

AGENDA

PLANNING COMMITTEE MEETING



Date: Thursday 1 October 2015

Time: 6.00 p.m.

Venue: Town Hall, High Street,
Maidstone

Membership:

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

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Election of Vice-Chairman
5. Items withdrawn from the Agenda
6. Date of Adjourned Meeting - 8 October 2015

Continued Over/:

Issued on 23 September 2015

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Alison Broom

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

7. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
8. Disclosures by Members and Officers
9. Disclosures of lobbying
10. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
11. Minutes of the meeting held on 10 September 2015 1 - 6
12. Appointment of Conservative Group Political Group Spokesperson
13. Presentation of Petitions (if any)
14. Report of the Head of Planning and Development - Deferred Items 7 - 9
15. 13/2008 - Linden Farm, Stockett Lane, East Farleigh, Maidstone, Kent 10 - 37
16. 15/501342 - Land North of Grigg Lane, Headcorn, Kent 38 - 66
17. 15/501877 - Still Acres Touring And Camping Park, Longend Lane, Marden, Kent 67 - 75
18. Report of the Head of Planning and Development - Appeal Decisions 76 - 77
19. Report of the Head of Planning and Development - S106 Contributions August 2015 78 - 90
20. 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 10 SEPTEMBER 2015

Present: Councillor English (Chairman) and
Councillors Ash, Butler, Chittenden, Clark, Cox,
Harwood, Hemsley, McKay, Munford and Mrs Stockell

Also Present: Councillors Mrs Gooch, D Mortimer and
de Wiggondene

126. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Greer, Harper, Paine, Paterson and Thick.

127. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Butler for Councillor Greer
Councillor Chittenden for Councillor Paterson
Councillor McKay for Councillor Harper

128. NOTIFICATION OF VISITING MEMBERS

Councillor Mrs Gooch indicated her wish to speak on the report of the Head of Planning and Development relating to application 14/506419.

Councillor D Mortimer indicated his wish to speak on the report of the Head of Planning and Development relating to application 15/500451.

Councillor de Wiggondene was not present at the start of the meeting, but, with the agreement of the Committee, spoke on application 15/503966 when it was discussed.

129. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

130. 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.

131. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

132. EXEMPT ITEMS

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

133. MINUTES OF THE MEETING HELD ON 20 AUGUST 2015

RESOLVED: That the Minutes of the meeting held on 20 August 2015 be approved as a correct record and signed.

134. PRESENTATION OF PETITIONS

There were no petitions.

135. DEFERRED ITEMS

1. 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. 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 Development Manager advised Members that application 07/2133 had been withdrawn by the applicant. There was nothing further to report in respect of the other deferred items except that it was hoped that application 14/503957 would be reported back to the Committee in October.

RESOLVED: That the report be noted.

136. 14/506419 - ERECTION OF 35 RESIDENTIAL DWELLINGS, TOGETHER WITH ASSOCIATED HIGHWAY WORKS, AND LANDSCAPING PROVISION - BELL FARM, NORTH STREET, BARMING, KENT

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

Mrs Burn, an objector, Councillor Manser of Barming Parish Council (against), Mr Hawkins, for the applicant, and Councillor Mrs Gooch (Visiting Member) addressed the meeting.

RESOLVED:

1. That consideration of this application be deferred until the next meeting to enable the Officers to ask the applicant if they would be willing to amend the scheme to secure the following:

The retention of the hedgerow on the North Street frontage and including the field margin, which area should include an open SUDS feature;

The relocation of the proposed footway to behind this area; to be a shared surface with no access drives created onto North Street;

The houses may move back slightly, but would be the same density, design and orientation;

The landscaping mix to include species native to Barming; and

The inclusion of renewables and bat/bird bricks in the development.

2. That the scheme is to be reported back to the next meeting of the Committee either to confirm that it will be amended to accommodate these changes or for Members to make a decision on it as it stands.

Voting: 11 – For 0 – Against 0 – Abstentions

During consideration of this application, the meeting was adjourned for five minutes to enable the Officers to finalise the reasons for deferral.

137. 15/500451 - RE-DEVELOPMENT OF AN EXISTING SINGLE DWELLING SITE INTO 5 NEW BUILD DETACHED HOUSES WITH ASSOCIATED PARKING AND LANDSCAPING - 48 LANCET LANE, MAIDSTONE, KENT

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

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

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

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

Additional Condition

Prior to any works above dpc level, details of proposed renewable energy sources shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented prior to the occupation of any dwelling.

Reason: In the interests of sustainable development.

Additional Informative

The Cuckoo Wood wildlife site should be approached regarding translocation of protected species.

Voting: 6 – For 4 – Against 1 – Abstention

138. 15/503966 - CONSTRUCTION OF A PAIR OF SEMI-DETACHED COTTAGES ON NORTHERN SECTION OF PLOT INCLUDING ROOFLIGHTS AND ASSOCIATED PARKING - THE STABLES, EAST COURT, THE STREET, DETLING, KENT

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

Mrs Kennard, an objector, Councillor Evernden of Detling Parish Council (against) and Councillor de Wiggondene (Visiting Member) addressed the meeting.

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

Prior to any works above dpc level, details of proposed renewable energy sources shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented prior to the occupation of any dwelling.

Reason: In the interests of sustainable development.

Voting: 6 – For 0 – Against 5 – Abstentions

139. 15/503323 - ERECTION OF BUILDING TO PROVIDE ANCILLARY STORAGE AND FACILITIES - FAIRBOURNE MANOR STABLES, FAIRBOURNE LANE, HARRIETSHAM, KENT

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

Councillor Dean of Harrietsham Parish Council (against) and Mr Tamsett, for the applicant, addressed the meeting.

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

Additional Condition

Prior to the first use of the building hereby permitted, a bat tube shall be installed in the eaves, the details of which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of biodiversity.

Additional Informative

The applicant is advised that suitable protective fencing, such as chestnut spile fencing, should be erected to protect the new planting.

Voting: 11 – For 0 – Against 0 – Abstentions

140. 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:

1. That the report be noted.
2. That the Officers be commended for their work in relation to the St Luke's Centre, Foley Street.

141. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements on this occasion.

142. CONDITIONS RELATING TO RENEWABLES AND BAT/SWIFT BRICKS

In response to comments by Members, the Development Manager undertook to remind the Development Management Team that conditions relating to renewables and bat/swift bricks should be attached to permissions as standard in future.

143. DURATION OF MEETING

6.00 p.m. to 9.20 p.m.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

1 OCTOBER 2015

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

DEFERRED ITEMS

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

- | | | |
|------|--|---|
| 1.2. | <u>MA/13/1979 - OUTLINE PLANNING APPLICATION FOR UP TO 55 RESIDENTIAL DWELLINGS WITH MEANS OF ACCESS. ALL OTHER MATTERS RESERVED - LAND NORTH OF HEATH ROAD, COXHEATH, MAIDSTONE, KENT</u> | <u>Date Deferred</u>

18 December
2014 |
|------|--|---|

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.

- | | | |
|------|--|---|
| 1.3. | <u>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</u> | 19 March
adjourned to 23
March 2015 |
|------|--|---|

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.

1.4 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

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.

1.5. 14/506419 - ERECTION OF 35 RESIDENTIAL DWELLINGS, TOGETHER WITH ASSOCIATED HIGHWAY WORKS, AND LANDSCAPING PROVISION - BELL FARM, NORTH STREET, BARMING, KENT

10 September
2015

Deferred until the next meeting to enable the Officers to ask the applicant if they would be willing to amend the scheme to secure the following:

The retention of the hedgerow on the North Street frontage and including the field margin, which area should include an open SUDS feature;

The relocation of the proposed footway to behind this area; to be a shared surface with no access drives created onto North Street;

The houses may move back slightly, but would be the

same density, design and orientation;

The landscaping mix to include species native to Barming; and

The inclusion of renewables and bat/bird bricks in the development.

The scheme is to be reported back to the next meeting of the Committee either to confirm that it will be amended to accommodate these changes or for Members to make a decision on it as it stands.

Agenda Item 15

THE MAIDSTONE BOROUGH COUNCIL

Linden Farm
Stockett Lane
East Farleigh
Maidstone, Kent
ME15 0QD

MBC Ref: 13/2008



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Rob Jarman
Head of Planning

[REPORT SUMMARY

REFERENCE NO - 13/2008			
APPLICATION PROPOSAL Outline planning application with all matters reserved, apart from means of access, for a mixed use development for 2.04 ha. (5.04 acres) residential development including 30% affordable housing and 0.6ha. (1.5 acres) open space/community facilities			
ADDRESS Linden Farm, Stockett Lane, East Farleigh, Maidstone, Kent, ME15 0QD			
RECOMMENDATION – SUBJECT TO S106 Agreement regarding infrastructure payments and provision of open space/community facilities PERMISSION BE GRANTED			
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development does not conform with policy ENV28 of the Maidstone Borough-Wide Local Plan 2000. However, the development is in a sustainable location and would not result in significant planning harm. In this context, and given the current shortfall in the required five year housing land supply, the low adverse impacts of the proposal are considered to be outweighed by the benefits of the scheme. As such the development is considered to be in compliance with the National Planning Policy Framework, and this represents sufficient grounds for a departure from the adopted Local Plan.			
REASON FOR REFERRAL TO COMMITTEE The proposals are contrary to the adopted MBWLP (2000) – saved policy ENV28 and the adopted Affordable Housing DPD December 2006. The recommendation is contrary to the views of the Parish Council.			
WARD Coxheath And Hunton Ward	PARISH COUNCIL Coxheath	APPLICANT Mr & Mrs I Rankin AGENT Savills	
DECISION DUE DATE 05/03/14	PUBLICITY EXPIRY DATE 05/03/14	OFFICER SITE VISIT DATE 15/10/14 & 5/6/15	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
81/0364	Conversion of barn to dwelling	Refused	1981
82/0350	Erection of 1 dwelling	Refused	1982
84/1532	Surgery and Sheltered Housing	Refused	1984
94/0478	Conversion of barn	Granted	1994
03/0032	Change of use of outbuilding to holiday cottage	Granted	2003

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The site is situated on the northern confines of Coxheath village to the north of the village hall and playing fields on the western side of Stockett Lane. The site is outside the built-up confines of Coxheath and within the Southern Anti-coalescence Belt (Policy ENV32) in the adopted Local Plan. However there is established residential development on the eastern side of Stockett Lane and Linden Farmhouse lies to the north of the site. The village centre shops and services centred around the Heath Road/Stockett Lane crossroads lies approximately 500m to the south within approx. 10 minutes walk.
- 1.2 The site extends to approx. 2.9ha. (5.04 acres) and rises gradually from Stockett Lane to the western boundary. Stockett Lane falls gently from the village hall to the northern boundary adjoining Linden Farm Barn. It comprises former orchard land which is currently used for grazing following clearance of most of the fruit trees. The land to the north and west is of a more open rural character, predominantly in agricultural use.
- 1.3 There is a mature hedge approx. 2m high along the frontage to Stockett Lane and a number of silver birch and mature orchard trees remaining within the site, in particular along the northern boundary to Linden Farm.

2.0 PROPOSAL

- 2.1 This is an outline application with all matters including appearance, layout, landscaping and scale reserved for subsequent approval. Access is not reserved and is to be determined as part of this application.
- 2.2 As originally submitted, an illustrative layout plan showed the proposed residential development on the rear part of the site between Linden Farm to the north and the village hall to the south. In its original form, the proposal was to provide up to 40 dwellings on 1.38ha of land at a density of approximately 29 dwellings/ha. Initially the scheme did not include any affordable housing but included approx. 3 acres of open space/community facilities. The illustrative layout indicated 3 tennis courts, a bowling green and allotments with car-parking for 92 vehicles on the eastern part of the site along the frontage to Stockett Lane.
- 2.3 Following concerns about the lack of affordable housing contrary to Policy AH1 the proposals have been amended to a mixed development comprising 2.04 ha. (5.04 acres) of residential development including 30% affordable housing and 0.6ha. (1.5 acres) of open space & community facilities with a frontage to Stockett Lane of approx. 190m. The development will be served by a new vehicle access road from Stockett Lane situated approx.. 40m north of the existing access to Linden Farm.
- 2.4 In order to achieve 30% affordable housing it has been necessary to reduce the amount of open space. The precise number of dwellings is dependent on the proportion of affordable units and the level of open space provided. For comparative purposes supporting information has been provided indicating a range of scenarios based on various levels of affordable housing and open space provision (see attached table, Appendix 1). For example, 0% affordable housing would provide 40 open market units and 3 acres of land for community facilities whereas 20%

affordable would provide 13 affordable units, 52 open market units and 2 acres of open space.

- 2.5 The preferred scenario provides the optimum balance between the number of open market units, affordable units and provision of community facilities and is shown in the right hand column of Appendix 1. This option is based on a total of 74 dwellings comprising 22 affordable units (30%) and 52 open market units with 1.5 acres of open space. A higher proportion of 40% affordable units would be desirable but this would affect the overall viability of the scheme and the possible sacrifice of the open space.
- 2.6 This has implications for the level of S106 contributions which, based on 30% affordable housing, is reduced to £3810 per unit.. The level of infrastructure contributions has been reviewed in the light of the changes to the CIL Regulations which took effect in April 2015, and further details are set out below.

3.0 POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Development Plan - Maidstone Borough-wide Local Plan (2000) – outside the built up extent of Coxheath. Within Southern Anti-coalescence Belt

The relevant policies in the adopted Local Plan are:-

ENV28 – resists development which harms the character and appearance of the area

ENV32 – resists development which extends the defined urban area to avoid coalescence between the southern villages and the Maidstone Urban Area.

T13 – Seeks to ensure appropriate parking provision.

CF1 – Seeks to ensure appropriate community facilities are provided

Affordable Housing DPD 2006: Policy AH1 states that on mixed use development sites of 15 acres or more the Council will seek a minimum of 40% affordable housing unless there are exceptional circumstances which demonstrate that a lesser proportion can be provided.

The Draft Maidstone Local Plan identifies the site as a housing allocation with a net capacity for up to 85 dwellings (Appendix A, H1(43)).

Policy DM24 (Affordable Housing) in the emerging Local Plan, as amended, sets a target rate of 40% affordable housing provision in the countryside, rural service centres and the larger villages and 30% in urban areas.

The Coxheath Neighbourhood Plan (was submitted as consultation draft in 2013 and remains at pre-Regulation 14 stage. Policy H4 in the Draft Plan identifies the site for proposed mixed development comprising 3 acres of land for housing comprising 40 dwellings for market housing and 3 acres gifted for recreation/public open space.

4.0 LOCAL REPRESENTATIONS

22 letters have been received raising objections on the following (summarised) grounds:

- Too much additional traffic on an already busy road where traffic speeds entering the village are high.

- Further (unacceptable) levels of traffic likely to use Workhouse Lane which is entirely unsuitable
- No need for additional housing in the village
- Adverse impact on the rural environment and character of the area
- More anti-social behaviour than that already associated with the village hall.
- Adverse impact on parking in the area
- Loss of privacy to adjoining properties
- Local services already at or above capacity
- Loss of existing trees and landscaping and impact on the ecology of the area

5.0 CONSULTATIONS

5.1 Coxheath Parish Council:

1. Initial comments dated 11/4/14:

“Coxheath Parish Council has been in discussion with the landowners throughout the process leading up to the submission of this outline application. We have agreed in principle that this project meets the criteria that we have identified in the draft Coxheath Neighbourhood Plan, which has been the subject of public consultation between 8th November and 20th December 2013. The Parish Council is happy, therefore, to recommend provisional approval of the outline application, subject to the following comments and observations and on the clear understanding that we shall have the opportunity to assess the application in much greater depth, once full details are submitted.

Our comments and observations at this stage are:-

- The outline site plan is purely illustrative and does not necessarily resemble accurately the use to which the ‘Community land’ will be put;
- Although we note that, according to the Ecological Scoping Survey Report, there are no protected species on the land to be developed, we also note that there is the potential for such species in the future. The Parish Council has already undertaken ecological studies of adjacent land that we may wish to make into some form of nature conservation area and easy access nature trail. We would require, therefore, that the applicants’ proposed development would be sympathetic to, and supportive of, this proposal;
- Although we note the suggested access arrangements both to the proposed new dwellings and to the existing farmhouse, we are not sure that the speed survey figures are accurate, since we believe they were taken some distance from the revised access points. We suggest that this would have had the effect of understating the speeds recorded. Local knowledge persuades us to believe that traffic speeds are higher, the closer vehicles are travelling to the parish boundary;
- There may be the need, therefore, to consider the introduction of measures to slow traffic down at the Stockett Lane entry to the village;
- Even at this stage, we believe that local parking issues need to be clarified and agreed between the parties before the application progresses to the next level;
- The Parish Council needs to ensure that the overriding community benefit from accepting this development is the future expansion and protection of green open space to more acceptable standards;
- The Parish Council is very pleased to see the draft outline of a Section 106 agreement. However, we have a number of concerns, including the need to ensure that benefits accrue to the immediate community of Coxheath rather than the wider

community of Maidstone Borough and to ensure that contributions can be paid to the variety of community recreation facilities that need to be located on this land.”

2. Further Parish Council comments dated 5/3/15:

“As you will undoubtedly be aware, the forty dwellings envisaged in this application, are supported in the Coxheath Neighbourhood Plan, which has been the subject of full consultation and significant support in our community. The Parish Council has been in direct contact and negotiation with the landowners and their advisers for several years, as a result of which we have agreed a package, which delivers significant benefits to the community of Coxheath.

We see no benefit in including affordable housing on this site, for the following reasons:-

- If an affordable housing allocation precludes Section 106 funding being made available for contributions towards local education, healthcare and transport needs, the Parish Council would find this totally unacceptable. Projects are in hand to increase the Coxheath Primary School capacity to a two form entry intake and negotiations are underway to add to or increase the capacity of the healthcare facilities in the village. Funding from developments such as this is vital to support and sustain these local infrastructure improvements.
- The village has already accepted 38 affordable housing units at the Avante site close to the village centre.
- A further 46 affordable dwellings are likely to come forward from the recent approval of an outline planning application at Clockhouse Farm.
- The requirements for local needs affordable housing, based on a survey undertaken in 2012, with the assistance and knowledge of Action with Communities and Rural Kent and the Maidstone Borough Council housing department, identified a potential need of 25 to 30.
- There is already a significant number of established affordable houses in Coxheath in any event.

The overriding concern of Coxheath Parish Council is to ensure that, if the existing community has to accept more development, this cannot be achieved without substantial investment in the local infrastructure. For these reasons, we contend that it is wholly inappropriate to consider affordable housing units on this site, when the priority is to provide essential local infrastructure.”

3. Parish Council comments on amended proposals dated 30/7/15:

“I refer to our recent exchange of correspondence resting with your e-mail dated 21st July 2015, concerning the above application and in particular the revised site diagram based on the supposition that there will be an enhanced level of housing due to the inclusion of affordable housing units. You will not be surprised to learn that Coxheath Parish Council is appalled at this prospect and cannot support it.

As we have already indicated to you in our letter of 5th March 2015, the original forty dwellings envisaged in this application, are supported in the Coxheath Neighbourhood Plan, which has been the subject of full consultation and overwhelming support in our community. The Parish Council has been in direct contact and negotiation with the landowners and their advisers for several years, as a result of which we have agreed a package, which delivers significant benefits to the community of Coxheath. The proposed halving of the open space in order to provide more affordable housing completely undermines these negotiations and begs the

question whether Maidstone Borough Council wishes to adhere to the spirit of localism, as determined by the Localism Act 2011 or the right of communities to produce and deliver Neighbourhood Plans.

The proposal to substantially reduce the amount of amenity/recreation land made available to the community from the site will completely undermine the community's plans to provide much needed community recreation facilities on this site. The Parish Council had negotiated with the landowners that three acres of land for community facilities should be provided. The proposals under scrutiny now suggest that this could be halved to 1.5 acres. Again, this is not acceptable to Coxheath Parish Council. By any yardstick, the amount of open space/recreation land in Coxheath is well below the levels required under the existing policies of Maidstone Borough Council. This has been recognised in recent planning approvals at Clockhouse Farm and Heathfield, where Section 106 funds have been specifically 'earmarked' for redressing this balance on the Linden Farm site.

The current shortfall of open space in Coxheath is currently about 36.5 acres, but the Heathfield and Clockhouse Farm permissions, by providing offsite public open space contributions rather than full onsite provision, have increased the shortfall by a further 4.5 acres or over 12%. So we have the ridiculous situation where Maidstone Borough Council on the one hand are encouraging other developers to make contributions to providing open space/community recreation facilities on this site, and on the other hand they are undermining the provision of those facilities by proposing to significantly reduce the size of the site. It is illogical, unsustainable and does not make sense!

This proposal also conflicts with the current draft Local Plan allocation which was agreed by Cabinet on 4th February 2015 to go forward to Regulation 16 consultation on the basis of 40 dwellings as proposed in the Neighbourhood Plan. Representatives of Coxheath Parish Council were also given assurances at a meeting with the Heads of Planning and Development Management on 7th April 2015 that the policy on affordable housing would not undermine the provision of public open space from this site. This consultation, therefore, constitutes a complete 'U' turn.

We see no benefit for Coxheath in including affordable housing on this site, for the following reasons:-

- ☐ The inclusion of affordable housing reduces significantly Section 106 funding being made available towards local recreation, education, healthcare and transport needs. The Parish Council would find this totally unacceptable. Funding from developments such as this is vital to support and sustain these local infrastructure improvements.
- ☐ The village has already accepted 38 affordable housing units at the Avante site close to the village centre and a further 46 affordable dwellings are likely to come forward from the recent approval of an outline planning application at Clockhouse Farm, as well as 44 from the recent planning approval for Heathfield (north of Heath Road).
- ☐ The requirements for local needs affordable housing, based on a survey undertaken in 2012, with the assistance and knowledge of Action with Communities and Rural Kent and the Maidstone Borough Council housing department, identified a potential need of 25 to 30.
- ☐ In any event, there are already a significant number of established affordable houses in Coxheath.

It seems to the Parish Council that the Borough Council is obsessed with the principle of imposing unwarranted levels of affordable housing irrespective of the consequences and applies a rigid formula to all prospective sites at the expense of other equally important (and we would argue locally more important) community benefits. Surely, it would be more sensible to judge the cumulative effects of this policy on a relatively small community such as Coxheath.

As we have said before, the overriding concern of Coxheath Parish Council is to ensure that, if the existing community has to accept more development, this cannot be achieved without substantial investment in community infrastructure. What we have at the moment from Maidstone Borough Council are plans which are obsessed with housing numbers for communities like Coxheath, but which give little or no consideration to sustainable development. For these reasons, we contend that it is wholly inappropriate to consider affordable housing units on this site, when the priority is to provide essential local community infrastructure.

It is our understanding that the landowner and developer are content to proceed on the basis negotiated with the Parish Council. For these reasons, we strongly object to this amended application and urge members to refuse it".

5.2 **KCC Highways**

"I am grateful for the speed count that has been undertaken and confirm in view of the alignment of Stockett Lane here and the results of the survey, that I consider a satisfactory access can be achieved.

I confirm on behalf of the Highway Authority that I have no objection to the proposals as developed at this stage. The allotments and bowling greens proposed would no doubt have an irrigation need and there may be opportunity within the topography to advantageously develop a sustainable drainage solution with this development."

Comments dated 15/1/14:

"Thank you for your e-mail and for forwarding the comments of Coxheath Parish Council. I note the comment that vehicles slow considerably due to parked cars on Stockett Lane. It follows that care needs to be given regarding 'over management' or provision to counter on street parking as this could increase through traffic speeds.

The Association of Chief Police Officers (ACPO) guidance for speed limit enforcement recommends intervention at tolerances of 10% + 2mph to avoid protracted disputes over actual speed, accuracy of equipment etc. In other words the Police would normally look to issue speeding tickets in a 30mph limit to those exceeding 35mph. The Department for Transport Circular 01/2013, Setting Local Speed Limits now recommends that mean (50th percentile) speeds are used rather than 85th percentile speeds to determine local speed limits (paragraph 35 of this document). On this basis it would appear from the count that has been undertaken that the speed limit is appropriate to the traffic speeds recorded.

I can confirm that there have been no injury crashes on this section of Stockett Lane (between Workhouse Lane and Orchard Close) in at least the last eight years. Having said that it may be appropriate to condition that an additional speed survey is undertaken to the satisfaction of the Planning Authority, should this outline application be approved. Additionally it may be appropriate to propose enhanced terminal speed limit signing south of Forstal Lane, although the evidence to make this

a requirement I think is not compelling. There are no repeater signs on Stockett Lane by virtue of the street lights and this prevents us from adding them.

With regards to the primary access a 'bottled' 6m width narrowing to 5.5m would allow easier combined entry and exit. It was my understanding that there could be a subsequent phase or parcel following this development. A straight 5.5m width would however I believe be acceptable and this would have a traffic calming or intervention effect on traffic flows when larger vehicles need to enter the site. The applicant would ultimately need to enter into a Section 278 agreement with the Highway Authority to implement this access. Fundamentally from the alignment of Stockett Lane and the land within the ownership/control of the applicant, I am confident that a satisfactory access can be achieved."

Further highway comments dated 17/12/14:

"Further to my previous comments made in respect of this planning application I write to confirm that KCC is concerned about the cumulative impact of both committed and potential development in and around Coxheath and Boughton Monchelsea on the traffic signals at the A229 Linton Crossroads. The junction will come under increasing pressure in the future, the traffic flows will exceed the junction's capacity, leading to considerable congestion problems.

The extent of such problems will not become fully apparent until MBC has completed the review of the responses to its recent call for additional housing sites, which may well result in additional land allocations in the area.

It is considered that current applications and all other developments that would be seeking permission in and around Coxheath and Boughton Monchelsea should make a fair and reasonable contribution to an improvement scheme. We do not yet have an estimate of the likely cost of the improvement, so we would base our figure on the current level of requests for S106 contributions from sites on the southern edge of Maidstone. In particular, we have negotiated a sum of £3,000 per dwelling from three sites on the A274 Sutton Road, and are seeking a similar sum from a housing site on Boughton Lane (whose main access is onto the A229). These are in respect of major improvements being considered to Sutton Road and the A229/A274 junction costing several million pounds. The cost of works at Linton Crossroads is likely to be much smaller, although it may well require land outside the current highway boundary. A sum of £1,000 per dwelling would appear to be a reasonable request."

5.3 Infrastructure contributions :

The infrastructure contributions initially requested by KCC have been reviewed in accordance with the changes to the CIL Regulations, April 2015 as follows, (KCC comments dated 9/7/15):

"As there is a lack of certainty over the final number of units, we have expressed the County contributions on a per unit basis so that any obligation directly reflects the final number and mix of units built upon the site. You will note the Primary Education contribution has reduced substantially to reflect the new project of expanding Coxheath Primary School.

Having had regard to the 5 Obligation restriction towards a 'project' or 'type of infrastructure', KCC have re-evaluated the previous request which would have been based upon pooling a large number of developments to deliver an infrastructure project which as you appreciate from the Regulations post April 2015 can only be

achieved through CIL. Without CIL in place, we are unable to continue with some earlier requests currently.

We are continuing, with Service providers, to re-evaluate and identify projects that can be delivered with 5 planning obligations.

The Government introduced CIL to replace pooling of contributions - as confirmed by the attached recent correspondence with Steve Quartermain's Office – Chief Planning Officer. There will be circumstances where 5 obligations will not generate sufficient monies to provide services.

Following meetings with KCC service providers, the KCC requirements for this development are now:

- **Primary Education** @ £2360.96 per applicable house & £590.24 per applicable flat ('Applicable' excludes 1 bed units of less than 56sqm GIA and sheltered accommodation) towards the Coxheath Primary School enhancement
- **Secondary education** @ £2359.80 per applicable house & £589.95 per applicable flat towards Phase 2 of the expansion of Cornwallis school
- **Library bookstock** at £21.31 per dwelling - project: bookstock for the new residents of this development supplied to Coxheath Library
- **Community Learning** at £30.70 per dwelling – project new IT equipment to St Faiths Adult Education Centre in Maidstone
- **Youth equipment** at £8.44 per dwelling - required for the new attendees from this development supplied to Youth Workers of the Maidstone Street-Based outreach attending at Coxheath Village Hall
- **Social Care** at £15.95 per dwelling – project central Maidstone Changing Places Facility; Social care also request delivery of 3 Wheelchair Accessible Homes within the affordable housing on site.

As set out in the original request letter, KCC would request provision of Superfast Fibre Optic Broadband be secured by condition:

The County Council confirm there are no more than 4 other obligations towards any of these projects.”

5.4 Kent Police

No objections subject to appropriate conditions relating to crime prevention:

- “The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention Through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason; In the interest of security and crime prevention and to accord with Policies of Maidstone Borough Council Draft Core Strategy Plan. “

- “The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention Through Environmental Design (CPTED) have been submitted to and approved in writing by

the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason; In the interest of security and crime prevention and to accord with Policies of Maidstone Borough Council Draft Core Strategy Plan.”

5.5 **KCC Ecology**

No objections subject to enhancement measures such as:

- Planting of appropriate native, local provenance species;
- Management of hedgerows and trees for the benefit of wildlife;
- Creation of ponds populated with native, local provenance plants;
- Creation of hibernacula and log piles;
- Bird and bat boxes at suitable locations on the site;
- Bat bricks and swift bricks incorporated in new buildings.

The enhancements could be secured through a condition requiring an ecological design strategy:

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

a) Purpose and conservation objectives for the proposed works.

b) Review of site potential and constraints.

c) Detailed design(s) and/or working method(s) to achieve stated objectives.

d) Extent and location/area of proposed works on appropriate scale maps and plans.

e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.

f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.

g) Persons responsible for implementing the works.

h) Details of initial aftercare and long term maintenance.

i) Details for monitoring and remedial measures.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Suggested informative regarding nesting birds:

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.”

5.6 **NHS Property Services**

Revised requirements dated 4/8/15:

“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:

- Stockett Lane surgery
- Orchard surgery at Coxheath

All of the above surgeries are within a half a mile radius of the development at Linden Farm, Stockett Lane. This contribution will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity.

NHS Property Services Ltd therefore seeks a healthcare contribution of £43,804, plus support for our legal costs in connection with securing this contribution. This figure has been calculated as the cost per person needed to enhance healthcare needs within the NHS services.

Orchard and Stockett Lane Surgeries are currently in talks with regards to a new purpose built surgery premises and if this contribution is secured, it would be used towards the cost of this new development.

I can confirm that our request complies with CIL regulations as we do not have more than 5 pooled contributions for this scheme.

I understand from your email that the amount of housing units is not yet confirmed, NHS Property Services will revise its request once the dwelling sizes and amount are decided.”

5.7 **Sport England:** Do not wish to comment

5.8 **UK Power Networks:** No objections

5.9 **Environment Agency:**

The flood risk assessment submitted following an original objection by the Environment Agency has been considered and no objections are raised to the development subject to conditions requiring the submission of a sustainable surface water drainage strategy and additional conditions and informatives relating to the potential contamination and the need to protect groundwater as the site is located on a principal aquifer.

5.10 **Lead Local Flooding Agency** – comments awaited.

5.11 **Southern Water:**

Enclose plan showing a foul sewer that runs along the southern boundary of the site adjacent to the village hall land. They advise a number of conditions relating to where development can and cannot take place to safeguard the sewer. They also advise that there is inadequate capacity in the area for foul drainage and that there are no

public surface water sewers in the vicinity. They recommend that details of both foul and surface water drainage are secured by condition.

- 5.12 **Environmental Health:** No objections subject to conditions relating to contaminated land and air quality.

5.13 **MBC Housing**

“There has recently been another outline application for 55 units at adjoining land in Coxheath (Application ref: 13/1979). This application also has no provision for affordable housing, ‘on the basis that significant community benefit would be achieved from the transfer of land into public ownership for recreation / amenity purposes.’

Therefore there appears to be 2 separate planning applications, totalling 95 units without any provision for affordable housing. On both these applications it is being suggested that Coxheath Parish Council are supporting no affordable housing in return for recreational / leisure facilities.

However, we were of the understanding that the Parish Council were keen to see more affordable housing in the area?

A local housing needs survey, undertaken in conjunction with Coxheath Parish Council in April 2012, highlighted 32 households who are in need or will be in need of affordable housing within the next 5 years (from the report date.)

Furthermore, the Council housing register currently indicates that there are 26 households who have a local connection to Coxheath with 189 households wanting to move to the area. However, it is important to point out that these figures are only indicative as information on applicants on the housing register is only verified when they are being considered for a property.

Therefore, if the applicants are to make a case for social housing to be excluded from this site as is stated in the planning document, we would need it to be considered against the submission of a viability appraisal which demonstrates that it is only financially viable to deliver these services and facilities with no affordable housing on the site.”

- 5.14 Further comments on amended proposals dated 5/6/15:

“As the location of the site is in a ‘larger village’ as classified in the emerging local plan, both current adopted policy and emerging policy states that 40% affordable housing should be provided.

It would appear from the email trail below that the applicants have yet to submit a viability report with 40% affordable housing being provided that proves that this level of affordable housing would make the scheme unviable. Indeed, in Katherine Munro’s email of 14 May 2015 she has written, ‘In addition the 40% scheme would be as per the draft Local Plan allocation.’ – which is exactly the reason why we believe such a viability report should be submitted.

As has been highlighted below, affordable housing remains the top priority for new residential developments and, as such, Housing could not support a reduction to 30% without evidence that the scheme would be unviable at the 40% level as is policy.”

5.15 **MBC Open Space (Parks and Leisure):**

“Having looked at a minimum expected provision of onsite open space for a development of this size, we would expect at least 0.42ha. You indicated that even with the proposed reduction this would still leave 1.5 acres (0.6ha) and so we would feel that the minimum requirement is being reached.

How this onsite open space is presented obviously remains to be seen, but as we have previously commented on this application, Coxheath is underprovided for in terms of outdoor sports facilities and so it would be more preferential that this shortfall is addressed as per the previous plans”

6.0 **BACKGROUND PAPERS AND PLANS**

The submitted documents and plans include:

- Planning Statement/Design & Access Report
- Transport Statement.
- Ecological Scoping Survey Report
- Flood Risk Assessment,
- Draft S106 Agreement

An amended Zoning Plan was submitted on 8/6/15 (ZP001) showing the approximate extent of the residential development, community facilities and proposed means of access. Details of siting, layout, scale, appearance and landscaping are reserved matters.

7.0 **APPRAISAL**

Principle of Development

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

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

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

- 7.2 In this case, apart from the open space element, none of the exceptions against the general policy of restraint apply, and therefore the proposal represents a departure

from the Development Plan. It then falls to be considered firstly whether there are any material considerations which indicate that a decision not in accordance with the Development Plan is justified in the circumstances of this case, and (if so) secondly whether a grant of planning permission would result in unacceptable harm, such that notwithstanding any material justification for a decision contrary to the Development Plan, the proposal is unacceptable.

- 7.3 The application site is located in the countryside outside the currently defined extent of Coxheath village in the MBWLP 2000. It is located immediately adjacent to the built-up confines of the village to the north of the Village Hall and to the west of the existing development along the eastern side of Stockett Lane. It is also within the Southern Anti-coalescence Belt and Policy ENV32 resists development which would harm the character and appearance of the area between the southern villages and the Maidstone urban area. However, the northern boundary of the site would follow the alignment of Forstal Lane to the east of Stockett Lane and it is considered that this would round off the existing pattern of development and fit in with the overall shape of the settlement without involving a major incursion into the open countryside to the north of Coxheath. A substantial area of open countryside would remain between Coxheath and the southern built-up confines of Maidstone to the north.
- 7.4 The Draft Maidstone Borough Local Plan 2014 identified the site as a housing allocation on the northern confines of the village. In the Regulation 18 Consultation Draft Maidstone Borough Local Plan where the site is identified as a housing allocation (Appendix A - Policy H1(43) with a net capacity of approx. 85 units at 30dpha. The Draft Local Plan was considered by Cabinet in January 2015 when the proposed net capacity at Linden Farm was reviewed and reduced to 40 units to reflect the scale of the current application in its original form. The number of units in the amended scheme has increased to approx. 74 units which falls within the original estimated net capacity.
- 7.5 Although contrary to the adopted Local Plan the proposal accords with the broad aims of the emerging Draft Local Plan. However, the proposed development is contrary to Policy H4 of the Draft Coxheath Neighbourhood Plan (January 2014) which identifies Linden Farm as a potentially sustainable development option for approx. 3 acres (40 dwellings) for market housing and 3 acres gifted for community recreation/ public open space. The current proposals do not therefore comply with the specific allocation in Policy H4 of the draft NP. Whilst work on the NP is progressing it is at Regulation 14 stage and there are still a number of key stages ahead including, publication, independent examination and referendum. Although the NP is a material consideration, at its current stage, any conflict is not considered grounds to refuse planning permission.
- 7.6 Neither the Draft Local Plan nor the Draft Neighbourhood Plan have been adopted at this stage and the emerging draft plans are not of sufficient weight to support the current proposal which is contrary to the adopted Development Plan. The main justification for the current proposals is its contribution to meeting the shortfall in providing a 5 year housing land supply in accordance with the advice in the NPPF. Para. 47 of the NPPF advises LPAs to:

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

prospect of achieving the planned supply and to ensure choice and competition in the market for land;

- identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;

Para. 49 states: *"Housing applications should be considered in the context of the presumption in favour of sustainable development. 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."*

- 7.7 The key material consideration outside of the Development Plan in the determination of applications for residential development in the open countryside is national planning policy as set out in the National Planning Policy Framework 2012 (NPPF) and the Council's position in respect of a five year housing land supply.
- 7.8 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.
- 7.9 This lack of a 5 year supply is a significant factor and at paragraph 49 of the NPPF it is stated that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a 5 year supply cannot be demonstrated. The presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.
- 7.10 Significant weight has been given to the lack of a 5 year supply of housing land and to the provision of open space as part of the scheme. Open space is identified as a high priority in the Delivery Framework and the provision of a substantial area of open space as a part of this scheme is a significant determining factor. The principle of development is therefore supported as a departure from the development plan, including provision of only 30% affordable housing rather than 40% to fully comply with Policy AH1.
- 7.11 The site is considered to be in a sustainable location and is well related to the existing facilities in the village including the primary school, shops and other local services. The village is served by bus route 89 which on some journeys utilises Park Way/Westway and Stockett Lane before re-entering the B2163 Heath Road in the village centre. There is a bus stop at the end of Westway close to its junction with Stockett Lane approximately 150m south of the site.

- 7.12 Given the sustainable location of the application site the principle of additional residential development is accepted in accordance with the Local Plan and NPPF. In the circumstances of this case, the key planning issues are considered to be the provision of affordable housing, visual impact (including whether the site can suitably accommodate the development), residential amenity, access/highway safety and ecology.

Affordable Housing

- 7.13 One of the key planning issues in the current application concerns the level of affordable housing to be provided within the scheme. Initially the application made no provision for affordable housing on the basis that it was not financially viable in addition to the provision of 3 acres of open space. The applicants subsequently agreed to provide a small element of affordable units equating to 10% of the overall development. However this fell well short of the level of 40% required by Policy AH1 in the adopted Affordable Housing DPD. The Council's Housing Manager raised objections to the lack of affordable housing as part of the original proposals. Given this position and the applicant's submissions relating to the application, a viability assessment was requested.
- 7.14 A viability assessment has been carried out by the District Valuer (DV) who considered a policy compliant scheme (85 units with 40% affordable housing) against the submitted scheme. The report concluded that the original proposal which included 3 acres of land for open space/community facilities, could not support the provision of any affordable housing. Policy AH1 of the adopted DPD allows for exceptions to be made to this policy requirement for the provision of 40% affordable housing where this is demonstrated as not being viable.
- 7.15 The provision of 40% affordable housing would have ensured full compliance with policy AH1, but at the expense of the open space/community facilities. This was confirmed by the viability assessment and the conclusion of the DV's report. The revised proposals will provide 30% affordable units with a reduced open space provision but still fall short of the policy requirement of 40% in Policy AH1. The Parish Council's objections to the inclusion of affordable housing is noted but this does not take account of the Affordable Housing DPD which was adopted in 2006 and is a material consideration on housing sites of more than 15 units.

Visual Amenity

- 7.16 The site would extend the built-up development on the western side of Stockett Lane northwards beyond the village hall into an area identified as being within the Anti-coalescence Belt. In the area between the village hall and Workhouse Lane on the west side of Stockett Lane the area is generally open in character with isolated agricultural buildings. The east side of Stockett Lane is mainly built-up in appearance with established development extending north to Forstal Lane.
- 7.17 Development of the application site on the scale proposed will extend the built-up area northwards which will have some impact on the openness and rural character of the area and it is acknowledged that some localised harm to the appearance of the surrounding area will occur. However, the visual impact will be mitigated by the existing vegetation along the frontage to Stockett Lane, along the southern boundary to the village hall and by the existing residential development on the eastern side of Stockett Lane directly opposite the application site, extending northwards to Forstal Lane.

- 7.18 The proposed development will also be visible from Linden Road and the playing field to the west of the village hall. The existing hedgerow along the southern boundary will be retained and enhanced to provide a buffer between the proposed development and the village hall. The line of trees along the western boundary will be retained to provide a suitable buffer between the new development and the playing fields. It would not however, be readily visible from the existing PROW (KM44) further to the west or from Pleasant Valley Lane, itself a PROW.
- 7.19 Although the Draft Local Plan may be given only limited weight at this stage, in allocating the site for development it was considered that the development of the land would not significantly erode the separation between Coxheath and the southern extent of the urban area of Maidstone. There will remain a substantial gap to the north of the site towards Linden Farm and beyond. Furthermore, the proposed development would not extend as far north as the existing development along the east side of Stockett Lane. On balance, it is considered that the visual impact of the proposed development would be restricted to short distance views mainly from Stockett Lane and is considered to be acceptable.

Siting and Layout

- 7.20 This is an outline application with all matters except access reserved for subsequent approval. Although no details of siting or layout have been submitted at this stage the overall density of up to 74 units is considered to be compatible with the character of the surrounding area and reflects the semi-rural location on the edge of the village. The siting of the main land uses is considered to be acceptable with the open space on the frontage to Stockett Lane and the majority of the proposed residential area to the west with a smaller area of housing in the north part of the site fronting Stockett Lane. The overall character of the development is therefore considered to be acceptable.

Residential Amenity

- 7.21 The nearest dwellings to the site are located on the east side of Stockett Lane which face the application site across Stockett Lane at a distance in excess of 20m from the existing hedgerow. The semi-detached dwellings opposite the site have relatively large front gardens whilst a small row of terraced dwellings (70-76 Stockett Lane) is located directly on the back edge of the pavement.
- 7.22 It is considered that the existing dwellings would be unlikely to suffer a significant loss of privacy or overlooking as a result of the proposed residential development, given that the residential development would be located toward the western part of the site approx. 50m back from Stockett Lane, with the proposed open space as a buffer. The detailed layout and design at the reserved matters stage would ensure that their amenities can be safeguarded.
- 7.23 The original illustrative layout indicated a range of community facilities including a bowling green, allotments, tennis courts and a large parking area in the eastern part of the site adjoining Stockett Lane. The potential impact on the residential amenities of the existing occupiers of the dwellings to the east of Stockett Lane will be an important consideration in terms of the likely increase in the level of activity, hours of use, external lighting, etc. However these are reserved matters which will be determined at a later stage. The village hall site to the south is a widely used community facility and includes playing fields for outdoor recreational use. Although no details of

boundary screening have been provided at this stage, the retention of the existing hedge supplemented by additional planting will be necessary to screen the development and minimise any potential loss of amenity.

Highways

- 7.24 Kent Highways have considered the revised site access plan which has narrowed the width of the proposed access road and also the proposed traffic implications arising from the development. They have advised that they have no objections to the development in terms of its impact on the local road network or in terms of the proposed site access. Appropriate conditions can govern parking provision and construction of the access road.
- 7.25 The Highway Authority is concerned about the cumulative impact of potential development in Coxheath and Boughton Monchelsea. With regard to the proposed improvements to Linton Crossroads, KCC Highways has recommended that a contribution of £1000 per dwelling could be requested to enable the junction to be upgraded to cope with future demand in conjunction with other sites in Coxheath. The Council has engaged highway consultants to advise on this matter who recommended that a higher contribution of £1500 should be requested. However this site was subsequently excluded from this requirement in the light of the viability assessment and therefore a highway contribution is not required.

Landscaping and ecology

- 7.26 The site is considered to be of limited ecological interest and the development would not have an unacceptable impact on ecology and biodiversity within the site.
- 7.27 The grassland that currently covers much of the site is currently unsuitable for reptiles. If the existing management/mowing of the site ceases or is relaxed, the habitat would be more suitable for reptiles and may result in the need for specific protected species of the site and the development of a mitigation strategy to minimise the potential impacts. Depending on the timescale in which the reserved matters are submitted, an update on the status of the site and its suitability for reptiles may be required to ensure that works take place without causing harm to protected species.
- 7.28 The proposed development will clearly result in a loss of green space. As this is currently of limited ecological value, the inclusion of ecological enhancement measures within the proposals could provide net gains for biodiversity. The detailed reserved matters and landscaping could include enhancement measures such as:
- Planting of appropriate native, local provenance species;
 - Management of hedgerows and trees for the benefit of wildlife;
 - Creation of ponds populated with native, local provenance plants;
 - Creation of hibernacula and log piles;
 - Bird and bat boxes at suitable locations on the site;
 - Bat bricks and swift bricks incorporated in new buildings
- 7.29 Landscaping is a reserved matter and can be secured by appropriate conditions to ensure an appropriate setting for the site. The existing hedge along Stockett Lane should be retained wherever possible and additional planting should also be introduced along the southern site boundary with the village hall and playing fields.

Other Material Considerations

- 7.30 The comments of the Environmental Health Section relating to possible contamination and the need for further investigation is noted and an appropriate condition can be imposed.
- 7.31 The flood risk assessment submitted following an original objection by the Environment Agency has been considered and they now raise no objections to the development subject to conditions requiring the submission of a sustainable surface water drainage strategy and conditions and informatives relating to the potential contamination and the need to protect groundwater as the site is located on a principal aquifer. With regard to foul and surface water drainage an appropriate condition is recommended requiring submission and implementation of a detailed scheme to secure any necessary off-site improvements.

8.0 S106 Contributions

- 8.1 The proposed development will place extra demand on local services and facilities and it is important to ensure that the development can be assimilated within the local community. As such suitable contributions to make the development acceptable in planning terms can be sought in line with policy CF1 of the Local Plan and the Council's Open Space DPD.
- 8.2 Where there are competing demands for developers' contributions towards the delivery of infrastructure for new residential development proposals, the Council will prioritise these demands in accordance with the Delivery Framework in the Draft Local Plan, as follows:

1. affordable housing,
2. transport,
3. open space,
4. public realm,
5. health
6. education,
7. social services,
8. utilities,
9. libraries and
- 10 emergency services.

The current proposal will deliver at least 4 of the above priorities.

- 8.3 Any request for contributions should be scrutinised, in accordance with Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criteria that sets out that any obligation must meet the following requirements:
- (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
- 8.4 The highest priority in the Delivery Framework is affordable housing and the current proposal will deliver 22 units (30%). Although this is below the 40% identified in adopted Policy AH1 a reduced level of affordable housing is considered to be justified in this case having regard to the DV viability report and the proposed open space provision.

8.5 The infrastructure contributions have been reviewed in the context of the amended CIL Regulations which took effect in April 2015, as follows:

- **Primary Education** @ £2360.96 per applicable house & £590.24 per applicable flat ('Applicable ' excludes 1 bed units of less than 56sqm GIA and sheltered accommodation) towards the Coxheath Primary School enhancement
- **Secondary education** @ £2359.80 per applicable house & £589.95 per applicable flat towards Phase 2 of the expansion of Cornwallis school
- **Library bookstock** at £21.31 per dwelling - project: bookstock for the new residents of this development supplied to Coxheath Library
- **Community Learning** at £30.70 per dwelling – project new IT equipment to St Faiths Adult Education Centre in Maidstone
- **Youth equipment** at £8.44 per dwelling - required for the new attendees from this development supplied to Youth Workers of the Maidstone Street-Based outreach attending at Coxheath Village Hall
- **Social Care** at £15.95 per dwelling – project central Maidstone Changing Places Facility; Social care also request delivery of 3 Wheelchair Accessible Homes within the affordable housing on site.

8.6 The County Council has confirmed there are no more than 4 other obligations towards any of these projects. These requests are considered to be justified and necessary to mitigate the impact on service provision likely to be generated by the development as well as complying with the requirements of the CIL Regulations. However having regard to the DV's viability assessment and the priorities set out in the Delivery Framework above, it is recommended that the proposed contributions to community learning, social care, youth workers and libraries which are of lower priority in the Delivery Framework are omitted.

8.7 **Highway improvements:** A contribution of £1500 per dwelling towards improvements at the Linton Crossroads junction of the B2163 Heath Road and the A229 Linton Road. This is justified due to the impact that development in Coxheath will have on the junction rendering it beyond designed capacity to the point where mitigation is necessary. The proposed contribution requested would apportion the mitigation fairly across a number of local development sites.

8.8 **Healthcare:** NHS Property Services has requested an increased healthcare contribution of £43,804.80 to be used specifically for expansion and improved service provision at the Stockett Lane and Orchard Surgeries in Coxheath. This request meets the required tests and will mitigate the additional impact on service provision likely to be generated by the development.

8.9 **Open Space:** Parks and Leisure have advised that the minimum expected provision of on-site open space for a development of this size would be at least 0.42ha. The current proposal is for 1.5 acres (0.6ha) and so the minimum requirement has been met. The precise use of the proposed open space is not known at this stage, but as Coxheath is underprovided in terms of outdoor sports facilities it is recommended that the scheme should meet this specific local need. The amount of open space now

proposed has been reduced from 3 acres in the original scheme to 1.5 acres in the amended scheme. This level of reduction has been necessary in the context of the viability assessment and to secure 30% affordable housing.

- 8.10 The main priorities for contributions in this case are considered to be affordable housing, open space, health and education. On the basis that the viability assessment concluded that the amount per unit is £3810 (ie. a total of £281,940 for 74 dwellings) it is recommended that the contributions for primary and secondary education and healthcare apportioned equally between the main priorities, ie £1270 per dwelling. However in order to ensure that the contributions are within the limits identified in the viability assessment it is recommended that the contributions to primary and secondary education should be proportionally reduced. It should also be noted that this site has been excluded from the requirement to make a highway contribution of £1500 per dwelling in response to the viability assessment.

9.0 CONCLUSION

- 9.1 Although the site is located outside the present built-up extent of Coxheath as defined in the adopted Local Plan it is considered to be a suitable location for housing development in terms of sustainability and will contribute towards the current shortfall in the 5 year supply of housing land. This suitability of the land for housing is recognised in the emerging Local Plan where the site is allocated for residential development. As such the development is considered to be compatible with the NPPF and this is sufficient grounds to depart from the Development Plan
- 9.2 The illustrative site layout shows the recreational uses situated along part of the road frontage to Stockett Lane with the residential area mainly to the rear but with some housing along the frontage to Stockett Lane. The mature hedge along the road frontage will be retained to assist in screening the proposed development and additional landscaping is proposed around the site boundaries to screen the development from the south and west.
- 9.3 Access is not a reserved matter and forms part of the outline application. Kent Highway Services have considered the revised site access plan which has narrowed the width of the proposed access road and also the proposed traffic implications arising from the development. They have advised that they have no objections to the development in terms of its impact on the local road network or in terms of the proposed site access. Appropriate conditions can be imposed relating to parking provision and construction of the access road
- 9.4 A S106 Agreement is proposed to secure infrastructure contributions to affordable housing, open space, Primary and Secondary Education and healthcare.
- 9.5 Although the level of affordable housing has been increased to 30% this still falls below the level required by Policy AH1 but recognises the provision of a substantial area of open space as part of the scheme and reflects the overall viability assessed by the DV. The NPPF advises that LPAs should provide a 5 year supply of housing land which should be given significant weight particularly where the adopted local plan is out of date. The concerns raised by the Parish Council have been carefully considered, in particular the conflict with the draft NP, the inclusion of affordable housing and the reduction in the amount of open space but it is

concluded that little weight can be given to the NP at this stage and the balance should be in favour of meeting the shortfall in housing land supply.

10.0 RECOMMENDATION –

Subject to the prior completion of a S106 agreement in such terms as the Head of Legal Services may advise to secure the following infrastructure contributions:

- Affordable housing – 30% affordable units to be provided
- 0.6ha of on-site open space for the provision of outdoor sports facilities to be maintained in accordance with a long term management plan
- Primary Education: £1270 per applicable house towards the Coxheath Primary School enhancement
- Secondary education: £1270 per applicable house towards Phase 2 of the expansion of Cornwallis School
- Healthcare: £1270 per applicable house towards the Stockett Lane Surgery and Orchard surgeries in Coxheath

The Head of Planning and Development be delegated authority to GRANT planning permission subject to the following conditions:

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

b. Appearance c. Landscaping d. Layout e. Scale

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

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 2 years from the date of this permission.

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

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

3. The development hereby permitted shall be carried out in complete accordance with the details shown on the submitted plans – (dwg. no. ZP001).

Reason: To ensure that the development is implemented in accordance with the submitted plans.

4. 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.

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 and boundary treatment,

using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and long term management. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines.

Reason: To ensure an appropriate appearance and setting to the development.

6. No dwelling shall be occupied until space has been laid out within the site in accordance with the details approved pursuant to condition 1 for 2 cars to be parked within the curtilage of each dwelling.

Reason: In the interests of highway safety

7. The garages /car spaces to be provided pursuant to condition 1 shall be kept available for the parking of motor vehicles at all times. The garage/car spaces shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.

Reason: In the interests of highway safety

8. No structure or erection exceeding 1 metre in height shall be placed within the sight lines from the proposed access onto Stockett Lane.

Reason: In the interests of highway safety

9. Development shall not begin until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on or off-site. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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

10. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

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

2) The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason: To protect the underlying groundwater from the risk of pollution and in accordance with the requirements of the National Planning Policy Framework (NPPF

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

Reason: To protect the underlying groundwater from the risk of pollution and in accordance with the requirements of the NPPF.

12. Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect the underlying groundwater from the risk of pollution and in accordance with the requirements of the NPPF.

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

Reason: To protect the underlying groundwater from the risk of pollution and in accordance with the requirements of the NPPF.

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

The EDS shall include the following,

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.

- h) Details of initial aftercare and long term maintenance.
- i) Details for monitoring and remedial measures.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: no details have been submitted and in the interests of ecology and biodiversity

15. No lighting shall be placed or erected on the site including the site of the proposed community facilities without the prior approval of the Local Planning Authority. Any lighting details for the community facilities that are submitted shall include inter-alia;

- a) Details of the lighting pylons and luminaires, which shall be of an asymmetric type.
- b) Details of lighting plots showing the dispersal and intensity of light/lux level contours within the site including the residential properties on the east side of Stockett Lane and Linden Farm and Linden Barn and demonstrating that the proposed scheme complies with the recommendations of the Institute of Lighting Engineers 'Guidance Notes for reduction of Obtrusive Light' for sites located in Environmental Zone E2.
- c) Details of measures to prevent excessive light spillage outside any floodlit areas.

Reason: To prevent light pollution and in the interests of residential amenity

16. Before work commences full details of existing and proposed ground levels and finished slab and floor levels shall be submitted to and approved by the LPA and the development shall be undertaken in accordance with the approved details.

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

17. Details of the siting of bird and bat boxes, bat bricks and swift bricks shall be submitted for approval and shall be installed at suitable locations on the site in accordance with the approved details.

Reason: in the interests of wildlife protection.

INFORMATIVES

1. The Environment Agency has advised that:

a) Soakaways should be constructed as shallow as practicable and should, under no circumstances, intersect the water table. Where the surface water is potentially contaminated (e.g. road / car park run-off), this is particularly important and it is essential to maintain the maximum distance possible between the base of the soakaway and the water table to allow the attenuation and biodegradation of pollutants.

b) No soakaways shall be constructed in contaminated ground, unless an appropriate risk assessment has shown that risks to groundwater are minimised and acceptable.

c) They will object to the use of deepbore soakaways unless the developer can show: there is no viable alternative; there is no direct discharge of pollutants to groundwater; that

risk assessment demonstrates an acceptable risk to groundwater; and that pollution control measures are in place. In the few circumstances where borehole soakaways are permitted, each soakaway should be protected by incorporating a SUDS technique or, where this is unfeasible, an oil separator. The borehole casing should extend into a separate chamber and be fitted with a hood or similar device to prevent direct downward flow into the borehole. The depth of the borehole should be agreed with the Environment Agency.

d) Discharge of surface water to ground from the car park areas should include appropriate pollution mitigation measures.

2. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.”

Case Officer: Tim Bloomfield

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

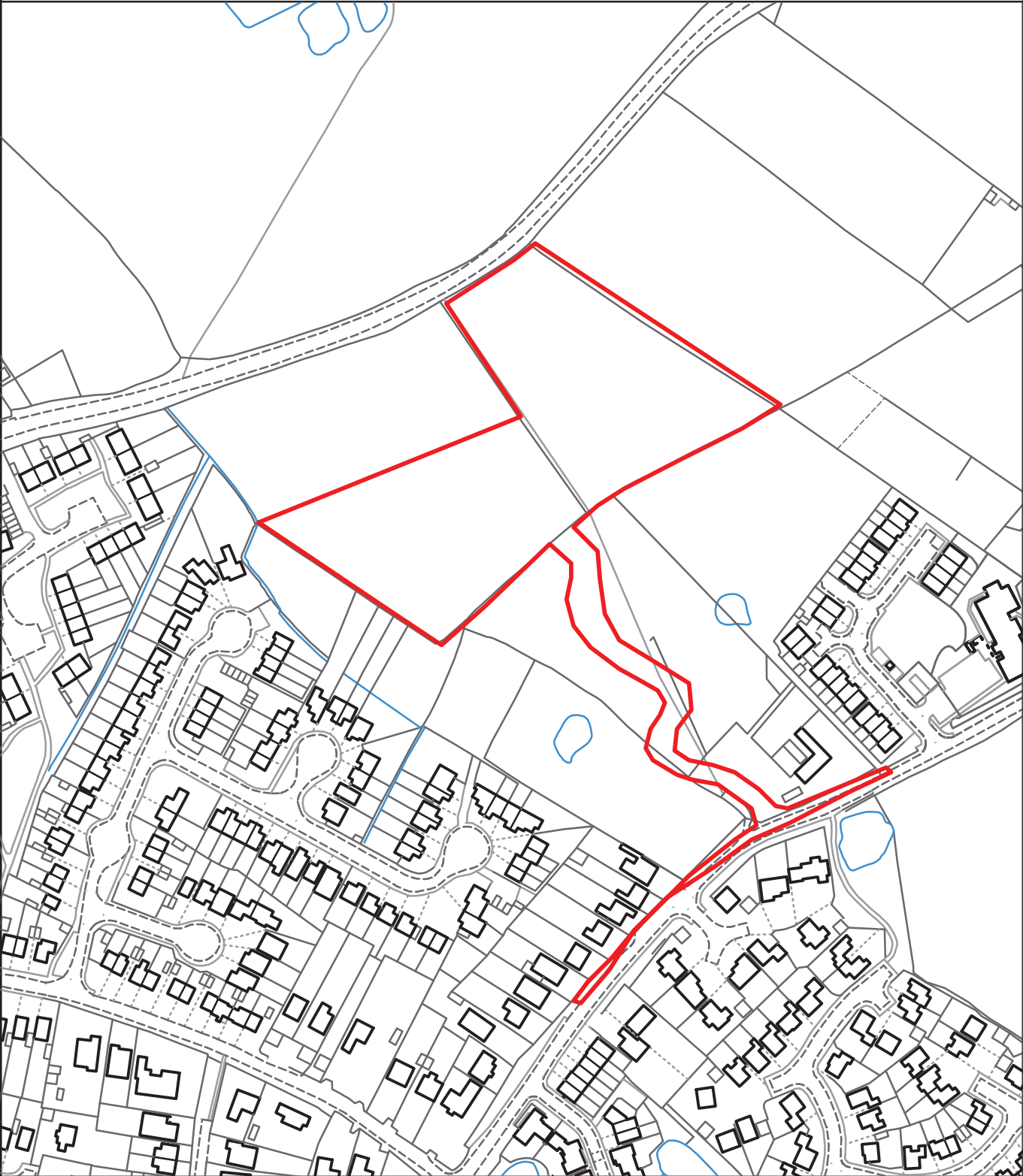
MA/13/2008 - Land at Linden Farm, Stockett Lane, Coxheath

	0% Affordable (as submitted)	10% Affordable	20% Affordable	30% Affordable
Area of Land for Community Facilities	3 acres	2.5 acres	2 acres	1.5 acres
No. Open Market Units	40	48	52	52
No. Affordable Units	0	6	13	22
Total No. Dwelling Units	40	56	65	74
Other S106 Monies	£304,800 (£7,620 per unit)	£360,018 (£6,667 per unit)	£309,530 (£4,762 per unit)	£281,940 (£3,810 per unit)

THE MAIDSTONE BOROUGH COUNCIL

Land North Of
Grigg Lane
Headcorn
Kent

MBC Ref: 15/501342



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 15/501342/OUT											
APPLICATION PROPOSAL <p>Outline application for the erection of 28 dwellings including amenity space and nature conservation mitigation corridors, approval for access, appearance, layout and scale being sought with landscape reserved for future consideration. Including development affecting a Public Right of Way.</p>											
ADDRESS Land North Of Grigg Lane Headcorn Kent											
RECOMMENDATION GRANT PLANNING PERMISSION SUBJECT TO PRIOR COMPLETION OF AN APPROPRIATE LEGAL MECHANISM AND CONDITIONS											
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL <p>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 village boundary of Headcorn, 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.</p> <p>The site is included in the draft Local Plan as site allocation H1(40) and has been approved for inclusion in the draft local plan and Regulation 19 consultation at Strategic Planning, Sustainability and Transportation Committee on 23 July 2015.</p> <p>The applicant is prepared to enter into a legal agreement to ensure that justified contributions are met.</p>											
REASON FOR REFERRAL TO COMMITTEE <p>The proposal constitutes a departure from the Local Plan 2000.</p> <p>Headcorn Parish Council wish to see the application refused and have requested the application be reported to Committee for the reasons set out below.</p>											
WARD Headcorn	PARISH/TOWN COUNCIL Headcorn	APPLICANT Wealden Ltd AGENT Wealden Homes									
DECISION DUE DATE 01/06/15	PUBLICITY EXPIRY DATE 01/06/15	OFFICER SITE VISIT DATE 27/03/15									
RELEVANT PLANNING HISTORY <p>The below history relates to the approved and current planning applications relevant to housing site allocation H1 (40) – Land at Grigg Lane and Lenham Road, Headcorn</p> <table border="1"> <thead> <tr> <th>App No</th> <th>Proposal</th> <th>Decision</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>14/503960/OUT</td> <td>Outline application for 13 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. This application was heard for the first time at</td> <td>Pending determination</td> <td></td> </tr> </tbody> </table>				App No	Proposal	Decision	Date	14/503960/OUT	Outline application for 13 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. This application was heard for the first time at	Pending determination	
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	<p>planning committee on 19 March 2015.</p> <p>Members RESOLVED: That consideration of this application be deferred for:</p> <p>A. Further assessment of the layout in the context of development proposed and/or approved on neighbouring sites, and specifically in terms of:</p> <ul style="list-style-type: none"> · 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). <p>B. Further information relating to the contribution requested by Kent County Council for Youth Services as Members queried whether this meets the necessary tests.</p>		
13/1943	<p>Outline planning application for the erection of a children's' nursery school, 20 residential units (comprising 17 detached, semi-detached and terraced houses and 3 bungalows) and provision of a children's' play area together with off-site highway improvements to the junction of Oak Lane and Wheeler Street (A274). Approval is sought for access, appearance, layout and scale with landscaping as a reserved matter</p>	<p>Granted with conditions and S106</p>	<p>28/10/2014</p>
12/1949	<p>Outline planning application with access, layout, scale and appearance to be determined and with landscaping as a reserved matter, for the demolition of buildings at Kent Cottage and Chance Holding to enable the construction of residential development (for 25 dwellings inclusive of 10 affordable dwellings), inclusive of retained woodland as open amenity land, enhanced landscaping including new pond, electricity sub station, foul drainage pumping station with access road off Grigg Lane</p>	<p>Granted with conditions S106</p>	<p>08/08/2013</p>
14/0487	<p>Approval of the reserved matter of landscaping pursuant to outline planning permission MA/12/1949</p>	<p>Approved</p>	<p>24.09.2014</p>
13/0682	<p>Erection of new 4/5 bedroom dwelling with detached double garage</p> <p>Located on land abutting the west of the application site at the appex of a cul-de-sac in Knaves Acre. Not built.</p>	<p>Granted with conditions</p>	<p>21/01/2013</p>

MAIN REPORT

1.0 SITE BACKGROUND

- 1.1 The application site is part of a larger site which has been promoted in response to the Borough Council's "call for sites" and has been identified as having the potential to accommodate some 120 houses over the whole site. The site reference in the draft Local Plan is H1 (40) – land located between Grigg Lane and Lenham Road, Headcorn. Housing development, play space, a nursery school and off-site highways improvements have already been approved in the southern half of the site under the above planning applications (13/1943, 12/1949 and 14/0487).

The draft allocation H1 (40) for the whole site states:

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

Design and layout

1. Retain and enhance hedges and trees along the eastern boundary of the site in order to screen new housing from the adjacent open countryside.

Access

2. Primary access will be taken from Lenham Road.
3. Secondary/emergency access will be taken from Grigg Lane subject to agreement with the Highways Authority.
4. Pedestrian and cycle access will be taken from Grigg Lane.
5. Pedestrian and cycle linkages will be provided, to ensure good links to existing residential areas and the village centre.

Ecology

6. Development will be subject to the results and recommendations of a phase one ecological survey.

Open space

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

Community infrastructure

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

Highways

9. Appropriate contributions towards improving and making safe the pedestrian environment along Grigg Lane, Oak Lane and Lenham Road.

- 1.3 An outline planning application 14/503960/OUT on the adjoining site to the north (also within the draft allocation for Policy H1 (40) was deferred at planning committee on the 19 March 2015 for reasons set out in the history section above.
- 1.4 The current application has been submitted by the same agent 14/503960/OUT, and the application details and documents for the current application contain further information, which has been compiled in conjunction with the adjoining site, to address the reasons for deferral of 14/503960/OUT. It is expected that application 14/503960/OUT will be re-presented to committee shortly.

2.0 DESCRIPTION OF SITE

- 2.1 The application site is situated on the eastern edge of the existing built-up area of Headcorn. The site is located within the open countryside for the purposes of the Local Plan. The site comprises open fields located between Grigg Lane and Lenham Road. The site is an irregular shaped plot of approx. 1.37 hectares. The northern section of the site abuts Lenham Road (approx. 28m stretch). A majority of the site would be sandwiched between the existing approved developments located to the south of the site and, a further outline scheme for 13 houses by the same developer, located to the north adjacent Lenham Road. Further to the southeast is a cul-de-sac development known as the Hardwicks, comprising 22 local needs housing and a doctor's surgery and pharmacy. The east of the site abuts open fields and countryside and the west of the site abuts the village envelope of Headcorn and rear gardens of properties fronting onto Knaves Acre
- 2.2 A public footpath (KH606) which links Lenham Road and Grigg Lane and runs through the site. Trees and hedgerow are located along the north, south and west site boundaries. A low continuous hedgerow runs the length of the east boundary.
- 2.3 On the opposite site of Lenham Road planning permission (14/505162) has been granted for 48 new residential units.

3.0 PROPOSAL

- 3.1 This application comprises an outline application for the erection of 28 dwellings including amenity space and nature conservation mitigation corridors (access, appearance, layout and scale being sought) with landscaping reserved for future consideration. New habitat areas, including new ponds, will be formed in the area to the west of the built development creating a habitat for protected species. New habitat would also be created on the south and east edge of the site.
- 3.2 The vehicle access would be taken from Grigg Lane in response to the criteria in draft housing policy H1 (40). The vehicle access would be connected to the access road approved under outline permission 12/1949 located to the south of the site. Emergency access is proposed in the northwest corner of the site through the scheme proposed for 13 houses under ref: 14/503960/OUT and currently pending determination.
- 3.3 The proposal comprises 28 houses with a mix of detached, semi-detached, terraces and a small block of 6 apartments in a two storey building. The houses would be in a traditional design and a fairly uniform palette of materials throughout the site comprising facing brickwork, weatherboarding and hanging tiles.
- 3.4 The development is for a total of 28 units with the applicant proposing 40% affordable housing which equates to 12 units. The proposal shows plots 1-6 and 7-12 (12 units) as being a 40% provision of affordable housing. In terms of housing mix, the proposal is for 6 no. 1 bed units, 4 no. 2 bed units and 2 no. 3 bed units.
- 3.5 Public footpath (KH606) would be relocated to the west of the built development and would run along the western edge of the whole of H1 (40) as shown on the master plan. The public footpath would be set within a wildlife corridor with new / enhanced habitats for protected species in addition a number of reptile ponds which have already been excavated in the southwest corner of site H1 (40).

- 3.6 Additional tree and landscape planting is proposed along the east, south and west boundaries of the site, although details of landscaping are not considered as part of this outline application.

4.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, T13
The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Supplementary Planning Documents: Affordable Housing Development Plan Document (2006), Open Space Development Plan Document (2006)

Maidstone Borough Council Draft Local Plan
Draft Headcorn Neighbourhood Plan

5.0 LOCAL REPRESENTATIONS

A site notice was displayed at the site on 27th March 2015. Letters were sent to local residents and an advert was published in the local paper.

Some 60 local residents have objected. The following (summarised) issues were raised:

- Utilities, services and infrastructure in Headcorn are not sufficient for additional housing.
- Flooding and drainage issues
- The proposal will not be able to accommodate foul water disposal
- The development does not specify how the impact on the water and sewerage will be addressed.
- Lack of school places in Headcorn
- Drains cannot cope with current housing volume
- Lack of parking for residents
- Housing will not be allocated to local people
- Impact from additional traffic- particularly onto Grigg Lane
- Pedestrian survey has been sourced from out of date data
- Impact on trees
- The site was removed from the draft plan.
- Contrary to the current development plan.
- The layout and density of the buildings remains disproportionate with the rest of the village.
- Inappropriate access.
- Limited ecology report.
- Impact on wildlife habitats
- Headcorn is not a sustainable location for housing development.
- There are no commensurate business development proposals for Headcorn. Therefore, the only plausible places for work for residents of the development are Maidstone, Ashford or London
- A full Environmental Impact Survey should be commissioned
- There should be no through road, excepting for emergency vehicles, cyclists and pedestrians.
- Loss of open countryside / agricultural land
- Noise and air pollution
- This proposal does not accord with Headcorn's evolving Neighbourhood Plan

- Public transport is poor, potential residents would be reliant on car use.
- the results of the Sewerage Assessment Report by Sandersons Associates identifies serious deficiencies throughout the network in Headcorn

'The Weald of Kent Protection Society (WKPS) objects to this outline planning application for the following (summarised) reasons:

- Drainage and sewerage problems.
- The package treatment plant is not sustainable.
- Impact on infrastructure.
- The station car park is at capacity.
- Overdevelopment of the site.
- Inadequate parking provision.

It is noted that many of the objections on the council website are duplicates.

6.0 CONSULTATIONS

Headcorn Parish Council:

'Parish Council would wish to see this application refused due to:-

- a) Drainage is a significant issue for all development within Headcorn and we would draw your attention to the attached independent report on the subject. Further the attached letter dated 29th January 2015 should be recorded as the Councils views on this matter.*
- b) This development cannot be considered in isolation but should be considered as part of the neighbouring sites, three of which are by the same developer. The cumulative effect that this will have on the current infrastructure should not be ignored.*
- c) There has been no provision made for the drainage of surface water and given that this development is being planned on permeable clay which is Wetness Category III, the wettest Category of land, this will only add to the existing issues*
- d) No biodiversity avenue has been planned*
- e) The traffic from this development will add significantly to the existing issues, specifically where Oak Lane meets Wheeler Street. It will also impact on the Forge Lane/High Street junction. KCC may not have put in an objection but they rely on death and significant injury reports whereas the issues here are about junctions which are difficult for vehicles to manoeuvre and cannot be widened due to the presence of houses immediately adjacent to the road.*
- f) Any design and character features of the development would need to be in line the emerging neighbourhood plan.*
- g) This site was rejected by both Scrutiny Committee and Cabinet when considering the local plan'.*

- 6.1 KCC Ecology:** No objections subject to conditions requiring mitigation in relation to GCN, reptiles, and bats, and provision of a biodiversity method statement, ecological design strategy, landscape and ecological enhancement plan.

6.2 Environment Agency:

'We have reviewed the submitted report and request the following condition be included in any permission granted:

Condition: *Development shall not begin until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run*

off generated up to and including the 100 year critical storm will not exceed the run off from the undeveloped site following the corresponding rainfall event and so nit increase the risk of flooding both on and off site. The scheme shall subsequently be implemented in accordance with the approved detailed before the development is completed

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

Please note that we reiterate our previous comments with regards foul drainage as follows:

A condition should be added requiring the development to connect to mains foul drainage for the following reasons:

(i) Southern Water reports and our own observations suggest that there is a general problem with sewerage capacity in the Headcorn catchment. Allowing a private treatment plant for this development would therefore set a precedent for future development within that catchment. Where is it unreasonable for a single development to pick up the cost of strategic downstream sewerage improvements or repairs the timing of the work required and the allocation of the costs associated with it need to be addressed through the LPA. This could also be linked to any foul drainage strategy that Southern Water are preparing for the catchment. We would then look to the LPA to condition any planning permission they grant to prevent occupation to give effect to that.

(ii) the costs provided by Southern Water so far appear to be for work that goes way beyond what would be required in order to provide sufficient capacity for this specific development and appear instead to be designed to wholly or partially address the existing problems

6.3 KCC Sustainable Drainage:

Initially objected to the application due to lack of information on surface water drainage. Following the submission of a FRA dated April 2015 KCC provided the following comments.

'We can confirm that we are now satisfied that the drainage from the proposed development has been adequately considered; we are therefore able to remove our objection to this proposal. However, we have concerns that the part of the submitted FRA concerning the ongoing management and maintenance of the system appears to be unrelated to the site and development proposed.

Section 8 of the FRA states that:

"The end user of the proposed building will be responsible for the maintenance of the drainage system."

It is ultimately likely that this site is will be in multiple private ownership. The above statement identifying that the occupier of a single building will be responsible for the maintenance of the entire SuDS scheme is therefore unacceptable.

Accordingly, should your Authority be minded to grant permission to this development, we would recommend that the following Conditions are attached:

Conditions:

(i) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the rate/volume of runoff leaving the site post-development will not exceed 5l/s for any rainfall event (up to and including the climate change adjusted 100yr critical storm).

(ii) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

i. a timetable for its implementation, and

ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason:

To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions’.

6.4 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 £4000 per applicable house (x22) = £88,000 towards the first phase of permanently expanding Headcorn Primary School. A Primary Land acquisition contribution of £891.69 per ‘applicable’ house (x22) = £19,617.18 is also required towards Headcorn Primary School site expansion at a cost to accommodate the extension of the School accommodation.

‘The proposal gives rise to additional primary school pupils during occupation of this development. This need, cumulatively with other new developments in the vicinity, can only be met through the acquisition of additional land and building of new accommodation at Headcorn Primary School local to the development, as the forecast primary pupil product in the locality results in the maximum capacity of local primary school being exceeded’.

‘Through a commissioned feasibility, KCC’s architects have recently informed the Council that the nature of the school site will mean that the cost of the new accommodation will be higher than other expansion projects which aren’t in an area of flooding. The per pupil cost of constructing the new accommodation and enlarging existing core facilities (total cost/210 places) is on par with the per pupil cost of constructing a new primary school. Given this new information regarding the project, those developments where the new works at Headcorn Primary School is the mitigation project for pupils will be charged the Primary New Build Rate’.

Libraries Contribution: A contribution of £1344.44 towards new book stock supplied to Headcorn Library.

'There is an assessed shortfall in provision: 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'.

6.5 KCC Highways:

Initial comments were received from KCC Highways on the first of April 2015 as follows:

'I have read the supporting Transport Statement and note that there are a number of related off site highway works proposed in Headcorn from the development of this area. Namely:-

- Oak Lane footway – this is specified in condition 13 of planning permission MA/12/1949 which requires no part of that development to be occupied until the footway on Oak Lane has been constructed.*
- Grigg Lane footway works and access. This is an integral part of planning approval MA/12/1949.*
- Visibility improvements and footway works at the junction of Oak Lane with Wheeler Street. The Transport Statement submitted for this application (MBC/15/501342/OUT) states that 'Wealden Homes are prepared to build minor alterations to the kerb lines to improve visibility at this junction. This will both reduce the risk of crashes and will also improve the capacity and hence reduce delays by making it easier for motorists to exit Oak Lane.'*

Within the development of this area condition 15 of MA/12/1949 also states that:-

'The development shall not commence until an Order has been made pursuant to s257 of the Town and Country Planning Act 1990 (as amended) for the diversion and reconstruction of Public Right of Way KH606.

Reason: In order to ensure that the public right of way is not adversely affected.'

I write to confirm that subject to the above measures being implemented, it is not considered that the additional 28 houses proposed, forming phase 3 of development of this area, will unduly cause a severe impact on the adjoining highway network. Due regard needs to be given to the timing and implementation of the measures described above however, so that these arrangements are in place for use by occupants of the new development area. It is considered that conditions 13 and 15 of planning permission MA/12/1949 should be repeated in any approval notice for this application. It is further considered that the visibility improvements proposed at the junction of Oak Road with Wheeler Street should be implemented prior to any occupation of this application.

I write to confirm that it is considered that the car parking numbers proposed are adequate. Whilst this is an outline application, it is considered that it would be helpful if any intentions regarding adoption are conveyed. Whilst the road layouts proposed look suitable it is also considered that it would be helpful if swept paths for a refuse freighter are shown and if a refuse collection strategy is considered.

It would be helpful if this additional information is submitted now rather than by condition to any approval notice. It is considered that it would also be helpful to view any plans available regarding the proposed visibility improvements to the Oak Lane/Wheeler Street junction.

Further comments were received from KCC Highways on 9 April following additional information submitted by the applicant to address the above.

'I am grateful for the further information submitted regarding proposed off site works at the junction of Oak Road with Wheeler Street. I note the asymmetric road narrowing/footway widening on the western side of Oak Road, parallel to Wheeler Street. Having visited the site area and looked at this junction, it is considered that visibility to the left when emerging would equally benefit from some footway widening in a similar fashion without detriment to highway safety on Wheeler Street (i.e. towards Gibbs Hill). This would also give a straighter alignment to give way markings at the junction. These are points of detail and these works, which I consider should be a condition of any approval notice, will be subject to a Section 278 agreement with this authority, giving opportunity for refinement through that process'.

I write to confirm therefore that subject to my comments submitted on 1st April and those given above; I have no objection to this outline application'.

6.6 Upper Medway Drainage Board:

'The continued development of this area on a piecemeal basis is disappointing, as opportunities to consider it at a more strategic level continues to be missed.

Should the Council be minded to approve this application it is requested that drainage details be made subject to an appropriate condition requiring separate LPA approval (requiring appropriate attenuation with on-site storage provided for the 1 in 100 year rainfall event plus Climate Change). The applicant should be requested to develop details of SuDS in direct liaison with Kent County Council and the Environment Agency'.

6.7 Natural England: No objections *'This application is in close proximity to the River Beult Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England'.*

6.8 KCC Public Rights of Way: No objections to the application subject to an application to divert the PROW going through the site'.

6.9 MBC Housing: No objections the affordable housing provision is in accordance with council policy and the on-site mix has been agreed during discussions with the housing department with 8 affordable rent units and 4 shared ownership units.

6.10 MBC Landscape Officer

There are no protected trees on or immediately adjacent to this site. Raised initial concerns regarding the location of plots 1-6 in proximity to a mature oak tree on the site. Amended drawings have been received moving plots 1-6 away from the oak tree. Advises that the tree planting should be predominantly native and the hedgerow planting should contain fewer but typically characteristic native species'.

6.11 MBC Environmental Health: No objections subject to conditions regarding construction works.

6.12 Southern Water:

The applicant is advised to consult the Environment Agency directly regarding the use of a package treatment plant which disposes of effluent to sub-soil irrigation. The owner of the premises will need to maintain the works to ensure its long term effectiveness.

Our initial investigations, it may be possible for the flows from the proposed development to be connected to a nearby public sewer, and the applicant may wish to investigate this option. Southern Water requires a formal application for a connection to the public sewer. "A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
 - Specify a timetable for implementation
 - Provide a management and maintenance plan for the lifetime of the development.
- This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

6.13 Rural Planning Limited: No objections. The land is not the best and most versatile and therefore I do not consider the loss of the land should be considered 'significant' for the purposes of paragraph 112 of the NPPF.

6.14 Kent Police: No objections regarding crime prevention.

6.15 Headcorn Aerodrome:

'I feel the attention of the planning committee and of the applicant should be drawn to the fact that this proposed development is very close to the Aerodrome and within the area covered by the safeguarding map. Obviously certain noise connected with the aviation activity will be apparent.'

Subject to the above, I would not wish to inhibit the development unnecessarily provided that both your committee and the applicants themselves believe that this development will not be in any way inconsistent with existing and established use of and activity at Headcorn Aerodrome'.

6.16 MBC Public Open Space: *'For a development of this size we would expect a minimum onsite provision of open space of 0.29ha.*

As you have advised an estimated 0.09ha of provision will be provided then there is a shortfall of 0.20ha.

The onsite provision is planned as natural/semi natural open space and therefore does not supply any form of formal open space in equipped areas of play, outdoor sports facilities or allotments/community gardens. All of which are underprovided for in Headcorn.

As such we would request an offsite contribution.

The standard request is £1575 per dwelling when no open space is provided on site. In this case we would therefore expect £54.31 for every 0.01ha underprovided (1575/29)

As the shortfall here is estimated as 0.20ha we would therefore request £1086.20 per dwelling in the form of an offsite contribution.

We would request that this money be spent at Headcorn Recreation Ground for the improvement, replacement and refurbishment of areas of equipped play and outdoor sports facilities'.

6.17 NHS: *'We can't apply for contributions against this application as we wouldn't be able to fulfil the CIL regulations due to other contributions we have pooled'.*

7.0 AMENDMENTS

Amended drawings and additional information was received from the applicant on 28.08.2015, including:

- Apartment block 1-6 has been moved forward away from the oak tree on the boundary of the site.
- Plots 19-23 have been re-designed / relocated to improve the streetscene when viewed from the approach road.
- The road serving Plots 23-28 has been reduced in width and a private drive introduced.
- Justification for submitting two separate applications on adjoining pieces of land both within the wider draft allocation housing site H1 (40).

The amendments are not considered to materially effect neighbouring residential properties over or above the original scheme therefore re-consultation has not been undertaken in this instance.

APPRAISAL

8.0 Principle of Development

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. 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:
- 8.2 *“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.”
- 8.3 In this case, none of the exceptions against the general policy of restraint apply, and therefore the proposal represents a departure from the Development Plan. It then falls to be considered firstly whether there are any material considerations which indicate that a decision not in accordance with the Development Plan is justified in the circumstances of this case, and (if so) secondly whether a grant of planning permission would result in unacceptable harm, such that notwithstanding any material justification for a decision contrary to the Development Plan, the proposal is unacceptable.
- 8.4 The key material consideration outside of the Development Plan in the determination of applications for residential development in the open countryside is national planning policy as set out in the National Planning Policy Framework 2012 (NPPF) and the Council's position in respect of a five year housing land supply.
- 8.5 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that:-
- 8.6 “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 This lack of a 5 year supply is a significant factor and at paragraph 49 of the NPPF it is stated that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the

supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a 5 year supply cannot be demonstrated. The presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.

- 8.8 In respect of the circumstances of the specifics of this case, the proposal site is located on the edge of Headcorn village boundary, in reasonable proximity to the wide range of key services in the village as well as good public transport links. Pedestrian footpaths would be provided from the site into the village.
- 8.9 The draft Local Plan identifies Headcorn as a Rural Service Centre and the Plan states Headcorn has a diverse range of services and community facilities which are easily accessible on foot or by cycle due to the compact form of the village. There are local employment opportunities and there is a local wish to ensure that existing employment sites are kept in active employment use. A regular bus service runs between Headcorn and Maidstone and the village has good rail linkages to other retail and employment centres, including London. Outside of the town centre and urban area, rural service centres are considered the most sustainable settlements in Maidstone's settlement hierarchy.
- 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 Headcorn village boundary and within walking distance to the shops, services, employment opportunities, schools and train and bus stops within the village. Pedestrian access would also be along pavements.
- 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 that when planning for development through the Local Plan process and the determination of planning applications, the focus should be on edge of town developments. The development of this site is therefore in accord with the objectives of the NPPF being located directly adjacent to the edge of the urban area of Maidstone and in a sustainable location.
- 8.12 As regard the draft Headcorn Neighbourhood Plan, the application site is identified within one of the development options within the Plan. The draft NP Headcorn Neighbourhood Plan sets a cap of 30 houses for any individual housing development, and introduces phasing, with a proposed development level of 30 units every 5 years for new housing in developments of more than 2 units. The NP also sets affordable housing at 20%. The NP has identified the application site as potentially sustainable options for Small and Larger Village Developments. Whilst work on the NP is progressing the Plan is at Regulation 14 stage 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.
- 8.13 Given the sustainable urban location of the application site the principle of residential development is accepted in accordance with the NPPF. In the circumstances of this case, the key planning issues are considered to be visual impact (including whether the site can suitably accommodate the development), residential amenity, access/highway safety and ecology.

9.0 Visual Impact

- 9.1 The site is a vacant 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.
- 9.2 The proposal comprises 28 two storey houses and the overall height and scale would be broadly in line with the height of the properties on adjoining sites.
- 9.3 The application site would be boarded by residential properties on three sides, to the south of the site by previously approved development and the north of the site by the housing development currently under consideration and also within the boundary of housing allocation draft Policy H1 (40) and, to the west by the residential development in Headcorn. The site would not project any further eastward into the open countryside than the approved development to the south. As such, development of the site to some degree is infilling between built up areas, and it is considered that development of the site would not represent an extension of built form away from the main built-up area of the settlement, or be out on a limb given the approvals and built development at the Hardwicks located to the south of the site.
- 9.4 The application site benefits from a good level of natural landscaping along the southern boundary adjacent the approved outline / reserved matters schemes and the proposal would blend into the approved and existing pattern of development within the immediate vicinity. The east boundary of the application site is more open in character with a low hedgerow running the length of the site boundary. The most prominent short range public vantage point of the proposed development would be from Lenham Road, above the existing hedgerow on the eastern boundary. The housing proposed in the eastern part of the site would be set well back from the boundary and the existing boundary treatment would be enhanced. Viewed from the east, it is considered that the site and proposed housing would be seen within the context of the overall site H1 (40) and adjoining Hardwicks site, and the housing development in Knaves Acre would form the backdrop of the development.
- 9.5 Clearly there would be some visual harm arising from additional housing in the open countryside, however in this instance the visual impact of the development is considered to be limited to views from the east when approaching along Lenham Road and, given the location of the site between approved housing development to the south the visual impact is considered to be acceptable. Whilst it would change the character of the site, there would not be any significant wider visual harm that would be unacceptably harmful to the character and appearance of the area.
- 9.6 I consider that the general principle of development of this site to be acceptable in relation to the visual change to the site.
- 9.7 Overall, it is considered that development of the site would cause some visual harm and therefore result in some conflict with policies ENV28 of the Local Plan but this would be relatively low harm. Additional landscaping, particularly along the eastern boundary, could also be secured to mitigate some of this impact.

10 Design and layout

- 10.1 The design and scale of the proposed dwelling is considered to be in keeping with the existing pattern of residential buildings previously approved to the south of the site.

- 10.2 The proposed plan shows 28 dwellings over the site which equates to a density of around 20.5 dwellings per hectare, which I consider suitable for this edge of village site, and this is not out of character with surrounding densities.
- 10.3 The provision of an area of open space on the eastern section of the site would ensure a sense of openness adjacent to the open countryside and would also serve to reduce the impact on the open countryside.
- 10.4 The development has been designed to fit into its surroundings through the use of vernacular materials and styles including facing brick, hanging tiles and weatherboarding, clay and slate roof tiles. Materials will be subject to a condition requiring detailed samples to be submitted, however in principle I consider the proposals acceptable subject to finalisation of finishes.
- 10.5 Throughout the site dwellings generally front the internal roads and turn corners where appropriate.
- 10.6 The proposed buildings are considered to be an acceptable design individually and the use a simple palette of materials would ensure a uniform identity throughout.
- 10.7 All of the proposed units would provide a good level of private amenity space, including the affordable units, and the low density scheme would create a sense of spaciousness, allowing dwellings to be set back from the site boundaries. Significant landscaping could be achieved on the boundaries of the site which is considered appropriate and sympathetic to this location on the periphery of the urban area. No close boarded fencing will be permitted along the north or east boundary adjacent Lenham Road and the open countryside. The boundary treatment throughout the site will be essential to achieving a good scheme, in particular the east and north boundary adjacent the open countryside and Lenham Road which will require an appropriate mix of indigenous landscaping and tree planting. A comprehensive landscaping scheme would be sought as a reserved matter.
- 10.8 There is good connectivity within and through the site. The site would be permeable to pedestrians and cyclist via the proposed emergency access route adjoining the site to the north. In addition, the PROW which currently cuts diagonally across the site and comes out onto the Lenham Road at an point which does not benefit from a pedestrian pavement, would be diverted to the west of the site and would link up pavements on Lenham Road and Grigg Lane. The diverted route of the PROW would be through a parcel of land which will benefit from ecological enhancement and additional tree planting and landscaping and would make an attractive pedestrian route. The relocated footpath would also relate better with the PROW to the north on the opposite side of Lenham Road.

11 Infrastructure

- 11.1 A development of this scale is clearly likely to place extra demands on local services and facilities and it is important to ensure that the development can be assimilated within the local community. As such suitable contributions to make the development acceptable in planning terms can be sought in line with policy CF1 of the Local Plan and the Council's Open Space DPD.
- 11.2 However, any request for contributions needs to be scrutinised, in accordance with Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criterion that sets out that any obligation must meet the following requirements: -

It is:

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

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.*

- 11.3 This section came into force on 6th April 2015 and means that planning obligations cannot pool more than 5 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010).

The following contributions have been sought:

- 11.4 The Council's Parks and Open Space request £1086.20 per dwelling towards Headcorn Recreation Ground for the improvement, replacement and refurbishment of areas of equipped play and outdoor sports facilities. It is clear that the proposed development of 28 dwellings would result in additional demand placed on the existing play space and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 11.5 There are requests made by Kent County Council as the Local Education Authority towards primary school education contributions that amount to £4000 per applicable house towards the first phase of permanently expanding Headcorn Primary School. KCC has also requested a Primary Land acquisition contribution of £891.69 per 'applicable' house (x22) = £19,617.18, also required towards Headcorn Primary School site expansion at a cost to accommodate the extension of the School accommodation. There will be a greater demand placed on schools within the borough from the occupants of the new 28 dwellings and information submitted by County shows that these are at capacity and as such the contribution is considered justified and appropriate in order to extend the existing school at Headcorn.
- 11.6 Kent County Council has sought £1344.44 towards new book stock supplied to Headcorn Library. It is clear that the proposed development of 28 dwellings would result in additional demand placed on the book stock at Headcorn library and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 11.7 Provision of 40% affordable housing (12 units) is sought by MBC Housing department. The affordable housing would consist of eight affordable rent units and four shared ownership units.
- 11.8 Justification for the contributions is outlined at paragraph 6.4 and 6.16 above 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.

12 Drainage and flooding

- 12.1 The issue of foul water drainage within the village has been raised as a critical issue by numerous residents, Councillors and the Parish Council.
- 12.2 The drainage strategy advises that within the site it is proposed to have separate foul and surface water drainage systems.
- 12.3 The applicant is aware of the existing problem within the village and the serious concerns, and has been undertaking drainage investigation as part of the two approved schemes adjoining the southern boundary of the application site. A further FRA has been submitted with this application which sets out surface water management measures. It is proposed to utilise infiltration methods and attenuation will be in form of ditches, ponds and permeable paving. The proposals would extend the attenuation system at the adjoining sites to provide sufficient storage for the proposed development.
- 12.4 The LPA in consultation with Southern Water have approved the drainage details for the first phase of development on draft allocation H1 (40), reference 12/1949. This involves upgrading the system in Grigg Lane via the High Street to the Southern Water pumping station. To assist the existing system the effluent will be pumped from an on-site facility in the early hours of the morning. The system has an emergency backup pump and storage capacity. It is proposed to further upgrade these approved works to manage with the additional flows from the proposed 28 houses in this application. The applicant has confirmed that if planning permission is granted for the 28 houses, the design of the identified lengths of sewers originally identified for upgrading will be re-evaluated and increased lengths of larger pipework installed. The applicant has confirmed that the proposed development would be connected to the Headcorn pumping station.
- 12.5 In connection with the adjoining 13 unit proposal (ref: 14/503960/OUT) Wealden Homes are proposing a foul drainage solution that involves providing a new length of sewer along Lenham Road which will provide additional capacity. If necessary to meet Southern Water requirements the flows from this development can be controlled via a pumping station so that effluent is distributed during the off peak period.
- 12.6 The EA and KCC Lead Local Flood Authority have advised that they consider that the submitted FRA is acceptable and they have considered all aspects of surface water drainage and management. The EA and KCC do not raise objections to the surface water management proposals subject to conditions.
- 12.7 Southern Water has responded advising that it may be possible to connect the development to a public sewer and have advised the applicant to make contact to discuss the options.
- 12.8 Members are advised that a new development can only be required to mitigate its own impact and not solve existing problems.
- 12.9 Clearly, the proposed foul drainage proposal from the proposed development will not solve existing problems in the village but will mitigate the development's impact, which is all that is required. The applicant has also advised that the system upgrades as set out above would assist the existing system and possibly improve it.

- 12.10 I therefore advise that issues relating to foul drainage are not grounds to object to the application as this could be dealt with via condition via the Water Industry Act.
- 12.11 On this basis no objections are raised to the foul drainage and the LLFA and the EA raise no objection to the surface water drainage or in terms of the impact upon flood risk subject to conditions.

13 Residential Amenity

- 13.1 The application site relates to an infill plot of land between previously approved developments located to the south and a further site to the north which is currently under consideration by the council. The proposed houses would be sited more than 20m distance from the houses on the three adjoining sites to ensure there would be no unacceptable amenity impacts in terms of loss of privacy, light or outlook.
- 13.2 In addition, units 7-12 would be located more than 20m distance from western site boundary and there would be no unacceptable amenity impact to the properties located within Knaves Acre as a result.

14 Highways

- 14.1 No objections are raised to the development on capacity grounds. The level of additional traffic generated by what is effect phase three of the development of this site will require improvements at the junction of Wheeler Street (A274) and Oak Lane and footway improvements which have been secured through planning permission 13/1943 and 12/1949.
- 14.2 The vehicle access would be taken from Grigg Lane for this site, which would be shared with the two previously approved site to the south. The adjoining site to the north (...) would be accessed from Lenham Road. Emergency access for the application site would be via the adjoining site to the north. The emergency access route would also accommodate pedestrian and cycle access to ensure permeability throughout the entire site between Grigg Lane and Lenham Road.
- 14.3 The vehicle access arrangement for the whole site is not entirely in accordance with the draft site allocation for Policy H1 (40) which advises that for the whole site the primary access will be taken from Lenham Road and secondary/emergency access will be taken from Grigg Lane subject to agreement with the Highways Authority. This stipulation was made however without a detailed transport assessment of the site and surrounding area.
- 14.4 It should be noted that the two adjoining sites to the south have already been approved access from Grigg Lane following agreement with the Highways Authority and subject to conditions and highways contributions towards improvements to the highways network. In addition, the site to the north has been reviewed by committee and the Highways Authority and no objections have been raised to the access for this site onto Lenham Road. This application includes a comprehensive Transport Statement which has been reviewed and approved by the Highways Authority and it is considered that Grigg Lane is the most suitable access point for the third phase of the development due to the funding that has already been secured via phase one and two for safety improvements to both Oak Lane (footway) and the Oak Lane/A274 Wheeler St junction. Further points are that traffic accessing via Grigg Lane will have several alternative routes to the town centre / station. The applicants transport consultant has also raised some concerns about the traffic capacity of the Kings

Road/A274 Millbank crossroads and it is therefore considered that a majority of the traffic from the site should be taken onto Grigg Lane rather than Lenham Road. Access onto Grigg Lane has been reviewed by the Highways Authority and no objections have been raised to the approach and numbers proposed onto this road network. There would also be no through route through the entire site for vehicles.

- 14.3 The level of car parking proposed is acceptable and in accordance with the councils parking provision. 44 parking spaces are proposed in total for 22 houses and 6 one bed flats. Eight car barn parking spaces are proposed, 36 further parking spaces are proposed on-site, 3 of which are for visitors.
- 14.4 No objections are raised to the development on highways safety or parking grounds.

15 Landscaping and ecology

- 15 Landscaping is the only detail not to be considered as part of this outline application and further details will be required via condition. However, the proposed site plan indicates additional tree and hedgerow planting is proposed on the east, south and west boundary of the application site. Enhancements to the existing hedgerow along the eastern boundary of the site will be particularly important to soften the impact of the development from the open countryside.
- 15.1 The existing hedgerow will be retained and enhanced in accordance with criterion 1 of the draft policy H1 (40).
- 15.2 There are no TPO trees on the site and a majority of the trees are located around the edge of the site would be retained. It is proposed to fell two trees within the site, an Ash and a Goat Willow as both trees are in decay. The landscape officer has not raised any objections to the removal of these trees, which would not require consent from the council.
- 15.3 The landscape officer initially advised that unit 1-6 may have a negative impact upon the health of the oak tree located to the south, on the boundary of the site. The applicant has subsequently provided amended drawings moving unit 1-6 an acceptable distance away from the oak tree.

A number of protected species have been identified on the site, including bats, slow worm, grass snakes, viviparous lizards and great crested newts.

- 15.4 The proposed ecology mitigation and enhancement works in the submitted strategy are considered appropriate and have been endorsed by KCC Ecology. The proposed measures have built on those achieved in the earlier developments adjoining the south of the site and the habitats already created along the west of the site. The applicant has employed the same ecologist for the whole site and has therefore provided a degree of consistency and continuity to the ecology mitigation measures, which is considered important given the sensitive ecological nature of the site.
- 15.5 The western edge of the entire draft allocation site will be linked via an ecological corridor and new habitat has been re-created to the west of the development and reptiles and great crested newts will be released there. New habitat will also be created along the southern boundary of the development. The western edge of phase one already contains a habitat, including ponds and planting, for great crested relocation.

- 15.6 Biodiversity enhancements will also include incorporating roost boxes / bricks for bats into buildings, enhancement of a flower-rich grassland area and the enlargement of an existing small pond. Reptiles will be captured prior to the development and relocated to areas of rough grassland create for phase 1 and phase 2 on a strip of land to the west of the site. Additional habitat will be provided along the southern boundary and the eastern edge of the site will be a flower-rich grassland area.
- 15.5 Subject to appropriate conditions no objections are raised on landscape or ecology grounds.

16 Affordable Housing

- 16.1 The development is for a total of 28 units with the applicant proposing 40% affordable housing which equates to 12 units. The proposal shows plots 1-6 and 7-12 (12 units) as being a 40% provision of affordable housing. In terms of housing mix, the proposal is for 6 no. 1 bed units, 4 no. 2 bed units and 2 no. 3 bed units.
- 16.2 40% on-site provision of affordable housing is in accordance with council policy and the on-site mix has been agreed by the council housing department during discussions with the applicant.

17 Other Matters

- 17.1 A number of objectors have raised concerns regarding the impact of the development on local infrastructure, in particular pressure on local schools and their ability to accommodate additional pupils.
- 17.2 In this regard S106 contributions are being sought from the development towards extending Headcorn Primary School. It is also noted that the KCC as the Local Education Authority has to ensure provision of sufficient pupil spaces at an appropriate time and location to meet its statutory obligation under the Education Act 1996 and as the Strategic Commissioner of Education provision in the County under the Education Act 2011.
- 17.3 The applicant has been asked to explain why the current application and 14/503960/OUT have been submitted as two separate applications rather than a single planning application. In responses to this the applicant has advised that the two schemes are independent of one another in terms of infrastructure and access. Further, the level of housing on each site has been led by, inter alia, the constraints of each site and highways constraints onto Lenham Road and King Road. The southern part of the site already benefits from outline and reserved matters approval therefore it would not be appropriate to ask for a single application to cover the whole of draft allocation site H1 (40) at this stage.
- 17.4 Whilst it is regrettable that the whole of the draft allocation site has not been submitted as one single planning application, due to different land owners and previous approvals already on the site, however it is considered that the site as a whole offers a good level of permeability and interconnectivity for pedestrians and cyclists and there is a good level of public open space and formal play space across the whole site. In addition, the relocated PROW to the west of the site would create an attractive / safe pedestrian environment with enhancements to ecological habitat, linking Lenham Road and Grigg Lane.

18 CONCLUSION

- 18.1 Development of this site would effectively constitute infill residential development in the open countryside with the existing residential development in Headcorn located to the west of the site and previously approved developments at draft site allocation H1 (40) adjoining the south of the site and, a further planning proposal for 13 units located to the north of the site. The proposed development would not project any further eastward into the open countryside than the approved developments to the south of the site, including the Hardwicks site which includes 22 units and doctors surgery and pharmacy. In addition the site forms part of a larger site allocated for residential development which has recently been approved at Scrutiny Committee and will move forward to Regulation 19 stage of the draft Local Plan.
- 18.2 The proposed development does not conform to policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development is at a sustainable location, in proximity to Headcorn Village and within safe walking distance of a number of services and facilities within the village, including schools, doctor's surgery and pharmacy and a well connected bus route and train station. The development of this site for residential purposes is therefore considered to represent an example sustainable development and would conform to the aspirations of the NPPF and is not considered to result in significant planning harm.
- 18.3 Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan.
- 18.4 40% on-site affordable housing provision is proposed and design and layout of the dwellings is acceptable and there are no highways, ecology or drainage objections to the proposals subject to conditions.
- 18.5 It is therefore considered that the development of the site for residential purposes is acceptable and it is recommended subject to the completion of a section 106 agreement planning permission is granted.

19 RECOMMENDATION – GRANT permission subject to S106 and conditions.

- 19.1 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 40% affordable residential units within the application site, comprising eight affordable rent units and four shared ownership units.
 - Contribution of £4000 per applicable house (x22) = £88,000, sought towards the first phase of permanently expanding Headcorn Primary School
 - Contribution of £891.69 per applicable house (x22) = £19,617.18, towards primary land acquisition sought towards Headcorn Primary School site expansion to accommodate the extension of the School accommodation
 - Contribution of £1344.44 sought to be used to address the demand from the development towards additional book stock and services at local libraries serving the development to be supplied to Headcorn Library
 - Contribution of £30,413.60 (£1086.20 per dwelling) towards the improvement of open space in the vicinity of the site.

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

CONDITIONS to include

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

a. Landscaping

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

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

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

- (2) The details of landscaping submitted pursuant to condition 1 above shall provide for the following:

(i) Details of all trees to be retained and any to be removed together with detailed Root Protection Plans.

(ii) A detailed arboricultural method statement that includes assessment of the works relating to the provision of the re-aligned Public Right of Way within the site (including its routeing, method of construction and foundations), and the construction of the dwellings on plots 1-6.

(iii) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas and areas of open space within the site, other than small, privately owned, domestic gardens, to be prepared having regard to and in conjunction with the ecological mitigation and enhancement measures to be provided on the site pursuant to condition 3 below.

(iv) The provision of native species hedging and hedgerow trees to the east boundary of the site

v) The provision of native species hedging and railings/dwarf walls/fencing to the highway frontages of the proposed dwellings.

(vi) Measures to prevent parking on the landscaped verges and open space within the site.

(vii) Appropriate native species under-storey planting to the proposed woodland corridors.

(vii) Landscaping details for the domestic gardens using indigenous species, which shall include indications of all existing trees and hedgerows on the land, including the hedgerow along the northern boundary of the site adjacent Lenham Road, and details of any to be retained, together with measures for their protection in the course of development. 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 appearance to the development.

- (3) The development shall not commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Aims and objectives of management.
- c) Management prescriptions for achieving aims and objectives.
- d) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- e) Details of the body or organisation responsible for implementation of the plan.
- f) Details of on-going species and habitat monitoring; and
- g) Provision for remedial measures.

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

Reason: To ensure a high quality design, appearance and setting to the development, and to protect and enhance biodiversity.

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

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

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

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.

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

- (7) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the rate/volume of runoff leaving the site post-development will not exceed 5l/s for any rainfall event (up to and including the climate change adjusted 100yr critical storm).

(ii) No dwelling hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i. a timetable for its implementation, and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

- (8) The development shall not commence until a details of foul water drainage have been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding both on and off site by ensuring the satisfactory disposal of foul water.

- (9) No development shall commence on site until a signed S278 Agreement, covering the visibility improvements proposed at the junction of Oak Road with Wheeler Street, 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.

- (10) 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.

- (11) No part of the development hereby permitted shall be occupied until the footway on Oak Lane shown on drawing no OLH-004 received 26/10/20012 under planning permission 12/1949 has been constructed, completed and provided with its final external surface.

Reason: In the interests of highway and pedestrian safety.

- (12) The development shall not commence until an Order has been made pursuant to s257 of the Town and Country Planning Act 1990 (as amended) for the diversion and reconstruction of Public Right of Way KH606. Works relating to the reconstruction of Public Right of Way KH606 shall be completed prior to the commencement of development.

Reason: In order to ensure that the public right of way is not adversely affected.

- (13) No development shall take place until details of slab levels of the buildings and existing site levels have been submitted to and approved by the LPA and the details shall be completed in accordance with the approved levels.

Reason: To ensure a satisfactory form of development.

- (15) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The Statement shall provide for:

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

The approved Statement shall be adhered to throughout the construction period.

Reason: In the interests of the amenities of the area

- (16) 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 dwellings 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

- (17) 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

- (18) 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, Classes A, B and F and Part 2 Class A to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character, appearance and functioning of the surrounding area.

- (19) No development shall take place until details of the treatment plant shown on drawing PL-WH-02B; dated 20.08.15, have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the design, height, materials access arrangements, enclosure details and long term management / ownership details. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: In the interest of residential amenity

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

Drawing Nos. PL-WH-01; dated 29.10.14 and PL-WH-02B; dated 25.08.15 and PL-WH-03; dated 29.10.14 and PL-WH-04B; dated 25.08.14 and WH/SM/291014; dated 29.10.14 and WH/SP/291014A; dated 25.08.14 and PL-WH-P1-6-01 and PL-WH-P1-6-02 and PL-WH-P7-12-01 and PL-WH-P7-12-02 and PL-WH-P7-12-03 and PL-WH-P13-14-01 and PL-WH-P15-18-01 and PL-WH-P15-18-02; dated 29.10.14 and PL-WH-P19-20-24-25-01A and PL-WH-P19-20-24-25-02A and PL-WH-P21-22-26-27-01A and PL-WH-P21-22-26-27-02B and PL-WH-P23-01A and PL-WH-P23-02A; dated 25.08.15 and PL-WH-P28-01 and PL-WH-P28-02 and PL-G-01; dated 29.10.14 and Transport Statement by G M Heard; dated February 2015 and Ecology Report by Flag Ecology; dated 4 November 2014 and January 2015 and Swift Ecology Report; dated 29 July 2011 and Flood Risk Assessment; dated April 2015.

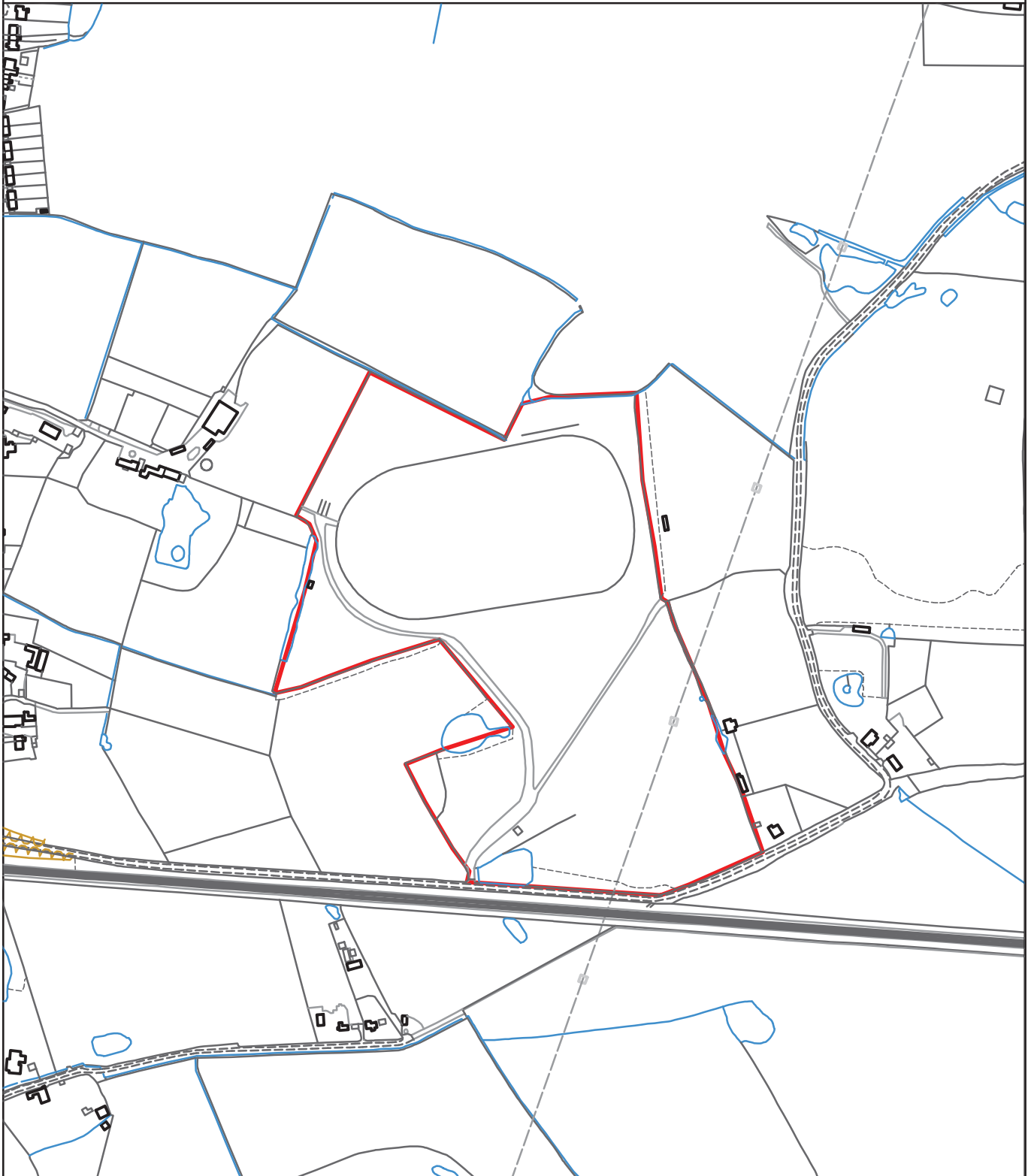
Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

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

Still Acres Touring And Camping Park
Longend Lane
Marden
Kent
TN12 9SE

MBC Ref: 15/501877



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 15/501877/FULL			
APPLICATION PROPOSAL Development of a block of 9 stables in one building together with surfacing with road stone of an established access track, creation of 9 parking spaces and ancillary works.			
ADDRESS Still Acres Touring And Camping Park, Longend Lane, Marden Kent TN12 9SE			
RECOMMENDATION Permission granted			
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development is considered to comply with the provisions of the Development Plan			
REASON FOR REFERRAL TO COMMITTEE Recommendation is contrary to Parish Council comments			
WARD Marden And Yalding Ward	PARISH/TOWN COUNCIL Collier Street	APPLICANT Mr And Mrs Still AGENT Synergy Planning And Property Consultants Ltd	
DECISION DUE DATE 09/06/15	PUBLICITY EXPIRY DATE 09/06/15	OFFICER SITE VISIT DATE 08/06/15	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
13/1837–	Non material amendment involving relocation of the wardens mobile home being sited 10 metres to the south east of the approved position	Approved	21/11/13
13/0316:	Change of use of land for the keeping of horses for recreational use (excludes area of land the subject of 11/0009 below)	Granted	20/8/13
11/0009	Change of use to caravan park for 30 tourist pitches with ancillary shower block and refuse store. This permission was subject to conditions requiring, amongst other things,	Granted	28 June 2012

	<p>(a) cessation of the grass track racing use,</p> <p>(b) only one static caravan for wardens use only and no more than 30 touring caravans at any one time</p> <p>(c) limitations on the time and type of occupation of the caravans</p>		
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MAIN REPORT

1.0 DESCRIPTION OF SITE

1.1. The application site is located south west of the small settlement of Collier Street. The site lies in open countryside but is not subject to any specific landscape designation. Planning permission was granted in 2012 to use the site as a caravan park for 30 pitches (ref: MA/11/0009) which has now been implemented with several horses being kept on the land.

1.2 The site is bordered by Longend Lane to the south with the Paddock Wood to Ashford railway immediately to the south of the road, with open land in agricultural/equestrian use to the north, east and west of the site. This is flat, open countryside characterised by large fields, bordered and interspersed by established hedging and shaws of trees. There is sporadic residential development in the surrounding area, most notably to the south west of the site off Longend Lane and to the west with housing accessed from Collier Street (B2162).

1.3 Access from Longend Lane is via a gated access and hardcore track running northwards towards the proposed site. Public Footpath KM246 shares the access point before diverting away north and west from the line of the track. The track crosses grassland with hedging and trees to the west before arriving at a timber chalet occupied by the site warden which was permitted in 2014 (14/0799).

1.4 The site is within Flood Zone 2 and the comments by the Environment Agency are set out below.

2.0 PROPOSAL

2.1 It is proposed to erect a block of 9 stables for commercial use in the NE corner of the site to the east of the existing timber chalet. The stables have an L shaped plan with a concrete hardstanding in front and parking for 9 vehicles. It is also proposed to surface the existing access track across the field from Longend Lane.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
 National Planning Practice Guidance (NPPG)
 Development Plan: Maidstone Borough-Wide Local Plan 2000: Saved policies ENV28, ENV46

4.0 CONSULTATIONS

4.1 Parish Council:

“Our previous concerns remain, the concerns that representatives of the parish voiced to the Stills when they visited them: There are no bridleways in the Parish for horse riders and no real evidence that this kind of stabling is needed. We now have further concerns that they are applying for yet more car parking areas and more roadways. Anyone in the equine world...particularly farriers, will tell you the market is shrinking...not only because of costs, but because young people aren't into horse-riding anymore. Sad but true... hardly a week goes past without some report on horses being abandoned or, as we can vouch for, dumped dead.

Further comments dated 6/7/15 “wish to see this application refused. If MBC are minded to approve we wish to see the application referred to the planning committee.

The application is quite disconcerting as the applicants are applying for a very large L shaped stable block on an extremely large concrete hardstanding area. The construction would appear to be providing yet another permanent building on this site which is gradually undergoing large scale development in stages. The positioning of the stable block on the farthest corner of the plot also requires a very long track giving access from the entrance in Longend Lane and the owners are seeking planning permission to turn this track into a road.

There has already been substantial development at this green field location with the new caravan site, toilet block, associated waste processing plant and warden's mobile home which I note is now referred to on the plans as a warden's chalet. We also note the absence of any caravans using the Park which is significant as we are now well into the holiday season.

Despite the letter from Synergy, the clients' Planning and Property Consultants, claiming that two people have enquired about stabling there is no justification for the further development of this location and no evidence of need in an area susceptible to flooding where there are no bridleways”

4.2 Environmental Health –

RECOMMENDATIONS: No objections subject to the following conditions:

Manure storage

“Prior to the commencement of the development, details of where and how manure is to be stored and ultimately disposed of shall be submitted to and approved in writing by the Local Planning Authority. Once the use commences, this shall be carried out in accordance with the approved details. No manure or waste materials shall be burned upon the land within the application site.

Run-off

No development approved by this permission shall be commenced until a scheme for the disposal of run-off from the stable, hardstandings, manure heaps, stable washings and hay soaking areas has been submitted to and approved by the Local Planning Authority and these works shall be completed in accordance with the approved details before the first use of the building(s) or land.

4.3 KCC Highways:

No objections. It is not expected that this proposal will create a significant increase in traffic accessing the site, and sufficient parking and turning space is provided. For these reasons I

do not wish to raise objection on behalf of the local highway authority subject to the following:

- Warning signs to diagram 550.1 with distance plate to diagram 510 of the Traffic Signs and General Directions are required each end of Longend Lane to warn that accompanied horses are likely to be in the road ahead. This work should be provided under a S278 Agreement prior to the use commencing.
- Provision and permanent retention of the vehicle parking spaces and turning facilities shown on the submitted plans prior to the use of the site commencing

4.4 ENVIRONMENT AGENCY -

No objection to the proposed development, subject to informatives. We do however recommend the following:

Please note that the site lies on weald clay geology in flood zone 2, therefore care must be taken to avoid discharges and spills to the ground.

The Environmental Permitting Regulations make it an offence to cause or knowingly permit any discharge that will result in the input of pollutants to controlled waters.

We also recommend that consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures, where relevant, include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

Please note that a 1 in 100 year flood event does not mean that a flood will occur once every 100 years but that it has a 1% chance of happening in any given single year.

We note that no information has been submitted for foul drainage. We have the following comments to make: Stables produce highly polluting run-off from contaminated yards, manure heaps, stable washing and hay soaking. Such run-off should be directed to a sealed effluent tank.

It is good practice to collect horse manure along with bedding materials and store it as manure heaps or so called "temporary field heaps". Temporary field heaps should be sited where there is no risk of run-off polluting watercourses. They should be at least 10 metres from a watercourse and 50 metres from a well, spring or borehole that supplies water for human consumption or for use in farm dairies. Permanent manure stores should have an impermeable base that slopes so that run-off can be collected easily in a sealed underground tank. The best option for the disposal of manure is spreading on land where it is of agricultural benefit. If you are spreading your own manure and effluent you need to be aware of limitations on land spreading and nitrates directive/ nutrient management scheme restrictions on amount of land spreading/ nitrates input on farm land.

Waste onsite: The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

5.0 BACKGROUND PAPERS AND PLANS

A supporting Planning Statement has been submitted. Plan nos. 14/113/01B and 14/113/030 – proposed landscaping. Photographs have been submitted confirming that the use of the land for keeping horses has been implemented.

6.0 APPRAISAL

6.1 Principle of Development

Proposals for domestic or commercial stables should be assessed against Policy ENV46 of the adopted Local Plan. Applications for stabling should be considered against a range of criteria, the most relevant being as follows::

- Wherever possible new stables should be grouped with existing buildings
- The design should be sympathetic to its surroundings in terms of scale, materials, colour and details
- The proposal should be accompanied by an integral landscaping scheme
- The proposal should contain an area designed for the reception of soiled bedding materials and provision for foul and surface water drainage

In this case a previous permission (MA/13/0316) permitted the use of the land for the keeping of horses. This took the form of 9 paddocks, each occupied by a small field shelter or stable. It is now proposed to group the stables together in one block situated in the north-east corner of the field, to the east of the former grass track circuit. In terms of landscape impact this is considered to be preferable to scattering the structures over a wider area by concentrating the development in the corner of the site furthest away from Longend Lane.

Equestrian uses are generally considered to be appropriate in rural areas subject to satisfactory details of siting, design, materials, etc. In this case the proposed form of development will assist in maintaining the open character of the area and locating the stables 450m from the road where they will not be seen as a prominent feature in the wider landscape.

6.2 Visual Impact

The site is in a relatively isolated rural location comprising open, flat grassland but is well screened from Longend Lane to the south by mature vegetation. The proposed stable block would be situated in the NE corner of the site approx. 450m from the road. There is an existing hedge along the north and east boundaries which will be retained.

Although the caravan park and stables would be located in the northern part of the site the area will retain its open character and the clutter of siting 9 individual field shelters or stables scattered around the field will be avoided. The visual impact of the stables when viewed from the south will be mitigated by additional landscaping to the south, comprising hawthorn, ash, maple and oak. The proposed materials to be used include dark-stained timber boarding and a tile effect pitched roof. The maximum height of the stables would be 4m to the ridge.

Access to the stables would be via an existing track which was in use when the grass track circuit was in operation. It is proposed to retain the original alignment of the track but

improve the surface with roadstone. No objections are raised to proposed resurfacing of the track.

6.3 Residential Amenity

The nearest dwelling is approx. 300m to the south of the proposed stables adjacent to the E boundary. Environmental Health has advised on the requirements regarding manure storage/burning and has recommended appropriate conditions to safeguard amenity and minimise potential noise and smell nuisance.

6.4 Highways

It is proposed to provide a hard surface to an existing track across the field from the access onto Longend Lane to the site of the proposed stables. No objections have been raised to the proposed access and parking area by the Highway Authority subject to conditions regarding warning signs regarding horses in the road which would be provided under a S278 Agreement.

Parking for 9 vehicles is proposed in front of the proposed stable block with a small hard surfaced area to provide turning facilities within the site which are considered to be acceptable

6.5 Landscaping

It is proposed to retain the existing vegetation which provides screening along the site frontage to Longend Lane and along the north and eastern site boundaries. The existing screening will be supplemented by additional landscaping to the south of the proposed stable block comprising indigenous species such as hawthorn, ash, maple and oak. Whilst this will take several years to mature there is considered to be adequate existing screening along the site boundaries. An appropriate landscaping condition is recommended to ensure that the existing and proposed screening is maintained.

6.6 Flooding

The site is within Flood Zone 2 but the Environment agency has raised no objections.

7.0 CONCLUSION

Stables are generally considered to be an appropriate form of development in rural areas, subject to satisfactory design, siting, and materials. The proposal will result in a net reduction in clutter by concentrating the previously permitted 9 individual stables/field shelters in one stable block, set well back into the site 450m from Longend Lane.

It is recommended that in order to avoid a proliferation of structures on the land the applicant enters into an undertaking to ensure that the smaller field shelters and stables which were permitted under ref. MA/13/0316 are not erected on the land in addition to the proposed stable block to minimise the visual impact and safeguard the visual amenities of the area.

There is adequate existing landscaping to screen the site from the surrounding area and new planting is proposed to the south of the stables to provide additional screening from Longend Lane. The stables would be situated approx. 300m from the nearest adjoining dwelling and would not result in a material loss of amenity due to noise, smell etc.

No highway objections have been raised subject to conditions relating to warning signs and retention of parking spaces.

8.0 RECOMMENDATION –

Subject to the applicant giving an undertaking in the form of a S106 Agreement not to erect the small field shelters and stables permitted under ref. MA/13/0316 dated 20/8/13 in addition to the block of 9 stables hereby permitted in order to prevent a proliferation of structures on the land and to safeguard the visual amenities of the area, in such terms as the Head of Legal Services may advise, the Head of Planning and Development be given delegated powers to grant planning permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: In accordance with the provisions of S91 of the Town & Country Planning Act 1990, as amended by S51 of the Planning and Compulsory Purchase Act 2004

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

Reason: To ensure a satisfactory appearance to the development.

3. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and long term management. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines.

Reason: To ensure an appropriate appearance and setting to the development

4. No more than 9 horses shall be kept on the site at any time and the site shall not be used for any riding lessons or training purposes;

Reason: In the interests of visual amenity, animal welfare and potential effects of the use on the highway network.

5. No additional buildings or temporary structures including horse jumps shall be erected, placed or allowed to remain on the land unless the prior written approval of the Local Planning Authority has been obtained;

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

6. No external lighting shall be installed at the site;

Reason: To safeguard the visual amenities of the countryside.

7. Warning signs are required at each end of Longend Lane to warn that accompanied horses are likely to be in the road ahead. This work should be provided under a S278 Agreement prior to the use commencing.

Reason: in the interests of highway safety

8. The vehicle parking spaces and turning facilities shown on the submitted plans shall be provided prior to the use of the site commencing and permanently retained,

Reason: in the interests of highway safety

9. Prior to the commencement of the use of the stables hereby permitted, details of where and how manure is to be stored and ultimately disposed of shall be submitted to and approved in writing by the Local Planning Authority. Once the use of the stables has commenced, this shall be carried out in accordance with the approved details. No manure or waste materials shall be burned upon the land within the application site.

Reason: in the interests of the residential amenities of the area.

10. No development approved by this permission shall be commenced until a scheme for the disposal of run-off from the stable, hardstandings, manure heaps, stable washings and hay soaking areas has been submitted to and approved by the Local Planning Authority and these works shall be completed in accordance with the approved details before the first use of the building or land.

Reason: in the interests of the residential amenities of the area.

11. The development shall be carried out in complete accordance with the approved plans – dwg. nos. 14/113/01B and 14/113/03A

Reason: To ensure the quality of the development is maintained.

INFORMATIVES

1. It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

2. You are also advised to contact KCC Highways regarding compliance with condition 7 (warning signs) and the prior completion of a S278 Agreement.

Case Officer: Tim Bloomfield

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

Agenda Item 18

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 1st October 2015**

APPEAL DECISIONS:

1. 14/505428

Outline application for the erection of a single dwelling with all matters reserved for future consideration.

APPEAL: Dismissed

Land At
Bow Hill
Wateringbury
Kent

(Delegated)

3. 13/2169

Erection of single dwelling and annexe with landscaping scheme and associated works (under paragraph 55 of the National Planning Policy Framework)

APPEAL: Dismissed

Land At Reeds Wood, Cox Street, Detling, Kent

(Delegated)

3. 14/0539

Erection of three 4 bedroom detached houses with integral garages and two parking spaces externally

APPEAL: Allowed subject to conditions

Eastwells, Kenward Road, Yalding, Maidstone, Kent, ME18 6JP

(Committee Decision)

3. 14/503722/TPO

TPO No. 1 of 1969: An application for consent to fell 1 no. Sweet Chestnut tree.

APPEAL: Dismissed

18 Goldstone Walk, Boxley, Kent, ME5 9QB

(Delegated)

2. ENF/11208

Without planning permission, the change of use of the land and building from agriculture to mixed use for agriculture and for residential purposes including the operational development of the construction of areas of hardsurfacing and the erection of an internal fencing enclosure; and involving the stationing of a caravan and a portable toilet.

APPEAL: Dismissed and enforcement notice upheld.

Philjan, Yelsted Road, Yelsted, Stockbury, Kent,
ME9 7XG

(Enforcement)

S.106 CONTRIBUTIONS HELD BY MAIDSTONE BC (AUGUST 2015) ALLOCATED TO :

PUBLIC OPEN SPACE AND RECREATION	£ 1, 758, 616. 47
PUBLIC OPEN SPACE AND RECREATION FOR MAINTENANCE	£ 1, 485, 546.96
CAR PARK WORKS	£ 24, 062.80
KENT COUNTY COUNCIL COMMUNITY	£ 186, 654.31
CYCLE	£ 15,095.60
KENT COUNTY COUNCIL HIGHWAYS	£ 31, 963.04
TOWN CENTRE	£ 100,794.47
PUBLIC ART	£ 10,000
HEALTHCARE	£ 287,477.50
WILDLIFE	£ 823.48
TOTAL HELD	£ 3, 901, 034.63

MBC S106 Contributions Held List (AUGUST 2015)

S106	Plan App No.	Public Open Space & Recreation	Public Open Space commuted sums for maintenance	Education	Adult Ed/Community Learning	Adult Social Services	Library	Youth & Community	Transport/Highways	Healthcare	Spend By Date
Weaving Heath Area D (Boxley)	80/0959		£39,994.63								No date
Land at Linton Road (Loose)	01/0990 & 0509		£6,600								No date
Frith Hall, Dean Street (Coxheath)	94/0027		£22,443.17 Woodland & play area								No date
Land off Button Lane (Bearsted)	95/1341	£10,344.20	£25,475								No date
Len River Valley Nature Reserve (Bearsted)	95/1343		£5,342.25 Fencing & signage Len Valley nature Reserve								No date
Oakwood Hospital Site (Heath)	96/0629 & 0630		£128,764.05 Freshlands £63,293.55 Tarragon Rd								No date
Linden Homes St Andrews Park (Heath)	96/0630	£4,124.50 Lighting repairs & litter bins	£180,372.23 St Andrews Park								No date

S106	Plan App No.	Public Open Space & Recreation	Public Open Space commuted sums for maintenance	Education	Adult Ed/ Community Learning	Adult Social Services	Library	Youth & Community	Transport/ Highways	Healthcare	Spend By Date
Chancery Lane, Drainage (High St)	02/1943		£12,250 nature reserve								No date
Buckland Road Cloudberry Close (Allington)	97/0378		£7,275.23								No date
Northumberland/W estmoreland Rd/ Cumberland Ave	97/1269		£9,818.71								5 year period
Lime trees – Marden Road	96/1308		£31,658.28								No date
Former Duncan Webb site, Farleigh Hill (South)	99/1620		£72,197.77								No date
Sandling place	03/0886		£30,000 upgrade within 5 mile radius								No date
Shaw close Penenden Heath	00/0571		£5637.33								No date
11 Buckland Hill	06/1661 07/0463		£3801.25 Towards Brenchley Gardens								No date

Kent Garden Centre (Corben Close)	99/1956		£5,535.96								No date
S106	Plan App No.	Public Open Space & Recreation	Public Open Space commuted sums for maintenance	Education	Adult Ed/Community Learning	Adult Social Services	Library	Youth & Community	Transport/Highways	Healthcare	Spend By Date
48-54 Buckland road	07/2477		£37,800 within a one mile radius of the land								March 2022
Pested Bars Road Boughton Monchelsea	01/0727		£4,801.70								January 2018
Land at Depot Site, George Street	12/0590		£51,975 Collis Millennium Green, South Park Mote Park								February 2023
Hadlow College, Oakwood Park	10/0485		£80,556.18								No date
St Faiths Lane (Bearsted)	04/1608	£6,663.01 Bearsted PC Lighting Scheme								£1,307.47 (Residue) Wallis Ave Mote Medical Practice & Marden Medical Centre	April 2016
Kent Frozen Foods, Land at Ware Street (Bearsted)	01/1297	£24,275.55 Grovewood Drive play areas £35,000 Ashurst Road play areas									May 2016

S106	Plan App No.	Public Open Space & Recreation	Public Open Space commuted sums for maintenance	Education	Adult Ed/Community Learning	Adult Social Services	Library	Youth & Community	Transport/Highways	Healthcare	Spend By Date
Westree Works, Hart Street (Fant)	05/0492	£67,162.49 Mote Park improvement project									No date
Land at 390-408 Loose Road (South)	06/0273	£15,530 Towards play equipment at South Park									Oct 2019
Convent of Mercy (Parkwood) 82	06/1044	£6,412.51 For Parkwood recreation Ground									No date
Kent Police Workshops	06/1116	£13,113.14 Improvements to off site play area									No date
Furfield Quarry (Boughton Monchelsea)	01/1904	£34,000 improvement repair and enhancement of the Parkwood Play area							£19,013.04 Shared cycle route & bus shelter		Sept 2022

S106	Plan App No.	Public Open Space & Recreation	Public Open Space commuted sums for maintenance	Education	Adult Ed/Community Learning	Adult Social Services	Library	Youth & Community	Transport/Highways	Healthcare	Spend By Date
Ecclestone Road High Street	05/0279	£126,907 Towards South Park (planned works begin in 2014)									May 2015 already spent
Beaconsfield Road (Cartem Site) South 83	05/0335	£10,000 Public Art (on the site) £30,000 off site POS at Woodbridge Drive £10,000 on site POS									Oct 2016
Railway Hotel Broadway (Fant)	05/1719	£31,059.40 War memorial works (currently under way)									(June 2014) sum was spent before this, need to recoup
Brook Cottage, Headcorn	03/2029								£12,950 Towards construction of additional culvert under Hoggs Bridge		No date
Victoria Court 17-21 Ashford Road (High Street)	94/0156	£21,199.60 Car Park works to serve the town	£2,863.20 Minor Car Park Repairs								No date

Parkwood Tavern (Parkwood)	07/1344	£40,950 Allocated to Parkwood									April 2015 already spent
S106	Plan App No.	Public Open Space & Recreation	Public Open Space commuted sums for maintenance	Education	Adult Ed/ Community Learning	Adult Social Services	Library	Youth & Community	Transport/ Highways	Healthcare	Spend By Date
Former Ophthalmic Hospital	06/0093	£46,128 Works to Trinity Park									Dec 2014
Fintonaugh House	05/1101	£12,076 Penenden Heath Play Area resurfacing									Within 10 years of occupation of last dwelling
Former Leonard Gould Factory (Loose) 8 4	04/1363	£530 Allocated for King George playing fields & Loose POS									June 2020
22 High St & 1-9 Pudding Lane (High Street)	06/2134	£49,281 Off site POS Whatman & Mote Park Buckland Hill allotments									Nov 2015
Brunswick Street (High Street)	08/2477	£175.75 Collis Millenium Green									Feb 2021
Land at Oakwood Park (Heath)	07/2328	£31,500 POS- Gatland Lane									Feb 2020

46 Sittingbourne Road (East)	08/0108	£22,050 Improve Existing POS									June 2021
S106	Plan App No.	Public Open Space & Recreation	Public Open Space commuted sums for maintenance	Education	Adult Ed/ Community Learning	Adult Social Services	Library	Youth & Community	Transport/ Highways	Healthcare	Spend By Date
Former Trebor Basset Site (Bridge)	99/1363	£105,676.80 Upgrading Riverside Walkway									No date
58-64 Sittingbourne Road (East)	09/0996	£17,325 Off site								£6,327 (towards Northumberland Ct Surgery)	No date
Senacre College Site (Parkwood)	10/1413 & 0846	£300,000 provision of a Multi use games area in Parkwood, Shepway North & South									April 2022
Threeways Depot (Headcorn)	06/0389	£71,515.07 POS within one mile of site									May 2023
115 Tonbridge Road (Fant)	08/2323	£13,912.81 POS within one mile of site								£5,980 Within one mile radius	Feb 2018
Cedarwood, Queens Road (Bridge)	07/0415	£22,254.16 Upgrading off-site existing outdoor & amenity space within one mile of site									Nov 2022

Parisfield, Headcorn (Staplehurst)	07/0629	£18,900 Enhancement & provision of outdoor/ amenity space in one mile of site									Nov 2022
S106	Plan App No.	Public Open Space & Recreation	Public Open Space commuted sums for maintenance	Education	Adult Ed/ Community Learning	Adult Social Services	Library	Youth & Community	Transport/ Highways	Healthcare	Spend By Date
Ecclestone Road (High Street)	10/1478	£55,214.38 Improvement of river walk/ Woodbridge drive play area or provision of a community facility in a 2km radius									No date
27 Hartnup St (Fant) 86	06/0767	£17,325 Open space to meet needs arising from the site								£9,900 in Maidstone Borough	No date
Astley Road (High Street)	10/0594	£39,554.79 Towards Mote Park								£21,240 improve existing healthcare facilities to the surgery sited at King Street	Dec 2022 (POS) Dec 2017 (PCT)
Eclipse Park (Next Store) Boxley	12/2314	£100,794.87 Town Centre development									Dec 2018
Wallis Avenue (Parkwood)	12/1051	£20,081.30 Parkwood Recreation Ground Outdoor Gym & Skate									March 2024

		Park									
48-54 Buckland Road Bridge	07/2477									£15,120 within a 3 mile radius of the land	Mar 2019
S106	Plan App No.	Public Open Space & Recreation	Public Open Space commuted sums for maintenance	Education	Adult Ed/ Community Learning	Adult Social Services	Library	Youth & Community	Transport/ Highways	Healthcare	Spend By Date
Land at James Whatman Way	09/0863									£ 81,370 Use within a 5 mile radius	August 2019
87 13 Tonbridge Road (Fant)	11/1078 & 12/0774 Deed of variation	£16,092.61 Off Site play area/open space within 2 KM radius of site			£1,267.85 Ad Ed courses at new library & archive centre	£823.35 Towards Telecare facilities	£1,267.85 Towards new library & archive centre			£11,444.04 Towards Vine Medical Centre	July 2023 (POS) July 2023 (KCC) July 2020 (PCT)
59 Wheeler Street/Sherway Close (Headcorn)	06/1940	£ 22,503.18 Off Site									Sept 2023
Land to rear of 125 Tonbridge Road (Fant)	12/0381	£3,349.54 Allotments adj to Bower St. Rocky Hill & Buckland Hill								£3,177.28 within one mile radius of the site	Nov 2018
The Willows, Church Green, (Marden & Yalding)	10/0562	£16,770.60 Improvement works to The Cockpit									Nov 2020
The Hollies, Land at Hook Lane (Harrietsham)	11/0592					£99,088.31 Care of elderly & physical /learning	£18,728.60 Local libraries Maidstone Central and	£61,834.28 Towards youth services in Harrietsham	Wildlife Sum £823.48	£56,099.17 Upgrade/ improve doctors surgery in	Nov 2024

						disabilities	mobile library service			Harrietsham to serve development	
Former Rose PH, Farleigh Hill, Tovil (South)	12/0367	£22,306.31 provision or enhancement of off-site open green space									Feb 2024
S106	Plan App No.	Public Open Space & Recreation	Public Open Space commuted sums for maintenance	Education	Adult Ed/ Community Learning	Adult Social Services	Library	Youth & Community	Transport/ Highways	Healthcare	Spend By Date
Former BP Garage 531 Tonbridge Road	12/0825	£22,443.50 Towards Gatland Lane Park								£12,012 Towards the provision of primary healthcare services and facilities within a five mile radius of the land	March 2020
Land at Hillbeck Res Home, (Bearsted)	12/1012									£5,850.03 towards of Bearsted Medical Practice, Downswd & Grove Green Surgeries	No date
Former Car Sales Site, Ashford Road (Harrietsham)	11/2154	£15,750 Improvements to play areas at Glebe Field Harrietsham								£10,080 upgrading facilities at Glebe/ Sutton Valance/ Cobtree/ New Grove Green Medical	September 2019

										Centres/ surgery	
Wallis Avenue	12/1051	£20,081.30 Parkwood Recreation Ground									March 2024
S106	Plan App No.	Public Open Space & Recreation	Public Open Space commuted sums for maintenance	Education	Adult Ed/ Community Learning	Adult Social Services	Library	Youth & Community	Transport/ Highways	Healthcare	Spend By Date
Hayle Place Hayle Mill Road	11/0580	£168,834 Towards off-site open space South Park, Armstrong Road								£25,015.58 within a two mile radius of the land	Nov 2019
The Old School, Melville Road	11/2108				£431.76	£755.59	£2,456.72			£3,634.18 Towards all or any of the medical centres; Marshall St, St Lukes, Holland Rd, Brewer St and Grove Park	June 2025
Oliver Road Staplehurst	12/2106	£20,165.70 Towards Surrenden Road								£18,920.75 Towards new healthcare services and facilities within the Parishes of Staplehurst and Marden	March 2025

The MAP Depot Site, Goudhurst Road, Marden	13/0115								Cycle Store at Marden Station £15,095.60		July 2024
S106	Plan App No.	Public Open Space & Recreation	Public Open Space commuted sums for maintenance	Education	Adult Ed/ Community Learning	Adult Social Services	Library	Youth & Community	Transport/ Highways	Healthcare	Spend By Date
Westree Court Rowland Close	13/0718	£57,602.87 Towards Cornwallis Park, Clare Park, Whatman Park, Mote Park or allotment sites at Rocky and Buckland Hill									May 2025
Land at Oakapple Hermitage Lane	14/500412/ FULL	£108,675 Towards open space/equipped play and outdoor sports facilities within one mile radius of site									June 2022