEETING



Date: Thursday 10 September 2015

Time: 6.00 p.m.

Venue: Town Hall, High Street,  
Maidstone

Membership:

Councillors Ash, Clark, Cox, English (Chairman),  
Greer, Harper, Harwood, Hemsley,  
Munford, Paine, Paterson, Mrs Stockell  
and Thick

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Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 17 September 2015

**Continued Over/:**

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**Issued on 2 September 2015**

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*Alison Broom*

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

6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
10. Minutes of the meeting held on 20 August 2015 1 - 11
11. Presentation of Petitions (if any)
12. Report of the Head of Planning and Development - Deferred Items 12 - 13
13. 14/506419 - Bell Farm, North Street, Barming, Kent 14 - 44
14. 15/500451 - 48 Lancet Lane, Maidstone, Kent 45 - 58
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17. Appeal Decisions 77
18. Chairman's Announcements

**PLEASE NOTE**

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

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

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

## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON 20 AUGUST 2015**

**Present:** Councillor Cox (in the Chair) and Councillors Ash, Butler, Chittenden, Clark, Harwood, Hemsley, McKay Munford, Paine and Paterson

**Also Present:** Councillors Sargeant and Willis

101. **APOLOGIES FOR ABSENCE**

It was noted that apologies for absence had been received from the Chairman (Councillor English) and Councillors Greer, Harper and Thick.

102. **NOTIFICATION OF SUBSTITUTE MEMBERS**

The following Substitute Members were noted:

Councillor Butler for Councillor Greer  
Councillor Chittenden for Councillor English  
Councillor McKay for Councillor Harper

103. **ELECTION OF CHAIRMAN FOR THE MEETING**

In the absence of the Chairman and the Vice-Chairman, it was:

**RESOLVED:** That Councillor Cox be elected as Chairman for the meeting.

104. **NOTIFICATION OF VISITING MEMBERS**

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

It was noted that Councillor Willis had indicated his wish to speak on the report of the Head of Planning and Development relating to application 13/2079, but would be late in arriving at the meeting.

105. **ITEMS WITHDRAWN FROM THE AGENDA**

There were none.

106. **URGENT ITEMS**

The Chairman stated that, in his opinion, the update report of the Head of Planning and Development should be taken as an urgent item as it

contained further information relating to the applications to be considered at the meeting.

107. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Chittenden said that he had discussed application 15/502680 with one of the residents affected by the development. He would speak but not vote when the application was discussed.

108. EXEMPT ITEMS

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

109. MINUTES OF THE MEETING HELD ON 30 JULY 2015

**RESOLVED**: That the Minutes of the meeting held on 30 July 2015 be approved as a correct record and signed.

110. PRESENTATION OF PETITIONS

There were no petitions.

111. DEFERRED ITEMS

1. MA/07/2133 - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A FIVE STOREY RESIDENTIAL DEVELOPMENT COMPRISING OF 52 STUDIO APARTMENTS AND 24 ONE-BED FLATS WITH 38 UNDERCROFT PARKING SPACES AND 22 EXTERNAL PARKING SPACES WITH VEHICULAR AND PEDESTRIAN ACCESS FROM HART STREET TOGETHER WITH LANDSCAPING - LAGUNA MOTORCYCLES SITE, HART STREET, MAIDSTONE
2. MA/13/1979 - OUTLINE PLANNING APPLICATION FOR UP TO 55 RESIDENTIAL DWELLINGS WITH MEANS OF ACCESS. ALL OTHER MATTERS RESERVED - LAND NORTH OF HEATH ROAD, COXHEATH, MAIDSTONE, KENT
3. 14/503960 - OUTLINE APPLICATION FOR 13 NO. DWELLING HOUSES WITH ASSOCIATED AMENITY SPACE, SHARED ACCESS ROAD AND NEW FOOTWAY WITH ACCESS, APPEARANCE, LAYOUT AND SCALE TO BE CONSIDERED AT THIS STAGE WITH ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION - LAND EAST OF THATCH BARN ROAD AND SOUTH OF LENHAM ROAD, HEADCORN, KENT
4. 14/503957 - APPLICATION FOR PERMANENT CHANGE OF USE TO A FREE SCHOOL (CLASS D1) - GATLAND HOUSE, GATLAND LANE, MAIDSTONE, KENT

The Principal Planning Officer advised Members that work was continuing in respect of these applications, and he had nothing further to report at present other than it was anticipated that application 14/503957 (Gatland House) would be reported back to the Committee in two cycles' time.

A Member expressed concern about the lack of progress being made in relation to application 07/2133 (Laguna Motorcycles site) which had been deferred since April 2014.

**RESOLVED:** That the report be noted and that the Officers be requested to provide an update on application 07/2133 at the next meeting.

112. 15/502680 - RETROSPECTIVE PLANNING PERMISSION FOR THE CONSTRUCTION OF ANCILLARY DOMESTIC OUTBUILDING TO PROVIDE A GARAGE, HOME OFFICE AND GYM - TIMBERDEN, BOXLEY ROAD, MAIDSTONE, KENT

The Chairman and Councillors Chittenden, Clark, Harwood and Paine stated that they had been lobbied.

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

Mr Harrison, an objector, and Mr Wise, for the applicant, addressed the meeting.

**RESOLVED:** That permission be granted subject to the conditions set out in the report, as amended by the urgent update report, and the following additional conditions:

1. Within 3 months of the date of this decision, a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall use indigenous species and include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. The approved landscaping details shall be carried out in the first planting season following the occupation of the building or 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: No such details have been submitted and to ensure a satisfactory setting and external appearance to the development.

2. Within 3 months of the date of this decision, details of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved details.

Reason: To ensure adequate surface water drainage.

3. Within 3 months of the date of this decision, details of ecological enhancements including bat tubes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity enhancement.

Voting:        6 – For        2 – Against        2 – Abstentions

Note: Councillor Chittenden did not participate in the voting having stated that he had discussed the application with one of the residents affected by the development.

113. 14/502152 - 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 - LENHAM UNITED REFORMED CHURCH, MAIDSTONE ROAD, LENHAM, KENT

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

Mr Greenwood, an objector, and Mr Hume, for the applicant, addressed the meeting.

**RESOLVED:** That subject to the prior completion of a legal agreement, in such terms as the Head of Legal Partnership may advise, to secure the following:

- The provision of 40% affordable residential units;
- A contribution of £2,360.96 per 'applicable' house (£56,663.04) towards the enhancement of teaching facilities at Lenham Primary School;
- A contribution of £202.62 towards youth service equipment at Swadelands Youth Centre;
- A contribution of £1,152.38 to be used to address the demand from the development towards additional book stock at Lenham Library;
- 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;
- A contribution of £37,800 towards the improvement, maintenance, refurbishment and replacement of the Ham Lane play area; and
- Details of a long term management plan for strategic landscaping areas within the site and cricket ball stop nets to the western boundary of the site, which shall include details of the following:

responsibility for ongoing long term management; financial contributions towards implementation/installation and long term maintenance (including the duration of the contribution) (details to be finalised by the Head of Planning and Development acting under delegated authority),

the Head of Planning and Development be given delegated powers to grant permission subject to the conditions and informatives set out in the report and the additional informative set out in the urgent update report.

Voting: 11 – For 0 – Against 0 – Abstentions

114. 15/500911 - DEMOLITION OF EXISTING OUTHOUSE. ALTERATIONS AND ERECTION OF A GROUND FLOOR REAR EXTENSION, SIDE EXTENSION AT FIRST FLOOR AND ROOF LEVEL, ENTRANCE PORCH, CHIMNEY STACK, PLACEMENT OF WINDOWS AND ROOFLIGHTS AND ERECTION OF A NEW CARPORT - 2 BOYTON COURT COTTAGES, BOYTON COURT ROAD, SUTTON VALENCE, KENT

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

Miss Mills, for objectors, Councillor Armstrong of Sutton Valence Parish Council (against) and Mrs Graves, the applicant, addressed the meeting.

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

The development shall not commence until details of measures to provide for the installation of bat boxes and swift bricks within the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: In the interests of biodiversity and ecology.

Voting: 8 – For 3 – Against 0 – Abstentions

115. 15/502129 - DEMOLITION OF EXISTING OUTHOUSE. ALTERATIONS AND ERECTION OF A GROUND FLOOR REAR EXTENSION, SIDE EXTENSION AT FIRST FLOOR AND ROOF LEVEL, ENTRANCE PORCH, CHIMNEY STACK, PLACEMENT OF WINDOWS AND ROOFLIGHTS AND ERECTION OF A NEW CARPORT - 2 BOYTON COURT COTTAGES, BOYTON COURT ROAD, SUTTON VALENCE, KENT

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

Miss Mills, for objectors, Councillor Armstrong of Sutton Valence Parish Council (against) and Mrs Graves, the applicant, addressed the meeting.

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

The development shall not commence until details of measures to provide for the installation of bat boxes and swift bricks within the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: In the interests of biodiversity and ecology.

Voting: 7 – For 2 – Against 2 – Abstentions

116. 15/504879 - TPO APPLICATION TO FELL 1 GROUP OF CONIFER TREES - 8 ALBERT REED GARDENS, TOVIL, KENT

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

Councillor Wilby of Tovil Parish Council (against) and Mrs Brown, the applicant, addressed the meeting.

**RESOLVED:**

1. That permission be granted subject to the conditions set out in the report with the amendment of condition 2 and an additional informative as follows:

Condition 2 (amended)

Any tree planted in accordance with the conditions attached to this permission, or in replacement for such a tree, which within a period of ten years from the date of the planting is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, shall, in the same location, be replaced during the next planting season (October to February) by another tree of the same species and size as that originally planted, except where an alternative proposal has been submitted to and approved in writing by the Local Planning Authority prior to that planting season.

Reason: To safeguard the amenity and nature conservation value of the tree/s that has/have been removed and to maintain and enhance the character and appearance of the local area.

Additional Informative

Works to trees could result in disturbance to wild animals, plants and important wildlife sites protected by law. Therefore, the works hereby permitted should be carried out in a manner and at such times to avoid disturbance. Further advice can be sought from Natural England and/or Kent Wildlife Trust.



2. That the Landscape Officer be requested to consider making a Tree Preservation Order to protect the replacement trees.

Voting: 11 – For 0 – Against 0 – Abstentions

117. TREE PRESERVATION ORDER NO. 5011/2015/TPO - LAND WEST OF GANDYS LANE, BOUGHTON MONCHELSEA, KENT

The Committee considered the report of the Head of Planning and Development concerning Tree Preservation Order No. 5011/2015/TPO which was made to protect woodland on land west of Gandys Lane, Boughton Monchelsea, Kent. It was noted that an objection to the making of the Order had been received from the landowners. By modifying the Order to allow a permanent vehicular access to be established, works to reinstate a coppice regime would be possible.

Councillor Munford stated that he was the Chairman of Boughton Monchelsea Parish Council, but the Parish Council had had no involvement in the making of the Order.

**RESOLVED:** That Tree Preservation Order No. 5011/2015/TPO be confirmed with modification to exclude the eastern access strip from the TPO plan.

Voting: 11 – For 0 – Against 0 – Abstentions

118. 15/502640 - DEMOLITION OF EXISTING VEHICLE AND PLANT STORAGE BUILDING AND ERECTION OF 2 NO. DETACHED DWELLINGS AND CONVERSION AND EXTENSION OF OAST STOWAGE AND FRONTAGE GARAGE BUILDINGS TO PROVIDE 2 NO. DWELLINGS WITH PARKING AND LANDSCAPING - FARLEIGH GREEN YARD, LOWER ROAD, WEST FARLEIGH, KENT

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

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

Voting: 11 – For 0 – Against 0 – Abstentions

119. 13/1585 - AN OUTLINE APPLICATION FOR 85 RESIDENTIAL UNITS, OPEN SPACE AND ALLOTMENTS WITH ACCESS FROM PLAIN ROAD AND NAPOLEON DRIVE. ALL OTHER MATTERS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) RESERVED FOR FUTURE CONSIDERATION - LAND AT STANLEY FARMS, PLAIN ROAD, MARDEN, KENT

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

Mr Witts, an objector, addressed the meeting.

**RESOLVED:**

1. That subject to the prior completion of a 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;
  - A contribution of £2,360.96 per 'applicable' house and £590.24 per 'applicable' flat towards the build costs of extending Marden Primary School;
  - A contribution of £2,359.80 per 'applicable' house and £589.95 per 'applicable' flat towards the Phase 1 extension of Maidstone Grammar School for Boys;
  - A contribution of £48.02 per dwelling to be used to address the demand from the development towards additional book stock at Marden Library;
  - A contribution of £8.44 per dwelling to be used to address the demand from the development towards youth services through the funding of an officer who visits Marden one evening a week;
  - A contribution of £55,080 to be used to address the demand from the development towards an extension of waiting room facilities at the Marden Medical Practice; and
  - A contribution of £17,793.05 towards improvements at Marden railway station,

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

2. That an Implementation Committee should be established comprising the developer, Maidstone Borough Council Officers, the local Ward Members and a representative of the Parish Council to oversee the implementation of this development.
3. That the delegation to the Head of Planning and Development to determine any reserved matters application pursuant to this application be withdrawn and that any application for approval of the reserved matters must be reported to the Planning Committee.

Voting:      11 – For      0 – Against      0 – Abstentions

120. 15/504242 - ERECTION OF A SINGLE STOREY DWELLING (REVISED SCHEME) - LAND TO THE REAR OF BARKER COTTAGES, NEW CUT, DEAN STREET, EAST FARLEIGH, KENT

Councillors Chittenden and Clark stated that they had been lobbied.

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

Mr Kidner, the applicant, addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed that subject to the application being advertised as a departure from the Development Plan and no new material considerations being raised, the Head of Planning and Development be given delegated powers to grant permission subject to conditions to be agreed in consultation with Ward Members and the Political Group Spokespersons of the Committee.

In making this decision, Members felt that the proposed development did not conform with policy ENV 28 of the Maidstone Borough-Wide Local Plan 2000. However, due to the limited visual harm and relative sustainability of the site in the context of one dwelling, there was not considered to be significant planning harm. Given the current shortfall in the 5 year housing land supply any limited adverse impacts of the proposal were considered to be outweighed by the benefit of providing an additional dwelling and this was considered sufficient grounds to depart from the Development Plan.

**RESOLVED:** That subject to the application being advertised as a departure from the Development Plan and no new material considerations being raised, the Head of Planning and Development be given delegated powers to grant permission subject to conditions.

Voting:        6 – For        4 – Against        1 – Abstention

**FURTHER RESOLVED:** That the conditions are to be agreed by the Head of Planning and Development in consultation with Ward Members and the Political Group Spokespersons of the Planning Committee.

Voting:        11 – For        0 – Against        0 – Abstentions

121. 13/2079 - OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED FOR THE DEMOLITION OF EXISTING STRUCTURES AND ERECTION OF UP TO 80 DWELLINGS WITH ASSOCIATED WORKS FOR ACCESS, PARKING, INFRASTRUCTURE, OPEN SPACE AND LANDSCAPING - LAND SOUTH WEST OF OAKAPPLE LANE, MAIDSTONE, KENT

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

Mr Collins, for the applicant, and Councillor Willis (Visiting Member) addressed the meeting.

**RESOLVED:** That subject to the prior completion of a 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;
- A contribution of £4,000 per 'applicable' house and £1,000 per 'applicable' flat towards the build cost of phase two of the Hermitage Lane Primary School;
- A contribution of a MAXIMUM of £2,701.63 per 'applicable' house and £675.41 per 'applicable' flat (to be reduced if appropriate in accordance with the actual price paid by Kent County Council for the Hermitage Lane site) towards the land acquisition costs of the Hermitage Lane Primary School;
- A contribution of £48.02 per dwelling to be used to address the demand from the development towards additional book stock and services at Maidstone Library;
- A contribution of £30.70 per dwelling to be used to address the demand from the development towards new IT equipment at the St Faiths Adult Education Centre;
- A contribution of £8.44 per dwelling to be used to address the demand from the development towards equipment and services at Maidstone for youth workers and groups local to the development;
- A contribution of £67,392 towards the improvement (refurbishment and reconfiguration) of healthcare facilities at Barming Medical Practice;
- A contribution of £400 per dwelling towards offsite highway works for improvement works to the A26/Fountain Lane;
- A contribution of £86 per dwelling towards offsite highway works for improvement works to junction 5 of the M20;
- A contribution towards offsite highway works for improvements to pedestrian crossing provision at the junction of Hermitage Lane/Fountain Lane/Heath Road (sum to be decided by the Head of Planning and Development under delegated powers); and
- A contribution of £428.12 per dwelling towards the improvement and maintenance of open space within 1km of the application site, or offset against the complementary enhancement of the unmade section of Oakapple Lane, retaining the features that are integral to its character, to provide a secondary access, used by emergency vehicles, pedestrians and cyclists (to be negotiated by the Head of Planning and Development under delegated powers),

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

Voting: 11 – For 0 – Against 0 – Abstentions

122. APPEAL DECISIONS

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

**RESOLVED:** That the report be noted.

123. WATERSIDE PARK (J8) APPEAL DECISIONS

The Committee considered the précis prepared by the Head of Planning and Development in respect of the Waterside Park appeal decisions.

**RESOLVED:** That the conclusions of the Inspector in dismissing the Waterside Park appeals be noted.

124. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that Catherine Slade, Senior Planning Officer, would be leaving to take up a new position with Lambeth Council on 28 August 2015. On behalf of Members, the Chairman thanked Ms Slade for her services to the Committee over the years and congratulated her on her new appointment.

125. DURATION OF MEETING

6.00 p.m. to 9.05 p.m.

# Agenda Item 12

## MAIDSTONE BOROUGH COUNCIL

### PLANNING COMMITTEE

10 SEPTEMBER 2015

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

##### DEFERRED ITEMS

- 1.1. The following applications stand deferred from previous meetings of the Planning Committee. The Head of Planning and Development will report orally at the meeting on the latest situation.
- 1.2. MA/07/2133 - DEMOLITION OF EXISTING BUILDINGS, ERECTION OF A FIVE STOREY RESIDENTIAL DEVELOPMENT COMPRISING OF 52 STUDIO APARTMENTS AND 24 ONE-BED FLATS WITH 38 UNDERCROFT PARKING SPACES AND 22 EXTERNAL PARKING SPACES WITH VEHICULAR AND PEDESTRIAN ACCESS FROM HART STREET TOGETHER WITH LANDSCAPING - LAGUNA MOTORCYCLES SITE, HART STREET, MAIDSTONE Date Deferred  
10 April 2014
- 1.2.1. Deferred for the submission of a revised viability assessment which contains up-to-date figures and which is based on current market conditions to inform Members' discussions on matters including the provision of affordable housing, the achievement of Level 4 of the Code for Sustainable Homes, the provision of landscaping to the footpath to the west of the site and possible improvements to the design.
- 1.3. MA/13/1979 - OUTLINE PLANNING APPLICATION FOR UP TO 55 RESIDENTIAL DWELLINGS WITH MEANS OF ACCESS. ALL OTHER MATTERS RESERVED - LAND NORTH OF HEATH ROAD, COXHEATH, MAIDSTONE, KENT 18 December  
2014
- 1.3.1 Deferred to:
- Seek additional details of surface water drainage (to address Environment Agency comments);
- Seek 40% affordable housing with appropriate viability evidence to demonstrate if this is not achievable; and
- Seek further ecological surveys of the site.
- Any S106 legal agreement should include a commitment from the developer to deliver the proposal.

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

19 March  
adjourned to 23  
March 2015

1.4.1 Deferred for:

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

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

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

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

19 March  
adjourned to 23  
March 2015

1.5.1 Deferred for investigation of:

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

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

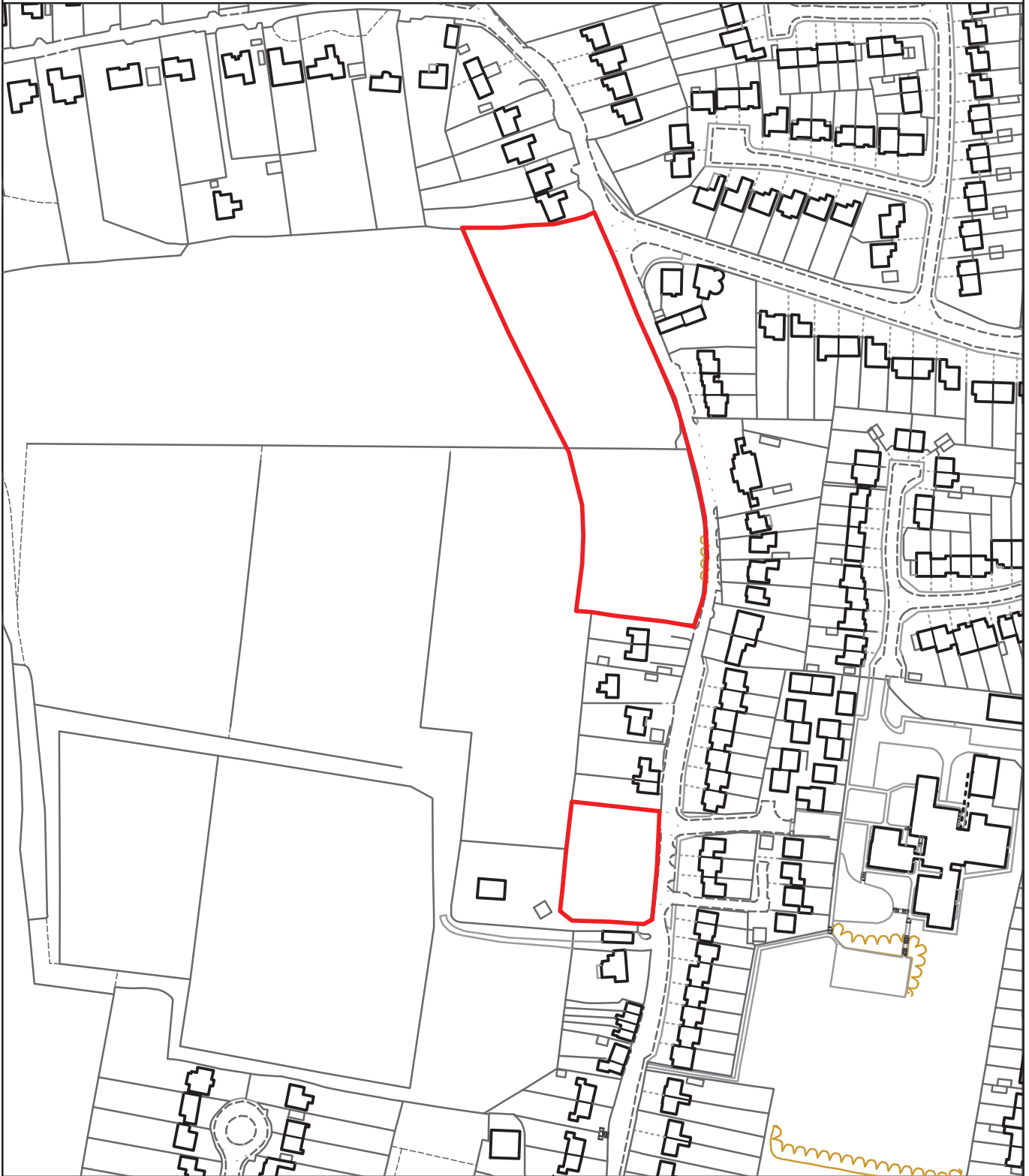
The need for this development – the area is not understood to have been identified as having a need for infant/primary school facilities.

# Agenda Item 13

## THE MAIDSTONE BOROUGH COUNCIL

Bell Farm  
North Street  
Barming  
Kent

MBC Ref: 14/506419



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**Rob Jarman**  
Head of Planning



## REPORT SUMMARY

<b>REFERENCE NO - 14/506419/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of 35 residential dwellings, together with associated highway works, and landscaping provision.		
<b>ADDRESS</b> Bell Farm, North Street, Barming, Kent		
<b>RECOMMENDATION</b> GRANT PLANNING PERMISSION SUBJECT TO PRIOR COMPLETION OF AN APPROPRIATE LEGAL MECHANISM AND CONDITIONS		
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</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 the existing urban boundary, and is not considered to result in significant planning harm. Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient ground to depart from the Local Plan.  The site is included the draft Local Plan as site allocation H1 (19) and has been approved by Scrutiny Committee as being appropriate for 35 residential units.  The applicant is prepared to enter into a legal agreement to ensure that justified contributions are met.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Barming Parish Council wish to see the application refused and have requested the application be reported to Committee for the reasons set out below.  Teston Parish Council wish to see the application refused and have requested the application be reported to Committee for the reasons set out below.  Councillor Fay Gooch objects and has requested the application be reported to Committee for the reasons set out below.		
<b>WARD</b> Barming	<b>PARISH/TOWN COUNCIL</b> Barming	<b>APPLICANT</b> Mr Dan Humpries <b>AGENT</b> Mr Chris Hawkins
<b>DECISION DUE DATE</b> 12/03/15	<b>PUBLICITY EXPIRY DATE</b> 12/03/15	<b>OFFICER SITE VISIT DATE</b> 07/01/2015
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b> None relevant  This application was withdrawn before the 28 May 2015 Committee meeting as lizards were found in the hedgerow fronting onto North Street which is proposed for removal, prior to the committee meeting. The scheme was also deferred to increase the set back from North Street. Further ecological surveys and an amended layout were requested prior to presenting the scheme back to planning committee.  For clarity this is a fresh report and includes additional correspondence from consultees and further representations following re-consultation.		

### 1.0 MAIN REPORT

## **1.1 Site Background**

1.2 The site was promoted in response to the Borough Council's "call for sites" in 2013 and was identified as having the potential to accommodate 35 houses. The site reference in the draft Local Plan is H1 (19) - North Street, Barming. The draft allocation states:

## **1.3 North Street development criteria**

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

### **Design and layout**

1. The character of this development will be complementary to its semi-rural location at the edge of the urban area.
2. The North Street frontage will be set back a minimum of 5m from the road to maintain the open character of this location.

### **Access**

3. Access will be taken from North Street only.

### **Air quality**

4. Appropriate air quality mitigation measures will be implemented as part of the development.

### **Open space**

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

### **Community infrastructure**

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

### **Highways**

7. Appropriate highway improvements to North Street will be implemented as proven necessary.

1.4 This site was accepted by Cabinet on 2 February 2015 as suitable for 35 residential units. The site allocation H1 (19) was taken back to Strategic Planning, Sustainability and Transportation Committee on the 23 July 2015, and the site was approved for inclusion in the draft local plan and Regulation 19 consultation to include a 5 meter set-back for the development from North Street frontage and a 5 meter boundary extension to the west as per the amended site plan.

## **2.0 DESCRIPTION OF SITE**

2.1 The application site relates to two parcels of agricultural land located on the west side of North Street in Barming. The sites are located within the open countryside as defined within the Local Plan Proposal Maps and are designated as Areas of Local Landscape Importance.

2.2 A high level hedgerow located on the eastern boundary of the two sites abuts North Street. The hedgerow becomes lower in the northern most section of the north site.

2.3 The surrounding area to the west of the site is characterised by open countryside and arable fields. To the north, east and south of the site is predominantly residential properties of vary designs and styles. Two listed buildings, Broumfield and The Oast are located on the opposite side of the road at the junction of North Street and

Heath Road. 23 North Street is a listed building and is located to the south of the southern site. Residential properties located to the east and south of the site are located within the urban area of Maidstone as defined on the Proposal Maps.

### **3.0 PROPOSAL**

- 3.1 The application proposes 35 dwellings, of which 11 (30%) would be affordable housing.
- 3.2 The affordable units will comprise 6 x 2 bed and 5 x 3 bed houses. The private units comprise 12 x 3 bed and 12 x 4 bed houses. These will be provided together with off-street parking spaces / garages.
- 3.3 The proposed dwellings will be 2 storeys in height with a mix of terrace, semi-detached and detached properties. The development proposes a uniformed approach to materials with key materials being utilised throughout the site including facing brickwork, ragstone detailing, contrasting brick heads and weatherboarding. Roofs would be formed of clay tiles and slate.
- 3.4 The North site would accommodate two rows of houses with a row of frontage properties facing North Street, each with independent access and parking located to the front / side of each house. These properties would be set back from the road with landscaped gardens located at the front of the houses. A new junction with North Street would be located in the northeast section of the northern site providing vehicle / pedestrian access to a row of properties behind. The properties to the rear of the site would face west and have rear gardens backing onto the rear gardens of the frontage properties.
- 3.5 A new pedestrian footpath is proposed along the west side of North Street at the front of the larger / northern site. A new pedestrian crossing is proposed on North Street to the north of the application site. It is also proposed to widen North Street at several points adjacent the development.
- 3.6 The southern site would be accessed via a new street / junction with North Street with the proposed houses fronting the new street and double fronted properties at the new junction at North Street. The new junction in the south site would constitute a shared surface comprising a raised table formed of a different road surface material.
- 3.7 The existing hedgerow along the western side of North Street would be removed to accommodate the proposed development. Tree planting and hedgerows would be planted along North Street to the front of the proposed houses. New native hedgerow / tree planting are proposed along the western boundary of both sites. Hedgerow enhancements are proposed on the northern boundary of the north site.

### **4.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV35, ENV42, ENV49, T13

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

Maidstone Borough Council Draft Local Plan: SS1, SP5, H1(19), DM2, DM3, DM4, DM6, DM10, DM13, DM16, DM30, ID1

## **5.0 Amended plans**

- 5.1 Amended plans were received on March 2015. The revised drawing altered the roof pitch on two house types in order to accommodate natural roof tiles. Landscape enhancements were provided on the western site boundary at the junction of 'street 4' and North Street. Plot 25 has been re-orientated slightly to read better onto North Street and openings have been provided in the flank elevation of Plot 6 to create an active elevation onto the cul-de-sac within the development. Plot 6 has also been moved further west on the site.
- 5.2 Further amendments and additional ecological surveys were submitted on 31 July 2015 to address the reasons for withdrawing the scheme from 28 May committee. The amended layout includes a 5 meter set-back for the houses fronting onto North Street and a 5 meter boundary extension to the west to accommodate the set back from North Street. The vehicle drives onto North Street have been reduced in width and the hedgerow planting along the road frontage has increased as a result. The wildlife corridor in the northern section of the site has been increased.

## **6.0 LOCAL REPRESENTATIONS**

- 6.1 A site notice was displayed at the site on 7<sup>th</sup> January 2015. Letters were sent to local residents and an advert was published in the local paper.
- 6.2 Some 57 local residents objected. The following (summarised) issues were raised:
- Additional traffic / road congestion and lack of infrastructure
  - Highways safety
  - Impact on local infrastructure including schools and doctors surgeries
  - Design and layout
  - Shared space in 'street 4'
  - The land to the rear will also be developed
  - Loss of privacy
  - Parking for delivery vehicles
  - Loss of trees and hedgerows
  - Impact on historic buildings
  - Parking overspill
  - Development in the open countryside
  - Loss of wildlife habitat
  - Road widening would exacerbate the current traffic situation
  - Impact on sewerage and drainage
  - Loss of agricultural land
  - Loss of a view
  - Inaccurate plans
  - Noise and disturbance from construction (non material planning consideration)
  - Developers consultation process
  - Development out of character with existing residential development
  - Street and other lighting will disturb neighbours sleep
- 6.3 Councillor Fay Gooch has objected to the application for the following (summarised) reasons:
- Inappropriate design for ribbon development
  - Fails to respect the village vernacular of Barming in terms of scale and density
  - Highways safety issues

- Visually harmful to the wider local landscape
- Impact on local infrastructure

6.4 Following re-consultation on 17.03.2015 some 17 local residents objected to the development. All of the objectors had previously objected and reiterated their original objections. Some 16 objections were received following re-consultation on 7.08.2015 in relation to the amended plans and additional ecology information. Local residents state the amendments have not overcome previous objections which still stand. Additional objections include:

- Further agricultural grade 2 land on the western boundary of the application will be used up
- Insufficient wildlife corridor and reptile mitigation
- Amended layout encourages tandem parking
- Print crash report and traffic surveys have not been updated.

## 7.0 CONSULTATIONS

7.1 Barming Parish Council has objected to the application on the following (summarised) grounds:

- Design and layout
- Impact on pedestrian and highways safety
- Insufficient on-site turning
- Additional traffic generation
- Insufficient car parking
- Erosion of the setting of the Local Landscape Importance and countryside
- Loss of agricultural land
- Errors in the Design and Access Statement

7.2 Teston Parish Council has objected to the application on the following (summarised) grounds:

- Loss of agricultural land
- Pressure on local infrastructure
- Traffic congestion
- Road safety issues
- Pollution and air quality
- Loss of visual amenity

7.3 Teston and Barming Parish Council reiterated their original objections following re-consultation. Additional Concerns were raised regarding highways safety relating to a recent vehicle collision along North Street and highways visibility in relation to the proposed houses fronting North Street. Barming Parish Council noted the 5m extension to the site to enable modest layout improvements but reiterated their previous objections to the development of this site.

7.4 **KCC Highways:** No objections

*'In the context of the NPPF it is not considered that the scale of this development will generate traffic levels that could be described as a severe impact. The car parking allocations proposed for each dwelling are also within the County Council standards. With regards to visitor parking the allocation at the southern end is acceptable and there are opportunities for visitor parking in the northern private cul-de-sacs. I note*

*the use of long driveways for the majority of the residences proposed fronting North Street and the visitor parking allocation for properties to the rear are also within County standards and acceptable.*

*The waste collection strategy plan provided is drawn in a way that I have not seen before and I'm not sure I fully understand. Looking at the nominated bin collection points however, it is considered that refuse collection can be undertaken in an efficient and satisfactory manner.*

*I note the proposals to:-*

- *improve pedestrian connectivity at the northern end with Heath Road*
- *give footway provision on the western side of North Street where the site fronts this road, and*
- *to provide a raised table with informal and shared surface approach to design at the southern end.*
- *I also note the comments regarding street lighting given in the Transport Assessment (paragraphs 4.41 and 4.42).*

*Should this application be approved, all the above are considered necessary and the applicant will need to enter into a S278 agreement with this authority in order to achieve their implementation. The measures will be subject to the necessary stages of safety auditing in order to establish suitable design details and the outcomes of this work may require some street lighting to be implemented. I note the proposed adoption plan submitted and design and construction details of these extents will be subject to a Section 38 agreement with this authority in order to achieve satisfactory standards.*

*Subject to the above I write to confirm on behalf of the Highway Authority that I have no objection to this application. Other conditions considered necessary are as follows:-*

- *Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.*
- *Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.*
- *Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.*
- *Provision of measures to prevent the discharge of surface water onto the highway.*
- *Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to occupation.*
- *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.*
- *Provision and permanent retention for storage of cycles at a rate of 1 per bedroom'.*

Further comments were received from KCC Highways on 24 August 2015 following the submission of an amended layout. No objections were raised. Details of boundary treatment were requested as condition and KCC have requested a contribution of £406 per dwelling be sought towards pedestrian crossing facilities at the Hermitage Lane/Heath Road junction.

**7.5 Environment Agency:** No objections

*'We have no objection to the proposed development but request that the following condition be included in any permission granted:*

**Condition:** *The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (Reference 14-021, November 2014, C&A Consulting Engineers) and the following mitigation measures detailed within the FRA:*

*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’.*

7.6 **KCC Flood Risk Officer:** *‘This application was submitted prior to the introduction of the LLFA’s responsibility as statutory consultee. Accordingly, Kent County Council have no comment to make on the management of surface water at this Location ... As the Environment Agency have previously provided comments on the drainage strategy, we would recommend that they are consulted on the discharge of any related Condition or any future amendments to the scheme that may prove necessary’.*

7.7 **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: Primary Education contribution at £2360.96 per applicable house (x35) = £82,633.25 towards the enhancement of teaching space at Barming Primary School

*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: A contribution of £2359.80 (x35) = £82,593 towards the enhancement of teaching space at Maplesden Oaks School.

*‘The proposal is projected to give rise to 7 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’.*

Youth Services: A contribution of £295.48 is sought for the new residents of this development alone (supplied to Infozone Youth Hub).

*‘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: A contribution of £1680.55 towards new book stock supplied to Mobile Library service covering Barming.

*'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.'*

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

- Blackthorne Medical Centre
- College Practice (Barming)

*The above surgeries are within a 1 mile radius of the development at North Street. 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.*

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

**Predicted Occupancy rates**

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

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

Predicted Occupancy rates	Total number in planning application	Total occupancy	Contribution sought (Occupancy x £360)
2.8	12	33.6	£12,096
3.5	12	42	£15,120
			£27,216

*NHS Property Services Ltd therefore seeks a contribution of £27,216'*

**7.9 MBC Housing: Objects**

*'The development is for a total of 35 units with the applicant proposing 30% affordable housing which equate to 11 units.*



*The applicant has sought to justify only supplying a 30% affordable provision on this site at chapter 10 of the submitted planning application. The applicants are highlighting the 30% affordable housing provision which is in the emerging local plan.*

*The applicants are latching on to the policy within the interim approved Local Plan, and suggest that it should be afforded due weight in the determination of planning applications. It is their view that development schemes within the strategic locations should provide for affordable housing in accordance with emerging policy.*

*Housing does not concur with this view. The key word being 'emerging' policy. It is not formally adopted as yet, and housing are still not entirely convinced of the affordable percentage ask requirements being suggested within the emerging policy. Housing are currently putting forward officer recommendations for change following the period of public consultation on the draft Local Plan and further viability testing is to be undertaken. It is housing's view that until such time as the new Local Plan and policies within it are adopted (or at least all agreed and closer to adoption than at present); the current Affordable Housing Development Plan document should be adhered to.*

*The applicants are referring to the viability study that has been undertaken by Peter Brett Associates which concluded that 30% affordable housing could be offered on sites such as this one. We would like to see a separate viability assessment independently assessed which confirms this is the case. This advice was also given to the developers in a pre-application advice meeting, as 3.3.2 of the application states:*

*'The Council's Affordable Housing DPD (2006) requires a 40% provision with the affordable rent / shared equity split 60/40. You advised that it would likely that there would be a 30% provision in line with emerging policy. I appreciate the emerging policy is based on recent viability work and taking into account other policy requirements, however this is generalised (not site specific), and in view of the Development Plan position, you would need to demonstrate that 40% is not achievable (and what levels achievable) for this development through a full viability appraisal.'*

*Housing therefore agrees with the above view as stated by the planning officer in the pre-application meeting that a full viability appraisal be submitted.*

*Unfortunately, Housing was not involved in any pre-application discussions and, as such, has not been aware of the proposed affordable mix until the full planning application had been submitted.*

*The developer's indicative affordable unit split is:*

1 Bed units	0	0%
2 Bed units	6	54%
3 Bed units	5	46%
4 Bed units	0	0%

*It is disappointing to see another development which is offering no 1 bed provision for the affordable units as this is the need for 57% of the applicants on the Councils housing register.*

We are currently working on the following percentages for affordable housing units for sites that are able to provide a range of unit sizes:

*Affordable Rented Units (60%)*

*1-Beds (35%), 2-Beds (30%), 3-Beds (25%), 4-Beds (10%)*

*Shared Ownership Units (40%)*

*1-Beds (20%), 2-Beds (50%), 3-Beds (30%)*

*This would equate to the following mix for 40% affordable provision:*

Size	Total Units	Rental	Shared Ownership
1 Bedroom	4	3	1
2 Bedroom	5	3	2
3 Bedroom	4	2	2
4 Bedroom	1	1	0
Total	14	9	5

*For a 30% affordable provision, this would equate to:*

Size	Total Units	Rental	Shared Ownership
1 Bedroom	3	2	1
2 Bedroom	4	2	2
3 Bedroom	3	2	1
4 Bedroom	1	1	0
Total	11	7	4

*However, we acknowledge that to amend the site plans at this stage of the planning process may not be an option.*

*The applicants are suggesting that the affordable housing be split in to two locations on the site. Due to the number of units involved this would be agreeable with us. In terms of unit sizes, we would be looking for 2-bed 4 person dwellings, as well as 3-bed 6 person dwellings to help maximise occupancy, in accordance with need.*

*Provision for lifetime homes across all the affordable dwellings is also encouraged'.*

**7.10 Conservation Officer:** Objects to the proposal

*'The proposal affects two sites on the western side of North Street, Barming. The southernmost one lies adjacent to the listed medieval cottage at No 23 (listed as St. Cuthbert's Cottage and Bridge Cottage); the larger northern site lies opposite two Grade II listed buildings, Broomfield and the adjacent oast house.*

*Despite the mixed age and character of development, North Street still has the feel of a semi-rural village street, particularly at its northern end; the narrowness of the road, lack of pavements and the hedgerowed verge all contribute to this character. Barming is a village of linear form running North-South with the main "centre" being to the South of Tonbridge Road; historic maps show North Street only ever to have been sporadically developed, largely around farmhouses with their attendant clusters of farm buildings. The submitted Planning Statement suggests that the rural setting of the listed buildings has been removed by extensive late 20<sup>th</sup> Century housing development on the eastern side of the road and that their context has been severely compromised. It therefore reasons that development as proposed would not have any significant impact on the setting of these listed buildings.*

*It cannot be denied that the impact of this modern development has had a significantly detrimental impact on the setting of the listed buildings. However, development of the sites as proposed would remove the last vestiges of a rural setting and would impact particularly severely on the significance of Broomfield and the adjacent oast. Broomfield has its “polite” Classically designed main frontage facing towards the application site (its other elevations facing its former farmyard being of an irregular vernacular character). To some extent, therefore, it may be considered that this principal frontage, which is of high significance, was oriented so as to take advantage of the open views over farmland (which at this point are particularly good ones of the Medway Valley). English Heritage has produced a guidance note on The Setting of Heritage Assets (October 2011) which points out that:-*

*“Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting...consideration still needs to be given to whether additional change will further detract from...the significance of the asset. Negative change could include severing the last link between an asset and its original setting...”*

*This, indeed, would be the case here and in my opinion development of these sites would result in such negative change and result in harm to significance. The level of harm would be less than substantial, so this needs to be weighed against any public benefit arising from the proposals in accordance with the tests set out in the NPPF.*

*In terms of the design and layout of the proposals, the scheme as put forward shows a development which would be significantly denser in nature than is the norm in North Street; it would therefore not be in character with its surroundings. In terms of house design, attempts have been made to reflect local vernacular practice, only partially successfully in my view. Two house types in particular (the Yewdale and the Easdale) feature roofs of very low pitch which look unattractive and would require covering in a synthetic tile or slate rather than a natural product. Rear elevations are uniformly bland’.*

**7.11 MBC Parks and Open Space:**

MBC Parks and Open Space department advise that no provision of onsite open space has been provided and have therefore requested an off site contribution of £55125 (£1575 x 35) towards North Pole Road Allotments and Beaumont Road Allotments for improvement works with an equal split of monies between the two sites.

**7.12 MBC Environmental Health:** No objections subject to conditions regarding land contamination and sound insulation.

**7.13 KCC Ecology:** No objections

*‘The Ecological Appraisal Report has been submitted in support of this application. We are satisfied that there has been sufficient ecological assessment work with which to inform the determination of the proposed development in respect of potential ecological impacts.*

*The arable fields are not considered to be of significant ecological value, though it is acknowledged that they provide nesting and foraging opportunities for farmland bird species (though the only specialist farmland birds recorded during surveys were starlings). The site hedgerows are of intrinsic ecological value, with two hedgerows identified as ‘important’ under the Hedgerows Regulations criteria. The boundary*

features also provided bat foraging and commuting areas, and nesting opportunities for birds.

*The area of field margin and scrub along the northern boundary of the site has been identified as having potential to provide reptile habitat.*

*Recommendations are provided in the report to ensure that the potential for ecological impacts is minimised:*

*Retain the field margin habitat along the northern boundary of the site;  
Retain and protect hedgerows H1 (northern boundary of northern land parcel), H3 (southern section of eastern boundary of northern land parcel) and H7 (eastern boundary of southern land parcel), or create compensatory hedgerows;*

- *Lighting designed to be sensitive to bats and other wildlife;*
- *Mature trees to be retained, or felled under a method statement;*
- *Badger survey to be carried out prior to construction;*
- *Retention and enhancement of vegetated corridors around the site boundaries;*
- *Timing of vegetation removal to avoid impacts to nesting birds;*
- *Provision of bird foraging opportunities within the landscaping of the proposed development.*

*The submitted plans for the site do not appear to have implemented all of the recommendations within the report and as such it is somewhat unclear whether all potential ecological impacts have been avoided and/or adequately mitigated. We advise that clarification is sought regarding this point.*

*In particular, the ‘important’ hedgerows are lost as a result of the proposals, and while the soft landscaping proposals appear to provide replacement native species hedgerows (this is a little difficult to tell due to the poor quality of the soft landscaping document on the planning portal), we would expect these new hedgerows to be much wider to provide habitat and corridors for wildlife.*

*One of the principles of the National Planning Policy Framework is that “opportunities to incorporate biodiversity in and around developments should be encouraged”. Ecological enhancement recommendations are provided in the report:*

- *Landscape planting includes native species of local provenance, enhances wildlife corridors and provides increased opportunities within the gardens and areas of open space;*
- *Erection of bat boxes on retained trees and within new buildings;*
- *Erection of bird boxes within new buildings;*
- *Allow wildlife to travel between gardens by leaving gaps beneath fences, or by planting hedgerows instead of using fencing.*

*We advise that the inclusion of ecological enhancement measures within the site landscaping is secured by condition, if planning permission is granted’.*

Further comments have been received from KCC Ecology following the submission of an additional ecology survey and report which was submitted to address the potential for reptile populations on the site, in particular the hedgerow proposed to be removed adjacent North Street. KCC raises no objection on ecology grounds in relation to this additional information and states:

*'We are satisfied with the principles of the proposed mitigation and advise that it has been adequately demonstrated that there is appropriate, achievable mitigation available.'*

*We advise that there are some additional points that will need to be incorporated into a more detailed mitigation strategy; including (but not necessarily limited to) the need for the compensatory habitat to be identified on a plan, and the inclusion of an ecological watching brief during the site vegetation clearance and soil stripping. We advise that this mitigation strategy can be secured by condition'*

#### **7.14 MBC Landscape:** No objections

*'There are no protected trees on this site but there are potentially important hedgerows/ hedgerow trees along boundaries with agricultural land. The applicant's Arboricultural Report is considered generally acceptable but ecological advice is likely to be required to determine the 'importance' of the hedgerows in relation to the Hedgerow Regulations.'*

*The site is located within the Teston Valley Side landscape character area (area 21) and detailed landscape character area 21-1, Barming Slopes, of the Maidstone Landscape Character Assessment 2012 (amended 2013). The guideline for this detailed area is improve and reinforce and the summary of actions is:*

- *Consider the generic guidelines for Greensand Orchards and Mixed Farmlands*
- *Conserve traditional buildings and the striking isolated location of the church*
- *Improve the definition of, and strengthen the boundary with, the urban edge*
- *Improve the quality of existing boundaries through restoring hedgerows*
- *along fence lines and along road corridors*

*The applicant's Landscape and Visual Appraisal does generally comply with the principles of GLVIA 3. It would, however, have been helpful if the photographs of the viewpoints clearly marked the extent or location of the development. Reference has been made to the landscape character areas but the document does not specifically address how the proposal relates to the guideline and summary of actions as outlined above.*

*The proposed landscape scheme puts much reliance on 'instant' hedging, albeit using native species. The proposed single species hedges appear to consist mainly of Beech (*Fagus sylvatica*) but I would suggest that this is substituted by Hornbeam (*Carpinus betulus*) as it is both more appropriate to the landscape character area as well as being more versatile in terms of its requirements. Mixed native hedges should take reference from the LCA guidelines (supplement) for appropriate predominant species. Details of specific maintenance and long term management for the 'trough grown hedges' will be necessary to ensure that successful establishment is achieved. Additionally, I would expect to see all native tree planting used along the western boundary, to appropriately delineate between the development and the countryside beyond, not predominantly non-native species as currently shown'.*

#### **7.15 KCC Heritage:** No objections

*'The site lies within a general area of archaeological potential associated with prehistoric activity. There is a focus for Roman activity to the south but there is little recorded close to the site itself. This may, however, reflect the limited nature of formal archaeological investigations rather than a lack of archaeology.'*

*The application is supported by a reasonable archaeological deskbased assessment by CgMs and I am broadly in agreement with their assessment. There is some potential for archaeology within the site and I recommend the following condition is placed on any forthcoming consent:*

*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'.*

**7.16 Kent Police:** No objections subject to conditions

**7.17 Southern Water:** No objections. 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. Recommends conditions and informatives. .

**7.18 MBC Environmental Steetscene:** No objections subject to conditions

**7.19 UK Power Networks:** No objections

## **8.0 APPRAISAL**

### **8.1 Principle of Development**

8.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. In this case the Development Plan comprises the Maidstone Borough-Wide Local Plan 2000, and as such the starting point for consideration of the proposal is policy ENV28 which relates to development within the open countryside. The policy states that:

8.3 *"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."*

8.4 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.

8.5 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.

- 8.6 The National Planning Policy Framework states that “relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites” (paragraph 49). The update of the Maidstone Strategic Housing Market Assessment (June 2015) established an objectively assessed need for housing of 18,560 dwellings between 2011 and 2031, or 928 dwellings per annum, and these figures were agreed by the Strategic Planning, Sustainability and Transportation Committee on 9 June 2015. Taking account of the under supply of dwellings between 2011 and 2015 against this annual need, together with the requirement for an additional 5% buffer, the Council is able to demonstrate a housing land supply of 3.3 years as at 1 April 2015. The Council therefore cannot currently demonstrate a five-year supply of deliverable housing sites, and this position was reported to the Strategic Planning, Sustainability and Transportation Committee on 23 July 2015. 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 National Planning Policy Framework as a whole.
- 8.7 The Council is unable to demonstrate a 5 year supply of housing land which is a significant factor and at paragraph 49 of the NPPF it is stated that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a 5 year supply cannot be demonstrated. The presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.
- 8.8 In respect of the circumstances of the specifics of this case, the proposal site is located on the edge of the urban boundary of Maidstone, in reasonable proximity to the wide range of key services in the town centre as well as good public transport links.
- 8.9 The draft Local Plan states the town of Maidstone cannot accommodate all of the growth that is required on existing urban sites, and the most sustainable locations for additional planned development are at the edge of the urban area.
- 8.10 In this context, it is considered that the location of the site is sustainable in the terms of the NPPF as it is located on the edge of the defined urban area. The centre of Maidstone lies some 2.5 miles by road to the east with its extensive range of shops, services and businesses. There are bus stops located on North Street adjacent to the site and further bus stops at the junction with Tonbridge road with access into Maidstone town centre. More local to the site is a local convenience store at the junction of Tonbridge Road / South Street / North Street, as well as two local pubs within proximity to the site. Barming Primary school is located less than 0.3 miles from the site.
- 8.11 The Council is not in a position to demonstrate a five year housing land supply, and as such normal restraints on residential development in the open countryside do not currently apply as the adopted Local Plan is considered out of date. In such circumstances the NPPF advises sustainable development should be granted

permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits and that key facilities such as primary schools and local shops should be located within walking distance of most properties. The development of this site is therefore in accord with the objectives of the NPPF being located in proximity to schools and shops and directly adjacent to the edge of the urban area of Maidstone and in a sustainable location.

- 8.12 Furthermore, bringing forward development on this sustainable site adjacent to the urban area of Maidstone, would contribute towards the provision of housing and therefore help in meeting the shortfall in housing supply. This also represents a strong material consideration in favour of the development.
- 8.13 In addition, the site is included as an allocated development site (ref: H1 (19)) in the draft Local Plan as being appropriate for 35 residential units. The site was approved by Cabinet in February 2015 with further amendments approved in July 2015, and will now move forward to the Regulation 19 stage of the Local Plan adoption.
- 8.14 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. In the circumstances of this case, the key planning issues are considered to be visual impact, heritage, density of the development (including whether the site can suitably accommodate 35 dwellings), residential amenity, access/highway safety and ecology.

## **9.0 Visual Impact**

- 9.1 The site is located on the edge of the urban boundary in the open countryside and within an Area of Local Landscape Importance. Within the context of saved policy ENV35 of the adopted Maidstone Borough-Wide Local Plan (2000) advises these areas provide local distinctiveness which is unique to Maidstone's identity. In these areas particular attention will be given to the maintenance of the open space and the character of the landscape.
- 9.2 The site is a greenfield site and its development for residential and other development would clearly have an impact visually on the site. It is important to assess the impact with regard to the coverage of the development proposed.
- 9.3 The proposed residential development is comprised of detached, semi-detached and terraced 2 storey residential dwellings. Combined, the two sites occupy a long frontage to North Street and the proposed development would be clearly visible.
- 9.4 There is a consistent row of residential properties fronting onto North Street to the north and south of the two application sites and the proposed development would sit comfortably within the existing built streetscene. Properties fronting onto North Street would be set back a minimum of 5m from the edge of the proposed pavement with many properties in the northern parts of the site significantly exceeding this set back to respect the building line along North Street further north of the site. The residential area to the south of the site on the same side of North Street is also located within the defined urban area of Maidstone.
- 9.5 To the east of the site on the opposite side of North Street is the built up urban area of Maidstone which is characterised predominately by residential properties, and the proposed development would not appear significantly incongruous to the residential development on the opposite side of the street.



Additionally, the development site would infill between the residential properties located along North Pole Road (located in the urban area of Maidstone) and Cedar Drive, and would not project outwards into the open fields beyond the existing built development. Short range views are to be expected when developing a greenfield site for housing and in this instance the application site is considered to be well related to the existing settlement, and would effectively in-fill a gap between existing residential properties, and the views from North Street are considered to be acceptable and in keeping with the neighbouring residential development.

- 9.6 To the west of the site is open countryside and arable fields. Mature hedgerow and tree planting located on the edge of the field further to the west of the site would screen the bulk of the proposed development from mid to long range views and would reduce the visual impact of the development. There are no significant long distance views over the site as a result. It is also noted that the development would not be significantly visible from any public footpaths located to the west of the application site due to existing tree and hedgerow planting along field boundaries. In addition to this the proposal has sought to respond positively to the semi-rural nature of the locality by proposing to plant a new native species hedgerow along the western boundary of the site which would soften the impact of the proposed development. From the west views of the proposed development would be seen against the backdrop of the existing built development located within the urban area of Maidstone on the south and east of the site and also the existing residential development located along North Pole Road.
- 9.7 The amendment to the site boundary would result in the development shifting 5m to the west into the countryside, however, the western section of the site is mainly comprised of vehicle access roads which would be screened by proposed boundary planting. The additional 5m encroachment into the countryside is not considered to have a significant visual impact which would warrant refusal of the application.
- 9.8 It is also noted that the southern site is almost completely surrounded by existing residential development as no.25 North Street is located to the west of this site.
- 9.9 The new footpath would be in keeping with footpaths in other areas of North Street and is considered to improve pedestrian safety along this section of the street.
- 9.10 Therefore, I consider that the visual impact of the development would be acceptable. Whilst it would change the character of the site, there would not be any significant wider visual harm that would be harmful to the character and appearance of the area. I consider that the general principle of development of this site to be acceptable in relation to the visual change to the site and the development of this site represents a modest extension to the urban boundary with existing residential properties located on three side of the development.
- 9.11 In addition to this, the NPPF attaches less weight to the protection of locally designated landscapes such as the areas of local landscape importance which is applicable in this case.

## **10.0 Heritage Impact**

- 10.1 The council Conservation Officer has objected to the development of the application site due to the impact on the setting of the nearby listed buildings, No 23 North Street, Broumfield and the adjacent oast house.

- 10.2 The submitted Planning Statement suggests that the rural setting of the listed buildings has been removed by extensive late 20<sup>th</sup> Century housing development on the eastern side of the road and that their context has been severely compromised. It therefore reasons that development as proposed would not have any significant impact on the setting of these listed buildings.
- 10.3 The Conservation Officer advises that the setting of Broumfield would be most affected by the proposed development as the setting and view across the farmland would be lost as a result of the development. In this regard Broumfield is located on the opposite side of North Street and the road physically separates the farmland from this listed building and the development is therefore not considered to significantly harm the setting of the listed building. As regard to the section of the proposed development located opposite Broomfield the architect has sought to soften the impact on this grade II listed building by setting the houses back from the street frontage which has increased following the July amendments (the houses would be approximately 25m distance from the listed building). In addition, a high standard and sensitive palette of materials are proposed on the buildings opposite Broumfield as is a landscape buffer. A condition will be attached to ensure materials are a high standard of design.
- 10.4 The setting of the oast would be less affected by the proposed development due to its siting behind Broumfield. Similarly, no.23 North Street is well screened by existing landscaping which would form a buffer from the proposed development. No.23 would be separated from the application site by some 20m which includes areas of soft landscape screening and the access track to no.25 North Street.
- 10.5 The roof pitches of the two house types (the Yewdale and the Easdale) which the Conservation Officer refers have been amended to accommodate natural roof coverings.
- 10.6 The proposed new development would inevitably have a visual impact on the setting of the nearby listed buildings. However, as the conservation officer advises the level of harm would be less than substantial, so this needs to be weighed against any public benefit arising from the proposals in accordance with the tests set out in the NPPF.
- 10.7 In this instance the harm to the setting of the listed buildings would be less than substantial as advised by the conservation officer and the public benefits arising from the additional 35 residential units, including 11 affordable units, is considered, on balance, to weigh in favour of the proposed development and would outweigh the harm identified by the conservation officer to the setting of the grade II listed buildings.
- 11.0 Design and layout**
- 11.1 In terms of the acceptability of the layout, this has been the subject of pre-application discussion between the applicant's and planning officers in order to achieve the most effective outcome.
- 11.2 The Design and Access Statement considers existing styles of development in the surrounding area and the materials used. The D&A Statement advises the development has been designed to fit into its surroundings through the use of vernacular materials and styles, including facing brickwork, ragstone detailing, contrasting brick heads and weatherboarding with roofs formed of clay tiles and slate.

- 11.3 There is a wide variety of building styles within the immediate and wider area and the proposed development fronting onto North Street would not appear unacceptably incongruous within the predominantly residential streetscape. Materials will be subject to a condition requiring detailed samples to be submitted, however in principle I consider the proposals acceptable subject to finalisation of finishes.
- 11.4 The loss of the existing hedgerow along the west side of North Street would be regrettable but necessary in order to achieve an active residential street frontage in keeping with the existing residential development neighbouring the application site. Amended plans have been submitted which reduce the width of the access drive along North Street which would allow for increased levels of new hedgerow planting. In this regard the proposed development would face toward North Street in a similar fashion to the neighbouring residential properties in the street and the properties would be set back from the road with landscaped front gardens in accordance with policy H1 (19), including a minimum 5m set back. Corner properties would be double fronted to create an active frontage.
- 11.5 The demarcation in road surfaces within the site would serve to break up the hardstanding and act as natural traffic calming. All units would benefit from off-street parking in the form of garages and parking spaces in keeping with the surrounding residential development in North Street.
- 11.6 A relatively low density housing development is considered acceptable in this instance due to the urban periphery location and is considered to make the best use of the land. The general layout and scale is considered to be appropriate for this semi-rural location on the edge of the village.

## **12.0 Residential Amenity**

- 12.1 The closest residential properties would be White Gates located to the north of the northern site, no.43 North Street located to the south of the northern site and nos. 23, 25 and 35, which are located adjacent the south site.
- 12.2 Properties located on the east side of North Street would be separated from the development by the width of the public highway therefore no objections are raised with regard to loss of amenity to these properties.
- 12.3 Amended plans have been received which moves Plot 6 further away from the existing residential property known as White Gates which is located to the north of the site. Given the orientation between Plot 6 and White Gates, coupled by the separation distance and landscape screening, only oblique views would be afforded toward the rear elevation of White Gates.
- 12.4 Similarly, the impact upon nos. 23, 25, 35 and 43 North Street are considered to be acceptable given the separation distance involved, landscape screening and orientation between the existing and proposed development. North facing openings on Plots 29 and 30 would be limited and obscure glazing would be secured via condition on first floor openings facing north.
- 12.5 Whilst the outlook from some of these properties would undoubtedly change as a result of the proposed development, overall it is considered that there would be sufficient separation distances between the new houses and the existing neighbouring properties and, the proposed development is considered not to result in an unreasonable loss of amenity in terms of loss of light, outlook or privacy which would warrant refusal of the planning application.

### **13.0 Transport**

- 13.1 Concern has been raised with regard to the impact on the existing road network. Existing residents are concerned that the proposal will increase the risks on the public highway and add to congestion.
- 13.2 Accompanying the application is a full Transport Assessment assessing accident data, predicted trip generation, visibility assessments and traffic capacity assessments. The Highway Authority considers that the traffic generated by the proposal can be accommodated by the surrounding road network and has raised no objection to the application.
- 13.3 Access to the northern site has been designed as a priority junction which includes minor widening of the carriageway between the access and Heath Road, to a 5.5m wide carriageway with a 2m footpath included on the western side of North Street where the site fronts this road. A crossing point is also proposed to the north to improve pedestrian safety.
- 13.4 The access to the south site comprises traffic calming measures on North Street to integrate access to the south site. The design includes a shared space comprising the use of different surface materials, landscape features and ramped access and, has been formulated through discussions with KCC highways Authority.
- 13.5 A number of objections have been received in relation to the shared pedestrian and vehicle space on 'street 4' and the danger, inter alia, to pedestrians. The design of the junction has been formulated by national design guidance and through discussions with KCC Highways. In addition to this the shared space within the development would only serve 7 residential units within a cul-de-sac in an area where there would not be a significant number of vehicle movements.
- 13.6 Turning to the internal layout of the site, there is no objection to the siting and size of the parking provision which would be in accordance with the councils parking standards and includes garages and some tandem parking. Cycle parking storage would be secured via condition.
- 13.7 Additionally, the site is not considered to be located within an unsustainable location and bus stops located in proximity to the site provide regular services to Maidstone Town centre.
- 13.8 KCC have requested contributions towards crossing facilities at the Hermitage Lane/Heath Road/Fountain Lane/St. Andrews Road junction. Given the proposed development would have an impact on the junction KCC have requested £406 per unit which is regarded as a reasonable and proportionate approach to securing the necessary funding.

### **14.0 Affordable housing**

- 14.1 The proposed scheme comprises the provision of 30% affordable housing (11 units) provided in two sections of the site. The affordable housing would consist of 6 x two beds and 5 x three bed units.
- 14.2 The affordable housing policy in the Adopted Local Plan (2000) has not been saved. It has been replaced by a blanket requirement of 40%, as set out in the Council's Affordable Housing DPD that was adopted in 2006. The adopted DPD states that the council should seek to negotiate 40% affordable housing on sites of this scale. This policy document remains current and relevant; however, the council has emerging policy (CS9) within the draft Local Plan which requests 30% affordable

housing provision in areas such as the application site. It is acknowledged that the draft Local Plan is in the early stages and therefore only holds limited weight in the decision making process. However, draft policy CS9 is based on housing assessment commissioned by the council to assess the viability of the emerging Local Plan within Maidstone Borough. The Viability Testing was undertaken by Peter Brett Associates (PBA); dated April 2013 and represents the most up to date and comprehensive data and methodology on affordable housing provision in the Borough.

14.3 The Viability Testing advises the proportions of affordable housing sought by the Council should be 20% in the urban area, 25% on the urban periphery and 40% in rural areas and at villages.

14.4 Following assessment of the viability report the Council accepted the need to differentiate the required provision according to location, but deviated slightly from PBA's recommendations. The draft local plan, policy DM 24 therefore shows that the council will seek the delivery of affordable housing as follows:

Previously developed land-urban - 15%  
Greenfield-urban and urban periphery - 30%  
Countryside, rural service centres and larger villages – 40%.

14.5 The applicant has used the PBA assessment to underpin their proposal to provide 30% affordable housing and have provided a viability commentary which seeks to justify the level of affordable housing at this specific site, in accordance with the information contained within the PBA report. Whilst it is acknowledged that PBA assessment does use more up to date methodology, the Affordable Housing DPD 2006 remains the adopted policy. Whilst the DPD is still a material consideration it is significantly older than the Peter Brett report having been adopted in 2006, and in my view, greater weight should be afforded to the most up to date document and data in this instance. The application site represents a reasonable comparison to the urban periphery sites utilised in the Peter Brett Report which advises 25% affordable housing provision, whereas this scheme proposes 30%.

14.6 In addition, the affordable housing commentary provided by the applicant compares the application site to similar sites assessed within the PBA Report, provides several examples of similar applications where the council have not objected to 30% affordable housing and attest that the level of contributions sought all justify the 30% affordable housing proposed within this application.

14.7 Furthermore, there is a good housing mix on the site and the affordable housing tenure split would be in accordance with council policy therefore the provision of 30% affordable housing does not warrant the development being unacceptable.

14.8 The Council's housing department has raised concern about the lack of one bed affordable units. In this instance, given the sensitive nature of the site, in proximity to listed buildings and semi-rural location, apartment developments are not deemed wholly appropriate and the opportunity for one bed units is therefore limited and would not make the best use of the land.

## **15.0 Landscaping and Ecology**

15.1 A comprehensive landscaping scheme has been proposed through amended plans which have addressed the comments of the councils Landscape officer and KCC Ecology Officer. Further ecology surveys have been undertaken following the deferral of the application at 28 May planning committee.

15.2 The loss of the hedgerow along the west side of North Street is regrettable but necessary to achieve the best design approach and also in order to provide a pedestrian footpath along this side of the street. An amended layout has reduced the width of the private drives which in turn would allow for more replacement hedgerow planting along the North Street frontage. Substitute hedgerow and tree planting would be provided along the entire west boundary of the application site which would serve as a landscape buffer and wildlife habitat. New landscaping and tree planting is also proposed at the front of the proposed houses fronting onto North Street and the landscape buffer to the north of the northern site would be enhanced as part of the landscape proposals.

15.3 Few trees would be removed from the application site. The council's Arborist has not raised any objections to the removal of these trees subject to the additional tree planting proposed in the landscape scheme. Protection of the trees located on the boundaries of the application site could be secured by a suitably worded condition.

15.4 A phase 1 ecological statement has been submitted with further surveys undertaken in July 2015 following lizards being found near to the hedgerow adjacent North Street. The ecology submissions have been endorsed by KCC Ecology following the submission of additional information / improved landscaping and no ecological objections are raised subject to conditions to secure suitable mitigation for existing habitats within the site. Planning guidance states that in addition to mitigation, development should seek to enhance ecological interests. The application promotes ecological enhancement through the provision of the following:

- Native landscape planting along the western boundary and enhancement to existing hedgerow boundaries.
- Erection of bird and bat boxes
- Cut-outs at ground level in the garden fences of the new residential houses, so as to ensure wildlife is able to move freely between gardens;

## **16.0 Loss of agricultural land**

16.1 The loss of grade II agricultural land is regrettable however in this instance the application site is include within the draft Local Plan as an allocated residential site. It is clear that there is insufficient brownfield land to meet the Borough's housing need and the fact that the Council does not have a five year land supply means that some development greenfield sites and best and most versatile land is inevitable.

## **17.0 Flooding**

17.1 The site is located within a Zone 1 (low risk) area and not subject to any significant risk from fluvial, coastal or tidal flooding. The flood risk assessment that was submitted has demonstrated that there would be no significant flood risk to the development and also that through the integration of sustainable drainage systems that there would be no significant surface water run off problems from the site. The Environment Agency has raised no objections to the application on this basis.

## **18.0 Other issues**

18.1 A number of the objectors have made reference to the land at the rear / west of the application site, indicting that this will also be development. Members are advised that the current application relates to the 35 new units only and this site has been moved forward to the regulation 19 stage of the draft Local Plan.

## **19.0 Heads of Terms**

19.1 Any request for contributions needs to be scrutinised, in accordance with Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criterion that sets out that any obligation must meet the following requirements:

It is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

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.

19.2 The above 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).

19.3 The NHS have requested £27,216 based on an average occupancy in relation to the size of the residential units towards improvements at the named surgeries of Blackthorne Medical Centre and College Practice (Barming) both of which are within 1 mile of the site. It is clear that the proposed development of 35 dwellings (24 market units) would result in additional demand placed on the health facilities and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.

19.4 The Council’s Parks and Open Space request £1575 per dwelling to cover towards North Pole Road Allotments and Beaumont Road Allotments for improvement works. It is clear that the proposed development of 35 dwellings would result in additional demand placed on the existing allotments and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.

19.5 There are requests made by Kent County Council as the Local Education Authority towards primary school education contributions that amount to £2360.96 per applicable house towards the enhancement of teaching space at Barming Primary School. There will be a greater demand placed on schools within the borough from the occupants of the new 35 dwellings and information submitted by County shows that these are at capacity and as such the contribution is considered justified and appropriate.

19.6 In addition to a new primary school Kent County Council as the Local Education Authority require contributions of £2359.80 per applicable house towards the enhancement of teaching space at Maplesden Oaks School. There will be a greater demand placed on the local schools from the occupants of the new 35 dwellings and information submitted by County shows that these are at capacity and as such the contribution is considered justified and appropriate.

- 19.7 There is a request of £295.48 toward youth services sought by Kent County Council. This contribution would pay towards the provision of staff and equipment for Maidstone Borough Youth Outreach services supplied to Infozone Youth Hub. It is clear that the proposed development of 35 dwellings would result in additional demand placed on the youth facilities available in the area and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 19.8 Kent County Council has sought £1680.55 towards library services for new bookstock supplied to Mobile Library services covering Barming. It is clear that the proposed development of 35 dwellings would result in additional demand placed on the bookstock at Maidstone library and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 19.9 KCC Highways Authority has sought £406 per dwelling towards pedestrian crossing facilities at the Hermitage Lane/Heath Road junction. It is clear that the proposed development of 35 dwellings would have an additional impact on the junction and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 19.10 Provision of 30% affordable housing (11 units). The affordable housing would consist of 6 two bed units and 5 three bed units with a tenure split of 60% for rental and 40% of dwellings as shared ownership.
- 19.11 Justification for the contributions is outlined at paragraph 7.4, 7.7 and 7.8 and I consider that the requested contributions have been sufficiently justified to mitigate the additional strain the development would put on these services and comply with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the CIL tests above.
- 20.0 CONCLUSION**
- 20.1 The application site is included in the Draft Local Plan under policy H1 (19) as being appropriate for the development of 35 residential houses and the development of the site has been agreed by Scrutiny Committee and will now progress to Regulation 19 Stage of the Local Plan.
- 20.2 Development at this site would infill a gap of residential development along the west side of North Street and would not project outwards into the open fields beyond established neighbouring development. The level of affordable housing would be contrary to policy, however, the 30% provision has been influenced by the overall density of the development, level of contributions sought and similar approved applications. Whilst it is acknowledge that the development would have an impact upon the setting of the listed buildings, it is not considered that there would be significant harm to their setting to resist development altogether. In addition to this, the need to provide sites suitable for housing holds significant weight which is considered to outweigh this harm. The site is located on the boundary of the urban area in easy reach of a number of services and facilities as well as regular bus routes, and the development of this site for residential purposes would represent an example of sustainable development and would conform to the aspirations of the NPPF.
- 20.3 Furthermore, the site, being on the periphery of the urban area of Maidstone, would be in conformity with the Council's hierarchy of development which seeks to direct



development to the urban area of Maidstone in the first instance followed urban fringe sites.

- 20.4 It is therefore considered that the development of the site for residential purposes is acceptable and it is recommended that subject to the completion of a section 106 agreement planning permission is granted.

## **21.0 RECOMMENDATION**

- 21.1 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 30% affordable residential units within the application site. 60% rental and 40% shared ownership.
- Contribution of £27,216 to be sought from the NHS towards improvements to Blackthorne Medical Centre and College Practice (Barming).
- Contribution of £82,633.25 (£2360.96 per applicable house) towards the enhancement of teaching space at Barming Primary School
- Contribution of £82,593 (£2359.80 per applicable house) towards the enhancement of teaching space at Maplesden Oaks School.
- Contribution of £295.48 is sought to be used to address the demand from the development towards youth services locally to be supplied to Infozone Youth Hub.
- Contribution of £1680.55 towards new book stock supplied to Mobile Library service covering Barming.
- Contribution of £55,125 (£1575 per dwelling) towards the improvement of open space in the vicinity of the site.
- Contribution of £406 per dwelling towards a pedestrian crossing facilities at the Hermitage Lane/Heath Road junction
- S278 Agreement with KCC Highways in for road improvements including the provision of; a footway on western side of North Street; a raised table with informal and shared surface; a crossing point to the north of the site; street lighting.

- 21.2 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 hereby permitted shall be begun before the expiration of one year from the date of this permission;

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

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

Reason: To ensure a satisfactory appearance to the development.

- (3) The vehicle parking spaces and/or garages and vehicle loading/unloading and turning facilities shown on the submitted plans shall be permanently retained for parking and turning and shall not be used for any other purpose.

Reason: In the interest of highways safety and parking provision.

- (4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reasons: In the interest of highways safety and residential amenity.

- (5) The proposed development shall not be occupied until provision for cycle storage has been made in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking and refuse/waste storage arrangements shall be retained thereafter.

Reason: To provide adequate transport arrangements.

- (6) No development shall take place (including any vegetation clearance or ground works) until a detailed Reptile Mitigation Strategy, in accordance with the submitted Reptile Mitigation Strategy dated July 2015, has been submitted to and approved in writing by the local planning authority. The content of the Strategy shall include the:

- a) purpose and objectives of the proposed mitigation works, including the creation of compensatory habitat and protection of reptiles during construction works;
- b) detailed design(s) and working method(s) to achieve stated objectives;
- c) identification of 'biodiversity protection zones', including the use of protective fences, exclusion barriers and warning signs;
- d) timetable for implementation, demonstrating that the mitigation works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the works, including provision for specialist ecologists to be present on site to oversee reptile protection works.;
- f) provision for long-term management and monitoring of the compensatory habitat;
- g) provision for identification and implementation of remedial actions if monitoring shows that objectives are not being met.

The approved Reptile Mitigation Strategy shall be implemented in accordance with the approved details.

The implementation of additional recommendations identified in chapter 5 of the Ecological Appraisal report and subsequently confirmed by the applicant's ecologist

must also be adhered to ensure that all potential ecological impacts are adequately avoided or minimised.

Reason: In the interest of ecology and biodiversity enhancement.

- (7) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (Reference 14-021, November 2014, C&A Consulting Engineers) and the following mitigation measures detailed within the FRA:

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.

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.

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

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

- (9) Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure suitable foul and surface water sewerage disposal is provided.

- (10) 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 during 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 2012 and shall include details of the repair and retention of existing hedgerows and tree lines within the site; including enhancements to the north, east and west boundary planting as shown on drawing number CSa/1683/118D; dated November 2014.

The implementation and long term management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens. The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details over the period specified;

Reason: To safeguard existing trees and hedges to be retained and ensure a satisfactory external appearance to the development and a high quality of design, and safeguard and enhance the character and appearance of the setting of adjacent listed buildings.

- (11) 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 ensure a satisfactory landscaped setting for the development.

- (12) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, no further development shall take place on the site without the prior written consent 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.

- (13) 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. Boundary treatment shall include:

Cut-outs at ground level in the garden fences of the new residential houses to allow wildlife to move freely between gardens;

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

- (14) The development shall not commence until details of 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.

- (15) 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

- (16) 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.

- (17) 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

- (18) 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.

- (19) No development shall commence on site until a signed S278 Agreement, covering the alterations to North Street road layout, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the highways works covered in the S278 have been completed.

- (20) The proposed first floor north facing windows in the north elevation of the house on Plot 29 and Plot 30 hereby approved shall at no time be openable or glazed, otherwise than in obscured glass, below a minimum height of 1.75 metres above the relevant internal floor levels.

Reason: To ensure that the proposed development does not prejudice the amenities of adjoining occupiers.

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

Drawing numbers 8463A/01 and 8463B/01 1/1 and 8463B/01 2/2; dated June 2014 and 8463A/02 RevA; dated Sept 2014 and T.0273\_10 and T.0273\_11; dated 25.11.2014 and T.0273\_03-3 and T.0273\_03-2 and T.0273\_03-4 and T.0273\_03-4-2 and T.0273\_03-6 and T.0273\_03-7 and T.0273\_03-9 and T.0273\_03-10 and T.0273\_03-11 and T.0273\_03-12 and T.0273\_03-14 and T.0273\_03-081 and T.0273\_03B; dated 4.12.2015 and T.0273\_03-5A and T.0273\_03-5A and T.0273\_03-13A; dated 4.02.2015 (contained within the House Type Pack T.0273\_03D) and T.0273\_09-2A and T.0273\_17A; dated 5.02.2015 and T.0273\_06A and T.0273\_09A and T.0273\_13A; dated 23.02.2015 and T.0273\_10A and T.0273\_11A; dated 19.02.2015 and CSa/1683/119B and CSa/1683/118F; dated November 2014 and Archaeological Desk Based Assessment by Cgms (DH/KB/17266); dated November 2014 and Ecological Appraisal Report by CSa (CSa/1683/02a); dated October 2014 and Planning Statement by DHA (CJH/10313); dated December 2014 and Addendum to Planning Statement CH/RF/10313; dated March 2015 and Arboricultural Report (AP/8463A Rev.A/WDC); received 23.12.2014 and Revised Layout Highways Review Revision A by C & A Consulting Engineers; dated 25.02.2015 and Code for Sustainable Homes Pre-Assessment Report by FES; dated March 2013 and Design & Access Statement and Flood Risk Assessment & Preliminary Surface Water Drainage Strategy by C & A Consulting Engineers Ltd and CSa Landscape and Visual Appraisal and Planning Statement (Addendum) and Reptile Mitigation Strategy by CSa and Transport Assessment by C&A and T.0273\_02H; all received on 28.07.2015

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

## INFORMATIVES

### Southern Water

A formal application for connection to the public sewerage system is required in order to service this development. Please contact, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or southernwater.co.uk.

{bNote 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:

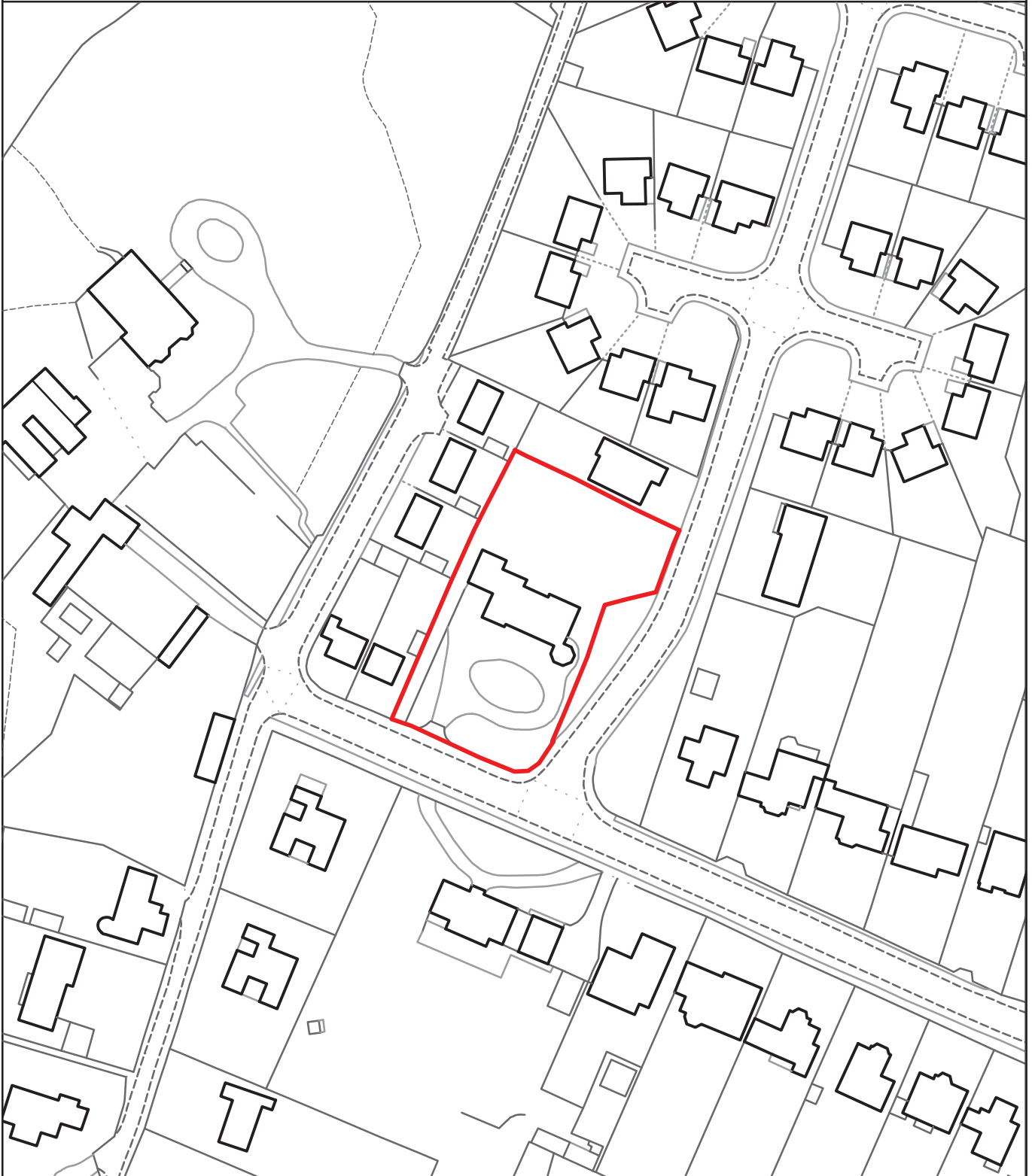
NPPF Approval – standard informative

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

48 Lancet Lane  
Maidstone  
Kent  
ME15 9SD

MBC Ref: 15/500451



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**Rob Jarman**  
Head of Planning

**REPORT SUMMARY**

<b>REFERENCE NO - 15/500451/FULL</b>			
<b>APPLICATION PROPOSAL</b>			
Re-development of an existing single dwelling site into 5 new build detached houses with associated parking and landscaping.			
<b>ADDRESS</b> 48 Lancet Lane, Maidstone, Kent, ME15 9SD			
<b>RECOMMENDATION</b> APPROVE WITH CONDITIONS			
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b>			
The proposed development is located within the urban area of Maidstone and the principle of sustainable residential development is accepted in accordance the Local Plan 2000 and the aims and objectives of the NPPF.			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
Cllr Derek Mortimer has requested the application be determined at committee for the reasons set out in the report.			
<b>WARD</b> South Ward	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Mr Malcolm Creswell <b>AGENT</b> Architecneque Architects	
<b>DECISION DUE DATE</b> 29/04/15	<b>PUBLICITY EXPIRY DATE</b> 29/04/15	<b>OFFICER SITE VISIT DATE</b> 23/06/2015	
<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>
12/2279	Erection of a 4 bedroomed dwelling to the rear of existing dwelling with access onto Sevington Park: amended design to that approved under reference MA/09/1090 to incorporate p.v. panels on the roof	Permitted with conditions	11.02.2013
<i>Summarise Reasons:</i> This application is essentially a resubmission of approved 09/1090 with p.v. panels added to the roof. The house has been constructed.			
09/1090	Erection of a detached 4 bed dwelling to rear of existing dwelling with access onto Sevington Park	Permitted with conditions	18.08.2009
<i>Summarise Reasons</i>			
07/2624	Removal of existing dwelling and the construction of six, four bedroom houses with garages and amenity space. Resubmission of MA/07/1633	Approved at planning committee 12.3.2009	26.03.2009
<i>Summarise Reasons:</i> This application was essentially a resubmission of 07/1633 with the design, layout and vehicle access altered to take into account the Inspectors decision. The current application is essentially a resubmission of this approved scheme with the inclusion of			



one house on the north of the site which has been approved and built ref: 12/2279.			
07/1633	Removal of existing dwelling and the construction of six, four bedroom houses with garages and amenity space	Refused	13.01.2008
<p><i>Summarise Reasons:</i> Refused by MBC and dismissed at appeal for the following reasons; design, the house proposed on the junction of Lancet Lane and Sevington Park would have a blank flank elevation, location and width of the vehicle access and hardstanding. The Inspector concluded that the proposal constituted an unsympathetically designed housing estate with inadequate room for frontage planting and over dominant areas of hardstanding</p>			

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The site is located in a residential area within the urban area of Maidstone. The site is located on a corner plot at the junction of Lancet Lane and Sevington Park and is currently occupied by a large detached dwelling set within a spacious garden with access onto Lancet Lane.
- 1.02 The site area is approximately 2,500sq m and contains one TPO tree in the southwest corner and one on the northern boundary adjacent 1a Sevington Park.
- 1.03 Adjacent to the site to the east is an area of highway verge separating the boundary to part of the site and Sevington Park.
- 1.04 To the north of the site is a detached dwellinghouse, 1a Sevington Park which was approved under planning permission 12/2279 and also formed part of the 6 unit scheme approved under permission 07/2624. To the west and abutting the site boundary are 50 Lancet Lane and the rear gardens of 2, 4 and 6 Old Drive.

### 2.0 PROPOSAL

- 2.01 Demolition of the existing detached dwellinghouse at 48 Lancet Lane and erection of five detached dwellings with attached garages, off-street parking and landscaping.
- 2.02 Two dwellings (Plots 1 and 2) would face onto Lancet Lane and would share a newly positioned vehicular access off Lancet Lane. The existing vehicle access would be blocked up with new boundary treatment proposed. Plot 1 and 2 would be detached dwellinghouses with single bay integral garages, they would be approx. 9.1m to the ridge and 4.9m to eaves height. The houses would be formed of brickwork at ground level with Tudor panelling, render and hanging tiles above. Plot 2 would be a handed version of Plot 1 with the exception being the eastern elevation facing the junction of Sevington Park which would include a gabled section, additional fenestration and detailing to create a double frontage at the corner of the site.
- 2.03 Plots 3, 4 and 5 would face Sevington Park and the three houses would share a new vehicular access from Sevington Park. The three houses would all be detached with single integral garages. The three houses would be a similar design formed of brickwork, render and tile hanging. Plot 3 and 4 would be approx. 8.9m to the ridge and 4.8m to the eaves. Plot 4 would be some 8.6m to the ridge and 4.8m to the eaves.

- 2.04 The five houses would be set back from the highway with landscaping and forecourt parking located at the front. Rear gardens would mainly be laid to lawn with a small patio area at the rear of each property.

### **3.0 BACKGROUND**

- 3.01 The site had a previous application (ref: 07/2624) for a similar development approved on this site, which has subsequently expired. The main difference between the current application and the scheme approved under 07/2624 is the omission of one dwellinghouse that was granted permission and has been built under planning permission 12/2279. The design, form, layout and palette of materials proposed in the current application are essentially the same as the approved 07/2624 scheme.
- 3.02 Planning permission 07/2624 was submitted in response to an Inspectors decision to refuse another 6 unit scheme on the site (ref: 07/1633). 07/2624 included a number of design and layout changes to the earlier refused scheme to respond to the Planning Inspectors decision. 07/2624 was approved at planning committee subject to conditions. The application was deferred by planning committee twice before it was approved at the third meeting. The scheme was deferred by committee members, inter alia, in order for the applicant to submit details of revised elevational treatments to the dwellings that reflected the character of Lancet Lane and additional ragstone walling in accordance with the Inspector's decision.
- 3.04 Planning permission 07/2624 was approved at committee on 12.03.2009. Material changes in policy since this scheme was approved include the adoption of the National Planning Policy Framework. Garden Land development has been removed from the definition of previously developed land in the NPPF. Saved Policies of the Local Plan 2000 and The Loose Road Character Area Assessment adopted December 2008 are still relevant.

### **4.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Development Plan: ENV6, T13

Supplementary Planning Documents:  
Technical Housing Standards - Nationally Described Space Standards  
The Loose Road Character Area Assessment 2008  
Draft Maidstone Local Plan  
Draft North Loose Neighbourhood Development Plan

### **5.0 LOCAL REPRESENTATIONS**

16 objections have been received from neighbouring properties. A petition of 34 neighbours has also been received. Objections are summarised as follows:

- Contrary to the emerging North Loose Neighbourhood Development Plan.
- Access and parking is inadequate.
- Overspill parking would occur on the street.
- Traffic congestion.
- Pressure on foul sewerage and water systems.
- Out of character with Lancet Lane.
- Would set a precedent for similar developments.

- Overdevelopment of the site
- The application is unclear whether protected trees would be removed.
- Contrary to the Loose Road Character Assessment
- Loss of privacy, light and outlook
- The boundary wall adjacent Lancet Lane should be retained
- Increased pressure on local schools

The North Loose Residents Association is objecting on the following (summarised) grounds:

- Contrary to the emerging North Loose Neighbourhood Development Plan
- The proposal is similar to a scheme refused at Valley Drive (APP/U2235/A/14/2219898)
- The proposal is garden development.
- Poor vehicle access and parking arrangements
- Visitor parking not clear.

Loose Parish Council objects on the following (summarised) grounds:

- Contrary to the emerging North Loose Neighbourhood Development Plan.
- Contrary Loose Road Character Assessment 2008.
- Impact to trees.
- Traffic congestion.

Further representations have been received following the submission of amended plans and further the objections are summarised as follows:

- Previous objections reiterated.
- The changes do not make a positive difference to the original scheme.
- Insufficient gaps between buildings.
- Material changes have occurred in the locality since the previous application was approved.

Cllr Derek Mortimer: *'I wish to 'call in' the above application to committee for the following reasons.*

*Lancet Lane has its own unique character and quality and I feel these proposals do not meet the distinct nature of the area and contrary to the Loose Road Character Assessment 2008. This area has a very significant charm in terms of architecture and amenity and I feel that this proposal will spoil these valued assets.*

*I also consider that the proposed parking and access arrangements are not adequate for the size of the properties and would cause additional pressures on this residential area.*

*I also have concerns regarding overlooking and privacy of neighbouring properties'*

Former Cllr Mike Hogg also called the application into committee for the following (summarised) reasons:

- Contrary to Draft North Loose Neighbourhood Plan
- Contrary to Policy DM5 of the Draft Local Plan
- Out of character with Lancet Lane

- Increased traffic

## 6.0 CONSULTATIONS

6.01 **KCC Highways:** Initial response received on 24 March 2015 which raised no objections in principle on highways safety or parking grounds. The KCC Highways Officer raised concern with the parking layout and recommend a number of changes to the scheme to improve the parking layout, vehicle access and turning on the site.

6.02 Following the submission of an amended layout KCC Highways provided further comments on 14 July 2015 with further observations and an indicative layout plan suggesting further improvements (which has been made by the applicant on drawing no. 014-017/003 D). KCC Highways Officer comments as follows:

*'In the context of the location, the standard of the surrounding roads, and properties with a predominance for off-street car parking, together with excellent crash record, it is considered that for a development of this scale, the standard of car parking proposed is acceptable. Subject to the onsite increases in parking and turning spaces indicated, and the following, I write to confirm on behalf of the local highway authority that I have no objection'.*

6.03 **MBC Landscape:** Initial comments from the Landscape Officer advised that a number of the trees on the site are protected by TPO No. 8 of 1982 and the applicant had not submitted an arboricultural assessment. The Landscape Officer accepts that there will probably be some tree losses but there would be limited space for replanting to mitigate their loss. A key concern of the Landscape Officer is relationship between the retained Yew at the south western corner of the site, adjacent to Lancet Lane. This tree, T1 of the TPO, is situated in close proximity to the house proposed on Plot 1 and would have a poor relationship with this dwelling.

6.04 Following the Landscape Officers initial comments an arboricultural assessment and a revised layout has been submitted which sees the house on Plot 1 moved further back on the site away from the TPO Yew tree.

6.05 The Landscape Officer raises no objections to the revised layout subject to landscaping and tree protection conditions.

6.06 **MBC Environmental Health:** The Environmental Health Officer has advised that the site is in an Air Quality Management Area and recommends two conditions to minimise exposure of new residents to poor air quality.

## 7.0 APPRAISAL

### Principle of Development

7.01 The site is located within the urban are of Maidstone where the principle of additional housing is acceptable in accordance with the Local Plan and NPPF. The Local Plan 2000 does not have any specific policies which prevent the development of garden land in the urban area.

7.02 The existing dwelling on the site is not a listed building and not within a Conservation Area. Whilst it is attractive and prominent within views along Lancet Lane, its retention could not be sought under adopted planning policies and a reason for refusal on the loss of the dwelling could not be sustained.

- 7.03 Paragraph 53 of the NPPF states 'Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area'.
- 7.04 Representations have been received relating to conflict with the emerging North Loose Neighbourhood Development Plan. The NP includes housing and design policies and a specific policy on garden land development, HD Policy 1 which advises that garden development with only be accepted in exceptional circumstances. Whilst work on the NP is progressing the Plan has been withdrawn for further Regulation 14 consultations and there are still a number of key stages ahead including, publication, independent examination and referendum. The NP is a material consideration, however, at its current stage, any conflict is not considered grounds to refuse planning permission.
- 7.05 Policy DM5 of the Draft Maidstone Local Plan advises development of garden land to create new buildings will be permitted providing specific criteria are met. The Draft Local Plan has not yet been adopted is afforded limited weight in the decision making process and any conflict is not considered grounds to refuse planning permission.
- 7.06 Given the sustainable urban location of the application site the principle of additional residential development is accepted in accordance with the Local Plan and NPPF. As such I consider the key issues to be the impact upon the character and appearance of the streetscape, impact upon neighbour amenity, highways safety and parking congestion and impact on trees and ecology.

### **Visual Impact**

- 7.07 The site does not fall within a Conservation Area and there are no listed buildings located with proximity to the application site.
- 7.08 The site does fall within the Loose Character Area Assessment adopted December 2008. Section 8.5 of this document refers to Lancet Lane and advises, inter alia, that proposal should respond to the spacious character of the area, retain traditional boundary treatment, respect the character of the historic lanes and protect and enhance the landscape features.
- 7.09 The design, form, layout and proposed palette of materials are essentially the same as the proposal approved at committee in March 2009 under ref: 07/2426, after the adoption of the Loose Character Area Assessment.
- 7.10 The proposal would clearly result in a loss of garden land through the net gain of 4 additional houses. However, it is necessary to assess whether the increased housing density and loss of landscaping would warrant a sustainable reason for refusal in this instance.
- 7.11 The application site is located toward the western end of Lancet Lane and currently comprises a large detached dwellinghouse on a spacious corner plot with a large area of garden to the front and rear. The existing house is set back from the fairly consistent building line along Lancet Lane. The property opposite the site at 39 Lancet Lane is similar in terms of design, the size of the plot and sense of spaciousness around the house. However, these two properties are somewhat of an anomaly in Lancet Lane. To the west of the application site are two detached houses sat on much smaller plots than the application site and set back approx. 6.5m from the pavement. To the east of the application site the streetscene is comprised of fairly spacious plots (although not as spacious as the current application site) and

the houses are set back approx. 12m from the pavement in a fairly uniform building line. The houses in Lancet Lane located to the east are separated from the application site by the junction at Sevington Park while the two houses immediately to the west (Nos. 50 and 52 Lancet Lane) are considered to form the immediate streetscape of the site. The spacing between Plot 1 and Plot 2, the proposed density and set back from the pavement is considered to form an acceptable transition between the streetscape on the east of the junction with Sevington Park and the streetscape to the west of the junction. The dwellings facing Lancet Lane are separated by a gap at first floor level in excess of 7 metres which allows views through the properties and would generally reflect the character of Lancet Lane. The amended design of Plot 2 includes a double frontage with an active frontage onto Lancet Lane and Sevington Park which is an important design feature at this prominent corner location and responds to the Inspectors assessment to the refused 2007 scheme.

- 7.11 Sevington Park comprises a small cul-de-sac of detached properties on smaller plots and with less spacing between the houses than is evident on Lancet Lane. Plots 3, 4 and 5 would be spaced approx. 3 metres apart and would respect the building line and spacing between the existing houses in Sevington Park. The arrangement at the front of Plots 5 allows for an acceptable level of landscaping and Plot 3 and 4 would be located behind the TPO trees and landscaping on the highway verge. The palette of materials, form, scale, spacing between the buildings and set back from the road would be in keeping with the existing streetscape of Sevington Park.
- 7.12 The elevational treatment to the dwellings include brickwork, projecting tudor panelling and vertical tile hanging. This mix takes reference from the character of the properties in the immediate area and would integrate and complement the street scenes of Lancet Lane and Sevington Park.
- 7.13 As regard to boundary treatment the ragstone walling is being retained as part of the application in accordance with the Character Area Assessment and will be extended in places where the existing drive is blocked up. Further details of the boundary treatment will be sought via condition.
- 7.14 Overall it is therefore considered that the proposed development respects the local character of Lancet Lane and Sevington Park, in terms of the scale, layout, spacing and set back from the streetscene and, the five houses would connect with, and contribute positively, to their surroundings offering an acceptable level of landscaping at front of the plots. Parking would be located behind the landscaped frontages and would not appear overtly dominant.

### **Residential Amenity**

- 7.15 No.50 Lancet Lane abuts the western boundary of the application. No.50 Lancet Lane is set in some 2.5m from the boundary with the application site with the proposed house at Plot 1 set some 4m away from the western boundary giving a total separation of some 6.5m between the two houses. The house at Plot 1 would project beyond the established rear boundary of No.50 Lancet Lane, however, given the separation distance between the two properties and the established natural screening along the boundary, it is considered that the proposal would not result in an unreasonable loss of neighbour amenity to No.50 in terms loss of light or outlook. The proposal is in accordance with the BRE guidelines.
- 7.16 Plots 3, 4 and 5 would back onto the rear gardens of Nos. 2, 4 and 6 Old Drive. There would be minimum separation distance of approx. 20m between the existing

rear windows of No.2-6 and the rear walls / windows of the proposed dwellings. There is also significant landscape screening along the western boundary of the application site.

- 7.17 Overall it is considered that the proposal would not result in any direct loss of privacy to neighbouring habitable windows or outdoor private amenity areas given the separation distances involved and the established boundary screening.
- 7.18 The house proposed on Plot 5 would be broadly parallel with No.1a Sevington Road with a gap of approx. 3m between the houses. The proposed house at Plot 5 would project some 1.8m beyond the established rear elevation of No.1a and there are no habitable room windows in the southern flank wall of No.1a. As such the proposed relationship with No.1a is not considered to result in an unacceptable loss of neighbour amenity in terms loss of light, outlook or privacy.
- 7.19 The internal room sizes and private outdoor amenity proposed is considered to offer an acceptable standard of living accommodation for future occupants in accordance with the Nationally Described Space Standards. The Environmental Health Officer has advised that the site is in an Air Quality Management Area and recommends two conditions to minimise exposure of new residents to poor air quality

### **Highways**

- 7.20 The proposal includes single bay garages for each house and at least two off-street parking spaces for each property. The proposed layout has been drawn up in accordance with advice from KCC Highways to provide suitable on-site parking, on-site turning and visibility splays. The proposal would constitute a net increase of four houses on the site which is considered not to result in a significant increase in vehicle movements. In this regard the NPPF advises that *'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'*. KCC Highways have not raised any objections on parking or highways safety grounds.
- 7.21 A condition will be attached to secure cycle parking as part of the development to promote sustainable modes of travel.

### **Landscaping**

- 7.22 The application is accompanied by the same arboricultural report submitted with MA/07/2426 and the proposed development would result in the loss of the same trees as previously proposed (not including those which have already been removed under planning permission 12/2279).
- 7.23 The landscape officer has not raise any objection to the loss of trees on the site. The two TPO trees would be retained on the site and the dwelling proposed on Plot 1 has been shifted back on the site to have regard to the Landscape Officers comments. The amenity value of the trees have been assessed on the site and only the two TPO trees are considered to be worthy of protection.
- 7.24 The proposal would result in the loss of garden land and associated landscaping which is regrettable, however, the proposed layout offers a good opportunity for landscaping at the front of the properties and further details will be required as a condition to ensure indigenous species are planted.

- 7.25 Overall it is not considered that the loss of landscaping and garden land would warrant a sustainable reason for refusing the scheme. In this regard weight is afforded to the fact that the council currently cannot demonstrate a five-year housing supply, and the loss of landscaping and garden land are not considered to significantly outweigh the overall benefits of the scheme.

### **Ecology**

- 7.26 The applicant originally submitted the same ecology report that was submitted for application 07/2624, however given the date of this report it was considered appropriate that fresh surveys and a report should be submitted for this application.
- 7.27 An updated ecology assessment has been completed by Ecosa, the same company which undertook the original surveys in 2008. An extended Phase 1 habitat survey indicates that the existing house and site currently supports a low status non-breeding day roost of long-eared bat and a low diversity of foraging and commuting bats within the grounds. The surveys found the site as having low potential for supporting foraging badger and medium potential to support breeding birds and, the small population of slow-worm recorded in 2008 is assumed to remain on the site, as advised by the applicant ecologist. However, the ecology report advises that based on the evidence from the survey the grounds of 48 Lancet Lane do not provide a significant element of this population's habitat requirements. A mitigation strategy is recommended to ensure that any reptiles are removed from the site and placed in a suitable habitat in the local area. The report concludes that the site is considered of low ecological value overall. The ecology mitigation and enhancement includes:
- New native trees and landscaping.
  - Vegetation clearance to be undertaken between September and February to avoid bird nesting season.
  - A mitigation strategy to be produced prior to works on site aimed at avoiding harm to reptiles during the development of the site and providing improved habitat.
  - A bat licence will be required prior to the commencement of works.
  - Swift bricks and bird / bat boxes installed.
- 7.28 48 Lancet Lane is not located in a conservation area and the property is not listed, therefore its demolition does not require planning permission. The ecology report includes a number of mitigation measures regarding bats and reptiles found within the site, including the installation of bat boxes and ecologist involvement during construction / clearance works, which are considered to be acceptable and were considered acceptable during the assessment of planning permission 07/2426. In addition, bats are a protected species and the relevant licences will be required before any demolition of the existing houses can commence on site.
- 7.29 Whilst there would be some ecological and landscape impacts from the proposed development, as there were with the previously approved scheme, the updated ecology surveys indicates that there have been no material changes to the ecological habitats on the site since 2008 therefore it is considered that the ecology impacts do not warrant sufficient reason for refusal subject to conditions to mitigate the impacts of the development.
- 7.30 The previous approval 07/2624 required an agreement be secured with KCC to provide a potential reptile habitat for slow worms on the parcel of land adjoining the application site owned by KCC. The condition also required specific details for the



future management of this piece of land which was onerous on KCC. Without agreement from KCC Highways it is not considered appropriate to attach this condition however an ecology mitigation strategy and reptile protection will need to be submitted in accordance with condition 11 below.

**Other issues**

- 7.30 Several objectors have referred to an application that has been refused at Valley Drive stating that this scheme is similar. Members are advised that the current application should be assessed on individual merit. However, I would note that the proposals at 41 and 56 Valley Drive (ref: 14/0061) comprised a backland development with the formation of a new cul-de-sac whereas this application proposes five frontage properties. In my view the schemes are not similar in terms of design or layout, although both involve garden land development. The application at Valley Drive was refused due to the scale of the backland development which was considered to be out of context with the low rise pattern of development in Valley Drive.

**8.0 CONCLUSION**

- 8.01 Overall I consider that the submitted ecological survey and report provides sufficient mitigation for the protected species on the site. Whilst it is acknowledged that the large garden of the existing single property could provide a wider range of habitats for wildlife than the smaller gardens of five properties this would not be a ground that could sustain a reason for refusal.
- 8.02 The proposed development is located within the urban area of Maidstone and the principle of sustainable residential development is accepted in accordance the Local Plan 2000 and the aims and objectives of the NPPF.
- 8.03 The proposed development is acceptable and my recommendation is for approval with conditions.

**9.0 RECOMMENDATION – GRANT** Subject to the following conditions for the following reasons:

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) Prior to the commencement of the development, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted and full details of the construction of the ragstone wall shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials and details;

The details and samples of the materials submitted shall include details of swift bricks or bat / bird boxes;

Reason: To ensure a satisfactory appearance to the development.

- (3) The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

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

- (4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Class(es) A, B, 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 existing and prospective occupiers.

- (5) The tree protection measures outlined in the submitted Arboricultural Implications Assessment by Quaife Woodlands dated July 2007 shall be fully implemented prior to any clearance or demolition works on site and maintained throughout the construction until the completion of the development;

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

- (6) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. The landscaping scheme shall include, but may not be limited to, the following:

- Details of all retained trees and landscaping.
- Details of new native tree and landscaping along the east and south boundary of the site adjacent Lancet Lane and Sevington Park

Reason: No such details have been submitted in accordance with policies ENV6 of the Maidstone Borough Wide Local Plan (2000).

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

Drawing nos. 014-017/001A, 014-017/002A, 014-017/005A, 014-017/006A, 014-017/007A, 014-017/008A, 014-017/003D, 014-017/004C; dated Nov'14 and drawing nos. 014-017/204A and 014-017/304B and 014-017/203B and 014-017/303A and 014-017/103A (Plot 1 only) and 014-017/205A and 014-017/104B (Plot 1 only) and 014-017/201C and 014-017/301E; dated Oct'14 and drawing nos. 014-017/101B and 014-017/106A and 014-017/108A and 014-017/109A and 014-017/110A; dated

July'15 and Arboricultural Implications Assessment by Quaife Woodlands dated July 2007 and ECOSA Ecology Assessment (Final Document); dated August 2015

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

- (8) Prior to the commencement of the development, details of all fencing, walling (including details of ragstone walling) and other boundary treatments shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the 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) Before the development hereby permitted is first occupied, the proposed window(s) in the first floor of the west facing flank wall of plot 1 shall be obscure glazed and non-openable unless 1.7m above internal floor levels and shall subsequently be maintained as such to the satisfaction of the Local Planning Authority;

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers.

- (10) No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the first floor of the west facing flank wall of plot 1 facing wall(s) of the building hereby permitted;

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of their occupiers.

- (11) Prior to the commencement of any works on the site, including clearance a detailed mitigation strategy shall be submitted to, and approved in writing by the Local Planning Authority with regard to bats and widespread reptiles and their habitats. All works shall then proceed in accordance with the approved strategies and the recommendations contained within the ecological report carried out by ECOSA Ltd dated August 2015 with any amendments agreed in writing by the Local Planning Authority and maintained thereafter;

Reason: To ensure no damage occurs to protected species or their habitat during any clearance or construction work and that adequate alternative habitats are available following the completion of development.

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

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

INFORMATIVES

- (1) There shall be no burning on site.

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.

No vehicles may arrive, depart, be loaded or unloaded within the general site except between the hours of 0800 and 1900 Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.

Adequate and suitable provision in the form of water sprays should be used to reduce dust from demolition and construction work.

You are advised that measures to provide for wheel cleaning, dust laying and road sweeping equipment for the duration of the construction period should be provided on the site.

to Applicant: APPROVAL

The Council's approach to this application:

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

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

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

In this instance:

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

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

Case Officer: Andrew Jolly

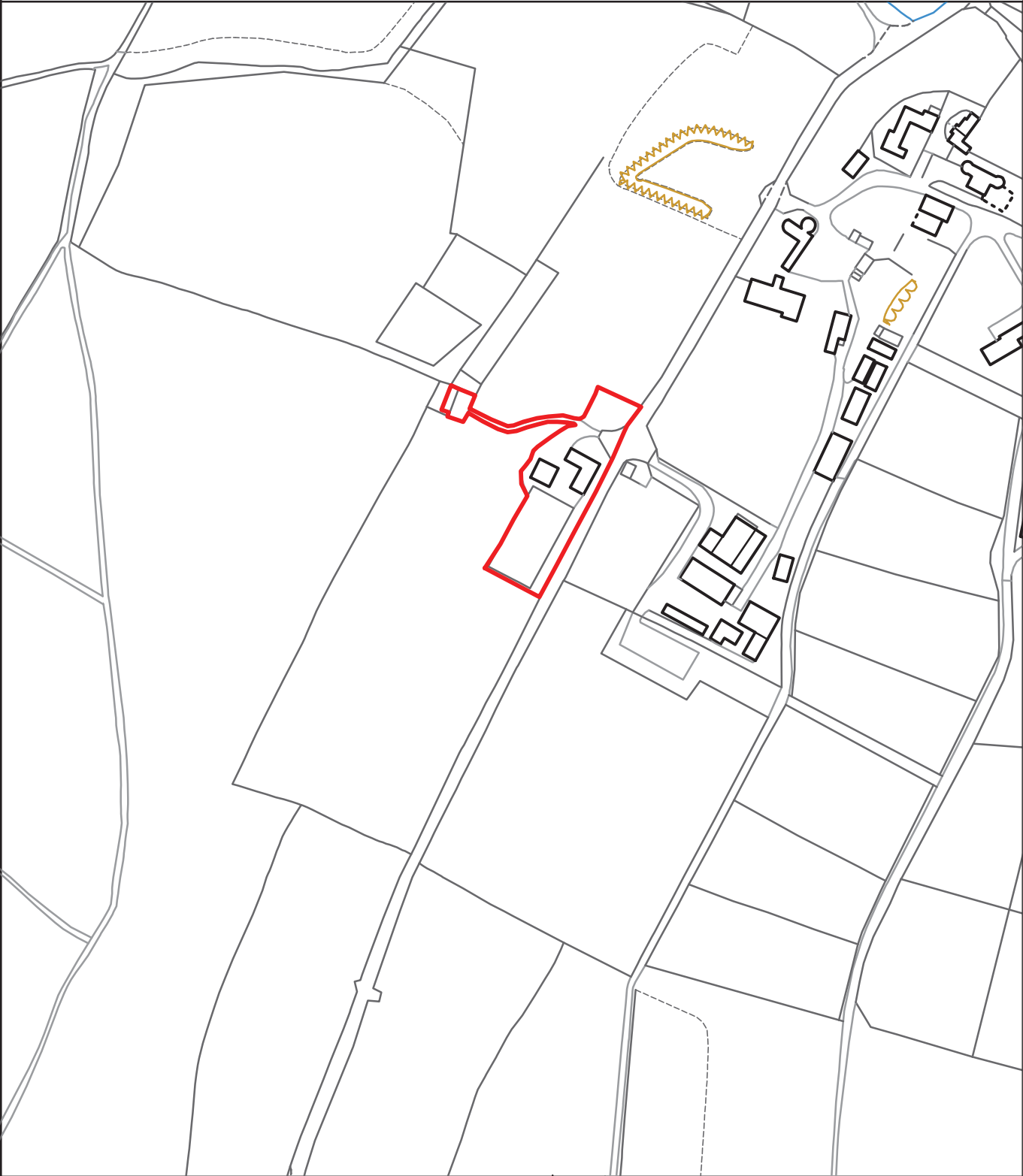
NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

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

# THE MAIDSTONE BOROUGH COUNCIL

Fairbourne Manor Stables  
Fairbourne Lane  
Harrietsham  
Kent  
ME17 1LN

MBC Ref: 15/503323



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**Rob Jarman**  
Head of Planning

## REPORT SUMMARY

<b>REFERENCE NO - 15/503323/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of building to provide ancillary storage and facilities		
<b>ADDRESS</b> Fairbourne Manor Stables Fairbourne Lane Harrietsham Kent ME17 1LN		
<b>RECOMMENDATION</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b>  No objection to the proposal on size, design or siting grounds, the proposed building will not result in any material harm to the rural character of the locality, will have no material impact on the occupants of any houses and is acceptable in highway and parking terms.		
<b>REASON FOR REFERRAL TO COMMITTEE</b>  <b>Contrary to the views of Harrietsham Parish Council</b>		
<b>WARD</b> Harrietsham And Lenham Ward	<b>PARISH/TOWN COUNCIL</b> Harrietsham	<b>APPLICANT</b> Mr John Hunter <b>AGENT</b> Coles And Co
<b>DECISION DUE DATE</b> 01/07/15	<b>PUBLICITY EXPIRY DATE</b> 01/07/15	<b>OFFICER SITE VISIT DATE</b> 2 <sup>nd</sup> June 2015

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The application site lies on the west side of Fairbourne Lane and is currently occupied by a small stable complex and outbuildings with the area to the south west in use as a manege.
- 1.02 The site lies in open countryside not subject to any specific landscape designation.

### 2.0 PROPOSAL

- 2.01 Involved is the erection of a detached building, to be ancillary to the existing recreational equestrian use. The proposed building will be sited to the north east of the existing site entrance, set back just under 6 metres from Fairbourne Lane and just under 17 metres from the existing stable complex sited to the south west.
- 2.02 The building has an almost rectangular footprint being just over 10 metres long with a maximum width of just over 6 metres and be clad with dark stained

weatherboarding and clay roof tiles. The building has an asymmetric roof profile with a catslide roof and eaves height of just over 1.1 metres on the north east facing elevation with the south west elevation (facing back towards the existing stables) having an eaves height of just over 2.2 metres. The ridge height of the building will be just over 4.4 metres.

2.03 Additional landscaping is proposed in the form of additional native species hedging around the site access and returning in a north east direction along Fairbourne Lane.

2.04 The building will house a tractor and machinery store while providing secure tack storage along with a kitchen area and toilet facilities for staff use.

## **2.0 RELEVANT HISTORY:**

2.01 MA/99/1989: Erection of a detached barn for storage of hay and straw –A-24/02/2000

2.02 MA/91/1380: Erection of stableblock and formation of exercise area for private use -A-17/02/1992 subject to condition for private use.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF2012)  
National Planning Practice Guidance (NPPG2014)  
Development Plan: ENV28 (Countryside protection) ENV46 (Equestrian Development)

## **4.0 LOCAL REPRESENTATIONS**

5.01 **Neighbours:** 9 properties consulted – 1 objection received which is summarised below:

- The site drawing states there are 9 stables which are clearly not just for personal use.
- No indication is given as to animal waste mitigation.
- Will have a detrimental effect on a Grade 2 listed building, namely Fairbourne Manor.
- Proposed location of the new building will harm the rural character of Fairbourne Lane.

## **6.0 CONSULTATIONS**

6.01 **Harrietsham Parish Council:** Object on the following grounds:

- Location of the new building will harm the rural character of Fairbourne Lane.

6.02 **KCC Archaeology:** The application site lies within the historic complex of Fairbourne Manor, a 17<sup>th</sup> century manor and farm with evidence of several

historic farm outbuildings. No objection subject to condition to secure a watching brief.

## **7.0 APPRAISAL**

- 7.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires all planning applications to be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 7.02 The key issues in relation to this proposal are considered to be (a) principle (b) impact on rural character of area (c) impact on the outlook and amenity of properties overlooking and abutting the site and (d) highway and parking considerations.

### **Principle of Development**

- 7.03 The site lies in open countryside not having any specific landscape designation. As such it is subject to the provisions of policy ENV28 of the adopted local plan which makes provision for open air recreational uses and ancillary buildings providing operational uses only.
- 7.04 Equestrian related development is normally subject to the provisions of policy ENV46 of the adopted plan. However as this is an established equestrian use and that many of the criteria set out in policy ENV46 are mainly relevant to proposals for new equestrian uses, it is considered that the key test here is whether this additional building can be justified having regard to existing facilities provided with the complex.
- 7.05 The applicants advise that to reflect the maintenance needs of the site there is a requirement to provide a secure area for the storage for equipment, a secure storage area for tack and the need to provide kitchen and WC provision for staff. As there are no existing buildings on site capable of serving these functions this brings with it a requirement for an additional building which is accepted. It is also accepted that given the functions the building is intended to serve its size is also a proportionate response to these.
- 7.06 It is therefore considered that there is no objection to the proposal in principle or size terms and consideration turns on matters of detail.

### **Impact on rural character of area:**

- 7.07 The proposed building due to its size, design and use of materials is considered to represent an example of local vernacular architecture appropriate to this rural setting.
- 7.08 Regarding the siting of the building, it was originally intended to site it longitudinally with Fairbourne Lane. It was considered this would disperse rather than concentrate development, contrary to one of the provisions of policy ENV46. The proposal now shows the buildings sited end on to Fairbourne Lane facing back onto the nearby stable block and clearly defining the outer limit of



built extent of the complex. The operational side of the building, facing onto the rear of the nearby stable block, will further enclose and contain activity generated by the adjoining stables and yard.

- 7.09 In addition the rear, north east, elevation of the building shows a 'blind' steeply sloping catslide roof with a low eaves. Both of these elements will have a material impact in minimising any impression of built mass when travelling along Fairbourne Lane in a north east to south west direction. Views of the building will be available through the access. However given that it will be clearly linked both functionally and visually with the adjoining stable complex sited nearby, it will not appear incongruous or out of character as a consequence.
- 7.10 When also taking into account the additional hedgerow planting around the access and returning along Fairbourne Lane, it is considered the proposal will have no material impact on the rural character of the area. It therefore represents development complying with policies ENV28 and ENV46 of the adopted local plan.

**Impact on the outlook and amenity of nearby properties:**

- 7.11 Given (a) the size, design and siting of the building, (b) proposed landscaping and (c) that the nearest dwelling ( Fairbourne Manor, a Grade II Listed Building) is sited just over 80 metres to the north east on the opposite side of Fairbourne Lane, it is not considered the outlook or amenity of this property will be materially affected.

**Parking and Highway considerations:**

- 7.12 As the building is intended for storage or to serve existing staff, it will not act as a traffic generator in its own right. As such there will be no material change to highway conditions along Fairbourne Lane or need for any additional on site parking.

**Other matters:**

- 7.13 Concern has been raised that the existing stables are not being used solely for personal use. The applicants advise the stables are not being used for commercial purposes but solely for use by friends, family and clients.
- 7.14 The adjoining stables are subject to condition 05 appended to planning permission ref: MA/91/1380. This condition is worded as follows:

*“That the building(s) hereby permitted shall only be used for the private stabling of horses in the ownership of persons in possession of the building(s) and shall not be used for or in connection with any commercial use.*

*Reason: To prevent the introduction of an inappropriate commercial use on the site.”*

- 7.15 Given the wording of the condition it is not considered this precludes the use set out by the applicants.
- 7.16 Regarding disposal of animal waste, as the building is not intended for stabling it does raise any additional issues regarding waste disposal.
- 7.17 Given (a) the separation distance from the Listed Building (Fairbourne Manor) in excess of 80 metres (b) the proposed building is on the opposite side of Farirbourne Lane to Fairbourne Manor and (c) its size, rural design and siting, it is not considered the building will have any material impact on the character and setting of Fairbourne Manor.

## **10.0 CONCLUSION**

- 10.01 It is considered there is no objection to the proposal on size, design or siting grounds, it will not result in any material harm to the rural character of the locality while having no material impact on the occupants of any houses and is acceptable in highway and parking terms. The proposal is accordingly recommended for approval.

## **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. The development hereby approved shall be carried out in the external materials specified.

Reason: In the interests of visual amenity.

3. The landscaping shown on drawing no:15/0106 shall be undertaken in the first available planting season following first occupation of the development hereby permitted. The landscaping shall be maintained for a period of 5 years and any planting becoming dead, dying or diseased within this period shall be replaced with a specimen of the same size and species to be planted in the same location.

Reason: In the interests of visual amenity.

4. The building hereby approved shall only be used for machinery and tack storage and as a staff room for purposes ancillary to the equestrian use of Fairbourne Manor stables and for no other purposes.

Reason: In the interests of amenity.

5. No external lighting whatsoever shall be installed on the building hereby approved without first obtaining the prior consent in writing of the Local Planning Authority. Lighting shall only be installed in accordance with the approved details and retained as such at all times thereafter.

Reason: To protect the night time rural environment in the interests of visual amenity.

6. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

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

7. The development hereby approved shall be carried out in accordance with the following approved details being drawing nos: 15/0104, 0105, 0106 and site location plan received on the 17<sup>th</sup> April 2015.

Reason: In the interests of amenity.

#### INFORMATIVES:

You are advised that this building and use of the wider site is subject to condition 05 appended to planning permission MA/ MA/91/1380 specifying it shall only be used for the private stabling of horses in the ownership of persons in possession of the building(s) and shall not be used for or in connection with any commercial use.

#### Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

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

In this instance:

The application was acceptable as submitted.

Case Officer: Graham Parkinson

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

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

# THE MAIDSTONE BOROUGH COUNCIL

The Stables  
East Court  
The Street  
Detling, Kent  
ME14 3JX

MBC Ref: 15/503966



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**Rob Jarman**  
Head of Planning

## REPORT SUMMARY

<b>REFERENCE NO - 15/503966/FULL</b>		
<b>APPLICATION PROPOSAL</b> Construction of a pair of semi-detached cottages on northern section of plot including rooflights and associated parking as shown on drawing number 15-106 003 Rev P2; dated 28.07.2015 and 15-106 001 Rev P1 and 15-106 002 Rev P1; received 11.05.2015 and 15-106 002 Rev P2; received 18.06.2015 and Design and Access Statement Revision P1; dated May 2015.		
<b>ADDRESS</b> The Stables East Court The Street Detling Kent ME14 3JX		
<b>RECOMMENDATION</b> - Approve with conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b> The proposed development is located within the village envelope of Detling and the principle of sustainable residential development is accepted in accordance with policy H27 of the Local Plan 2000 and the aims and objectives of the NPPF.		
<b>REASON FOR REFERRAL TO COMMITTEE</b>  Detling Parish Council wish to see the application refused and have requested the application is referred to committee for determination.		
<b>WARD</b> Detling And Thurnham Ward	<b>PARISH/TOWN COUNCIL</b> Detling	<b>APPLICANT</b> Mrs J Bryan <b>AGENT</b> Insight Architects
<b>DECISION DUE DATE</b> 13/08/15	<b>PUBLICITY EXPIRY DATE</b> 13/08/15	<b>OFFICER SITE VISIT DATE</b> 08/07/15
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>		
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>
85/1614	Erection of 15 unit cattery	Approved
85/0941	Erection of 35 unit cattery	Refused
77/1145	Reconstruction of stable to dwelling	Approved
76/1208	Conversion of stable block to dwelling	Approved

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The application site is located in the northern edge of Detling village on the south side of The Street with the A249 located to the north of the site. The application site is located within Detling conservation area, an Area of Outstanding Natural Beauty, Special Landscape Area, Strategic Gap and Potential Archaeological Importance. The immediate surrounding area is predominantly residential.
- 1.02 The site is roughly rectangular in shape and amounts to approximately 385 sq m. The ground levels on the site rise from east to west adjacent to The Street. The site is currently occupied by a collection of stables in an L-shape on the north and east boundary of the application site. The remaining site is laid to lawn. There are a number of trees located outside the boundary of the site to the south and southeast and trees within the neighbouring site at East Court are protected by TPO. There is

a boundary wall running along the front of the site adjacent to The Street and along the northeast and southwest boundary adjoining Webb Cottage and 1 The Street.

- 1.03 There are several listed buildings located to the south of the application site, none of which directly adjoin the application site. The boundary wall at the front of Tudor Gate is also grade II listed.
- 1.04 Three new houses have been built fairly recently in the grounds of East Court to the northeast of the application site as approved at appeal ref: 10/0943.

## **2.0 PROPOSAL**

- 2.01 The application proposes the erection of a pair of semi-detached two storey houses with living accommodation in the roof and two off-street parking spaces located at the front / side of each house. Both houses have four bedrooms. The two houses would be formed of red stock bricks with hanging peg tiles and plan clay roof tiles. The development would utilise a stepped ridge level taking account of the gradient of the land and the proposed roofs would have a barn hip with a two storey gable section at the front.
- 2.02 Two off-street parking spaces are proposed at the front / side of each house with vehicle access afforded from The Street. Amended drawing No. 15-106 003 Rev P2 supersedes drawing 15-106 003 Rev P1 and increases the soft landscaping at the front of the properties. Refuse storage is proposed to the side of each house. Rear gardens will mainly be laid to lawn with a small patio area directly at the rear of each house.
- 2.03 The existing brick boundary wall would be retained along the northeast and southwest boundary. New boundary treatment would consist of 1.8m high close boarded fencing at the rear of the plots and 1m high white peg boundary fence at the front.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

- Maidstone Borough-Wide Local Plan 2000: H27, ENV6, ENV31, ENV33, ENV34, T13
- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- MBC Management Plan for Detling Conservation Area 2010
- Nationally Described Space Standards

## **4.0 LOCAL REPRESENTATIONS**

- 4.01 Some 6 letters of representation have been received from neighbouring properties. Comments are summarised as follows:
- The three storey houses would be out of keeping with the adjoining properties.
  - Increased traffic and highways safety.
  - The proposal does not enhance or preserve the special character of the conservation area.
  - The site is garden land.
  - The ridge heights would dominate the neighbouring properties.
  - Loss of privacy, overshadowing and overlooking.
  - Parking is not acceptable at the front of the houses.

- Refuse should not be sited at the front of the houses.
- Contrary to Policy H27.
- Detrimental impact on AONB.
- Impact on neighbouring listed buildings.
- Connection to sewers.
- Noise and disturbance from construction works and use of properties.
- Proposed development is out of character with surrounding development.
- This is Phase 1 of 2 developments on this site.
- Land ownership regarding the parcel of land proposed for vehicle parking.

## 5.0 CONSULTATIONS

5.01 **KCC Highways:** Raise no objections on behalf of the highways authority.

5.02 **MBC Environmental Health:** Habitable rooms will be fitted with acoustic glazing and mechanical ventilation. Asbestos should be checked for during demolition. The scale of the development would not warrant an air quality assessment and the site is approx. 1km from the nearest Air Quality Hotspot. There is no indication of contamination at this site. No objections subject to informatives.

5.03 **MBC Conservation Officer:** Initial comments received from the conservation officer advised that the design, vernacular style and materials proposed are acceptable. The conservation officer raised concerns regarding the amount of hardstanding at the front of the properties which would be urban in character.

Amended plans were received and the conservation officer advised the inclusion of soft landscaping at the front was a substantial improvement to the proposal. No objections on heritage grounds.

5.04 **KCC Archaeological Officer: No comments to make**

5.05 **Southern Water:** Initial investigations indicate that there are no public sewers in the area to serve this development. Alternative means of draining surface water from this property are required. Southern Water requires a formal application for a connection to the public foul sewer. Requests an informative is attached.

5.06 **Detling Parish Council:** Objects to the proposal on the following (summarised) grounds:

- Proposal is contrary to the Detling Conservation Area Management Plan.
- The design is not in keeping with the properties in the immediate area.
- The height of the houses will dominate neighbouring development.
- Windows will overlook the gardens of East Court Cottages.
- Parking should be at the rear.
- Front gardens should have white picket fences.
- The wall along the front of the site enhances the conservation area and should not be demolished.
- Impact to trees.

*'We therefore reiterate our objection to this application and wish to see this refused. Should the Borough Councils opinion differ from the Parish Councils, we would then wish to have this application determined by the Planning Committee'.*

## 6.0 AMENDED PLANS



*Drawing No. 033 Rev B was received on 31 July 2015 and supersedes drawing no 003 Rev P1. The amendments include the following:*

- Relocation of refuse storage to the side of each property.
- Tandem parking at the property referred to Yeoman Cottage.
- Soft landscaping in the front gardens of both houses.
- 1m high white peg fence along section of the front boundary.

## **7.0 APPRAISAL**

### **Principle of Development**

- 7.01 The site is located within the defined village envelope of Detling where the principle of additional housing is acceptable in accordance with the Local Plan and NPPF. The site is identified as appropriate for minor residential development as set out in Policy H27 and normally, this would be restricted to proposals for one or two houses. There are no policies that seek to retain the current use of the premises and therefore the principle of the development is acceptable. I consider the key issues to be the impact upon the character and appearance of the conservation area and ANOB, the impact upon neighbour amenity, highways safety and parking congestion and impact on trees.

### **Visual Impact**

- 7.02 The application site is located within the Detling Conservation Area and Detling village envelope. The site is also located within the Strategic Gap, ANOB and Special Landscape Area although given that that the site is within the village envelope the principle of additional residential development is accepted and less weight is therefore afforded to rural policies. I consider the key consideration visually is the impact on the character and appearance of the conservation area and streetscape, and the setting of neighbouring listed buildings.
- 7.03 Although largely concealed behind the existing boundary wall fronting onto The Street, the existing stable block on the site is in a dilapidated state, does not constitute a high standard of design and does not enhance or preserve the character of the conservation area. No objections are raised to the demolition of the stable block.
- 7.04 Several neighbours have objected to the demolition of the boundary wall fronting onto The Street, stating that the wall enhances the character of the conservation area and should therefore be retained. There is no mention of the wall in the Detling Conservation Area Plan and the Council conservation officer has raised no objection to the removal of a section the wall along The Street.
- 7.05 The Detling Conservation Area Management Plan finds a number of positive elements which contribute to the special character of the Conservation Area, including:
- The dominant use of a limited palette of largely local building materials.
  - A differing pattern of development on either side of The Street.
  - A predominance of steeply-pitched roofs.
  - A largely residential character.

- 7.06 The Detling Conservation Management Plan is in accordance with the NPPF and advises also that:

*'The overriding consideration in dealing with any proposal for development will be whether or not it would either preserve or enhance the special character of the Conservation Area ... The Council will not insist on any particular architectural style for new building works, but the quality of the design and its execution will be paramount'.*

- 7.08 The Detling Conservation Area Management Plan also suggests an extension to the designated boundary to include East Court, its grounds and outbuildings. However, since the adoption of the Detling Conservation Area Management Plan the grounds of East Court have been developed and three new houses have been built and approved under planning application 10/0943.

- 7.09 The proposed palette of materials is considered acceptable for this location and would be in accordance with the Detling Conservation Area Management Plan which advises appropriate building materials would include, inter alia, red bricks, clay plain tiles for roofs or hanging tiles, painted timber windows and ragstone boundary walls and picket fences. The conservation officer advises the materials are acceptable and a condition will be attached to ensure a high standard of building materials are used to compliment the conservation area.

- 7.10 The gradient of the application site increases from the west to east and the pair of semi-detached houses would have a stepped ridge line to account for the slope of the site. The houses would be higher than the adjacent terrace row of Nos.1-3 The Street, however the additional height (approx. 1 – 1.5m) would not be a significant increase taking into account the slope in the land, and the gap between the adjacent terrace (approx. 5m) and the barn hipped roof design, would ensure the proposal does not unacceptably dominate these adjacent properties. The pitch of the roofs would also be in accordance with the Detling Conservation Area Management Plan and the scale, height and form of the proposed development would be in keeping with other residential properties within the conservation area.

- 7.11 The off-street parking at the front of the properties is regrettable, however given the constraints of the site and double yellow lines located on The Street, directly to the front of the site this is the only feasible location for parking. The forecourt parking, in my view, would not warrant refusal of the application on its own. In addition, amended plans have been received to include picket front boundary fencing and soft landscaping at the front of the houses which would soften the impact of the development and be in keeping with neighbouring developments. Further, tandem parking is proposed at one of the properties relocating one of the parking spaces to the side of the house and the refuse has been relocated to the side of each house enabling space for landscaping at the front of each house.

- 7.12 Overall the design, scale, layout and palette of material proposed is considered to be in keeping with the character of the conservation area and in accordance with Detling Conservation Area Management Plan.

### **Residential Amenity**

- 7.13 Residential properties directly to the south of the site include 1-3 The Street, with the closest property to the application site No.1 The Street. No.1 The Street benefits from a ground floor lean-to rear / side extension abutting the boundary of the application site. The proposal would project some 1.8m beyond the rear building

line of the ground floor extension at No.1 The Street and some 6m beyond the rear elevation of the main two storey element at No.1 The Street. Given the separation distance between the proposed development and two storey element of No.1, coupled by the orientation of the rear windows at ground level, location of the outdoor private amenity space and open aspect at the rear of No.1, I do not consider that the proposed development would result in an unreasonable loss of outlook or light to this neighbouring property. The proposed drawings also indicate that the development would be in accordance with the BRE guidelines.

- 7.14 The proposal would be located approx. 19m distance from The Stable located to the south east of the site and over 20m distance from the front elevation of Webb Cottage, located to the east of the site. Given these separation distances I do not consider the proposed development would result in an unacceptable loss of amenity to these properties.
- 7.15 Some overlooking would be afforded into the rear garden areas of neighbouring properties, however levels of overlooking would not be significantly worse than current levels of mutual overlooking between neighbouring residential properties in a built up area such as this. Importantly, the proposal would not result in any direct loss of privacy or overlooking into the private amenity areas or habitable rooms of any neighbouring properties due to the separation distances involved and orientation of windows.
- 7.16 The internal room sizes and private outdoor amenity proposed is considered to offer an acceptable standard of living accommodation for future occupants in accordance with the Nationally Described Space Standards.

### **Highways**

- 7.16 The proposal includes two off-street parking spaces for each property in accordance with the councils parking standards. KCC Highways have not raised any objections on parking or highways safety grounds. A condition will be attached to secure cycle parking as part of the development to promote sustainable modes of travel.

### **Landscaping and ecology**

- 7.17 The existing site currently comprises dilapidated stable block and an area land to a maintained lawn. The front of the site between the boundary wall and the road comprise a small section of grass verge. There are no trees on the site.
- 7.18 The proposal includes an element of soft landscaping at the front of the houses which is considered to enhance the character and appearance of the conservation area. A condition will be attached to ensure native species are planted at the front of the site.
- 7.19 The existing site is a managed brown field site and I do not consider that any significantly adverse impact upon biodiversity or nature conservation interests is likely to occur as a result of the development.
- 7.20 There are trees outside the site adjacent the north and northeast boundary of the application site which make a positive contribution to the conservation area. The trees are located a sufficient distance from the proposed houses and would not be significantly affected, and the proposed development would not prejudice the health of the trees. Due to the construction activity and new close boarded fencing

proposed in proximity to the trees I consider it would be appropriate to attach a condition to ensure the trees are suitably protect during any construction works.

### **Other Matters**

- 7.21 The strip of land between the boundary wall and The Street (hatched red on location plan) is unregistered land and forms part of the application site. Ownership Certificate D on the Planning Application form has been completed and the applicant has confirmed they are in the process of applying for a possessory title for this piece of land, stating that they have maintained the land for a long period. The applicant published a notice in The Kent Messenger on 12.05.2015 in relation to Certificate D notifying owners of the land about the planning application and inviting them to make representations. This notification is in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.

## **8.0 CONCLUSION**

- 8.01 The proposed development is located within the village envelope of Detling and the principle of sustainable residential development is accepted in accordance with policy H27 of the Local Plan 2000 and the aims and objectives of the NPPF.
- 8.02 It is therefore considered that the development of the site for two dwellings is acceptable and it is recommended planning permission is granted subject to conditions.

## **9.0 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) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing Nos. 15-106 003 Rev P2; dated 28.07.2015 and 15-106 001 Rev P1 and 15-106 002 Rev P1; received 11.05.2015 and 15-106 002 Rev P2; received 18.06.2015 and Design and Access Statement Revision P1; dated May 2015.

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

- (3) The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of 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;

The details and samples of the materials submitted shall include details of swift and / or bat bricks incorporated into the eaves of the proposed housing units;

Reason: To ensure a satisfactory appearance to the development and interest of ecological enhancement.

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

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

- (5) 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 on adjoining sites, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management.

The landscape scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment 2012 and shall include details of the repair and retention of existing hedgerows and tree lines within the site;

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

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

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

- (7) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, no further development shall take place on the site without the prior written consent of the Local Planning Authority;

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

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

Reason: To ensure adequate drainage arrangements.

- (9) The development shall not commence until, details of cycle storage on the site have been submitted to, and approved in writing by, the Local Planning Authority. The approved facilities shall be provided before the first occupation of the buildings hereby permitted and maintained thereafter.

Reason: In the interests of promoting sustainable travel.

- (10) No development shall take place until details of tree protection, for all retained on-site trees and trees in adjoining properties in proximity to the site boundary, in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. All trees to be retained on site must be protected by barriers and/or ground protection.

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

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

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

#### Asbestos

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during works, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

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.

## **THE MAIDSTONE BOROUGH COUNCIL** **PLANNING COMMITTEE – 10<sup>th</sup> September 2015**

### **APPEAL DECISIONS:**

**1. 14/502258**

Retrospective application for the change of use of a Class C3 dwellinghouse to a mixed use of Class C3 dwellinghouse and part use for daytime childcare (Class D1) and proposed provision of additional hard-surfacing for residential and staff parking within rear garden area.

**APPEAL:** Allowed and costs awarded to appellant

3 Joys Hill Cottage  
Goudhurst Road  
Marden  
Kent  
TN12 9NB

(Delegated Decision)

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**2. 14/503886**

Demolition of existing builders yard and erection of a terrace and 6no. two storey dwellings.

**APPEAL:** Dismissed

St Luke's Centre  
33-37 Foley Street  
Maidstone  
Kent  
ME14 5BD

(Non Determination)

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