

# AGENDA

## PLANNING COMMITTEE MEETING



Date: Thursday 22 October 2015  
Time: 6.00 pm  
Venue: Town Hall, High Street,  
Maidstone

### Membership:

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

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Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 29 October 2015

**Continued Over/:**

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**Issued on 14 October 2015**

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*Alison Broom*

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

6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
10. Minutes of the meeting held on 1 October 2015 1 - 8
11. Presentation of Petitions (if any)
12. Report of the Head of Planning and Development - Deferred Items 9 - 10
13. 14/0095 - Land at Church Road, Harrietsham 11 - 43
14. 14/502420 - Land at Ashford Drive, Kingswood, Kent 44 - 55
15. 14/506419 - Bell Farm, North Street, Barming 56 - 101
16. 15/500349 - 22 Goldstone Walk, Boxley 102 - 115
17. 15/505354 - Unit F3 Integra, Bircholt Road, Maidstone 116 - 123
18. 15/504506 - Broader Lodge, Broader Lane, Detling 124 - 129
19. 15/504510 - Land Adj to Eastwells, Kenward Road, Yalding 130 - 143
20. 15/506426 - Springfield Park, Royal Engineers Road, Maidstone 144 - 152
21. Report of the Head of Planning and Development - Appeal Decisions 153 - 154
22. 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 1 OCTOBER 2015**

**Present:** Councillor English (Chairman) and  
Councillors Ash, Butler, Chittenden, Cox, Harper,  
Harwood, Munford, Paine, Paterson, Perry, Round and  
Mrs Stockell

**Also Present:** Councillor Sargeant

144. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Clark and Hemsley.

145. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Butler for Councillor Hemsley  
Councillor Chittenden for Councillor Clark

146. NOTIFICATION OF VISITING MEMBERS

Councillor Sargeant attended the meeting as an observer.

147. ELECTION OF VICE-CHAIRMAN

**RESOLVED:** That Councillor Harper be elected as Vice-Chairman of the Committee for the remainder of the Municipal Year 2015/16.

148. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

149. 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 and other matters to be considered at the meeting.

150. DISCLOSURES BY MEMBERS AND OFFICERS

With regard to the report of the Head of Planning and Development relating to application 15/501342, Councillor Round said that he lived 100

yards from the application site, and would speak but not vote when the proposed development was discussed.

Councillor Ash stated that he knew Mr Norton who had registered to speak on application 15/501342 on behalf of the applicant. Councillor Ash said that he had been lobbied by Mr Norton, and he had listened, but he had not commented. He had not pre-determined the application, and intended to speak and vote when the proposed development was discussed.

151. EXEMPT ITEMS

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

152. MINUTES OF THE MEETING HELD ON 10 SEPTEMBER 2015

**RESOLVED:** That the Minutes of the meeting held on 10 September 2015 be approved as a correct record and signed.

153. APPOINTMENT OF CONSERVATIVE GROUP POLITICAL GROUP SPOKESPERSON

**RESOLVED:** That Councillor Ash be appointed as the Conservative Group Political Group Spokesperson for the remainder of the Municipal Year 2015/16.

154. PRESENTATION OF PETITIONS

There were no petitions.

155. DEFERRED ITEMS

1. 13/1979 - OUTLINE PLANNING APPLICATION FOR UP TO 55 RESIDENTIAL DWELLINGS WITH MEANS OF ACCESS. ALL OTHER MATTERS RESERVED - LAND NORTH OF HEATH ROAD, COXHEATH, MAIDSTONE, KENT

The Development Manager advised Members that he hoped to be in a position to report this application back to the Committee very soon.

2. 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

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

3. 14/503957 - APPLICATION FOR PERMANENT CHANGE OF USE TO A FREE SCHOOL (CLASS D1) - GATLAND HOUSE, GATLAND LANE, MAIDSTONE, KENT

In response to concerns expressed by Members about the lack of progress being made in relation to this application, the Development Manager advised the Committee that he would be meeting with the applicants the following week. He needed a final decision from the Local Education Authority and the Free School in terms of certain principles, but he hoped to be in a position to report the application back to the Committee on 22 October 2015 or 12 November 2015 for determination.

4. 14/506419 – ERECTION OF 35 RESIDENTIAL DWELLINGS, TOGETHER WITH ASSOCIATED HIGHWAY WORKS AND LANDSCAPING PROVISION – BELL FARM, NORTH STREET, BARMING, KENT

The Development Manager advised the Committee that a meeting had been held with the applicants and they had indicated that they were not prepared to undertake the changes suggested by Members. The application would be reported back to the Committee on 22 October 2015 for determination. A technical note had been received from the applicant's consultant engineer regarding some of the issues, for example, SUDS, and details would be incorporated in the report to Committee.

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

156. 13/2008 - 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 0.6 HA (1.5 ACRES) OPEN SPACE/COMMUNITY FACILITIES - LINDEN FARM, STOCKETT LANE, EAST FARLEIGH, MAIDSTONE, KENT

All Members except Councillors Butler and Paterson stated that they had been lobbied.

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

Councillor Hughes of Coxheath Parish Council (against) and Mr Dixon, for the applicant, addressed the meeting.

**RESOLVED:** That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to secure the following:

- The provision of 30% affordable housing units;

- 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;
- A contribution for primary education of £119,067.60 towards the enhancement of Coxheath Primary School;
- A contribution for secondary education of £119,067.60 towards the expansion of Cornwallis School phase 2; and
- A contribution of £43,804.80 to be invested in the Stockett Lane and Orchard Surgeries in Coxheath,

the Head of Planning and Development be given delegated powers to grant outline permission subject to the conditions and informatives set out in the report, as amended by the urgent update report, and the additional conditions set out in the urgent update report with the amendment of the ecological enhancements condition set out in the urgent update report and an additional condition and additional informatives as follows:

Ecological Enhancements Condition (amended)

Further details shall be submitted of ecological enhancement measures to provide net gains for biodiversity and the proposed development shall make provision for such measures including 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 (using cordwood from the site), bird and bat boxes at suitable locations on the site and bat bricks and swift bricks incorporated in new buildings.

Reason: To protect and enhance biodiversity.

Additional Condition

No occupation of the development hereby permitted shall take place until a footpath to the west side of Stockett Lane, in front of the existing hedge, from the access point to the site to link up with the existing footpath, has been provided in full.

Reason: In the interests of pedestrian safety.

Additional Informatives

A considerate Construction Management Plan should be put in place and strictly followed.

Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to

contact the Environmental Health Manager regarding noise control requirements.

Clearance and burning of existing woodland or rubbish must be carried out without nuisance from smoke etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

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

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

Voting:        8 – For        4 – Against        1 – Abstention

157. 15/501342 - 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 - LAND NORTH OF GRIGG LANE, HEADCORN, KENT

All Members except Councillors Butler, Chittenden, Cox and Paterson stated that they had been lobbied.

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

**RESOLVED:** That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to secure the following:

- The provision of 40% affordable residential units within the application site, comprising eight affordable rent units and four shared ownership units;
- A contribution of £4,000 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, towards Headcorn Primary School site

expansion to accommodate the extension of the School accommodation;

- A contribution of £1,344.44 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; and
- A contribution of £30,413.60 (£1,086.20 per dwelling) towards the improvement of open space in the vicinity of the application site,

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

Voting:        12 – For        0 – Against        0 – Abstentions

Note: Councillor Round did not participate in the voting on this application.

158. 15/501877 - 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 - STILL ACRES TOURING AND CAMPING PARK, LONGEND LANE, MARDEN, KENT

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

Mr Bolton addressed the meeting on behalf of the applicant.

**RESOLVED:** That subject to the applicant giving an undertaking in the form of a S106 legal agreement, in such terms as the Head of Legal Partnership may advise, 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, the Head of Planning and Development be given delegated powers to grant permission subject to the conditions and informatives set out in the report and the following 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.

Voting:        13 – For        0 – Against        0 – Abstentions

159. 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 with regard to the appeal against the Committee's decision to refuse application 14/0539 (Eastwells, Kenward Road, Yalding), the Head of Planning and Development be requested to report back to the meeting of the Committee scheduled to be held on 12 November 2015 explaining the reasons for the decision not to contest the landscape issues at the appeal hearing.

160. S106 CONTRIBUTIONS AUGUST 2015

The Committee considered the report and the urgent update report of the Head of Planning and Development setting out details of S106 agreements in respect of which the Council was holding money on behalf of infrastructure providers as at August 2015. Members drew the Officers' attention to a number of inaccuracies in the report. They also emphasised the need to establish a procedure for drawing down and spending the contributions for public open space and recreation (and maintenance).

**RESOLVED:**

1. That the Head of Planning and Development be requested to:  
  
Review all S106 legal agreements on the database and the applications to which they relate and then update/correct the schedule of contributions held by the Council on behalf of infrastructure providers (this exercise to be undertaken as part of the transfer of information to the new system for reporting on S106 agreements); and  
  
Send the revised schedule to the Political Group Spokespersons to enable them to check the information with Members of their respective Political Groups and report back to the Officers with any issues and concerns.
2. That the Political Group Spokespersons be requested to consider the arrangements for drawing down and spending the contributions allocated for public open space and recreation (and maintenance) when the schedule is finalised, including the organisation of meetings with Ward Members and the appropriate Officers.
3. That the quarterly reports on S106 contributions be suspended until the exercise set out in paragraph 1 above has been completed.

161. CHAIRMAN'S ANNOUNCEMENTS

The Chairman raised the issue of active frontages particularly in rural and rural edge areas. During the ensuing discussion, reference was made to the urbanising effect of active frontages in these areas and also to the highway safety issues.

It was suggested that the issue be referred to the Strategic Planning, Sustainability and Transport Committee for consideration as to what if any policy initiatives are required.

**RESOLVED:** That the issue of active frontages particularly in rural and rural edge areas be referred to the Strategic Planning, Sustainability and Transport Committee for consideration as to what if any policy initiatives are required.

Voting:        13 – For        0 – Against        0 - Abstentions

162. DURATION OF MEETING

6.00 p.m. to 8.15 p.m.

## MAIDSTONE BOROUGH COUNCIL

### PLANNING COMMITTEE

22 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><br>18 December<br>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<br>adjourned to 23<br>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.

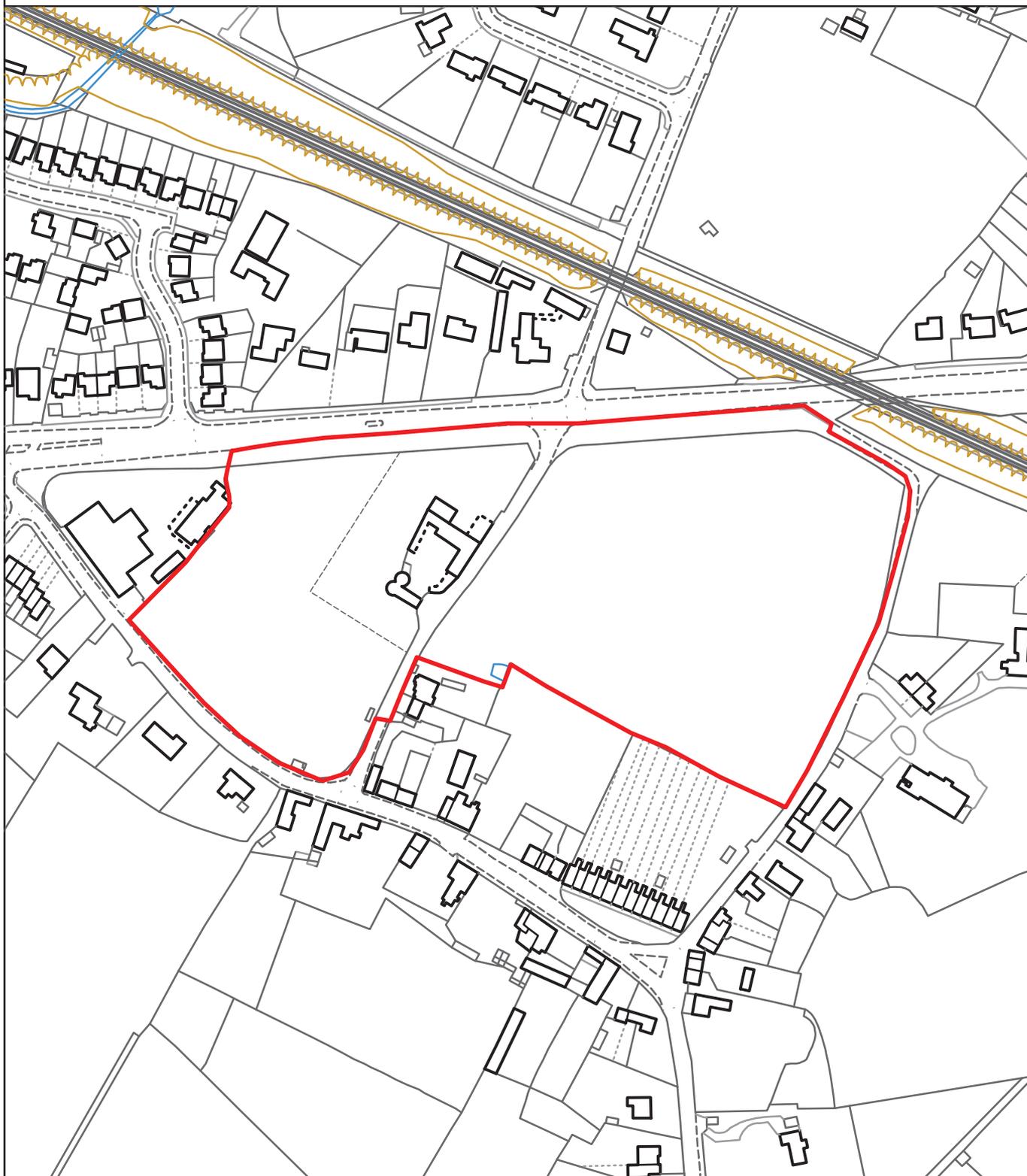
The extent of properly-managed play areas within the boundaries of the site, taking account of the size standard and separation of Key Stages 1 & 2.

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

# THE MAIDSTONE BOROUGH COUNCIL

Land at Church Road  
Harrietsham  
Kent

MBC Ref: 14/0095



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**Rob Jarman**  
Head of Planning

## REPORT SUMMARY

<b>REFERENCE NO:</b> MA/14/0095			
<b>APPLICATION PROPOSAL:</b> Outline application for residential development with access considered at this stage and all other matters reserved for future consideration. Full application for a change of use and conversion of oast house to a single dwelling with garaging.			
<b>ADDRESS:</b> LAND AT, CHURCH ROAD, HARRIETSHAM, KENT			
<b>RECOMMENDATION:</b> DELEGATED POWERS TO APPROVE SUBJECT TO CONDITIONS (See section 5 of report for full recommendation)			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development is at a sustainable location, immediately adjoins an existing settlement, and is not considered to result in significant planning harm. Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan.			
<b>REASON FOR REFERRAL TO COMMITTEE</b> <ul style="list-style-type: none"> <li>To seek Members agreement to amend Section 106 contributions and amendments to conditions.</li> </ul>			
<b>WARD</b> Harrietsham and Lenham	<b>PARISH/TOWN COUNCIL</b> Harrietsham	<b>APPLICANT:</b> K E Monk & Son Ltd <b>AGENT:</b> DHA Planning	
<b>DECISION DUE DATE:</b> 05/09/14	<b>PUBLICITY EXPIRY DATE</b> 21/05/14	<b>OFFICER SITE VISIT DATE</b> 10/02/14 & 04/12/14	
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
MA/13/0707	Screening Opinion for proposed residential development (between 80 and 100 dwellings) including conversion of oast to a dwelling and demolition of agricultural buildings	ENVIRONMENTAL STATEMENT NOT REQUIRED	22/05/13
59/0044/MK2	The erection of dwellings	REFUSED	02/07/59
59/0043/MK2	The erection of dwellings	REFUSED	02/07/59

### 1.0 BACKGROUND

- 1.01 This is a hybrid application with the main part seeking outline consent for residential development, with access considered at this stage and all other matters reserved for future consideration. The number of houses is not outlined in the description but illustrative plans have been provided showing 79 houses with a large area of open space at the east edge.
- 1.02 The second element of the hybrid application is detailed permission sought for a change of use and conversion of an existing oast house on site to a four bedroom dwelling with garaging.

1.03 This application was heard at the Planning Committee on 18<sup>th</sup> December 2014. Members resolved to give Delegated Powers to approve the development subject to conditions and the prior completion of a Section 106 legal agreement in such terms as the Head of Legal Partnership may advise to secure the following:

- *The provision of 40% affordable residential units within the application site;*
- *A contribution for Kent County Council of £590.24 per applicable flat and £2,360.96 per applicable house towards the build costs of extending Harrietsham Primary School;*
- *A contribution for Kent County Council of £148.86 per household to be used to address the demand from the development towards additional book stock and services at local libraries serving the development;*
- *A contribution for Kent County Council of £30.70 per household to be used to address the demand from the development towards the provision of new/expanded facilities and services both through dedicated adult education centres and through outreach community learning facilities local to the development;*
- *A contribution for Kent County Council of £8.44 per household to be used to address the demand from the development towards youth services locally;*
- *A contribution for Kent County Council Social Services of £15.94 per household to be used to address the demand from the development towards the provision of new/expanded facilities and services both on site and local to the development including assistive technology and enhancement of local community facilities to ensure full DDA access;*
- *A contribution for the NHS of £360 per person towards the extension, refurbishment and/or upgrade of the Glebe Medical Centre (branch to Len Valley Practice) and Len Valley Practice;*
- *A contribution towards highway improvement works to the A20 (the details to be finalised in consultation with the Parish Council and Ward Members); and*
- *A commitment from the developer to deliver the proposal.*

1.04 In addition, Members resolved to amend condition 9 to include appropriate enhancement for farmland bird species.

1.05 The previous committee report and urgent update report are attached at the **Appendix** to this report, which provides further details on the application site, the proposals, representations, and the reasons for the previous recommendation.

## 2.0 REASON FOR REFERRAL BACK TO PLANNING COMMITTEE

2.01 As Members will be aware, the Community Infrastructure Levy (CIL) Regulations were amended in April 2015. Prior to this date, all contributions subject to a s106 agreement were required, under the terms of Section 122 of the CIL Regulations, to be tested in respect of being necessary to make the application

acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development only. Since April 2015, Section 123 of the CIL Regulations additionally requires that no more than five separate planning obligations (calculated back to April 2010) can contribute towards the funding or provision of a project or type of infrastructure (“the pooling restriction”). As such, the scope of contributions that can be sought in respect of new development is restricted, although affordable housing is excluded from the pooling restriction on contributions. This has affected the contributions that can be sought as set out below and Members agreement to these changes is sought.

- 2.02 In respect of the A20 improvement scheme, work on the scheme has progressed since last year and the cost of the scheme is such that a contribution of £3,500 per dwelling has been finalised to secure delivery of the highway and public realm improvements.
- 2.03 With regard to the proposed ‘commitment by the developer to deliver the proposal’, it is not considered appropriate to have such a wording within a legal agreement as there is no clear mechanism to achieve this. Instead it is considered appropriate to reduce the time limit for the submission of reserved matters to two years, as part of the reason for recommending permission is based on the need for housing and a lack of 5 year housing supply.
- 2.04 Some amendments to conditions are also proposed as set out below.

### **3.0 CHANGES TO SECTION 106 CONTRIBUTIONS**

- 3.01 The following contributions/Heads of Terms are now sought following re-consultation:
- *The provision of 40% affordable residential units within the application site;*
  - *Primary Education: £2360.96 per applicable house towards Harrietsham Primary School expansion Phase 2.*
  - *Library bookstock: £3841.27 towards bookstock for the new borrowers from this development supplied to the mobile Library service calling at Harrietsham.*
  - *Youth equipment: £675.42 required for the new attendees from this development supplied to Swadelands Youth Centre.*
  - *Health: A contribution of £360 per person towards the extension, refurbishment and/or upgrade of the Glebe Medical Centre (branch to Len Valley Practice) and Len Valley Practice;*
  - *Highways: A contribution of £3,500 per dwelling towards highway improvement works to the A20.*

### **4.0 CHANGES TO CONDITIONS**

- 4.01 Condition 4 (Public Open Space) has been amended to refer specifically to the provision of natural/semi-natural open space, and a condition has been added to secure details of the long-term management of this area.

- 4.02 Condition 22 sought to secure Level of 4 of Code for Sustainable Homes, which can no longer be secured. This condition is recommended for removal, however, a condition requiring the use of renewable energy sources was secured under the previous resolution, which is conditioned once more (condition 7).

## 5.0 RECOMMENDATION

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

- *The provision of 40% affordable residential units within the application site;*
- *A contribution of £2360.96 per applicable house towards Harrietsham Primary School expansion Phase 2.*
- *A contribution of £3841.27 towards bookstock for the new borrowers from this development supplied to the mobile Library service calling at Harrietsham.*
- *A contribution of £675.42 required for the new attendees from this development supplied to Swadelands Youth Centre.*
- *A contribution of £360 per person towards the extension, refurbishment and/or upgrade of the Glebe Medical Centre (branch to Len Valley Practice) and Len Valley Practice;*
- *A contribution of £3,500 per dwelling towards highway improvement works to the A20.*

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

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

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

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

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

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

2. The development being the detailed element of this application (Oast conversion and works) 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: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The details of landscaping submitted pursuant to condition 1 shall provide for the following:
  - (i) Retention, strengthening and protection of the tree lines along the northern boundary of the site with the A20.
  - (ii) Retention, strengthening and protection of the hedge and tree line along the eastern boundary of the site with Rectory Lane.
  - (iii) Retention, strengthening and protection, or replacement of the hedge line along the southern boundary of the western field with East Street.
  - (iv) Retention, strengthening and protection of the hedge and tree lines along the sides of Church Road from the curtilage of the oast house southwards to East Street.

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

4. The details of layout as required under condition 1 shall not show any housing development within the eastern part of the site as outlined in green on drawing no. DHA/7973/12 (Open Space Area Plan) and this area of land shall be used for natural/semi-natural public open space.

Reason: In order to protect the setting of the Conservation Area and listed buildings.

5. The development shall not be occupied until details of the long-term management and maintenance of the public open space required under condition 4, including details of mechanisms by which the long-term implementation of the open space will be secured by the developer with the management body(ies) responsible for its delivery, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented and maintained.

Reason: In the interests of adequate open space provision and visual amenity.

6. The reserved matters submitted pursuant to condition 1 shall show no more than 80 dwellings at the site.

Reason: To ensure an appropriate density of development at the site.

7. The reserved matters submitted pursuant to condition 1 shall incorporate decentralised and renewable or low-carbon sources of energy into the detailed design of the development.

Reason: To ensure an energy efficient form of development.

8. The details of landscaping submitted pursuant to condition 1 shall include details of a scheme for the preparation, laying out and equipping of a play/amenity area and the land shall be laid out in accordance with the approved details.

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

9. The development being the detailed element of this application (Oast conversion and works) shall not commence until, full details of the following matters have been submitted to and approved in writing by the Local Planning Authority:-

a) New external joinery in the form of large scale drawings.

The development shall be carried out in accordance with the approved details;

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

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

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

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

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on the site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures.
- i) Specific details and locations of the biodiversity enhancement measures outlined at table WM03 of the Phase 1 Habitat Survey and to include enhancement measures within the structure of buildings, and appropriate enhancement for farm land birds.
- j) Details of the management of the open space area to provide biodiversity enhancement.

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

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

12. No development shall commence until details of a precautionary reptile mitigation strategy have been submitted to and approved in writing by the Local Planning Authority. It shall include the following:

- Details of the precautionary mitigation
- Timings of any proposed works
- Map showing the following
- Areas of any suitable reptile habitat to be impacted by the development works.
- If any reptiles are present – the location of where they will be translocated to.

- Clarification that any translocation area is suitable for reptiles and will not be impacted by the development works.

The approved strategy shall be carried out in full.

Reason: In the interests of biodiversity.

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

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

14. 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.

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

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

16. The development shall not commence 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 details shall include, inter alia, a long term management and maintenance plan for the SUDS included in the approved scheme. 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 and disposal of surface water from the site.

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

Reason: In the interest of pollution and flood prevention.

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

Reason: To ensure that historic building features are properly examined and recorded.

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

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

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

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

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

- 1) A site investigation scheme, based on the GEA Desk Study and Ground Investigation Report reference J13245 received 7th November 2013, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- 2) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (1). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

- 3) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 2. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented in full as approved;

Reason: To prevent pollution of the environment.

22. The approved details of the access, new footways and pedestrian crossing as shown on drawing no. T0180-02P2 within the 'Transport Assessment' at Appendix F shall be completed before the commencement of the use of the land and be maintained thereafter.

Reason: In the interests of road safety.

23. The development shall not be occupied until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter-alia, details of measures to

shield and direct light from the light sources so as to prevent light pollution. The development shall thereafter be carried out in accordance with the subsequently approved details.

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

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

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

25. The development shall be designed taken into account the Noise Assessment carried out by 'Grant Acoustics' dated January 2013, and shall fulfil the recommendations specified in the report.

Reason: In the interests of residential amenity.

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

With regard to the outline element and with respect to the open space provision on the east edge of the site only:

Drawing no. DHA/7973/12 (Open Space Area Plan).

With regard to the detailed element only:

Drawing nos. DHA/7973/03, DHA/7973/05, DHA/7973/07, DHA/7973/08, DHA/7973/09, and DHA/7973/10.

Reason: To ensure the quality of the development is maintained and in order to protect the setting of the Conservation Area and listed buildings.

Case Officer: Richard Timms

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

## REPORT SUMMARY

<b>REFERENCE NO:</b> MA/14/0095			
<b>APPLICATION PROPOSAL:</b> Outline application for residential development with access considered at this stage and all other matters reserved for future consideration. Full application for a change of use and conversion of oast house to a single dwelling with garaging.			
<b>ADDRESS:</b> LAND AT, CHURCH ROAD, HARRIETSHAM, KENT			
<b>RECOMMENDATION:</b> DELEGATED POWERS TO APPROVE SUBJECT TO CONDITIONS (see section 8 of report for full recommendation)			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development is at a sustainable location, immediately adjoins an existing settlement, and is not considered to result in significant planning harm. Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan.			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
<ul style="list-style-type: none"> <li>• Departure from the Development Plan</li> <li>• Harrietsham Parish Council have requested the application be reported to Committee for the reasons set out below.</li> </ul>			
<b>WARD</b> Harrietsham and Lenham	<b>PARISH/TOWN COUNCIL</b> Harrietsham	<b>APPLICANT:</b> K E Monk & Son Ltd <b>AGENT:</b> DHA Planning	
<b>DECISION DUE DATE:</b> 05/09/14	<b>PUBLICITY EXPIRY DATE</b> 21/05/14	<b>OFFICER SITE VISIT DATE</b> 10/02/14 & 04/12/14	
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
MA/13/0707	Screening Opinion for proposed residential development (between 80 and 100 dwellings) including conversion of oast to a dwelling and demolition of agricultural buildings	ENVIRONMENTAL STATEMENT NOT REQUIRED	22/05/13
59/0044/MK2	The erection of dwellings	REFUSED	02/07/59
59/0043/MK2	The erection of dwellings	REFUSED	02/07/59

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The site comprises two separate agricultural fields immediately south of the A20 and divided by Church Road with a total area of approximately 4 hectares. The site is near the centre of the village but falls outside the settlement boundary in the Local Plan which runs along the north side of the A20. It is therefore in the countryside for planning purposes.

- 1.02 The western field has an oast house and other dilapidated agricultural buildings on the east side, and the eastern field is undeveloped and open. The 'East Street' Conservation Area runs along the southern edge of the eastern field and extends into a small part of the southeast corner of the western field. There are numerous listed buildings within the Conservation Area. To the north beyond the A20 are houses within the settlement boundary, and to the northeast the Ashford to London railway line which is raised and runs over the A20 on a bridge. To the east are a small group of houses on Rectory Lane. To the south of the eastern field is an area of woodland and houses within the Conservation Area, and to the south of the western field are detached houses on East Street. To the west is a caravan sales business with buildings and an open sales area.
- 1.03 Boundaries are made up of a line of tall trees along most of the A20 frontage and otherwise hedge/tree lines with breaks in places. Both fields slope gently to the south from the A20.
- 1.04 The site is located within the countryside for Development Plan purposes with no special landscape designation. The edge of the North Downs AONB is just over 400m to the north with built development between.
- 1.05 Near to the site around 180m to the west on the south side of the A20 is an application under consideration for 117 dwellings and retail store (Land South of Ashford Rd) and around 250m to the east an outline application for 49 houses (Mayfield Nursery).

## **2.0 PROPOSAL**

- 2.01 This is a hybrid application with the main part seeking outline consent for residential development across both fields with access considered at this stage and all other matters reserved for future consideration. The number of houses is not outlined in the description but illustrative plans have been provided showing 79 houses with a large area of open space at the east edge. Access would from the existing Church Road access onto the A20 but it is proposed to improve this junction to accommodate the development. This would involve alterations to the alignment of Church Road so it is perpendicular to the A20. The majority of the remainder of Church Road is not shown to be altered and would also provide access to the site from East Street to the south.
- 2.02 The illustrative plans, which have been provided to demonstrate that the site can accommodate this level of residential development, show a main road into either field with smaller roads running off these. The southern part of Church Road is shown linking with these roads.
- 2.03 Whilst the proposals are in outline with layout not being considered, the applicant wishes to establish the open space provision under this application. This is in the form of a large area on the east part of the site (1.22ha), which is also provided for heritage reasons that will be discussed below, and a play area within the developed part of the site. This will be discussed in more detail in the infrastructure section of the report. Affordable housing is proposed at 40% and Code for Sustainable Homes Level 4 is also proposed.
- 2.04 The second element of the hybrid application is detailed permission sought for a change of use and conversion of the oast house to a four bedroom dwelling with garaging.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV45, T13, T21, T23, CF1
- MBC Affordable Housing DPD (2006)
- MBC Open Space DPD (2006)
- Draft Maidstone Borough Local Plan: SS1, SP1, SP3, SP5, H1, H2, DM2, DM4, DM10, DM30

#### **4.0 LOCAL REPRESENTATIONS**

Nine representations received raising the following points:

- Harm to listed buildings and Conservation Area.
- Traffic, highway safety and parking.
- Noise and disturbance from traffic.
- Drainage and flooding.
- Overshadowing.
- Loss of privacy.
- Ecology.
- Not in accordance with Neighbourhood Plan.

#### **5.0 CONSULTATIONS**

5.01 **Harrietsham Parish Council:** Wish to see the application REFUSED on the following (summarised) grounds and reported to planning committee:

- Application is premature, speculative and inconsistent with the emerging Neighbourhood Plan (NP).
- Harm to Conservation Area and listed buildings.
- The proposal only deals with the junction of Church Rd and A20 and not the wider issues of the A20 through the village.
- Links to village are poor.
- Does not integrate with pedestrian routes through village.
- Lack of drainage infrastructure.
- Need for local needs housing.
- Full survey for archaeology is needed.
- Contributions sought towards: Improvements to doctors surgery (in addition to any other health provision); improvements to village hall; village community facilities in NP; nature reserves; open space; youth facilities; former network rail footpath along A20; disabled lift for footbridge at Harrietsham station.

5.02 **MBC Housing Officer:** No objections and advice provided on potential affordable housing mix.

5.03 **MBC Landscape Officer:** No objections subject to conditions requiring an Arboricultural Method Statement in accordance with BS5837: 2012 and a landscape scheme including implementation details and a long term management plan.

5.04 **MBC Environmental Health Officer:** No objections subject to conditions regarding noise and contaminated land.

5.05 **MBC Parks & Leisure:** Based on some 1.22ha of open space and a play area being provided on site, seek an off-site contribution of £198.55 per dwelling towards repair, renewal, replacement and improvement of outdoor sports facilities and equipped areas at Booth Field and Glebe Field both within 400m of the development.

5.06 **MBC Conservation Officer:** Raises objections.

*“In conclusion, I consider that the proposals would cause harm to the significance of designated heritage assets (listed buildings in East Street and the Conservation Area) by reason of its impact on their setting. It would also result in harm to the significance of the historic oast (which should be considered as a non-designated heritage asset), also by reason of its impact on its setting.”*

*I would assess the level of harm to be less than substantial in both cases. Nevertheless, the NPPF requires that where this is the case, any public benefits accruing from the development should be weighed against the harm in accordance with paragraph 134 of the NPPF. My own view is that any public benefit would not outweigh the harm.”*

5.07 **KCC Development Contributions:** *“The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.”*

Primary Education Provision: £590.24 per applicable flat and £2360.96 per applicable house sought towards the build costs of extending Harrietsham Primary School.

*“We would advise that whilst the secondary phase is predicted to be able to accommodate any pupil numbers that may be generated by this development, the primary phase is not. Consequently, KCC will require development contributions for primary at extension rates towards the expansion of Harrietsham Primary School. The development has been assessed against current schools’ capacities, KCC’s latest pupil forecast data and ‘previous applications’. This development makes a demand on KCC school provision such that in its context the pupil product will exacerbate a deficit in pupil places.”*

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

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

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

*“Forecasts indicate that there is sufficient capacity within the Outreach service to accommodate the increased demand generated through the development, therefore KCC will only seek to provide increased centre based youth services in the local area.”*

Libraries Contribution: £148.86 per household sought to be used to address the demand from the development towards additional bookstock and services at local libraries serving the development.

“There is an assessed shortfall in provision overall borrower numbers in the local area are in excess of area service capacity, and bookstock for Maidstone Borough.”

Social Services: £15.94 per household sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both on site and local to the development including assistive technology, and enhancement of local community facilities to ensure full DDA access.

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

- 5.08 **KCC Highways**: No objections subject to new access being secured under a Section 38 agreement and contribution towards A20 improvement scheme.
- 5.09 **KCC Ecology**: No objections subject to a landscape and ecological management plan.
- 5.10 **KCC Heritage**: No objections subject to a condition requiring a programme of building recording.
- 5.11 **Natural England**: No objections.
- 5.12 **UK Power Networks**: No objections.
- 5.13 **Rural Planning Ltd**: *“Some soils in the locality of Church Road are freely draining loams; others are slowly permeable seasonally wet, loamy and clayey. On the 1:250,000 scale former MAFF ALC map, the land lies approximately on the border between areas of Grade 2 and Grade 3. That map does not distinguish between Grades 3a (good quality) and 3b (moderate quality), and is insufficiently reliable to determine grading on a field by field basis in any event. However detailed surveys of other fields around Harrietsham do indicate a local preponderance of Grade 2 and Grade 3a land, so it is quite possible that this site falls into the “best and most versatile” category. The issue could only be resolved by a detailed land classification survey of the site itself.”*
- 5.14 **NHS**: Seek a contribution of £360 per person.

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

- *The Glebe Medical Centre (branch to Len Valley Practice)*
- *Len Valley Practice*

*All of the above surgeries are within a 2 mile radius of the development at Church Road. This contribution will be directly related to supporting the improvements within*

*primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity.”*

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

5.16 **English Heritage:** Not objecting.

*“We do not agree with the suggestion on page 22 of the Design and Access Statement that the scheme would have no impact on the historic environment. Even where existing or proposed tree planting would screen the development from the conservation area, your Council should take into account in determining this application the extent to which the significance of the historic East Street conservation area is derived from its rural surroundings and historic separation from the modern village centre. These are the aspects of setting most affected by the current proposal. The East Street settlement would as a result of this development no longer be read or understood as a distinct historic place, but rather as part of the larger village centre.*

*In determining this application we therefore recommend that you seek advice from your specialist conservation officer and, having done so, give great weight to the conservation of the affected designated heritage assets in the manner required by paragraph 132 of the NPPF.*

**Recommendation**

*We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.”*

5.17 **Southern Water:** Outline that their wastewater treatment works at Harrietsham is at capacity but they will be providing capacity through its prioritised Capital Programme. Condition recommended relating to surface and foul water drainage.

**6.0 APPRAISAL**

**Principle of Development**

6.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

6.02 The application site is outside but immediately south of the defined settlement boundary of Harrietsham. It is therefore upon land defined in the Local Plan as countryside.

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

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

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

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

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

- 6.04 The proposed development does not fit into any of the exceptions set out in policy ENV28, which is why it has been advertised as a departure from the Development Plan.
- 6.05 It is necessary therefore to consider two main issues in relation to the proposals. Firstly, whether there are any material considerations that would indicate that a decision not in accordance with the Development Plan is justified, and secondly whether the development would cause unacceptable harm. (Detailed issues of harm will be discussed later in the report).
- 6.06 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should;  
  
*‘identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;’*
- 6.07 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge and Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Local Plan (2011 -31). The SHMA (January 2014) found that there is the “objectively assessed need for some 19, 600 additional new homes over this period which was agreed by Cabinet in January 2014. Following the publication of updated population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014.
- 6.08 Most recently calculated (April 2013), the Council had a 2.2 year supply of housing assessed against the objectively assessed housing need of 19,600 dwellings.
- 6.09 Taking into account housing permissions granted since April 2013 and the lower need figure, this position will have changed very marginally and would still remain well below the five year target.
- 6.10 This lack of a five year supply is a significant factor and at paragraph 49 of the NPPF it is states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of

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

- 6.11 In terms of the location of the site, The NPPF advised that when planning for development i.e. through the Local Plan process, the focus should be on existing service centres and on land within or adjoining existing settlements. Harrietsham is a defined rural service centre (RSC), which outside of the town centre and urban area, are considered the most sustainable settlements in Maidstone's settlement hierarchy, under the draft Local Plan. The draft Local Plan outlines that, *"Rural service centres play a key part in the economic and social fabric of the borough and contribute towards its character and built form. They act as a focal point for trade and services by providing a concentration of public transport networks, employment opportunities and community facilities that minimise car journeys."* The settlement offers a good range of key services including primary school, employment, shop, post office, public house, and good public transport connections including the railway station. As such, the site is considered to be at a sustainable location and immediately adjoins the existing settlement.
- 6.12 The draft Local Plan, which has been out to Regulation 18 public consultation, is proposing 315 dwellings at Harrietsham and the application site is allocated for housing development of up to 95 dwellings (policy H1(28)).
- 6.13 In the light of the above five year supply position, bringing forward development on this sustainably located site immediately adjacent to a rural service centre would assist in helping to meet the shortfall in housing supply and I consider this to be a strong material consideration in favour of the development.
- 6.14 Representations have been received outlining that the application is premature and is not in accordance with the emerging Neighbourhood Plan (NP). (For this application site, the draft NP seeks housing development only over the west field with the east being open space due to the Conservation Area – the assessment and balancing of the impact upon the Conservation Area is considered below). Whilst work on the NP is progressing, there are still key stages ahead including the Local Authority lead public consultation (on which discussions are currently being held), independent examination and referendum. The NP is a material consideration, however, at this stage, I do not consider it grounds to refuse planning permission due to any conflict.
- 6.15 For the above reasons, I consider the policy principle of residential development at the site is acceptable. The key issue is whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole. I will now go on to consider the key planning issues which are visual impact, heritage impact, access/highway safety, residential amenity, infrastructure, ecology, and drainage.

### **Visual/Landscape Impact**

- 6.16 The site is visible from a section of the A20 outside the site, from Church Road and parts of East Street. Development of the site would inevitably result in a visual and character change from the current agricultural fields from these close range views. In longer range views, the applicant's landscape impact assessment outlines that the site would be visible in some views from high ground within the AONB, however, it would be seen in the context of the village and would not be discordant or result in

protrusion beyond built development. Indeed, the site is located between the built-up settlement on the north side of the A20 and development on East Street, Church Road and Rectory Lane to the south. Whilst development to the south is less dense, nonetheless the proposal does represent somewhat of an infill site. The site is also contained by the railway line and bridge to the northeast which screens any medium to long range views of the site from this direction. For this reason, development of the site would not result in any protrusion into open countryside. In terms of the morphology of the settlement, most development has been on the north side of the A20, however, there is development on its south side both to the west and east, including housing and commercial buildings of varying sizes. As the site would be contained by development, the proposals would not represent an extension of development away from the main built-up areas of the settlement, or be out on a limb. Overall, it is considered that development of the site would be visually acceptable.

### Heritage

- 6.17 The Harrietsham East Street Conservation Area runs alongside the boundary of the eastern field and extends slightly into the southeast corner of the western field. There are Grade II listed buildings on the north side of East Street within the Conservation Area, including the Almshouses and there is a single Grade I listed building on the south side.
- 6.18 The NPPF at paragraph 132 states that, *“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.”*
- 6.19 The Conservation Officer considers that, *“the land forming the subject of this application plays a very important role in the preservation of a rural backdrop to the conservation area, maintaining a gap between it and modern development added to the periphery of the West Street area. This setting is an important component of the conservation area’s character and development on it, as proposed, would inevitably have an adverse impact on this setting by effectively joining the East Street area to the rest of Harrietsham. English Heritage agree with this view.*
- 6.20 *Development in the manner proposed would not respect the historic linear plan form of the village and would be in the form of a modern suburban layout according to the illustrative plans submitted. It would also adversely affect views into the conservation area from the A20 – at present the open fields form an attractive foreground beyond which the roofs of buildings in the conservation area can be seen nestling in a slight depression, with open fields and woodlands again beyond. Whilst pre-application discussions have resulted in some improvement by leaving a large area behind the listed almshouses free of buildings, I do not consider that the submitted scheme fully overcomes the adverse impact on the conservation area’s setting.*
- 6.21 *I have no objection to the conversion of the oast house and welcome its re-use as the last surviving element of a historic farmyard group. However, it would lose its current rural context and be relegated to a rather incongruous survival within a modern housing development, thus adversely affecting its setting.*
- 6.22 *In conclusion, I consider that the proposals would cause harm to the significance of designated heritage assets (listed buildings in East Street and the Conservation Area) by reason of its impact on their setting. It would also result in harm to the significance of the historic oast (which should be considered as a non-designated heritage asset), also by reason of its impact on its setting.*

- 6.23 *I would assess the level of harm to be less than substantial in both cases.”*
- 6.24 The NPPF requires that when harm is considered to be ‘less than substantial’, any public benefits accruing from the development should be weighed against the harm in accordance with paragraph 134 of the NPPF.
- 6.25 Whilst layout is not currently being considered, through negotiation, a large area of open space is shown along the east edge of the eastern field to the north of the Almshouses both to provide public open space and to pay respect to the setting of the Conservation Area. To my mind this would provide an extensive open area that pays respect to the setting of the Conservation Area and listed buildings here, which can be secured by condition of outline permission. Nonetheless, the Conservation Officer considers there to be less than substantial harm and I will return to the balance of heritage impact later in the report.

### **Design Issues**

- 6.26 Details of layout, scale and appearance are not being considered at this stage. However, development would be excluded within the open space area on the east edge of the site. Illustrative plans show 80 dwellings (including the oast) over the remainder of the site which equates to a density of around 29 dwellings per hectare, which I consider suitable for this edge of village site adjacent to the Conservation Area.
- 6.27 In terms of guiding any reserved matters application, I do not consider it necessary to place any limitations or parameters on scale or appearance as variations in both could be acceptable. Apart from providing the open space on the east side, I do not consider any layout parameters such as set-back distances are necessary. Setting houses back from the A20 will be necessary due to noise constraints. However, I do consider it appropriate to seek to retain some of the key features of the site which in this case is mainly boundary landscaping. The tree line along the northern boundary with the A20 is a positive feature of the site so I consider this landscaped edge should be retained and strengthened where appropriate. The tree/hedge line along the eastern boundary with Rectory Lane features broken lines of trees, however, this should be retained and strengthened. The tree/hedge lines along Church Road are broken but worthy of retention and strengthening in places. There is a hedge along the south boundary with East Street which again is broken and not of great quality, however, I consider this should either be improved or replaced here.
- 6.28 The development will be designed to achieve Code for Sustainable Homes Level 4 which can be secured by condition.

### **Highways Issues & A20 Improvements**

- 6.29 Access is being considered at this stage and the primary access would be onto the A20 off Church Road utilising the existing access here. This would involve an improved junction with realignment and straightening of the northern part of Church Road. Access would also be possible via the south end of Church Road from East Street. A new footway is proposed on the south side of the A20 along the whole site frontage linking the site on foot to crossings and amenities further west. Improvements are also proposed to the existing ‘splitter island’ at the western end of the right turn lane for Church Road. A pram crossings point with tactile pavers will be provided to aid the crossing of the A20 in advance of reaching the signal controlled crossing to the west.

- 6.30 KCC Highways have assessed the application and have raised no objections to the proposed access points from a safety point of view. Nor have they raised any safety issues regarding the additional traffic from the development. As such, it is considered that there are no highway safety issues resulting from this development.
- 6.31 Parking and layout is not being considered at this stage but I consider a suitable level of parking could be provided and balanced against achieving a well designed scheme and layout.
- 6.32 Draft policy H1(28) refers to appropriate contributions towards a highways improvement scheme for the A20 as it passes through the village. The Borough Council is currently working with consultants and the County Council on an improvement scheme to redress the setting of the A20 from an outmoded and overbearing design incorporating excessive road space, to one which is more conducive to lower traffic speeds and resident user friendly conditions, thereby reducing the barrier that the A20 forms between the north and southern parts of the village. This would provide a reduction of the speed limit to 30mph with gateway features at either end, narrowing and realignment of the carriageway within the centre, shared pedestrian/cycle paths within the centre, street lighting, and a number of pedestrian crossing points. This would be designed to facilitate the access and footways proposed under this application and others to the west and east currently under consideration. Due to the proposed number of dwellings in the village both to the south and north of the A20 it is considered that this improvement is necessary to improve pedestrian links from south to north from a safety aspect, and provide a more appropriate highways environment generally, due to the increase in vehicles and pedestrians from new development in the village.
- 6.33 The cost of this has not been finalised but is likely to be in region of £3,500 per dwelling. As such delegated powers are sought to finalise the exact amount under the legal agreement.

### **Residential Amenity**

- 6.34 Details of layout and appearance are not being considered however my view is that the development could be designed to prevent any unacceptable impact upon nearby properties in terms of privacy, light and outlook. I also consider the proposed properties could be designed to benefit from sufficient amenity.
- 6.35 A traffic noise assessment has been carried out which concludes that mitigation in the form of mechanical ventilation and enhanced glazing will be required for houses close to the A20 and gardens would need to be set back or behind houses. The Environmental Health officer raises no objections subject to the recommendations being followed.

### **Infrastructure**

- 6.36 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.
- 6.37 However, any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010. This

has strict criterion that sets out that any obligation must meet the following requirements: -

It is:

*(a) necessary to make the development acceptable in planning terms;*

*(b) directly related to the development; and*

*(c) fairly and reasonably related in scale and kind to the development.*

6.38 The following contributions have been sought:

6.39 For primary education provision, £590.24 per applicable flat and £2360.96 per applicable house is sought towards the build costs of extending Harrietsham Primary School.

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

6.41 For youth services, £8.44 per household is sought to be used to address the demand from the development towards youth services locally.

6.42 For libraries, £148.86 per household is sought to be used to address the demand from the development towards additional bookstock and services at local libraries serving the development.

6.43 For social services, £15.94 per household is sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both on site and local to the development including assistive technology, and enhancement of local community facilities to ensure full DDA access.

6.44 Justification for the contributions is outlined at paragraph 5.07 and I consider that the requested contributions have been sufficiently justified to mitigate the additional strain the development would put on these services and comply with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the three CIL tests above.

6.45 In terms of open space, as outlined above, 1.22ha of open space would be provided on the east part of the site. The Council's Parks & Leisure Section have outlined that whilst this amount is above that expected for this scale of development, the village is under provided in terms of Outdoor Sports Facilities and Allotments and Community Gardens. However, it is my view that such open space types would not be appropriate within this area due to the heritage issues and that this should remain as an open amenity green space with semi-natural areas. Based on this and a play area being provided within the development, an off-site contribution of £198.55 per dwelling is sought towards repair, renewal, replacement and improvement of outdoor sports facilities and equipped areas at Booth Field and Glebe Field both within 400m of the development.

6.46 In terms of healthcare, the NHS are seeking a contribution of £360 per person. I consider that this request has been sufficiently justified (see paragraph 5.14) to mitigate the additional strain the development would put on health services and complies with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the three CIL tests above.

- 6.47 As outlined above, a contribution towards the A20 improvement scheme will also be sought with the amount to be finalised by officers.

### **Affordable Housing**

- 6.48 Affordable housing is proposed at 40% in line with the 2006 DPD and emerging policy. MBC Housing have suggested a tenure split based on housing need bedroom allocation priorities as identified on the Housing Register, and reflecting what the latest SHMA is recommending in terms of future affordable mix. This will be finalised under the legal agreement.

### **Ecology**

- 6.49 A phase 1 walk over survey of the site has been carried out. The site is made up of two agricultural fields with tree and hedges lines (many broken) on some of the site boundaries. The applicant's ecologist considers the site is of low nature conservation importance and that there would be no harmful impact upon protected species, to which KCC Ecology do not disagree. It is considered that there are opportunities to increase biodiversity through retention of strengthening of hedges and tree lines, new native landscaping, and bird and bat boxes. KCC Ecology have reviewed the information and are raising no objections. They are not advising any need for mitigation and recommend conditions relating to enhancements to be covered within a landscape and ecological management plan.

### **Drainage**

- 6.50 In terms of surface water, SUDs techniques would be used so as not to increase run-off beyond the current situation. This could involve storage tanks, swales (in open space areas), and porous hard surfaces. The flood risk assessment demonstrates that these methods would be suitable and the Environment Agency have raised no objection subject to a condition to finalise such details.
- 6.51 In terms of foul drainage, Southern Water has stated that their wastewater treatment works at Harrietsham is at capacity but they will be providing capacity through its prioritised Capital Programme. I would therefore propose a condition that details of foul drainage are submitted for approval prior to commencement and no dwellings are occupied until adequate arrangements are in place.

### **Oast Conversion**

- 6.52 Policy ENV45 of the Local Plan allows for conversion of rural buildings to dwellings. Whilst this seeks a business use first, in the context of the proposed surrounding residential development I consider this use is acceptable. The Conservation Officer raises no objections to the conversion works, but considers its current rural context would be lost. The building is not listed and I consider that this element of the proposal is acceptable.

### **Other Matters**

- 6.53 An archaeological desk-based assessment has been carried out which has been assessed by the County Council. In view of the archaeological potential and the local heritage interest of the current farm buildings, conditions are recommended covering a programme of work and building recording.

- 6.54 According to the Council's evidence the land is Grade 3b agricultural land and therefore falls outside the best and most versatile land.

## **7.0 CONCLUSION**

- 7.01 The proposed development is contrary to policy ENV28 in that it represents housing development outside a settlement boundary in the Local Plan. However, in the absence of a five year supply of housing the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development, and policies such as ENV28 cannot form grounds to object in principle.
- 7.02 The site is at a sustainable location adjoining the settlement boundary in the Local Plan, but essentially within the settlement of Harrietsham, which offers a good range of facilities and services. The visual impact of development at the site would be localised and would not result in any protrusion into open countryside. There are no highway objections and contributions would be secured to the A20 scheme. Appropriate infrastructure would be provided and affordable housing. There are no ecology objections or any other matters that result in an objection to the development. The Conservation Officer considers there would be 'less than substantial harm' to the setting of the Conservation Area although I consider a significant area of open space to the north of the Conservation Area would be provided.
- 7.03 I have taken into account all representations received on the application and the emerging Neighbourhood Plan. Considering the low level of harm caused by the development, in the context of a lack of 5 year housing supply, I consider that the low adverse impacts would not significantly and demonstrably outweigh the benefits of providing much needed housing, including affordable housing, at a sustainable location. This is the balancing test required under the NPPF. As such, I consider that compliance with policy within the NPPF is sufficient grounds to depart from the adopted Local Plan. Therefore I recommend permission is approved and that Members give delegated powers to the Head of Planning to approve the application, subject to the receipt of an appropriate S106 legal agreement and the following conditions.

## **8.0 RECOMMENDATION**

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

- The provision of 40% affordable residential units within the application site.
- Contribution of £590.24 per applicable flat and £2360.96 per applicable house sought towards the build costs of extending Harrietsham Primary School.
- Contribution of £148.86 per household sought to be used to address the demand from the development towards additional bookstock and services at local libraries serving the development.
- Contribution of £30.70 per household sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both through dedicated adult education centres and through outreach community learning facilities local to the development.

- Contribution of £8.44 per household sought to be used to address the demand from the development towards youth services locally.
- Contribution of £15.94 per household sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both on site and local to the development including assistive technology, and enhancement of local community facilities to ensure full DDA access.
- Contribution of £360 per person towards extension, refurbishment and/or upgrade of the Glebe Medical Centre (branch to Len Valley Practice) and Len Valley Practice.
- Contribution towards highway improvement works to the A20 (final amount to be clarified by officers).

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

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

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

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

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

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

2. The development being the detailed element of this application (Oast conversion and works) 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: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

(i) Retention and strengthening of the tree lines along the northern boundary of the site with the A20.

(ii) Retention and strengthening of the hedge and tree line along the eastern boundary of the site with Rectory Lane.

(iii) Retention and strengthening, or replacement of the hedge line along the southern boundary of the western field with East Street.

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

4. The details of layout as required under condition 1 shall not show any housing development within the eastern part of the site as outlined in green on drawing no. DHA/7973/12 (Open Space Area Plan).

Reason: In order to protect the setting of the Conservation Area and listed buildings.

5. The reserved matters submitted pursuant to condition 1 shall show no more than 80 dwellings at the site.

Reason: To ensure an appropriate density of development at the site.

6. The details of landscaping submitted pursuant to condition 1 shall include details of a scheme for the preparation, laying out and equipping of a play/amenity area and the land shall be laid out in accordance with the approved details.

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

7. The development being the detailed element of this application (Oast conversion and works) shall not commence until, full details of the following matters have been submitted to and approved in writing by the Local Planning Authority:-

- a) New external joinery in the form of large scale drawings.

The development shall be carried out in accordance with the approved details;

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

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

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

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

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

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

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

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

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

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

Reason: To ensure a satisfactory appearance to the development.

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

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

13. The development shall not commence until 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 details shall include, inter alia, a long term management and maintenance plan for the SUDS included in the approved scheme. 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 and disposal of surface water from the site.

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

Reason: In the interest of pollution and flood prevention.

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

Reason: To ensure that historic building features are properly examined and recorded.

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

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

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

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

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

1) A site investigation scheme, based on the GEA Desk Study and Ground Investigation Report reference J13245 received 7th November 2013, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (1). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

3) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 2. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented in full as approved;

Reason: To prevent pollution of the environment.

19. The approved details of the access, new footways and pedestrian crossing as shown on drawing no. T0180-02P2 within the 'Transport Assessment' at Appendix F shall be completed before the commencement of the use of the land and be maintained thereafter.

Reason: In the interests of road safety.

20. The development shall not be occupied until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution. The

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

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

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

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

22. The dwellings shall achieve at least Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.

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

23. The development shall be designed taken into account the Noise Assessment carried out by 'Grant Acoustics' dated January 2013, and shall fulfil the recommendations specified in the report.

Reason: In the interests of residential amenity.

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

With regard to the outline element and with respect to the open space provision on the east edge of the site only:

Drawing no. DHA/7973/12 (Open Space Area Plan).

With regard to the detailed element only:

Drawing nos. DHA/7973/03, DHA/7973/05, DHA/7973/07, DHA/7973/08, DHA/7973/09, and DHA/7973/10.

Reason: To ensure the quality of the development is maintained and in order to protect the setting of the Conservation Area and listed buildings.

Case Officer: Richard Timms

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

14/0095

## **Representations**

### **Harrietsham PC**

The Parish Council have made a representation (which has been sent to Members of the Planning Committee) in relation to the draft Neighbourhood Plan (NP). The main points relating to this application can be summarised as follows:

- *The Harrietsham Neighbourhood Plan should be afforded far more weight than it has been in reaching the recommendations:*
- *"The Secretary of State is keen that all planning appeal decisions should reflect the Government's clear policy intention when introducing neighbourhood planning, which was to provide a powerful set of tools for local people to ensure they get the right types of development for their community, while also planning positively to support strategic development needs" - Secretary of State's Ministerial Statement on 10 July 2014.*

*It appears MBC officers have not had proper regard for the Secretary of State's views.*

- *There is also evolving case law where draft neighbourhood plans have been used to determine applications (in Hurstpierpoint, West Sussex; Malmesbury, Wiltshire; and in Sayers Common, West Sussex). In these instances, draft neighbourhood plans have been given far more weight than being afforded to the Harrietsham Neighbourhood Plan.*
- *MBC is effectively undermining a substantial amount of good work undertaken by the Harrietsham Parish Council, work that tries to achieve balanced outcomes for the whole village and wider parish.*

### **Officer Comment**

As outlined within the main report, the draft NP is a material consideration. However, it has key stages ahead including the Local Authority lead public consultation (on which discussions are being held), independent examination and referendum. The Borough Council have also advised that a Strategic Environmental Assessment of the NP (which involves further consultation) is required.

Paragraph 216 of the NPPF states that from the day of publication, decision-takers may give weight to the relevant policies in emerging plans, according to,

*The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given).*

*The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater weight that may be given and*

*The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater weight that may be given)*

In view of the key stages ahead in the adoption process, including the need for a Strategic Environmental Assessment (which involves further consultation) it is considered that relatively limited weight can be given to the draft NP in this case.

Officers are aware of the Secretary of State's (SoS) decisions and Ministerial Statement referred to. In the cases referred to the SoS attached significant weight to emerging Neighbourhood Plans but this was also taking into account the fact that the Council's had failed to complete an up-to-date objectively assessed housing need analysis (OAN) against which to measure the overall NP proposals, and therefore an evidence base in line with the NPPF. The SoS therefore gave more weight to the emerging NP policies than to the Council's own (due to lack of an evidence base). In the case of Maidstone, there is an OAN and evidence base backing up the draft Local Plan so it is not considered that the same situation applies.

Taking all of the above into account, it is considered that the draft NP is not a ground to refuse planning permission for this application.

### **Local Resident Representation**

The following issues have been raised:

- Overlooking
- Harm to the local area
- Traffic
- Lack of infrastructure

### **Officer Comment**

These matters have been fully considered in the main report.

### **Amendment to Conditions**

I wish to amend condition 3 to include retention and strengthening of hedgerow/tree lines along the southern part of Church Road and protection of all boundaries for biodiversity reasons as follows:

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

*(i) Retention, strengthening and protection of the tree lines along the northern boundary of the site with the A20.*

*(ii) Retention, strengthening and protection of the hedge and tree line along the eastern boundary of the site with Rectory Lane.*

*(iii) Retention, strengthening and protection, or replacement of the hedge line along the southern boundary of the western field with East Street.*

*(iv) Retention, strengthening and protection of the hedge and tree lines along the sides of Church Road from the curtilage of the oast house southwards to East Street.*

*Reason: To ensure a satisfactory appearance and setting to the development and in the interest of biosiveristy.*

I wish to amend condition 9 to refer specifically to biodiversity enhancement measures as outlined in the ecological survey and to include management of the open space area for biodiversity enhancement as follows:

9. *The development shall not commence until a landscape and ecological management plan (LEMP) for the site has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following:*
- a) Description and evaluation of features to be managed;*
  - b) Ecological trends and constraints on the site that might influence management;*
  - c) Aims and objectives of management;*
  - d) Appropriate management options for achieving aims and objectives;*
  - e) Prescriptions for management actions;*
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);*
  - g) Details of the body or organisation responsible for implementation of the plan;*
  - h) Ongoing monitoring and remedial measures.*
  - i) Specific details and locations of the biodiversity enhancement measures outlined at table WM03 of the Phase 1 Habitat Survey and to include enhancement measures within the structure of buildings.*
  - j) Details of the management of the open space area to provide biodiversity enhancement.*

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

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

### **Additional Conditions**

Further discussions have been held with KCC Ecology following comments from Councillor Harwood in relation to the potential for reptiles within rubble heaps to the north of the oast. They advise that this is a small area and as the majority of the site is unsuitable for reptiles they suggest that it is cleared using a precautionary mitigation strategy and that this is a reasonable and proportionate response. As such the following condition is recommended:

*No development shall commence until details of a precautionary reptile mitigation strategy have been submitted to and approved in writing by the Local Planning Authority. It shall include the following:*

- Details of the precautionary mitigation*
- Timings of any proposed works*
- Map showing the following*
  - Areas of any suitable reptile habitat to be impacted by the development works.*
  - If any reptiles are present – the location of where they will be translocated to.*
- Clarification that any translocation area is suitable for reptiles and will not be impacted by the development works.*

*The approved strategy shall be carried out in full.*

*Reason: In the interests of biodiversity.*

I wish to add an additional condition to require decentralised and renewable or low-carbon sources of energy to be incorporated into the design of the development.

*The reserved matters submitted pursuant to condition 1 shall incorporate decentralised and renewable or low-carbon sources of energy into the detailed design of the development.*

*Reason: To ensure an energy efficient form of development.*

## **RECOMMENDATION**

My recommendation remains unchanged subject to amendments to conditions 3 and 9 and additional conditions.

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

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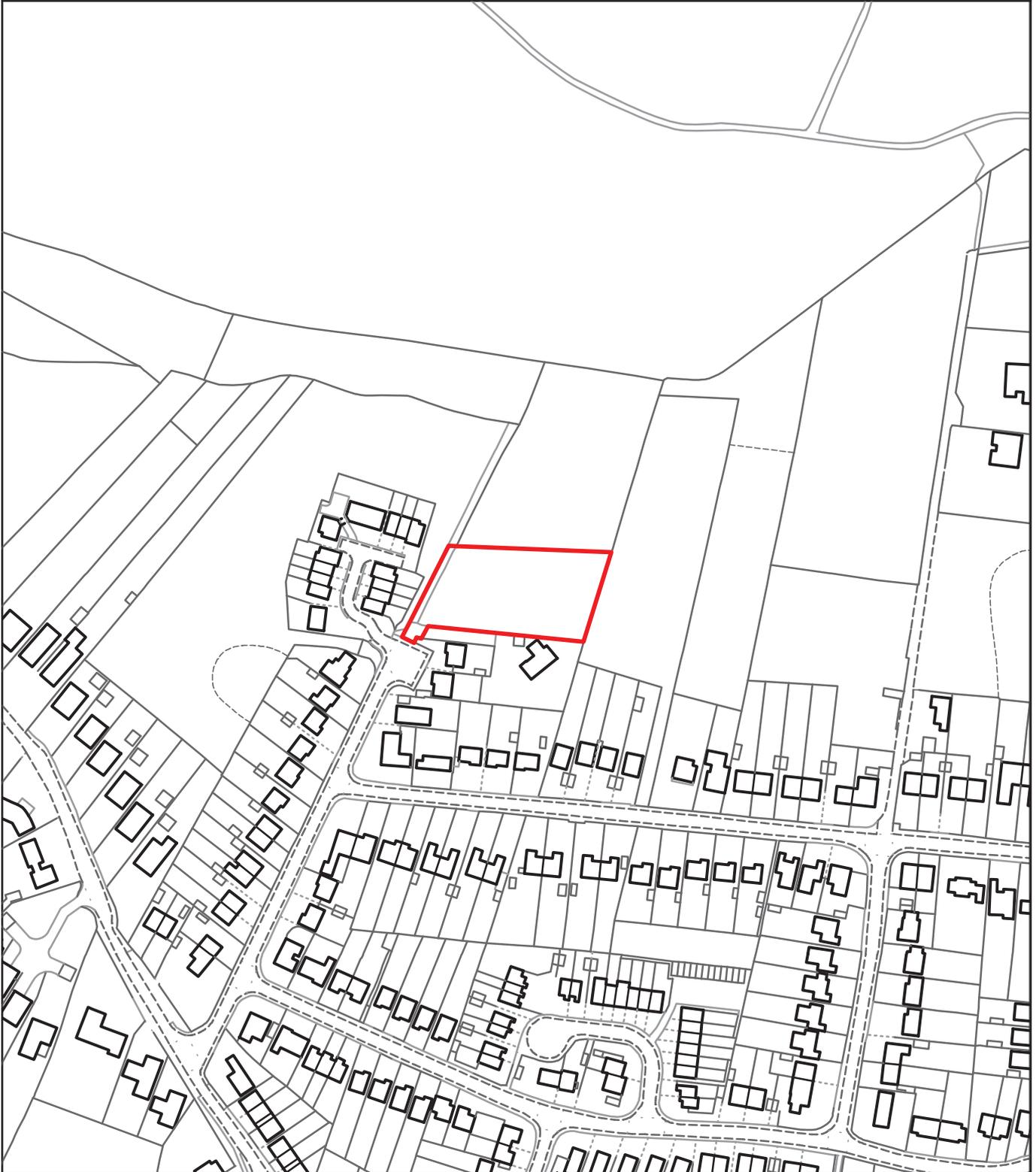
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# THE MAIDSTONE BOROUGH COUNCIL

Land at Ashford Drive  
Kingswood  
Kent  
ME17 3PA

MBC Ref: 14/502420



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**Rob Jarman**  
Head of Planning

**REPORT SUMMARY**

<b>REFERENCE NO - 14/502420/FULL</b>		
<b>APPLICATION PROPOSAL</b> Construction of 3 detached single-storey dwellings and access road		
<b>ADDRESS</b> Land at Ashford Drive Kingswood Kent ME17 3PA		
<b>RECOMMENDATION</b> Permission		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposed development does not conform with policy ENV28 of the Maidstone Borough-Wide Local Plan 2000. However, the development is in a sustainable location on the north side of Kingswood 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.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> The proposal is a departure from the Development Plan		
<b>WARD</b> Leeds	<b>PARISH/TOWN COUNCIL</b> Broomfield & Kingswood	<b>APPLICANT</b> Mr Peter Howard <b>AGENT</b> Ashenden-Bax Chartered Architect
<b>DECISION DUE DATE</b> 16/09/14	<b>PUBLICITY EXPIRY DATE</b> 16/09/14	<b>OFFICER SITE VISIT DATE</b>
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>		
None		

**MAIN REPORT**

**1.0 DESCRIPTION OF SITE**

The site is located at the north end of Ashford Drive, a short cul-de-sac on the northern confines of Kingswood opposite Peter Pease Close. The site adjoins the built-up confines of Kingswood village to the south and west comprising the residential curtilages of No. 17 Ashford Drive and Yellowstone (previously 'Calderbourne'). There is mature woodland to the east and open countryside to the north beyond an existing conifer hedge along the northern boundary. The site is served by an existing unmade track from the north end of Ashford Drive.

**2.0 PROPOSAL**

The proposal is for 3 detached single-storey dwellings situated parallel to an existing access track running north from Ashford Drive. Each dwelling has 2 bedrooms, integral garage and a floor area of approx. 140m with rear gardens in excess of 30m.

### 3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	0.3ha.	0.3ha	
Approximate Ridge Height (m)		4.75m	
Approximate Eaves Height (m)		2.3m	
Approximate Depth (m)		12m	
Approximate Width (m)		8m	
No. of Storeys	0	1	
Net Floor Area	0	140x3m2	
Parking Spaces	0	6	
No. of Residential Units	0	3	
No. of Affordable Units	0	0	

### 4.0 PLANNING CONSTRAINTS

MBWLP(2000) – Outside the built-up confines of Kingswood  
 Tree Preservation Order 5866/TPO Description: Woodland at Ashford Drive, Kingswood  
 (Broomfield and Kingswood)  
 Ancient Woodland – Kings Wood to east  
 Potential Archaeological Importance

### 5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)  
 National Planning Practice Guidance (NPPG)  
 Development Plan: Policy ENV28

### 6.0 LOCAL REPRESENTATIONS

2 letters have been received from local residents raising the following concerns:

1. Outside village envelope
2. No benefit to local people
3. Sewage system not capable of taking additional volume
4. Insufficient screening
5. Impact on wildlife
6. Restricted width of Ashford Drive
7. Road safety hazards

#### Ward Member –

*“I have met with the applicants to discuss their proposal and visited the site. I understand the application is being presented to the Planning Committee for determination. I would like to add my support for this application. I am aware whilst discussing the proposal that the site may be just outside the village envelope however when we have an ageing population locally who require single story dwellings I believe there is great benefit to be had from this modest development.”*

### 7.0 CONSULTATIONS

#### Parish Council –

*“Councillors voted to unanimously approve the application. Whilst Councillors are aware that this piece of land is outside the village envelope they recognise the need for more single*

*storey properties for our elderly residents who wish to stay in our Parish but have a need to downsize.”*

### **KCC Highways –**

*No objection subject to the following conditions:-*

- *Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.*
- *Use of a bound surface for the first 5 metres of the access from the edge of the highway.*
- *Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.*
- *Provision and maintenance of 2metres x 2metres pedestrian visibility splays between the north side of the access to Calderbourne and the new site access with no obstructions over 0.6m above footway level, prior to the use of the site commencing. Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained.*

### **KCC Ecology -**

*“Ancient woodland is immediately adjacent to the east of the site, and in close proximity to the west and north of the site. Directly to the north of the site are grazing fields. The site itself does not appear to be grazed; aerial photographs indicate that the site contains rough grassland habitat that could provide connectivity between the main block of ancient woodland to the east and north, with the small pocket of ancient woodland to the west of the site.*

*While the proposed development would not result in direct loss of ancient woodland, there is potential for indirect impacts. Natural England’s Standing Advice for Ancient Woodland provides guidance on the potential effects from development on adjacent land, including:*

- *Fragmentation and loss of ecological connections;*
- *Effects on the root protection area of individual trees;*
- *Reduction in area of other semi-natural habitats adjoining ancient woodland;*
- *Change to the landscape context;*
- *Change to light pollution levels;*
- *Fly tipping, garden encroachment and increased predation from cats.*

*Natural England’s Standing Advice for Ancient Woodland recommends that “the local planning authority should fully consider the assessment of impacts before deciding whether or not to grant planning permission”. Where there will be harm to or loss of ancient woodland, the NPPF advises that “planning permission should be refused...unless the need for, and benefits of, development in that location clearly outweigh the loss”.*

*We advise that there are habitats and features on and around the site that indicate the potential for protected species being present and affected by the proposed development. In particular, while the site photographs provided by the planning officer suggest that the site has been mown, there is still potential for reptiles foraging on and commuting across the site. In addition, the presence of the ancient woodland indicates the potential for bats being present in the area. While the site does not offer roosting opportunities, it may provide a key foraging resource and/or commuting route.*

*One of the principles of the National Planning Policy Framework is that “opportunities to incorporate biodiversity in and around developments should be encouraged”. In addition to any necessary mitigation measures, we advise that Maidstone BC should seek to secure ecological enhancements within the proposed development. This could include ensuring that landscape planting is of native, local provenance species and the provision of bat and bird boxes within the proposed buildings. There is also the opportunity to provide an enhanced wildlife corridor between the areas of ancient woodland.”*

A Preliminary Ecological Appraisal has been undertaken which identifies the sites and features of ecological significance within the site and its surroundings, assesses the potential for the presence of protected species and species of conservation importance and important habitats and assesses the likely significance of ecological impacts on the proposed development. The appraisal also indicates potential ecological mitigation requirements as part of the development proposals.

The KCC Ecological Adviser considers that the proposed enhancements set out in the Appraisal are acceptable subject to appropriate conditions. The provision of a 15m wide buffer zone between the proposed residential curtilages and the woodland will ensure that the ancient woodland will be safeguarded and the impact on the woodland habitat minimised.

**KCC Archaeology – No comment**

**Forestry Commission – no comments received**

**MBC Landscape –**

*“Whilst there are no protected trees on this site there is designated replanted Ancient Woodland (Kings Wood) immediately adjacent to the eastern boundary, as well as an area to the west of the site (west of the grass track). No arboricultural information has been submitted by the applicant. However, regardless of the provision of this information, I would raise an in principle objection to the proposal because development is proposed within the recommended 15m buffer zone contrary to current Natural England Standing Advice for ancient Woodland and Veteran Trees.”*

Further comments: *No objections to the revised plans subject to additional planting within the buffer strip.*

## **8.0 BACKGROUND PAPERS AND PLANS**

The original layout plan for 4 dwellings has been amended by a revised layout for 3 dwellings dated 16/1/15. A 15m wide buffer has been incorporated between the residential curtilages and Kings Wood to the east to safeguard the ancient woodland. A Preliminary Ecological Appraisal was received on 20/7/15.

Submitted plans: drawings 12.1580.12/02, 12.1580.20C & 22A. Ecological Appraisal dated 13/7/15.

**Agent – additional information submitted with amended plans dated 4/2/15:**

01. *The floor plans of each of the three properties have been amended to enable the garage to be integral to the dwelling whilst maintaining the distance of the properties from the ancient woodland to the east of the site.*

02. *With regard to your comment on the side windows of plot 1 facing 17 Ashford Drive. I can confirm that there is an existing 1800mm high close boarded fence on the southern boundary of the site which is to be retained. The distance between of the windows from the side wall of no 17 is approximately 8m and there are no windows in that (north) elevation of no 17. In addition, the private driveway to Yellowstone runs between the 2 properties and there is established and substantial shrub and tree planting to the southern side of the private driveway, next to the north boundary of 17 Ashford Drive. Some of the existing trees including weeping birch are up to the ridge height of 17 Ashford Drive. Therefore there would be no loss of amenity to 17 Ashford Drive.*

03. *Landscaping to the front of the site. There is an established conifer hedge to the western boundary of 17 Ashford Drive, as now shown on the revised site layout plan, and this hedge is in excess of 2m in height. As you acknowledge, it is proposed to retain the conifer hedge to the north and west of the site, albeit reduced in height and in addition if you are in agreement to the revisions shown on the amended plans then the resubmitted scheme will show a new planted hedge along the frontage of the new properties with extensive shrub planting to provide screening between Peter Pease Close and the new development.”*

#### **Further comments submitted with Ecological Appraisal dated 20/7/15:**

*The report states that there is no potential on the site for amphibians, reptiles or badgers. However the report highlights that:*

- there is potential for breeding birds within the existing hedge*
- there is potential for the hazel dormouse to use the existing hedge as a route as it is linked to the woodland.*
- it is likely that bats commute across the site between the trees that are outside of the site*
- there is moderate potential for hedgehogs using the site as it is adjacent to the woodland*

*The attached report states that ecological enhancements should, where possible, be incorporated within the proposed scheme and a range of possibilities are listed. I have carefully discussed the possibilities with the applicants and it is proposed to provide ecological enhancements, as outlined above.*

## **9.0 APPRAISAL**

### **9.1 Principle of Development**

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.”*

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.

The main justification for the current proposal is its contribution towards 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;*

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.

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.

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.

The application site is considered to be in a relatively sustainable location in the context of 3 houses and is well related to the existing facilities in the village including a primary school,

village hall, sports field, shop/post office and there is an existing bus service to Maidstone. In the context of 3 dwellings the site is not considered to be so unsustainable as to warrant an objection in terms of location.

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.

The application site adjoins the existing built up area of Kingswood on two sides. The southern boundary of the site the site adjoins the residential curtilage of 17 Ashford Drive and the recent residential development at Peter Pease Close lies immediately to the west. The site is considered to be in a sustainable location on the edge of Kingswood within reasonable walking distance of the village centre. The site is not allocated in the draft Neighbourhood Plan but the application is supported by the Parish Council who considers that it will provide smaller units likely to be suitable for older people.

## **9.2 Visual Impact**

Although the proposed development will extend the built-up area of Kingswood further north into open countryside it is considered that it will not have a significant visual impact on the character and appearance of the surrounding area. The current proposal will be relatively small in scale, single storey rather than 2 storey, and have a lower density and site coverage than other recent developments in the area.

Peter Pease Close to the west was permitted as a rural exception and is on a larger scale with a higher density and greater site coverage than the current proposal. The northern boundary of the application site does not extend as far north as Peter Pease Close and the proposed single-storey development would have a lesser impact on the character and appearance of the surrounding area.

Concerns about the original layout regarding the density and proximity to the ancient woodland to east have been resolved in the revised scheme for 3 dwellings, which has re-orientated the layout through 90 degrees and provided longer rear gardens. Adequate separation will be achieved between the rear gardens and the ancient woodland by safeguarding a 15m wide buffer which has been excluded from the application site. The buffer zone will be landscaped and planted as a wildlife meadow.

The application site adjoins existing development to the west and south and will be well screened by mature woodland to the east which forms part of a larger area of ancient woodland known as Kings Wood to the north of the village. The proposed dwellings would be situated far enough away from the ancient woodland to safeguard the trees and its ecological value.

The proposed single storey dwellings will be set back from the site frontage and will be well screened by mature woodland to the east and contained by an existing conifer screen to the north. The development would not be seen as a prominent feature when approached from the south via Ashford Drive. The proposed development would be of similar character, layout and design as the more established development to the south. It is therefore considered that the proposal would not have a significant impact on the visual amenities of the area or the appearance of the wider landscape.

## **9.3 Residential Amenity**

The main impact of the proposed development would be on the 2 adjoining properties to the south - No 17 Ashford Drive and Yellowstone (formerly Calderbourne) which is situated

behind No. 17, overlooking the application site. However the proposed dwellings are single storey and would have only limited impact on the residential amenities of adjoining properties in terms of overlooking and loss of privacy.

The proposed dwelling on Plot 1 has limited separation from the southern boundary but the gap between the flank wall of No.17 and Plot 1 would be almost 4m. In addition No. 17 has mature vegetation screening along its northern boundary.

Yellowstone is closer to the southern boundary of the application site but the majority of its garden is to the south of the existing dwelling. The existing close-boarded fence along the northern boundary of Yellowstone will be retained and in view of the 11m separation between the dwelling on Plot 1 and the existing dwelling at Yellowstone, the impact in terms of overlooking and loss of privacy would be acceptable.

#### **9.4 Highways**

Access to the site is proposed from the northern end of Ashford Drive via the existing cul-de-sac and a 3.7m wide private road. A turning area will be provided within the site at the front of Plot 3 but the layout is considered to be too urban in character and should be reduced in width to provide a layout more appropriate to a semi-rural location, to be secured by condition. An integral single garage and parking space in front is proposed to each dwelling which will provide adequate on-site parking.

No highway objections area raised by the Highway Authority subject to the following conditions:

1. Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
2. Use of a bound surface for the first 5 metres of the access from the edge of the highway.
3. Completion and maintenance of a revised access and turning area layout in front of Plot 3 prior to the use of the site commencing.
4. Provision and maintenance of 2metres x 2metres pedestrian visibility splays between the north side of the access to Yellowstone and the new site access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.

#### **9.5 Ecology**

A detailed Ecological Appraisal was submitted in July 2015 which recommended a range of enhancements relating to protection of trees and habitats including a 15m wide buffer between the curtilages of the proposed dwellings and the western boundary of the ancient woodland.

The Appraisal concluded that no further mitigation is required for amphibians, reptiles, badgers, bats or dormice. Biodiversity enhancements are recommended for bird boxes, hedgehog nesting boxes and bat roosts. The Appraisal also recommends the planting of native species of trees, shrubs and hedgerows, wildflowers and the creation of a wildlife pond. It is recommended that no vegetation should be removed outside the bird breeding season.

The applicant has confirmed by letter dated 20/7/15 that the following ecological mitigation measures will be implemented:

1. It is proposed to provide 120mm gaps under fences to allow hedgehog access to all garden areas.

2. The existing hedge and the proposed hedge will provide habitats for breeding birds and routes for the hazel dormouse.
3. It is proposed to install a bat box on the eastern gable of each property.
4. It is proposed to plant only native species within the designated areas for a new hedgerow and shrub planting.
5. The access drive will be a porous gravel finish.
6. It is not proposed to install any street lighting and all individual property external and/or security lights will be carried out strictly in accordance with Appendix C of the report

The revised layout significantly increases the separation between the proposed development and the ancient woodland to the east and the 15m buffer zone has been excluded from the application site. The Ecological Appraisal recommended a range of ecological enhancements relating to protection of trees and habitats as outlined above which will be the subject of a condition. In addition to hedging it is proposed to create several log stacks within the buffer zone to provide an additional habitat.

The applicant considers that no further mitigation is necessary for amphibians, reptiles, badgers, bats or dormice but it is recommended that no vegetation should be removed during the bird breeding season. Biodiversity enhancements are recommended for bird boxes, hedgehog nesting boxes and bat roosts. The planting of native species of trees, shrubs and hedgerows, wildflowers and the creation of a wildlife pond are also recommended.

## **9.6 Landscaping and Boundary Treatment**

The northern boundary of the application site is defined by a conifer hedge which is to be retained but lowered in height to 1700mm. The existing close-boarded fence along the southern boundary with Yellowstone will be retained and No. 17 is separated from the southern boundary by a 3m wide driveway. Additional planting is proposed along the western boundary in the form of an indigenous hedgerow which will form part of a landscaping scheme. The Landscape Officer has raised no further objections subject to the implementation of additional planting with indigenous species within the 15m buffer zone.

## **10.0 CONCLUSION**

10.1 Although the site lies outside the present built-up extent of the village the reduction from 4 to 3 units and the revised layout will reduce the visual impact on the surrounding area and assist in safeguarding the adjacent woodland. The proposed development is considered to be acceptable in terms of residential amenity, landscape, ecological and highway terms, subject to appropriate conditions.

10.2 The proposed development will provide 3 small dwellings in a relatively sustainable location on the edge of the Kingswood. The proposed density is considered to be compatible with the character of the surrounding area and the layout has been amended to move the dwellings at least 15m from the ancient woodland to the east. Although the site lies beyond the built-up extent of Kingswood as defined in the adopted Local Plan it is considered that the revised scheme will not materially detract from the visual and residential amenities of the surrounding area and will round off the existing pattern of development on the north side of the village.

10.3 In the absence of a 5 year housing land supply it is considered that the benefits of the proposed development outweigh any limited harm and permission is therefore recommended.

**11.0 RECOMMENDATION – GRANT 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 there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping and boundary treatment, including the retention of a 15m wide buffer zone between the eastern boundary of the site and the ancient woodland, using indigenous species. The scheme 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 landscaping scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. The approved landscaping scheme shall be implemented in the first planning season following the commencement of development.

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

3. The 15m wide buffer zone indicated on the submitted plans between the eastern boundary of the application site and the ancient woodland shall be permanently retained as open land and shall not be used as part of any residential curtilage. No development shall be carried out on this land whether or not permitted by the GPDO.

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

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 be carried out in complete accordance with the approved plans – dwg. nos. 12.1580.12/01&02, 12.1580.20E & 22A, 2342/15/B/1

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

6. Notwithstanding condition 5, revised details of the layout of the proposed access and turning area in front of Plot 3 to reduce its width and the extent of the turning area shall be submitted to and approved by the LPA and completed prior to the first use of the site and shall be permanently maintained thereafter.

Reason : In the interests of visual amenity.

7. 2metres x 2metres pedestrian visibility splays shall be provided and maintained to the north side of the access to Yellowstone and the new site access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.

Reason : In the interests of highway safety

8. Details of measures for biodiversity enhancement shall be submitted to the LPA before development commences, including the planting of native species of trees, shrubs and hedgerows and wildflowers. The details shall also include the provision of:

- 120mm gaps under fences to allow hedgehogs access to all garden areas.
- bird boxes and hedgehog nesting boxes,
- habitats for breeding birds and routes for the hazel dormouse.
- bat boxes on the eastern gable of each property.
- Construction of access drive with a porous gravel finish.
- swift bricks shall be installed at suitable locations on the site

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

9. 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.

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## INFORMATIVES

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

Applicants should contact Kent County Council - Highways and Transportation (web: [www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application Pack.

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.

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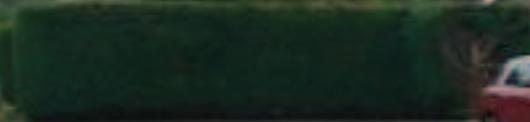
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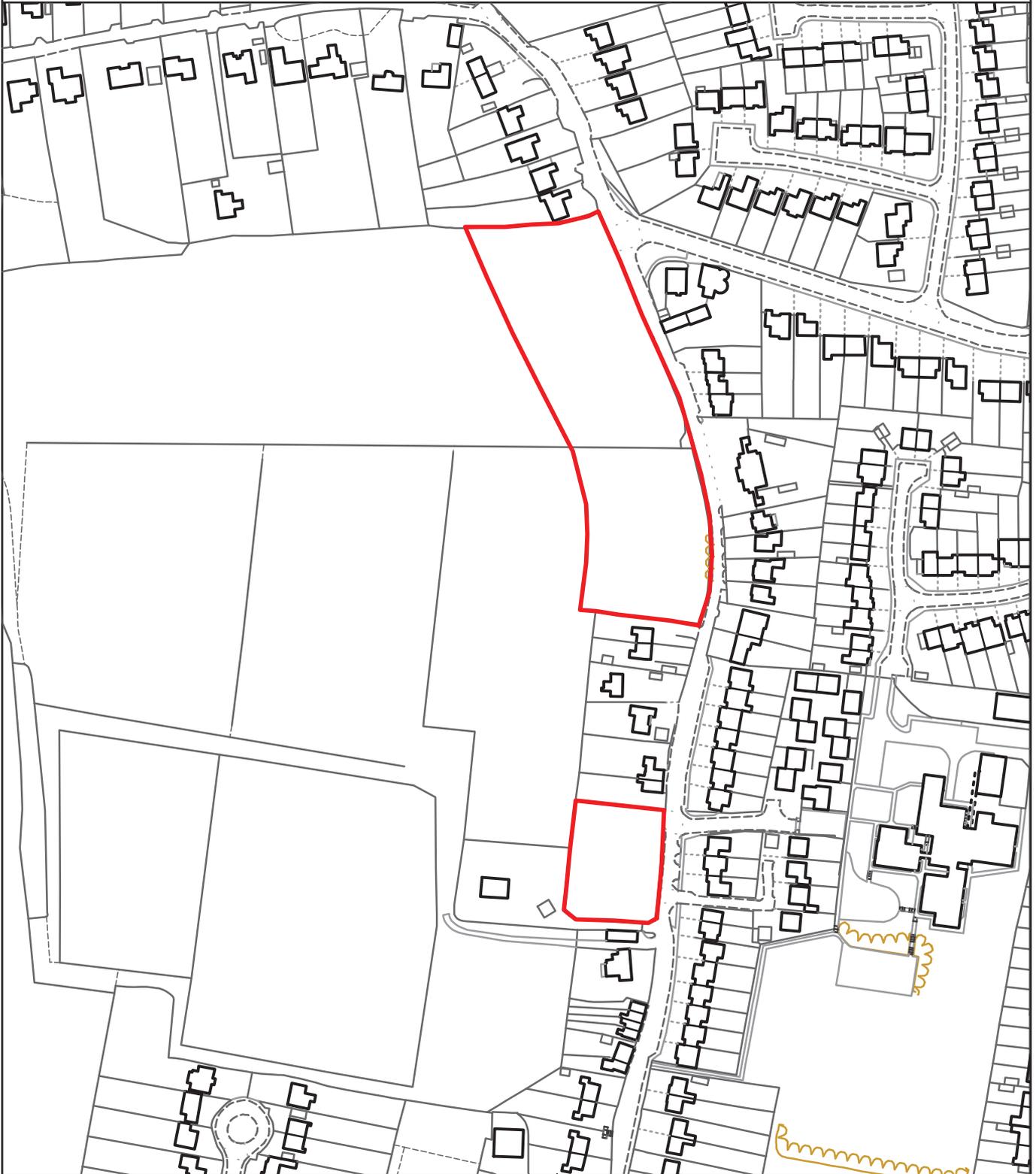
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# THE MAIDSTONE BOROUGH COUNCIL

Bell Farm  
North Street  
Barming  
Kent

MBC Ref: 14/506419



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**Rob Jarman**  
Head of Planning

**REPORT SUMMARY**

<b>REFERENCE NO - 14/506419/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of 35 residential dwellings, together with associated highway works, and landscaping provision.		
<b>ADDRESS</b> Bell Farm, North Street, Barming, Kent		
<b>RECOMMENDATION</b> GRANT PLANNING PERMISSION SUBJECT TO PRIOR COMPLETION OF AN APPROPRIATE LEGAL MECHANISM AND CONDITIONS		
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b> The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development is at a sustainable location, immediately adjoins the existing urban boundary, and is not considered to result in significant planning harm. Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient ground to depart from the Local Plan.  The site is included the draft Local Plan as site allocation H1 (19) and has been approved by Scrutiny Committee as being appropriate for 35 residential units.  The applicant is prepared to enter into a legal agreement to ensure that justified contributions are met.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Barming Parish Council wish to see the application refused and have requested the application be reported to Committee for the reasons set out below.  Teston Parish Council wish to see the application refused and have requested the application be reported to Committee for the reasons set out below.  Councillor Fay Gooch objects and has requested the application be reported to Committee for the reasons set out below.		
<b>WARD</b> Barming	<b>PARISH/TOWN COUNCIL</b> Barming	<b>APPLICANT</b> Mr Dan Humpries <b>AGENT</b> Mr Chris Hawkins
<b>DECISION DUE DATE</b> 12/03/15	<b>PUBLICITY EXPIRY DATE</b> 12/03/15	<b>OFFICER SITE VISIT DATE</b> 07/01/2015

**1.0 BACKGROUND**

1.1 This application was deferred at 10 September 2015 planning committee to enable the Officers to ask the applicant if they would be willing to amend the scheme to secure the following (as per the minutes):

- *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.*

- 1.2 Following the deferral on 10 September 2015 the applicant met with Members and Officers to allow Members to clarify the reasons for deferring the item.
- 1.3 Following this meeting the applicant has confirmed that they will not be making the changes suggested by Members and request that the application be determined as currently submitted (plus additional SUDs information as set out below). In an email to the Planning Manager the applicant provides the following reasons stating why they would like the application to be determined as currently submitted:

*'The application was submitted in December 2014, and was the subject of pre-application discussions and subsequent amendments following a change in the draft policy boundary to facilitate development being set back 5 metres from North Street following our meeting on 02 July.*

*The 02 July meeting followed the application being withdrawn from the Agenda of the 28 May meeting of the Planning Committee so that further reptile survey work could be undertaken.*

*Maidstone Borough Council issued the attached letter following our meeting setting out actions in order to seek to approve the amended application in the short term. This referred to both the draft allocation for the site - H1 (19) and the application.*

*The letter specifically stated that 'No objection will be raised to the removal of the hedgerow along North Street subject to suitable mitigation, as discussed during our meeting, and support from KCC Ecology.' This also aligned to the attached pre-application advice received before the planning submission, to secure a strong frontage to North Street, 'The quality of the roadside hedge/vegetation should be explored on the southern section as it appears not to be robust - It will be better to remove and have development addressing road here, rather than turning its back with close-board fencing.'*

*KCC Ecology were consulted on the additional survey work and the application was recommended for approval at the 10 September Planning Committee meeting.*

*It is appreciated that Members can take a different view to Officers, but we are disappointed that after what we considered to be clear guidance given by MBC the application was then deferred for further reasons that significantly change the design approach taken for the site, which moves away from Officers professional views on the application site to date.*

*We have considered the implications of the changes and are concerned about the implications and delays to the current application if we were to amend it. We discussed why a SUDs feature would not be practicable along the inside of the hedge and we will be separately be writing to you on this specific issue.*

*We therefore confirm that we would like the planning application taken back to the 01 October Planning Committee on the basis that no further amendments will be made to it. We understand that the application will then be reported back to the 22 October Planning Committee to be determined, in its current submitted form.*

*Maidstone Borough Council accepts that it does not have a 5 year supply of land and this is a site where an approval in the short term would assist in delivering much needed housing, including in this case 11 (30%) much needed affordable dwellings’.*

## **2.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

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

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

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

## **3.0 ADDITIONAL INFORMATION FROM THE APPLICANT**

3.1 Following the deferral of the application at 10 September committee the applicant has provided a technical note to demonstrate that the preliminary surface water management proposals set out in the planning application makes best use of the available opportunities for sustainable drainage on the site and is thus SuDs compliant.

3.2 The drainage strategy is based on three keys aspects of the site:

- The site has no existing, established water course in which to discharge to directly;
- There are is no existing surface water drainage network in the immediate vicinity of the site;
- The ground conditions are such that infiltration can be achieved but at comparably limited rates.

3.3 The technical note advises that in order to deliver a SuDs compliant scheme, the use of infiltration techniques would likely be the most effective approach.

## **4.0 ADDITIONAL LOCAL REPRESENTATIONS**

4.1 Since the committee meeting on the 10 September 2015 one additional objection letter has been received from a local resident. The following (summarised) issues were raised:

- The density of the development should be reduced as there is clear evidence this would benefit residents, the environment, ecological and rural nature of Barming.
- Policy H1 (19) is a draft Policy.
- It is still possible to reduce the density if Members are minded to.

## **5.0 APPRAISAL**

5.1 The applicant has requested that the application be determined by Members as per the officer recommendation in the 10 September 2015 committee report (appendix 1), with the inclusion of the additional SuDs information for consideration.

5.2 The applicants drainage consultant have provided a technical note to demonstrate to Members that the preliminary surface water management proposal makes best use of the available opportunities for sustainable drainage on the site and is therefore SuDs compliant. The FRA and SuDs technical note explain that the SuDs

management will be based on control at source before recharging the underlying ground water in line with good SuDs practise.

5.3 The Environment Agency and Lead Local Flood Authority have reviewed the proposed drainage strategy and do not raise any objections and Members are therefore advised that drainage would not constitute a sustainable reason for refusal of this application.

5.4 No additional information has been submitted to the council which would alter the original recommendation outlined in the 10 September 2015 committee report.

## **6.0 CONCLUSION**

6.1 Member are therefore requested to determine the application as per the 10 September 2015 committee report, whilst having regard to the additional SuDs information supplied by the applicant.

## **7.0 RECOMMENDATION** as per the attached 10 September committee report.

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

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

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

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

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

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

Reason: To ensure a satisfactory appearance to the development.

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

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

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

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

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

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

Reason: To provide adequate transport arrangements.

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

- a) purpose and objectives of the proposed mitigation works, including the creation of compensatory habitat and protection of reptiles during construction works;
- b) detailed design(s) and working method(s) to achieve stated objectives;
- c) identification of 'biodiversity protection zones', including the use of protective fences, exclusion barriers and warning signs;
- d) timetable for implementation, demonstrating that the mitigation works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the works, including provision for specialist

ecologists to be present on site to oversee reptile protection works.;

f) provision for long-term management and monitoring of the compensatory habitat;

g) provision for identification and implementation of remedial actions if monitoring shows that objectives are not being met.

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

The implementation of additional recommendations identified in chapter 5 of the Ecological Appraisal report and subsequently confirmed by the applicant's ecologist must also be adhered to ensure that all potential ecological impacts are adequately avoided or minimised.

Reason: In the interest of ecology and biodiversity enhancement.

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

Development shall not begin until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The drainage details submitted to the Local Planning Authority shall:

Include details of all sustainable drainage features; and

Specify a timetable for implementation; and

Provide a long term management and maintenance plan for the lifetime of the development which shall specify the responsibilities of each party for the implementation of the SUDS scheme and any other arrangements to secure the operation of the scheme throughout its lifetime; and Relevant manufacturers details on all SUDS features.

The development shall be carried out in accordance with the approved details and maintained thereafter unless with the agreement in writing of the Local Planning Authority;

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

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

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

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

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

- (10) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection during the course of development in the form of a Tree Protection Plan undertaken by an appropriately qualified party in accordance with BS5837:2012 and a programme for the approved scheme's implementation and long term management.

The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment 2012 and shall include details of the repair and retention of existing hedgerows and tree lines within the site; including enhancements to the north, east and west boundary planting as shown on drawing number CSa/1683/118D; dated November 2014.

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

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

- (11) The use or occupation of each phase of the development hereby permitted shall not commence until all planting, seeding and turfing specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: To ensure a satisfactory landscaped setting for the development.

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

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

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

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

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

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

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

- (15) No development shall take place until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: In the interest of residential amenity

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

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

- (17) Details of facilities for the separate storage and disposal of waste and recycling generated by this development as well as the site access design and arrangements for waste collection shall be submitted for approval to the LPA. The approved facilities shall be provided before the first use of the building(s) or land and maintained thereafter. The applicant should have regard to the Environmental services guidance document 'Planning Regulations for Waste Collections' which can be obtained by contacting Environmental Services.

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

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

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

- (19) No development shall commence on site until a signed S278 Agreement, covering the alterations to North Street road layout, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the highways works covered in the S278 have been completed.
- (20) The proposed first floor north facing windows in the north elevation of the house on Plot 29 and Plot 30 hereby approved shall at no time be openable or glazed, otherwise than in obscured glass, below a minimum height of 1.75 metres above the relevant internal floor levels.

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

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

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

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

## INFORMATIVES

### Southern Water

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

## 8.0 APPENDIXES

Appendix 1: 10 September committee report

Appendix 2: SUDs Technical Note by C & A Consulting Engineers

## Planning Committee Report

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

**REPORT SUMMARY**

<b>REFERENCE NO - 14/506419/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of 35 residential dwellings, together with associated highway works, and landscaping provision.		
<b>ADDRESS</b> Bell Farm, North Street, Barming, Kent		
<b>RECOMMENDATION</b> GRANT PLANNING PERMISSION SUBJECT TO PRIOR COMPLETION OF AN APPROPRIATE LEGAL MECHANISM AND CONDITIONS		
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b> The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development is at a sustainable location, immediately adjoins the existing urban boundary, and is not considered to result in significant planning harm. Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient ground to depart from the Local Plan.  The site is included the draft Local Plan as site allocation H1 (19) and has been approved by Scrutiny Committee as being appropriate for 35 residential units.  The applicant is prepared to enter into a legal agreement to ensure that justified contributions are met.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Barming Parish Council wish to see the application refused and have requested the application be reported to Committee for the reasons set out below.  Teston Parish Council wish to see the application refused and have requested the application be reported to Committee for the reasons set out below.  Councillor Fay Gooch objects and has requested the application be reported to Committee for the reasons set out below.		
<b>WARD</b> Barming	<b>PARISH/TOWN COUNCIL</b> Barming	<b>APPLICANT</b> Mr Dan Humpries <b>AGENT</b> Mr Chris Hawkins
<b>DECISION DUE DATE</b> 12/03/15	<b>PUBLICITY EXPIRY DATE</b> 12/03/15	<b>OFFICER SITE VISIT DATE</b> 07/01/2015
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b> None relevant  This application was withdrawn before the 28 May 2015 Committee meeting as lizards were found in the hedgerow fronting onto North Street which is proposed for removal, prior to the committee meeting. The scheme was also deferred to increase the set back from North Street. Further ecological surveys and an amended layout were requested prior to presenting the scheme back to planning committee.  For clarity this is a fresh report and includes additional correspondence from consultees and further representations following re-consultation.		

**1.0 MAIN REPORT**

**1.1 Site Background**

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

**1.3 North Street development criteria**

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

**Design and layout**

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

**Access**

3. Access will be taken from North Street only.

**Air quality**

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

**Open space**

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

**Community infrastructure**

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

**Highways**

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

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

**2.0 DESCRIPTION OF SITE**

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

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

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

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

### **3.0 PROPOSAL**

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

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

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

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

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

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

## **5.0 Amended plans**

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

## **6.0 LOCAL REPRESENTATIONS**

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

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

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

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

## 7.0 CONSULTATIONS

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

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

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

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

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

7.4 **KCC Highways:** No objections

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

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

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

*I note the proposals to:-*

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

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

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

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

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

**7.5 Environment Agency:** No objections

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

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

*Development shall not begin until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site.*

*The scheme shall subsequently be implemented in accordance with the approved details before the development is completed’.*

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

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

7.7 **KCC Development Contributions:** *‘The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution’.*

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

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

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

*‘The proposal is projected to give rise to 7 additional secondary school pupils from the date of occupation of this development. This need can only be met through the provision of new accommodation within the locality’.*

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

*‘Forecasts indicate that there is insufficient capacity within local Centres to accommodate the increased demand generated through the development, therefore*

*KCC require contributions to provide increased centre based youth services in the local area.'*

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

*'There is an assessed shortfall in provision: overall borrower numbers in the local area are in excess of area service capacity, and bookstock for Maidstone Borough at 1339 per 1000 population is below the County average of 1349 and both the England and total UK figures of 1510 and 1605 respectively.'*

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

- Blackthorne Medical Centre
- College Practice (Barming)

*The above surgeries are within a 1 mile radius of the development at North Street. This contribution will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity.*

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

**Predicted Occupancy rates**

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

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

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

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

**7.9 MBC Housing: Objects**

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

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

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

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

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

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

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

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

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

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

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

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

*Affordable Rented Units (60%)*

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

*Shared Ownership Units (40%)*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**7.11 MBC Parks and Open Space:**

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

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

**7.13 KCC Ecology:** No objections

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

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

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

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

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

*Retain the field margin habitat along the northern boundary of the site;*

*Retain and protect hedgerows H1 (northern boundary of northern land parcel), H3 (southern section of eastern boundary of northern land parcel) and H7 (eastern boundary of southern land parcel), or create compensatory hedgerows;*

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

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

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

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

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

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

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

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

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

**7.14 MBC Landscape:** No objections

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

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

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

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

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

**7.15 KCC Heritage:** No objections

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

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

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

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

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

**7.17 Southern Water:** No objections. Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. Recommends conditions and informatives. .

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

**7.19 UK Power Networks:** No objections

## **8.0 APPRAISAL**

### **8.1 Principle of Development**

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

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

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

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

8.5 The key material consideration outside of the Development Plan in the determination of applications for residential development in the open countryside is national

planning policy as set out in the National Planning Policy Framework 2012 (NPPF) and the Council's position in respect of a five year housing land supply.

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

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

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

## **9.0 Visual Impact**

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

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

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

## **10.0 Heritage Impact**

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

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

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

## **12.0 Residential Amenity**

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

### **13.0 Transport**

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

### **14.0 Affordable housing**

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

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

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

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

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

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

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

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

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

## **15.0 Landscaping and Ecology**

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

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

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

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

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

#### **16.0 Loss of agricultural land**

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

#### **17.0 Flooding**

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

#### **18.0 Other issues**

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

#### **19.0 Heads of Terms**

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

It is:

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

A planning obligation (“obligation A”) may not constitute a reason for granting planning permission to the extent that —

- (a) obligation A provides for the funding or provision of an infrastructure project or type of infrastructure; and .
- (b) five or more separate planning obligations that— .
  - (i) relate to planning permissions granted for development within the area of the charging authority; and
  - (ii) which provide for the funding or provision of that project, or type of infrastructure, have been entered into before the date that obligation A was entered into.

- 19.2 The above section came into force on 6<sup>th</sup> April 2015 and means that planning obligations cannot pool more than 5 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010).

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

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

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

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

- 19.7 There is a request of £295.48 toward youth services sought by Kent County Council. This contribution would pay towards the provision of staff and equipment for Maidstone Borough Youth Outreach services supplied to Infozone Youth Hub. It is clear that the proposed development of 35 dwellings would result in additional demand placed on the youth facilities available in the area and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 19.8 Kent County Council has sought £1680.55 towards library services for new bookstock supplied to Mobile Library services covering Barming. It is clear that the proposed development of 35 dwellings would result in additional demand placed on the bookstock at Maidstone library and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 19.9 KCC Highways Authority has sought £406 per dwelling towards pedestrian crossing facilities at the Hermitage Lane/Heath Road junction. It is clear that the proposed development of 35 dwellings would have an additional impact on the junction and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 19.10 Provision of 30% affordable housing (11 units). The affordable housing would consist of 6 two bed units and 5 three bed units with a tenure split of 60% for rental and 40% of dwellings as shared ownership.
- 19.11 Justification for the contributions is outlined at paragraph 7.4, 7.7 and 7.8 and I consider that the requested contributions have been sufficiently justified to mitigate the additional strain the development would put on these services and comply with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the CIL tests above.

## **20.0 CONCLUSION**

- 20.1 The application site is included in the Draft Local Plan under policy H1 (19) as being appropriate for the development of 35 residential houses and the development of the site has been agreed by Scrutiny Committee and will now progress to Regulation 19 Stage of the Local Plan.
- 20.2 Development at this site would infill a gap of residential development along the west side of North Street and would not project outwards into the open fields beyond established neighbouring development. The level of affordable housing would be contrary to policy, however, the 30% provision has been influenced by the overall density of the development, level of contributions sought and similar approved applications. Whilst it is acknowledge that the development would have an impact upon the setting of the listed buildings, it is not considered that there would be significant harm to their setting to resist development altogether. In addition to this, the need to provide sites suitable for housing holds significant weight which is considered to outweigh this harm. The site is located on the boundary of the urban area in easy reach of a number of services and facilities as well as regular bus routes, and the development of this site for residential purposes would represent an example of sustainable development and would conform to the aspirations of the NPPF.
- 20.3 Furthermore, the site, being on the periphery of the urban area of Maidstone, would be in conformity with the Council's hierarchy of development which seeks to direct

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

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

## **21.0 RECOMMENDATION**

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

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

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

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

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

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

Reason: To ensure a satisfactory appearance to the development.

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

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

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

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

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

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

Reason: To provide adequate transport arrangements.

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

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

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

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

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

Reason: In the interest of ecology and biodiversity enhancement.

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

Development shall not begin until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The drainage details submitted to the Local Planning Authority shall:

Include details of all sustainable drainage features; and

Specify a timetable for implementation; and

Provide a long term management and maintenance plan for the lifetime of the development which shall specify the responsibilities of each party for the implementation of the SUDS scheme and any other arrangements to secure the operation of the scheme throughout its lifetime; and Relevant manufacturers details on all SUDS features.

The development shall be carried out in accordance with the approved details and maintained thereafter unless with the agreement in writing of the Local Planning Authority;

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

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

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

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

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

- (10) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection during the course of development in the form of a Tree Protection Plan undertaken by an appropriately qualified party in accordance with BS5837:2012 and a programme for the approved scheme's implementation and long term management.

The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment 2012 and shall include details of the repair and retention of existing hedgerows and tree lines within the site; including enhancements to the north, east and west boundary planting as shown on drawing number CSa/1683/118D; dated November 2014.

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

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

- (11) The use or occupation of each phase of the development hereby permitted shall not commence until all planting, seeding and turfing specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: To ensure a satisfactory landscaped setting for the development.

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

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

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

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

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

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

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

- (15) No development shall take place until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: In the interest of residential amenity

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

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

- (17) Details of facilities for the separate storage and disposal of waste and recycling generated by this development as well as the site access design and arrangements for waste collection shall be submitted for approval to the LPA. The approved facilities shall be provided before the first use of the building(s) or land and maintained thereafter. The applicant should have regard to the Environmental services guidance document 'Planning Regulations for Waste Collections' which can be obtained by contacting Environmental Services.

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

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

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

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

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

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

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

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

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

## INFORMATIVES

### Southern Water

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

{bNote to Applicant: APPROVAL}

The Council's approach to this application:

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

NPPF Approval – standard informative

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





## C & A CONSULTING ENGINEERS

### TECHNICAL NOTE

Charles & Associates Consulting Engineers Ltd  
Office 17, Wealden Place, Bradbourne Vale Road  
Sevenoaks, Kent, TN13 3QQ  
Tel: 01732 448120  
E-mail: enquiries@c-a.uk.com  
Web: www.c-a.uk.com

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**PROJECT** : **Bell Farm, Barming**  
**JOB NO.** : **14-021**  
**NOTE TITLE** : **Drainage Strategy Response**  
**AUTHOR** : **Glenn Charles**  
**APPROVED** : **John Wilde**  
**DATE** : **29<sup>th</sup> September 2015**

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#### 1.0 INTRODUCTION

1.1 This Technical note has been prepared to demonstrate that preliminary surface water management proposal set out in the planning application for the above development makes use best use of the available opportunities for sustainable drainage on the site and is thus SuDS compliant.

#### 2.0 PROPOSED DRAINAGE STRATEGY

2.1 A drainage strategy was detailed in the document submitted with the planning application entitled 'Flood Risk Assessment and Preliminary Drainage Strategy – May 2015'. The report was reviewed by the Environment Agency, the local Water Authority and Kent County Council's sustainable drainage department (although they deferred to the EA given the timing of the application) and was accepted, giving rise to no objections.

2.2 The strategy was based on three keys aspects of the site:

- The site has no existing, established water course in which to discharge to directly;
- There are is no existing surface water drainage network in the immediate vicinity of the site;

- The ground conditions are such that infiltration can be achieved but at comparably limited rates.

- 2.3 With these in mind and noting the aim to deliver a SuDs compliant scheme, it became apparent early in the process that use of infiltration techniques would likely be the most effective approach.
- 2.4 While full details of the strategy can be found in the aforementioned documents; in brief terms the SuDs management train was based on control at source before recharging the underlying ground water in line with good SuDs practise. The train commences with the use of water butts to down pipes to collect roof drainage before discharging to either domestic infiltration structures within private gardens or porous paving within parking areas which allows infiltration into the subsoil.
- 2.5 The use of sealed pipes from the roof water to the infiltration structure and/or porous paving ensures only clean water enters these systems from the roof thus negating the need for secondary or tertiary pollution control measures. Runoff that is collected from the paved areas will discharge to the porous paving that will provide tertiary pollution control within the sand and granular layers to collect heavy metals and aerobic breakdown of hydrocarbons etc. It should be noted that this is a small domestic estate and the likelihood of pollutants is negligible.
- 2.6 Runoff from the proposed adopted highway will be collected within trapped gullies and a piped system to independent infiltration structures. Tertiary treatment is provided within the trapped gullies to collect sediment and heavy metals, before discharging to the infiltration structure.

### 3.0 SUDS COMPLIANCE

- 3.1 Whilst only recently adopted, Kent County Council's Drainage and Planning Policy Statement states within its SuDS Policy that the following the drainage hierarchy must be followed:

*Surface runoff not collected for use must be discharged according to the following discharge hierarchy:*

- *to ground,*
- *to a surface water body*
- *a surface water sewer, highway drain, or another drainage system, or*
- *to a combined sewer where there is absolutely no other options, and only where agreed in advance with the relevant sewerage undertaker.*

- 3.2 Given that the proposed drainage methodology for this development is to drain the site to ground via the aforementioned infiltration techniques, it can be seen that this falls within the highest level of the hierarchy and Kent County Council's preferred option. This also complies with the requirements of CIRIA SuDS Manual (C753).

#### 4.0 ALTERNATIVE 'OPEN' SUDS FEATURES

- 4.1 Comments received on the planning application from Members of the planning committee questioned the lack of 'open' SUDS features on the site and the scope for this to undermine the compliance of the scheme. While the above paragraphs address any doubt as the compliance of the scheme, there value in considering the merit of open features as suggested.
- 4.2 One feature highlight by Members was the lack of open attenuation, such as ponds. Such facilities are typically used to store excess storm event surface water in a manner that avoid flooding of properties on site and those in neighbouring the site. They allow the surface water to be stored and discharged from the site, in many cases in to established water courses, at an appropriate discharge rate, typically the 'green field' equivalent. The 'balancing' aspect of the pond allows the difference between the faster discharge of the hard standings and the 'green field' to retain and limit the discharge to acceptable levels that will not cause or exacerbate issues downstream.
- 4.3 As stated above there are no existing over ground flow path routes on the development site with rainfall soaking into the ground in the existing condition. Utilising good practise, it is proposed to mimic, as close as possible the existing conditions utilising infiltration structures accordingly.
- 4.4 Members also highlighted the scope for a swale to be introduced along the eastern boundary with North Street, running along the back of the existing hedge/tree line which that wish to see retained (albeit this is a separate planning matter not covered here).
- 4.5 Swales are a similar form of attenuation and/or conveyancing structure, to that described above and can fulfil a similar role; thus the introduction of a swale for attenuation purposes would be similarly unjustified on the basis set out above. They are also often applied for the purposes of conveyance; that is moving surface water from the source to either a discharge point or an attenuation pond.
- 4.6 A swale in the suggested location would not fulfil a useful conveyance role as it would simply be moving surface water to the bottom corner of the site, where no discharge option is available. The topography of the site in this location also has a general fall to the south, so substantial regrading of the site would be needed to avoid this conveyance function; i.e. to make the swale level. In addition for a swale to operate efficiently as an infiltration structure a clean gravel filled trench of approximately 1 to 2 metres deep would be required beneath the swale to accommodate the required infiltration to the subsoil due to the lack of an outfall. This level of regrading and digging would be at odds with the Members other wish to retain the hedge/trees in this location.
- 4.7 Finally – with reference to the hedge/trees, these retain a significant root protection area that extends in to the site. The introduction of a swale in this location would require a substantial set back to avoid impacting on these areas, significantly undermining the viability of the development for no actual gain in effectiveness of compliance of the scheme.

## 5.0 CONCLUSIONS

- 5.1 This note has been produced following comments received from Member of the planning committee, which led to a deferment of the application on a number of grounds, including drainage.
- 5.2 This note clarifies items discussed at a subsequent meeting with Member representatives, during which an explanation of the drainage strategy and its SuDs compliance was provided, to the satisfaction of those present.
- 5.3 It has been confirmed that a comprehensive drainage strategy was submitted with the application as part of the FRA. This strategy is demonstrated to be SuDs compliant to the satisfaction of the EA and this note also introduces the most recent KCC guidance on drainage, which it also remains compliant with.
- 5.4 An explanation has been provided as to why open SuDs features are not required in this case to deliver a compliant scheme and why such open features are potentially inappropriate.

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SLOW



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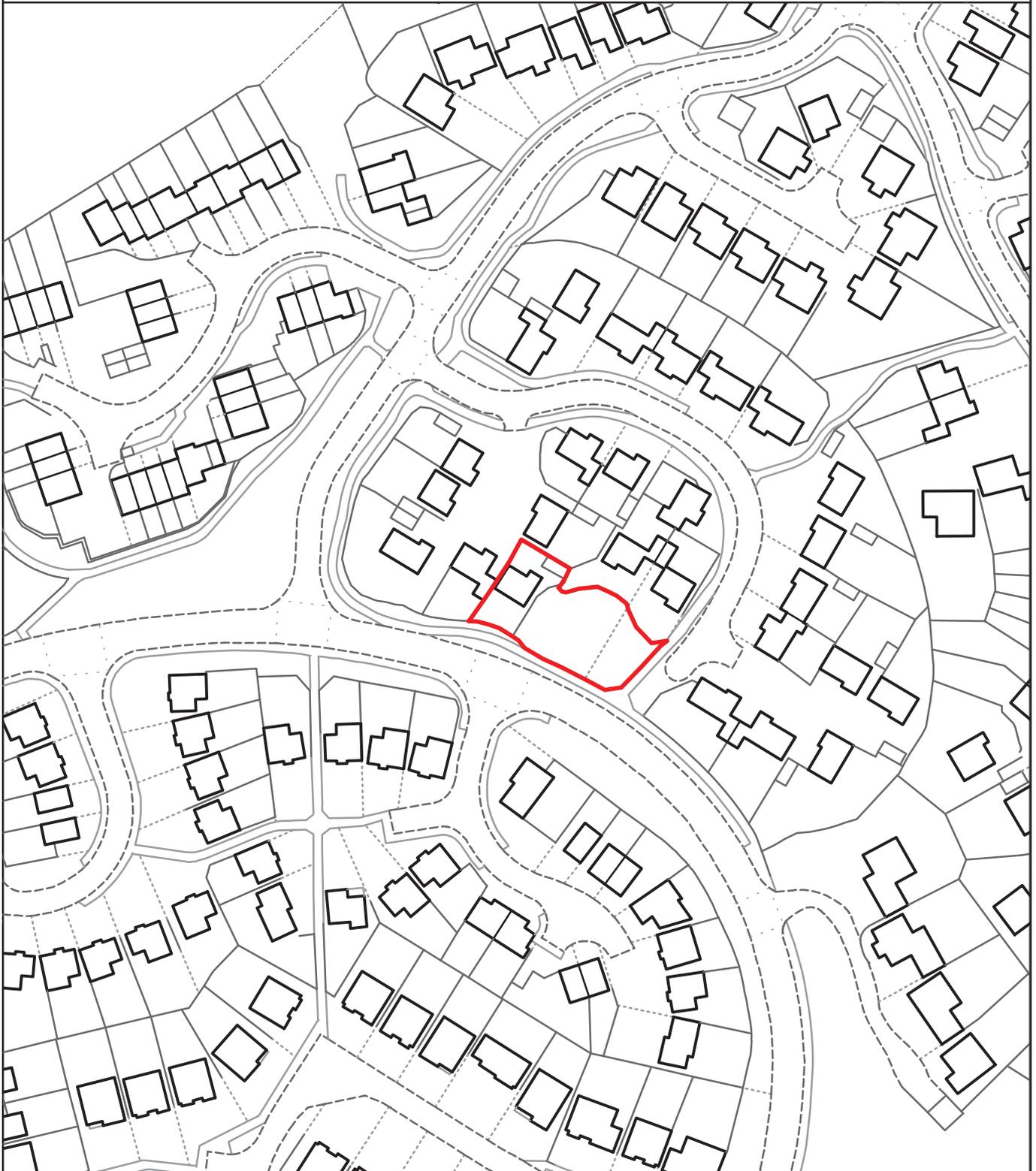


# Agenda Item 16

## THE MAIDSTONE BOROUGH COUNCIL

22 Goldstone Walk  
Boxley  
Kent  
ME5 9QB

MBC Ref: 15/500349



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**Rob Jarman**  
Head of Planning

## REPORT SUMMARY

<b>REFERENCE NO - 15/500349/OUT</b>			
<b>APPLICATION PROPOSAL</b> Outline application for the development of one detached 3-bedroom house with garage and parking.			
<b>ADDRESS</b> 22 Goldstone Walk Boxley Kent ME5 9QB			
<b>RECOMMENDATION</b> – Approve with conditions			
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b> The proposed new dwelling represents infill development within a predominantly residential area which forms part of the Walderslade urban area as defined on the Proposals Map to the Maidstone Borough-Wide Local Plan. The principle of infill development in sustainable urban locations such as this is considered acceptable and it is considered that a new dwelling of the size and scale indicated in the outline proposals can be accommodated on the site without significant unneighbourly impact, without adversely impacting on the character, appearance and visual amenities of the locality, and without impacting on highway safety in the vicinity. The outline proposals are not considered to conflict with the policies of the Maidstone Borough-Wide Local Plan or Government guidance in the National Planning Policy Framework.			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Boxley Parish Council wish to see the application refused and have requested that the application is referred to committee for determination if officers are recommending that it is approved.			
<b>WARD</b> Boxley	<b>PARISH/TOWN COUNCIL</b> Boxley	<b>APPLICANT</b> Mr Rukesh Vadhvana <b>AGENT</b> Architecture Design Limited	
<b>DECISION DUE DATE</b> 30/03/15	<b>PUBLICITY EXPIRY DATE</b> 30/03/15	<b>OFFICER SITE VISIT DATE</b> 29/09/15	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
MA/05/0440	Erection of a two-storey side extension (22 Goldstone Walk)	Approved	26.04.05
MA/98/0952	Use of land as an enlarged residential curtilage (Application site)	Approved	17.08.98
MA/88/1867	Rear extension (22 Goldstone Walk)	Approved	20.04.89
MA/84/1649	Residential development (26 units) (Original development)	Approved	13.12.85

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The application site is located along the north side of Impton Lane and forms a large garden area to the eastern side of the detached two-storey dwelling at 22 Goldstone Walk which is accessed from a secondary access road off the main part of Goldstone Walk to the north which also serves the detached two-storey dwellings with garages

at Nos. 21 and 23 – 26 (consec.) Goldstone Walk. The site is roughly rectangular in shape although the northern boundary follows an irregular line and has maximum dimensions of 28m in width and 18.3m in depth. The site is currently used as part of the garden to the dwelling at 22 Goldstone Walk and incorporates three mature trees in the south-eastern corner close to the Impton Lane frontage. The site is bounded along its northern boundary by the access drive off Goldstone Walk to the detached two-storey dwellings at 16 and 17 Goldstone Walk which front onto the access drive. The site is bounded by the footway to Impton Lane along its southern boundary and by the short pedestrian link between the eastern end of Goldstone Walk and Impton Lane to the east. The existing dwelling at 22 Goldstone Walk and its detached garage adjoin the site to the west. Goldstone Walk and the immediate surroundings consists predominantly of two-storey detached dwellings with no regular road layout or pattern of development. The three mature trees in the south-eastern corner of the site close to the Impton Lane frontage are covered by Tree Preservation Order No. 1 of 1969 which also covers the wider area of Walderslade.

- 1.02 The application site is part of a predominantly residential area which forms part of the Walderslade urban area as defined on the Proposals Map to the Maidstone Borough-Wide Local Plan.

## **2.0 PROPOSAL**

- 2.01 The application proposes the development of the site with the erection of a detached 3-bedroom house with garage and parking. The application seeks outline planning permission with all detailed matters (Details of appearance, layout, scale, means of access, and landscaping of the development) reserved for future consideration.
- 2.02 The outline application is accompanied by detailed indicative plans showing a development of the site with a detached 3-bedroom house with an attached garage to the north-eastern side. The indicative plans show the existing detached garage to the north-eastern side of the existing dwelling at 22 Goldstone Walk being removed to allow access through into the main body of the site from the existing driveway serving 22. The proposed detached two-storey 3-bedroom dwelling is shown to be more or less centrally located within the main body of the site facing the side elevation of the existing dwelling at 22 Goldstone Walk with a hardsurfaced area between the front of the proposed house and the side elevation of the existing dwelling at 22 incorporating parking facilities and vehicle turning space for both the existing and proposed dwellings. The indicative elevations show a pitched gable ended roof to the proposed dwelling with a lean-to pitched roof to the attached garage to the north-eastern side of the proposed dwelling. The indicative plans show the attached garage to be 2m-3.2m in from the northern boundary of the site common with the access drive off Goldstone Walk to the detached two-storey dwellings at 16 and 17 Goldstone Walk which front onto the access drive.
- 2.03 The indicative plans show the retention of the three mature trees in the south-eastern corner of the site close to the Impton Lane frontage.
- 2.04 The outline application as originally submitted proposed the development of the site with the erection of two 2-bedroom houses. The originally submitted application was subsequently amended to a single 3-bedroom dwelling to reduce the scale, intensity and building footprint of the proposed development.

### **3.0 PLANNING CONSTRAINTS**

- 3.01 The application site forms part of the Walderslade urban area as defined on the Proposals Map to the Maidstone Borough-Wide Local Plan.
- 3.02 Three mature trees in the south-eastern corner of the site close to the Impton Lane frontage are covered by Tree Preservation Order No. 1 of 1969 which also covers the wider area of Walderslade.
- 3.03 No overriding planning constraints have been identified which would make the principle of infill residential development on the site unacceptable from a planning point of view.

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

- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Development Plan: Maidstone Borough-Wide Local Plan (2000): Policies ENV6, T13
- Maidstone Borough Council Draft Local Plan: Policies SS1, DM2, DM4, DM5

### **5.0 LOCAL REPRESENTATIONS**

- 5.01 Ten representations were received from neighbouring residents on the outline application as originally submitted for the erection of two 2-bedroom houses raising the following objections/concerns:

- The neighbouring properties at 16 and 21 Goldstone Walk would be overlooked
- The erection of two houses will not blend in with the rest of the Close
- All current properties are detached with three or four bedrooms
- The area is already overcrowded and densely populated
- Light to the neighbouring properties and gardens would be affected
- Neighbouring property would be overshadowed
- Two additional houses would exacerbate existing parking problems in the area
- The area used to be a pond and the development would cause a flooding issue
- Traffic, noise and general use of the properties would have an adverse impact on neighbouring property
- The access route via the small cul-de-sac is barely large enough for the current six residences
- Introducing an additional 5 cars to access the development is a safety concern
- There are various restrictive covenants which apply to the land, including not to build or permit to be built on the Property any building erection or structure whatsoever
- The two new houses would create a visual impact from Impton Lane and surrounding area
- The remaining trees on the site could be put at risk.

- 5.02 Boxley Parish Council commented on the outline application as originally submitted for the erection of two 2-bedroom houses that they wished to see the application refused for the reasons set out below:

- Overdevelopment of the plot
- Adverse and unacceptable impact on the street scene with development immediately adjacent to Impton Lane

- The existing property would be left with insufficient outside space for a 3/4 bedroom house
- There will be noise pollution to the existing house (No. 22) from use of the proposed car parking area
- Loss of privacy to the occupiers of No. 22
- The proposed dwellings would be overlooked by existing neighbouring properties
- The access and egress to the new houses is extremely narrow and it appears that there is insufficient vision splay to allow safe access and egress
- Concerns are raised regarding potential adverse impact on Nos. 16 and 17 Goldstone Walk and access and egress difficulties for emergency vehicles

### **AMENDED PLANS**

5.03 As noted in 2.04 above, the originally submitted application was subsequently amended from the erection of two 2-bedroom houses to a single 3-bedroom dwelling with garage and parking. Seven representations were received from neighbouring residents on the amended outline application raising the following objections/concerns:

- The development would affect the light to the front of the neighbouring properties at 16 and 17 Goldstone Walk and would affect the privacy and view from the front garden
- There would be overshadowing of neighbouring property and loss of privacy
- Traffic, noise and general use of the properties would have an adverse impact on neighbouring property
- The current grassy/woodland appearance of the site would become a concrete jungle
- It is believed any building on the land is prohibited in the title deed
- The area was once a pond and development of the site would increase the risk of flooding to neighbouring property
- The proposed development will be visible from the road and footpath bordering the site
- There would be loss of important landscape/possible loss of trees
- Parking in Goldstone Walk is already limited. Another house is not going to improve matters. Existing parking problems would be exacerbated
- The route to the property comes through a very narrow road which was not originally planned nor built to accommodate more houses
- The access and close proximity to neighbouring houses along the access is a safety concern
- There are factual errors in the application.

5.04 Boxley Parish Council commented on the amended outline application that they wished to see the application refused for the reasons set out below:

- Overdevelopment. It is still the Parish Council's opinion that the existing property would be left with insufficient outside space appropriate for a 3-4 bedroom house
- There will be noise and air pollution to the existing house (No. 22) from use of the proposed car parking area
- Loss of privacy to the occupiers of No. 22
- The access and egress to the new house is extremely narrow and it appears that there is insufficient vision splay to allow safe access and egress
- There are concerns regarding the potential adverse impact on Nos. 16 and 17; access and egress difficulties for emergency vehicles as well as safety issues for pedestrians; surface water run-off due to the excessive hard standing; the south,

south-east part of the rear garden of the proposed new property used to be a pond until it was sold by KCC with restricted development covenants.

## 6.0 CONSULTATIONS

- 6.01 **Landscape Officer:** Advises that the proposed dwelling, as shown in the outline proposals will only result in minor, if any, encroachment into the root protection areas of the 3 trees in the south-eastern corner of the site close to the Impton Lane frontage and that any encroachment is considered to be within acceptable limits. Advises further that there are insufficient arboricultural grounds to recommend refusal of the application and no objection is raised to the outline proposals subject to a condition requiring an arboricultural method statement in accordance with BS5837:2012 which should include a tree protection plan.
- 6.02 **KCC Highways:** Commented that it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. Commented that any material highway safety concerns should be brought to the attention of the Highway Authority for their consideration.

## 7.0 BACKGROUND PAPERS AND PLANS

- 7.01 The current outline application is accompanied by the following drawings/documents:

Drawing No. 48.1/A.02 – Indicative proposed site layout.

Drawing No. 48.1/A.03 – Site location plan (red line boundary plan) and indicative block plan.

Drawing No. 48.1/A.04 – Indicative floor plans and elevations.

## 8.0 APPRAISAL

### Principle of Development

- 8.01 Development Plan policy and Government guidance in the National Planning Policy Framework (NPPF) supports new housing in sustainable urban locations as an alternative to residential development in more remote countryside locations. The NPPF states (para. 49) that housing applications should be considered in the context of the presumption in favour of sustainable development. The application site is adjoined by existing residential properties in Goldstone Walk and is part of a predominantly residential area which forms part of the Walderslade urban area as defined on the Proposals Map to the Maidstone Borough-Wide Local Plan. The application site is considered to represent a sustainable location with good access to facilities and services, including public transport, within the wider Walderslade urban area and the development of the site with a single dwelling is not considered to conflict with Development Plan policy and Government guidance referred to above.
- 8.02 The site is currently used as part of the garden to the dwelling at 22 Goldstone Walk. Planning permission for the use of the site as part of an enlarged residential curtilage to 22 Goldstone Walk was granted 17.08.98 under application MA/98/0952. Government guidance in the National Planning Policy Framework (NPPF) states (para. 53) that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. No such policies exist in the current adopted Development Plan (Maidstone Borough-Wide Local Plan 2000). However, the

Maidstone Borough Council Draft Local Plan incorporates a policy (Policy DM5) relating to residential garden land. Policy DM5 of the Draft Local Plan reads as follows:

'Development of domestic garden land to create new buildings which meet the following criteria will be permitted provided:

- i. The higher density resulting from the development would not result in harm to the character and appearance of the area;
- ii. There is no significant loss of privacy, light or outlook for adjoining properties and/or their curtilages;
- iii. Access of an appropriate standard can be provided to a suitable highway; and
- iv. There would be no significant increase in noise or disturbance from traffic gaining access to the development.'

8.03 The Draft Local Plan is not as yet adopted and as such limited weight can be given to the above policy. However, the current outline proposals for the erection of a single dwelling on the site are generally assessed in light of the criteria to be met in the policy under the relevant headings below.

#### **Scale, character and appearance**

8.04 Government guidance in the NPPF states (para. 56) that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF further states (para. 64) that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

8.05 The existing dwelling at 22 Goldstone Walk is a detached two-storey dwelling with a pitched gable ended roof and this dwelling adjoins the site to the west. Goldstone Walk and the immediate surroundings consist predominantly of similar two-storey detached dwellings with no regular road layout or pattern of development. As noted in 2.01 above, the current application seeks outline planning permission for the development of the site with the erection of a detached 3-bedroom house with garage and parking. All detailed matters (Details of appearance, layout, scale, means of access, and landscaping of the development) are reserved for future consideration in the outline application. The application is accompanied by detailed indicative plans showing how the site could be developed with a detached 3-bedroom dwelling and these plans show a detached two-storey dwelling with a pitched gable ended roof of a similar scale and building footprint as the neighbouring dwellings in Goldstone Walk. The garden area to the proposed dwelling as shown in the indicative outline proposals compares favourably in size with those of other properties in Goldstone Walk. The indicative outline proposals demonstrate that a detached two-storey dwelling can be accommodated on the site with a similar set back from the Impton Lane frontage as the neighbouring dwellings in Goldstone Walk to the east and west.

8.06 It is considered that the indicative outline proposals for the site demonstrate that a detached two-storey dwelling could be accommodated on the site without appearing visually incongruous or intrusive and that such development could reflect the scale, character and appearance of the existing neighbouring dwellings in Goldstone Walk. Further consideration will be given to the scale, character and appearance of the development at detailed planning stage.

### **Residential amenity**

- 8.07 The site is bounded along its northern boundary by the access drive off the eastern end of Goldstone Walk to the detached two-storey dwellings at 16 and 17 Goldstone Walk which front onto the access drive. The site is bounded by the footway to Impton Lane along its southern boundary and by the short pedestrian link between the eastern end of Goldstone Walk and Impton Lane to the east. On the opposite (eastern) side of the short pedestrian link is the neighbouring dwelling at 15 Goldstone Walk. The existing dwelling at 22 Goldstone Walk and its detached garage adjoin the site to the west.
- 8.08 With regards to the potential impact of the proposed development on the neighbouring dwellings which lie to the north of the site at 16 and 17 Goldstone Walk, the indicative outline proposals show the attached garage to the proposed dwelling to be 2m-3.2m in from the northern boundary of the site common with the access drive to the two dwellings at 16 and 17 Goldstone Walk which front onto the access drive with the proposed main two-storey dwelling being 5m-6.4m in from the northern boundary of the site. The indicative outline proposals show the main northern side wall of the proposed dwelling to be 12m and 13m from the closest part of the front elevation walls of the neighbouring dwellings at 16 and 17 Goldstone Walk respectively. The neighbouring dwellings at 16 and 17 Goldstone Walk are at a slightly lower level in relation to the application site due to a slight fall in ground levels. Whilst the proposed dwelling will clearly impact in the southerly outlook to the front of those two neighbouring dwellings, it is considered that the separation gap between existing and proposed dwellings will prevent any unacceptable unneighbourly overbearing and enclosing impact, overshadowing and/or loss of daylight/sunlight to the neighbouring properties.
- 8.09 With regards to potential impact of the proposed development on the closest neighbouring property to the east of the site at 15 Goldstone Walk, the indicative outline proposals show the rear (eastern) elevation of the proposed dwelling to be 23.3m from the closest part of that neighbouring dwelling. The separation gap between the proposed dwelling, as indicated in the outline proposals, and the neighbouring dwelling to the east of the site at 15 Goldstone Walk will prevent any unacceptable unneighbourly impact.
- 8.10 The indicative outline proposals show the proposed dwelling facing the eastern side elevation wall of the existing dwelling at 22 Goldstone Walk and separated by a distance of 9.4m. The indicative proposals show a hardsurfaced area between the front of the proposed dwelling and the side elevation of the existing dwelling at 22 incorporating parking facilities and vehicle turning space for both the existing and proposed dwellings. No side wall windows to the neighbouring dwelling at 22 Goldstone Walk are affected by the indicative proposals and it is not considered that the outline proposals will have any unacceptable unneighbourly impact on that dwelling.
- 8.11 The indicative outline proposals show the proposed dwelling to have main windows at ground and first floor levels to the front and rear (facing west and east) and to the south (facing towards Impton Lane). Only a stairway landing window is shown facing the most sensitive northern boundary and this window could be obscure glazed in any detailed design. It is considered that the indicative outline proposals demonstrate that a two-storey dwelling could be accommodated on the site without causing unacceptable overlooking and loss of privacy to neighbouring properties.

- 8.12 The proposed development of the site would result in the loss of a significant area of garden amenity space to the existing detached dwelling at 22 Goldstone Walk. However, it must be noted that the majority of this area of garden amenity space only became part of the curtilage of the existing dwelling at 22 following the grant of planning permission for such use in 1998 under application MA/98/0952. The existing dwelling would retain a private rear garden amenity space of around 60 sq. m which is considered adequate and not dissimilar to some of the other smaller rear garden areas to properties in the area.
- 8.13 The indicative plans show the existing detached garage to the north-eastern side of the existing dwelling at 22 Goldstone Walk being removed to allow access through into the main body of the site from the existing driveway serving 22. The property at 22 Goldstone Walk is accessed from a secondary access road off the main part of Goldstone Walk to the north which also serves the detached two-storey dwellings with garages at Nos. 21 and 23 – 26 (consec.) Goldstone Walk. The proposed new dwelling, as shown in the indicative outline proposals, would result in some increased use of the secondary access road off Goldstone Walk which currently serves the existing dwellings at 21 – 26 (consec.) from residents and visitors gaining access, including vehicle movements. Vehicles and pedestrians gaining access to the proposed new dwelling, as shown in the indicative outline proposals, would pass along the front of the existing dwellings at 22 and 23 Goldstone Walk and along the side of 21.
- 8.14 It is acknowledged that additional pedestrian and vehicle movements resulting from the proposed new dwelling, including vehicle movements to and from and within a hardstanding parking and vehicle manoeuvring area within the site, will have some impact on neighbouring properties. This impact has been assessed in terms of noise and general activity and it is not considered that the scale of development proposed (a single dwelling) is such that the impact would be so significant and unneighbourly as to warrant a refusal of planning permission on those grounds.
- 8.15 It is considered that the indicative outline proposals adequately demonstrate that the development can provide an acceptable living environment and standard of amenity for prospective occupiers of a dwelling on the site in terms of internal and external living conditions, including outlook, privacy and access to garden amenity space.

#### **Highway safety, access and parking**

- 8.16 This is an outline application with all detailed matters, including means of access, reserved for future consideration. As noted in 8.13 above, the indicative plans show the existing detached garage to the north-eastern side of the existing dwelling at 22 Goldstone Walk being removed to allow access through into the main body of the site from the existing driveway serving 22. The property at 22 Goldstone Walk is accessed from a secondary access road off the main part of Goldstone Walk to the north which also serves the detached two-storey dwellings with garages at Nos. 21 and 23 – 26 (consec.) Goldstone Walk. The modest increase in the use of the existing secondary access road off the main part of Goldstone Walk and the existing access driveway serving 22 Goldstone Walk as a result of the proposed new dwelling is unlikely to generate any highway safety issues.
- 8.17 The indicative outline plans show the provision of a hardsurfaced area between the front of the proposed new dwelling and the side elevation of the existing dwelling at 22 Goldstone Walk incorporating parking facilities and vehicle turning space for both the existing and proposed dwellings. The indicative outline plans demonstrate that at least

two parking spaces could be accommodated within the development of the site for both the existing and proposed dwellings. The outline proposals for the development of the site with a single dwelling are considered acceptable in principle in terms of highway safety, access and parking and further consideration will be given to the details of the means of access and layout of the site at detailed planning stage.

### **Trees**

- 8.18 The site contains three mature trees in the south-eastern corner close to the Impton Lane frontage. The trees are covered by Tree Preservation Order No. 1 of 1969 which also covers the wider area of Walderslade. The indicative outline proposals for the erection of a new dwelling on the site show the retention of the three trees with the proposed dwelling sited 5.3m, 6m and 7m from the trees respectively.
- 8.19 The Landscape Officer has commented (see 6.01 above) that the proposed dwelling, as shown in the outline proposals will only result in minor, if any, encroachment into the root protection areas of the 3 trees in the south-eastern corner of the site and that any encroachment is considered to be within acceptable limits. The Landscape Officer further advises that there are insufficient arboricultural grounds to recommend refusal of the application and that no objection is raised to the outline proposals subject to a condition requiring an arboricultural method statement in accordance with BS5837:2012 which should include a tree protection plan. The condition required by the Landscape Officer can be imposed on any grant of outline planning permission.

### **Other matters**

- 8.20 In response to the reasons Boxley Parish Council wish to see the application refused (see 5.04 above) the following comments are made:
- It is considered that the indicative outline proposals for the site demonstrate that a detached two-storey dwelling could be accommodated on the site and that such development could reflect the scale, character and appearance of the existing neighbouring dwellings in Goldstone Walk. The existing dwelling would retain a private rear garden amenity space of around 60 sq. m which is considered adequate and not dissimilar to some of the other smaller rear garden areas to properties in the area. Further consideration will be given to the scale, character and appearance of the development at detailed planning stage.
  - It is acknowledged that additional pedestrian and vehicle movements resulting from the proposed new dwelling, including vehicle movements to and from and within a hardstanding parking and vehicle manoeuvring area within the site, will have some impact on neighbouring properties in terms of noise and general activity. This impact has been assessed and it is not considered that the scale of development proposed in the current outline proposals (a single dwelling) is such that any additional impact would amount to grounds for the refusal of planning permission.
  - The indicative outline proposals show the proposed dwelling facing the side elevation wall of 22 Goldstone Walk and to have main windows at ground and first floor levels to the front and rear (facing west and east) and to the south (facing towards Impton Lane). Only a stairway landing window is shown facing the most sensitive northern boundary and this window could be obscure glazed in any detailed design. It is considered that the indicative outline proposals demonstrate that a two-storey dwelling could be accommodated on the site without causing unacceptable overlooking and loss of privacy to neighbouring properties.

- This is an outline application with all detailed matters, including means of access, reserved for future consideration. The indicative outline proposals for the development of the site with a single dwelling are considered acceptable in principle in terms of highway safety, access and parking and further consideration will be given to the details of the means of access and layout of the site at detailed planning stage.
- Whilst the proposed dwelling, as shown in the indicative outline proposals, will clearly impact in the southerly outlook to the front of the two neighbouring dwellings to the north of the site at 16 and 17 Goldstone Walk, it is considered that the separation gap between the proposed dwelling and the two neighbouring dwellings to the north will prevent any unacceptable unneighbourly, overbearing and enclosing impact, overshadowing and/or loss of daylight/sunlight to the existing properties.
- As noted above, this is an outline application with all detailed matters, including means of access, reserved for future consideration. Further consideration will be given to the details of the means of access and layout of the site at detailed planning stage.
- Further consideration will be given to the extent and surfacing treatment of any hardstanding within the site at detailed planning stage, including use of permeable hardsurfacing to assist in the disposal of surface water.
- Restricted covenants are not a matter for planning consideration.

## **9.0 CONCLUSION**

- 9.01 This is an outline application for the development of the site with the erection of a detached 3-bedroom house with garage and parking with all detailed matters (Details of appearance, layout, scale, means of access, and landscaping of the development) reserved for future consideration.
- 9.02 The application site is part of a predominantly residential area which forms part of the Walderslade urban area as defined on the Proposals Map to the Maidstone Borough-Wide Local Plan. The site represents a sustainable location with good access to facilities and services, including public transport, within the wider Walderslade urban area. Infill development such as that proposed in the current application is normally considered appropriate in such locations and in principle the development of the site with a single dwelling is acceptable.
- 9.03 The indicative outline proposals for a detached dwelling on the site submitted in support of the application demonstrate that a detached two-storey dwelling with garage and parking for both the new dwelling and the existing dwelling at no 22. Goldstone Walk can be accommodated on the site without unacceptable harm to the amenities of the occupiers of the neighbouring properties. The outline proposals demonstrate acceptable parking provision and generally acceptable access arrangements, and that the proposal allows the retention of the existing mature trees in the south eastern corner of the site. A detached two-storey dwelling of the size and scale shown in the indicative outline proposals would reflect the size and scale of neighbouring dwellings in Goldstone Walk. Further consideration will be given to the above matters at detailed planning stage.

9.04 The proposed development of the site with a single dwelling with garage and parking is considered acceptable in principle and it is recommended that outline planning permission be granted subject to conditions.

**10.0 RECOMMENDATION** – GRANT outline 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:-

a. Layout b. Scale c. Appearance d. Means of Access e. Landscaping

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

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

(2) The development 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 shall not commence until written details and samples of the materials to be used in the construction of the external surfaces of the dwelling and garage hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

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

(4) The details of landscaping submitted as reserved matters pursuant to Condition 1 of this grant of outline planning permission shall include a scheme of hard and soft landscaping, including details of the treatment of all hardsurfacing within the site and boundary treatments, using indigenous species which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of development and a programme for the approved schemes implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. The development shall be carried out in accordance with the approved scheme of hard and soft landscaping and boundary treatments;

Reason: No such details have been submitted and to ensure a satisfactory appearance to the development.

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

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

- (6) No development shall take place until such time as a tree protection plan/arboricultural method statement in accordance with BS5837:2012 detailing how the three trees in the south-eastern corner of the site, as shown on drawing nos. 48.1/A.02 and 48.1/A.03 received 02.06.15 are to be protected during the course of the works and how any excavation, construction and surfacing works are to be carried out and any underground service runs to and from and within the site accommodated without causing damage to the root systems of any of the trees, has been submitted to and approved in writing by the Local Planning Authority. The approved tree protection measures shall be put in place prior to the commencement of any works and the works shall be carried out in accordance with the details approved;

Reason: The existing trees make a significant contribution to the character and visual amenities of the locality and warrant adequate protection during development to prevent damage and ensure their long-term retention and good health.

- (7) The details of the reserved matters submitted pursuant to Condition 1 of this grant of outline planning permission shall include details of off road parking for both the existing dwelling at 22 Goldstone Walk and the new dwelling hereby permitted together with details of vehicle manoeuvring space to and from the parking spaces. The approved parking spaces for both the existing and new dwellings together with the associated vehicle manoeuvring space shall be provided in accordance with the details approved and be available for use before the first occupation of the new dwelling hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or 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 and/or vehicle manoeuvring provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

- (8) The development shall not commence until details of measures to provide for the installation of swift bricks within the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details;

Reason: In the interests of ecology and biodiversity enhancement.

- (9) The details of reserved matters submitted pursuant to condition 1 of this grant of outline planning permission shall reflect the height, scale and siting of the proposed new dwelling and the access arrangements shown on the indicative outline plans (Drawing Nos. 48.1/A.02, 03 and 04 received 02.06.15);

Reason: To ensure the height, scale and siting of the development is appropriate for the locality and prevent harm to the amenity of neighbouring occupiers.

- (10) No development falling within Schedule 2, Part 1, Class A, B, E and F and Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order, with or without modification) or not, shall be carried out to or within the curtilage of the new dwelling with garage hereby permitted without the prior written consent of the Local Planning Authority;

Reason: To ensure the character and appearance of the site are maintained and in the interests of the amenities of the neighbouring occupiers.

#### INFORMATIVES

- (1) The applicant is advised that broad compliance with the Mid Kent Environmental Code of Development Practice is expected in the demolition and/or construction works.

#### NOTE TO APPLICANT

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by offering pre-application advice, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance the application was approved without delay; the applicant/agent was advised of minor changes required to the application and the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

Case Officer: Jon Barnes

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

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A street scene captured from a low angle. In the foreground, a large, dark shadow is cast across the asphalt road. To the left, a silver station wagon is partially visible. The road curves to the right. In the background, a tall wooden fence runs across the frame, with several houses and trees behind it. A street lamp stands near the fence. The sky is clear and blue.

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GOLDSTONE WALK

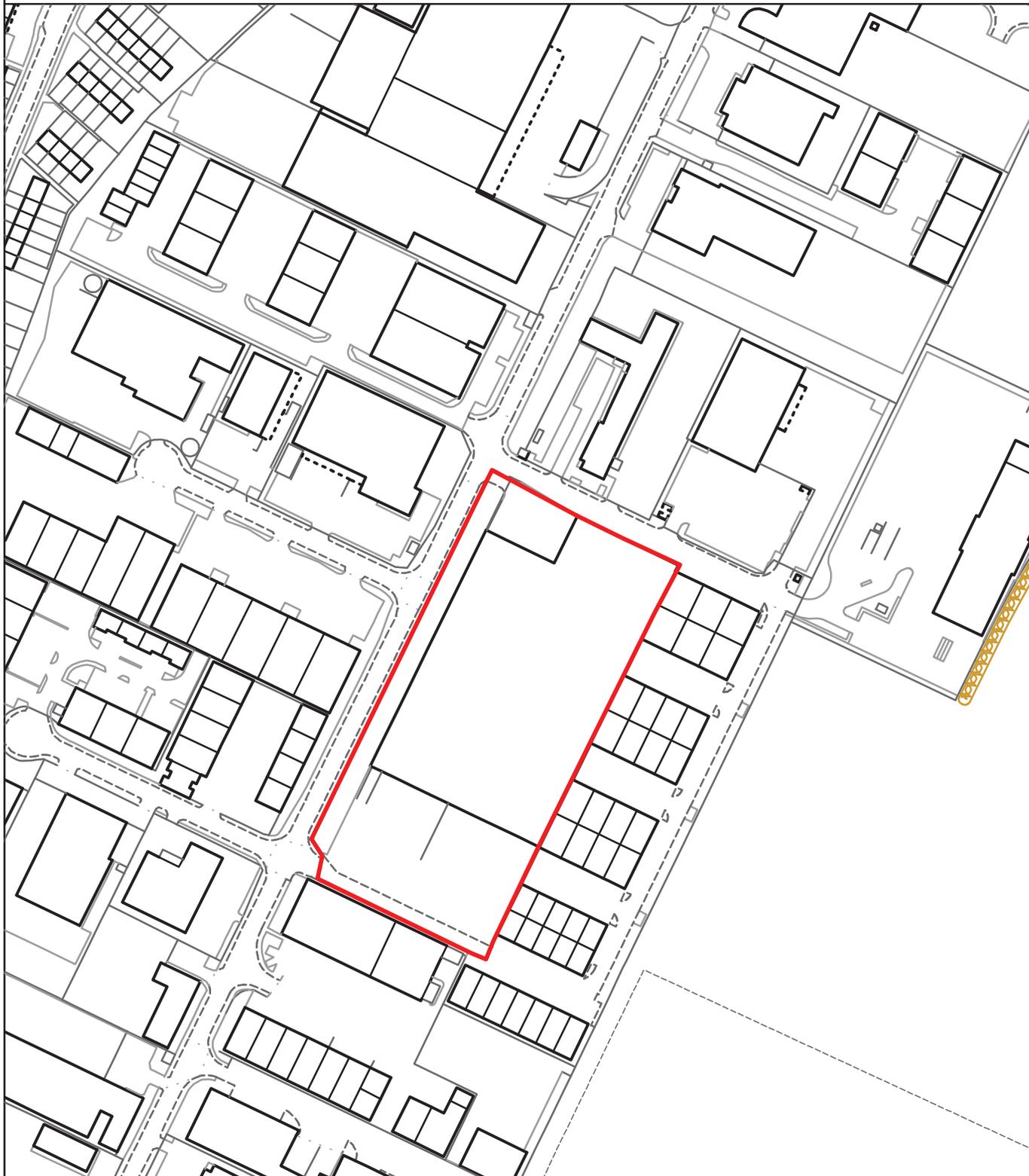
156



# THE MAIDSTONE BOROUGH COUNCIL

Unit F3 Integra  
Bircholt Road  
Maidstone  
Kent  
ME15 9GQ

MBC Ref: 15/505354



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**Rob Jarman**  
Head of Planning

## REPORT SUMMARY

<b>REFERENCE NO - 15/505354/FULL</b>		
<b>APPLICATION PROPOSAL</b> Variation of conditions 2 and 6 attached to the full planning permission reference 14/0145, for the erection of 7 units for a mixture of B1, B2 and B8 uses, including the renovation of the existing building, with appropriate provision for access and car parking, in order to permit open storage of building materials in identified locations, and to permit the installation of a mezzanine floor.		
<b>ADDRESS</b> Units F2 and F3, Integra, Bircholt Road, Maidstone, Kent, ME15 9GQ		
<b>RECOMMENDATION</b> Grant planning permission		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>  Will not result in any material visual harm to the character of the area or erode the free flow of traffic or highway safety in the locality.		
<b>REASON FOR REFERRAL TO COMMITTEE</b>  The Council owns the freehold of the application site.		
<b>WARD</b> Park Wood Ward	<b>PARISH/TOWN COUNCIL</b> Boughton Monchelsea	<b>APPLICANT</b> Grafton Merchanting GB Ltd  <b>AGENT</b> Armstrong Rigg Planning
<b>DECISION DUE DATE</b> 13/10/15	<b>PUBLICITY EXPIRY DATE</b> 13/10/15	<b>OFFICER SITE VISIT DATE</b> 22 <sup>nd</sup> July 2015

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The application site forms part of a development of 7 commercial units located with a large industrial area known as Parkwood Industrial Estate. The application site is located on the east side of Bircholt Road, just opposite the road junctions with Heronden Road and Coldred Road. The 7 commercial units have planning permission for a mixture of B1 (business), B2 (general industrial) and B8 (storage and distribution) uses.
- 1.02 The current proposal relates to two of the seven commercial units that are known as units F2 and F3. Unit F2 is occupied by Plumbase Industrial and unit F3 occupied by Buildbase with both businesses providing retail trade wholesale uses.

### 2.0 PROPOSAL

- 2.01 The approval under reference MA/14/0145 granted planning permission for the erection of 7 units for a mixture of B1, B2 and B8 uses, including the renovation of the existing building, with appropriate provision for access and car parking. The current

proposal seeks to vary conditions 2 and 6 that are attached to this planning permission. These conditions are worded as follows:

**Condition 2:**

*No open storage of plant, materials, products, goods for sale or hire or waste shall take place on any part of the application site.*

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

**Condition 6:**

*No additional floor space shall be created inside the buildings hereby permitted without the prior written consent of the Local Planning Authority.*

*Reason: To ensure that the car parking provided continues to meet the needs of the buildings approved in the interests of highway safety.*

2.02 The applicant has advised that the occupiers of business units F2 and F3 require additional storage in the open area at the front of the site and the occupier of unit F3 also wishes to install a mezzanine floor. These works are required to meet the operational needs of the existing occupiers with unit F2 in use as Plumbase Industrial and unit F3 occupied by Buildbase.

2.03 The original planning application showed four separate proposed open storage areas.

- The open storage area required by Buildbase (31 metres wide by 19 metres deep- 589 square metres) was to be used for racks or pallets and located immediately in front of unit F3.
- The other areas of storage consisted of three narrow strips of cantilever racking in front of units F1 and F2 covering a total area 100 square metres.
- The total area of open storage was 689 square metres and the height of all the storage was not to exceed 5 metres.

2.04 In response to concerns expressed by officers regarding visual impact, particularly in relation to the rectangular area in front of unit F3, the proposal has been amended as follows:

- The three areas of storage originally proposed to the front of units F1 and F2 (100 square metres) have been replaced with a covered store to the front of unit F2 (25 square metres) and two storage areas located at right angles to the front of units F2 and F3 (total of 47 square metres). The first area in front of unit F2 provides cantilever racking and measures 2 metres wide by 15 metres long. The second area in front of unit F3 provides pallet racking and measures a metre wide by 17 metres long.
- The original large area of proposed open storage (589 square metres) located in front of unit F3 has been divided into three separate smaller areas covering a total of 133 square metres. Two areas of storage are located at right angles to the frontage of unit F3. The first area, storing facing bricks and blocks, measures 4 metres wide and projects just over 15 metres from the front of the building. The

second area provides a line of cantilever racking that is 2 metres wide and 14 metres long. A secure store area covers an area of 45 square metres.

- The revised open storage areas cover a total of 134 square which is a reduction of 554 square metres from the original submission. The applicant has also confirmed that they would accept a planning condition restricting the storage to a maximum height of 4 metres (originally 5 metres).
- 2.05 The materials to be stored externally comprise weather resistant materials including timber, concrete slabs, metals and stone and it has been confirmed that these materials do not require plastic or cardboard protection. The applicant also advises that the site will be positively managed to ensure that the storage remains clean and tidy and have highlighted that this management is in the applicant's own interests.
- 2.06 The proposed internal mezzanine floor will provide 210 square metres of additional floorspace for Buildbase who occupy unit F3. The applicant has stated that the mezzanine floor will provide additional storage space and that the proposal does not involve any external changes to the building.

### **3.0 RELEVANT PLANNING HISTORY :**

- 3.01 MA/15/505333: Variation of condition 6 of 14/0145 (Application for full planning permission for the erection of 7 units for a mixture of B1, B2 and B8 uses, including the renovation of the existing building, with appropriate provision for access and car parking - to permit the retention of the installed mezzanines in Units F1 and F2 (585 square metres) – **UNDETERMINED**

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

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Maidstone Borough Local Plan 2000: retained policies R18 and T13,

### **5.0 LOCAL REPRESENTATIONS**

- 5.01 69 neighbouring properties notified – 1 objection received that is summarised as follows:
- Notwithstanding the site is surrounded by similar industrial uses, outside storage will result in a harmful impact on the character or appearance of the area.
  - The condition precluding outside storage was imposed for a purpose and does not see any change in circumstances justifying any relaxation here.
  - Will require some weather protection which add further to harmful visual impact.
  - No other outside storage in this high quality purpose built complex and allowing it will encourage other to the detriment of the appearance of the whole complex.
  - Fencing between units F and G is 2.4m in height while the proposed open storage would be 5 metres in height oversailing the fence and create an overbearing structure to the front of the main complex.
  - Open storage in front of unit G will have a detrimental impact on this future letting of this unit.
  - Application form contained incorrect ownership information.
  - The site is owned by Maidstone Council and determination of the application must fall to the Planning Committee.

## 6.0 CONSULTATIONS

- 6.01 **Boughton Monchelsea Parish Council:** No comment
- 6.02 **Kent Highways:** No objection as no car parking spaces or access routes will be obstructed.
- 6.03 **Environmental Health:** No objection subject to conditions to secure sound attenuation measures.
- 6.04 **Environment Agency:** No objection

## 7.0 APPRAISAL

- 7.01 The key issues in this case are considered to be visual amenity and assessment of potential highway and car parking impact.

### **Visual amenity considerations:**

- 7.02 The application site is located on Bircholt Road which forms part of a large industrial estate; Bircholt Road comprises a number of contemporary commercial buildings. The land to the front of nearby buildings is either currently used for the display of motor vehicles for sale, for staff car parking or for turning purposes. In the case of the application site the main existing use of the area to the front of the application building is for parking and manoeuvring.
- 7.03 The building occupying the application site is of a contemporary design and has a functional and utilitarian appearance that reflects its use for industrial and warehousing purposes. The building on the site has a height of 10 metres and a length of 140 metres.
- Provision of storage in the open areas of the site: variation of condition 2.
- 7.04 It is typical for storage to take place within open areas of commercial sites and the storage currently proposed would not normally require planning permission from the local planning authority. In this instance a planning condition was used to introduce a need for permission due to the open nature of the application site frontage. The reason for condition 2 was to safeguard the character and appearance of the surrounding area.
- 7.05 The large area of storage originally proposed has been reduced in size and broken down into smaller areas that it is considered will reduce the overall impact on the streetscene. The storage areas will also be located a minimum of 20 metres behind the front boundary of the application site. A planning condition is recommended that will restrict the storage to a maximum height of 4 metres. This is considered an appropriate height in the context of the larger application building that will form the backdrop to the storage areas.
- 7.06 Following initial officer concerns, the original proposal has been significantly reduced in scale. It is considered that the revised proposal is acceptable with regards to the site context and is in keeping with the general character of the area. The proposal will have no material impact on the general character of both the site and the surrounding commercial area.

- Provision of a mezzanine floor to unit F3: variation of condition 6.

7.07 The installation of the proposed mezzanine floor will result in a modest increase in operational storage floor space (210 square metres). As there are no external changes proposed, the mezzanine floor is considered acceptable in terms of appearance and visual amenity.

**Highway and parking considerations:**

- Provision of storage in the open areas of the site: variation of condition 2.

7.08 The approved development included 7 car parking spaces (including 1 space for those with disabilities) in front of unit F2 and 10 car parking spaces (2 spaces) in front of unit F3.

7.09 The existing car parking layout would be reconfigured as part of the proposal, with the new layout allowing provision of two additional parking spaces. The proposed layout provides 13 car parking spaces (including 2 spaces for those with disabilities) in front of unit F2 and 6 car parking spaces (1 space) in front of unit F3.

7.10 The proposed open storage areas do not obstruct the existing delivery access to any commercial unit. It is considered that there is also sufficient space for delivery vehicles to manoeuvre within the retained open areas of the site.

- Provision of a mezzanine floor to unit F3: variation of condition 6.

7.11 Condition 6 sought to control the installation of mezzanine floors to ensure that on site car parking provision would be sufficient to avoid harm to local highway safety. Planning permission is also required generally for mezzanines providing over 200 square metres of new floorspace for retail uses.

7.12 The proposed mezzanine provides an additional 210 square metres of floorspace that the applicant has stated will be used for storage purposes. It is considered that any additional traffic and parking demand generated by the increase in storage floorspace will be minimal and can easily be accommodated on the site and local highway. It is highlighted that the reconfigured car parking area also provides two additional car parking spaces. As such and in the absence of objection to the proposal from Kent Highways the proposal is considered acceptable on highway and parking grounds. A planning condition is recommended that will prevent the mezzanine floor from being used as additional retail trading floorspace.

**Other matters:**

7.13 Notwithstanding the consultation response from Environmental Health it is not considered that sound attenuation measures are required in relation to the submitted proposal. The application site is in a commercial area with existing elevated background noise levels and any additional noise generated by the storage areas is unlikely to increase these noise levels.

7.14 The current proposal includes the formation of a mezzanine floor to be used for storage within unit F3. The Council are currently considering a separate planning application for the retention of mezzanine floors within unit F1 (390 square metres) and unit F2 (195 square metres) with these areas also used for storage. The acceptability of these other mezzanine floors will be considered separately as part of this second planning application.

## 8.0 CONCLUSIONS

- 8.1 The proposal will not result in any material visual harm to the character of the area and will provide sufficient on site car parking and will not harm highway safety. In the absence of objection on highways or parking grounds it is recommended that planning permission is granted for the proposal subject to planning conditions.

**RECOMMENDATION** – GRANT Subject to the following conditions:

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;  
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- (2) The development hereby permitted shall be carried out in accordance with the following approved plans: 13-700-011B and 13-700-015B  
Reason: To ensure the quality of development is maintained and to prevent harm to amenity.
- (3) Apart from those areas specified on drawing no: 13-700-015 B no open storage shall take place on any part of the application site including in relation to plant, materials, products, goods for sale or hire or waste. The height of the open storage hereby approved shall not exceed 4 metres.  
Reason: To safeguard the character and appearance of the surrounding area.
- (4) No manufacturing, fabrication or other industrial process shall take place outside the buildings on the site.  
Reason: In the interests of amenity and to ensure that the proposed development is integrated with its immediate surroundings.
- (5) The parking, turning, loading, unloading and cycle parking areas as shown on drawing no: 13-700-15 B shall be retained and remain 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 highway safety.
- (6) Notwithstanding the mezzanine floor hereby permitted no additional floor space shall be created inside the buildings without the prior written consent of the Local Planning Authority.  
Reason: To ensure that the car parking provided continues to meet the needs of the building and in the interests of highway safety.
- (7) The mezzanine floor hereby approved shall only be used for storage purposes and the floorspace should not provide any additional retail trading area that is accessible by customers.  
Reason: To ensure that the car parking provided continues to meet the needs of the building and in the interests of highway safety.

NOTE TO APPLICANT: The applicant is advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Maidstone District Council takes a positive and proactive approach to development proposals focused on solutions. Maidstone District

## Planning Committee Report

Council works with applicants and agents in a positive and proactive manner by offering a pre-application advice service; where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants/agents of any issues that may arise in the processing of their application. In this instance the applicant was given the opportunity to submit amended plans in order to make the proposal acceptable and the application was approved without delay.

Case Officer: Graham Parkinson

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

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NO

Quality  
Surroundings

Quality  
Surroundings

TO LET

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www.quality-surroundings.co.uk

22/07/2015 13:10

166

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22/07/2015 13:10

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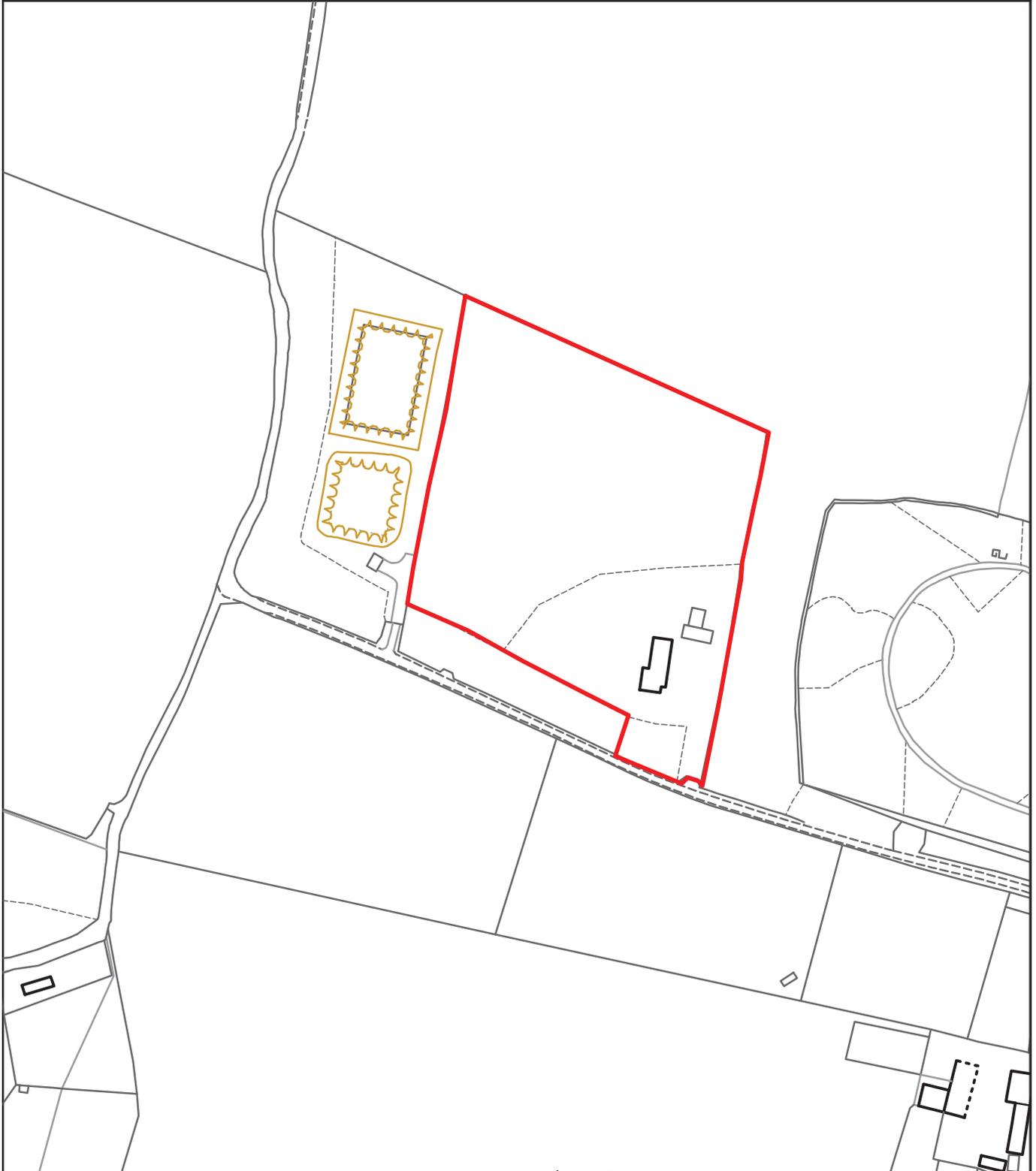
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# Agenda Item 18

## THE MAIDSTONE BOROUGH COUNCIL

Broader Lodge  
Broader Lane  
Detling  
Maidstone  
ME14 3HR

MBC Ref: 15/504506



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**Rob Jarman**  
Head of Planning

**REPORT SUMMARY**

<b>REFERENCE NO - 15/504506/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of single storey side and rear extension, changes to fenestration and insertion of two roof lanterns over existing Garden room.		
<b>ADDRESS</b> Broader Lodge Broader Lane Detling Kent ME14 3HR		
<b>RECOMMENDATION: Approve</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> This is a sensitively designed extension to an existing property that would not result in a detrimental impact on the AONB.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> This application has been called in by Detling Parish Council for the reasons set out below.		
<b>WARD</b> Detling And Thurnham Ward	<b>PARISH/TOWN COUNCIL</b> Detling	<b>APPLICANT</b> Ms Bethany McCarthy <b>AGENT</b> Wyvern Architects-Devizes
<b>DECISION DUE DATE</b> 11/08/15	<b>PUBLICITY EXPIRY DATE</b> 11/08/15	<b>OFFICER SITE VISIT DATE</b> 31/7/15
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>		
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>
87/2193	Single storey extension and garage	Permitted

**MAIN REPORT**

**1.0 DESCRIPTION OF SITE**

- 1.1 This site is located to the north of Broader Lane, a quiet rural lane in the parish of Detling. It is approximately half a kilometre from Detling Hill (A249), which is the main route between Maidstone and Sittingbourne.
- 1.2 The site itself is relatively flat in its topography but is situated up a fairly steep hill from the main road. It has a gravel driveway from the lane, at the eastern side of the site, and a garage building and storage/workshop buildings to the north of this. The main elevation of the existing bungalow faces to the east.
- 1.3 The property is a modern brick built bungalow set on a plot of approximately 2 hectares. There are no other residential buildings within 200m of the site, although there is a caravan site directly to the east (with an ancient woodland providing the boundary between the two sites), associated with the county showground. Two covered reservoirs are located on the western boundary of the site.
- 1.4 An area of grass immediately surrounds the property, although the boundaries on each side are defined by an established woodland.

- 1.5 The site falls within an Area of Outstanding Natural Beauty (ENV33), open countryside (ENV28); a Special Landscape Area (ENV34) and a Strategic Gap (ENV31).

## **2.0 PROPOSAL**

- 2.1 The proposal is for a side and rear extension to the northern part of the building, changes to the fenestration of the bungalow and the insertion of two roof lanterns over the existing garden room.
- 2.2 The bungalow would be extended by approximately 4.5m to the north to create the additional living space. This extension would wrap round to create a new 10m elevation on the north. The extension would be of the same ridge height and eaves height as the existing bungalow. Patio doors are proposed on the north and south elevations to access raised patio areas from the therapy room. A window is proposed on the west elevation of the extension and the existing part of this elevation would have a realignment of the windows as a result of the internal room changes.
- 2.3 The existing garden room at the south of the property, which is currently in a poor state of repair, is proposed to be amended. It would have bi-fold doors on the west and south elevations and two lantern skylights in the roof.
- 2.4 This proposal has been amended during the application process in order to address the parish council's concerns. This has resulted in a reduction of approximately 5.5m from the east (main) elevation and a reduction of 3m from the north elevation. A sun room, which would have been 5m x 5.5m has also been removed from the north elevation.
- 2.5 The whole property would be painted render and the concrete tiles would be to match existing.
- 2.6 Access to the site and parking provision would remain unchanged.
- 2.7 The proposed alterations to the property are sought in order to make the property habitable for a disabled person who is wheelchair bound and requires constant care. The proposal would therefore enable the whole family to live in one building, with the required space for a carer and therapy room.

## **3.0 PLANNING CONSTRAINTS**

- 3.1 The site is located within an AONB (statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)
- 3.2 The eastern boundary of the site is defined by a belt of trees protected by a TPO. These comprise mainly Oak, Chestnut, Gean and Hornbeam. This belt of trees is also ancient woodland.

## **4.0 POLICY AND OTHER CONSIDERATIONS**

*The National Planning Policy Framework (NPPF)*

*National Planning Practice Guidance (NPPG)*

*Development Plan:* Area of Outstanding Natural Beauty (ENV33), Open Countryside (ENV28); a Special Landscape Area (ENV34) and a Strategic Gap (ENV31); Extensions to Dwellings in the Countryside (H33)

*Supplementary Planning Documents:* Residential Extensions SPD

## 5.0 LOCAL REPRESENTATIONS

	COMMENTS RECEIVED
<b>Parish/Town Council</b>	12/10/15: Object to the proposals as it would be too large in the AONB
<b>Residential Objections</b>	Detrimental impact upon AONB.
<b>Number received: 1</b>	
<b>Residential Support</b>	
<b>Number received: 0</b>	

## 6.0 CONSULTATIONS

- 6.1 *MBC Landscape Officer:* No objection subject to a condition requiring strict compliance with the submitted arboricultural method statement and tree protection details (date received 12/10/15).

## 7.0 APPRAISAL

### Principle of Development

- 7.1 This site is located within the open countryside and therefore saved policy ENV28 is of relevance. This is a restrictive policy, which seeks to protect the character and appearance of the area or the amenities of surrounding occupiers. It provides circumstances in which development in the countryside is considered to be acceptable, and this includes “*such other exceptions as indicated by policies elsewhere in this plan*”. The supporting text to Policy H33 of the Local Plan indicates that modest extensions in the countryside can be regarded as acceptable if they meet certain requirements. These will be addressed in more detail by the appraisal below, but it is accepted that MBC policy provides that appropriate residential extensions may be considered acceptable in the countryside if the requirements are met.
- 7.2 The site is also located within the AONB and Special Landscape Area, which means that policies ENV33 and ENV34 are of relevance. Both of these policies seek to protect the beauty of the landscape and distinctive character of the area. The impact of this proposal will therefore be assessed against the criteria set out in these policies.
- 7.3 The allocation of this site within the Strategic Gap (ENV31) relates more to the prevention of urban areas merging into one another. I do not consider this to be relevant to this scale of development.

### **Visual Impact**

- 7.4 This site is located along a quiet rural lane, which is well screened by the existing established woodland to all of its boundaries. As such, it would not be visible from any public view point. The proposal is of a modest scale that has been positioned so that it would extend to the rear of the house (taking the east as the front elevation), which in my view would soften the overall impact of the extension.
- 7.5 Whilst I acknowledge that the overall footprint of the property would be increased, I consider that the way in which it has been designed to wrap around a central patio area would minimise the overall impact on the setting of the open countryside and the AONB so that it is in accordance with the requirements of ENV33 and ENV34.
- 7.6 Saved policy H33 requires that residential extensions in the countryside will not be permitted if they create a separate dwelling or one of a scale that is capable of being used as a separate dwelling. This proposal would not do this and the extension is considered to relate well to the existing building by virtue of its design which is well proportioned to the existing property.
- 7.7 It also requires that the proposal must not overwhelm or destroy the character of the original form of the existing house. The proposed extension would be set to the rear of the bungalow and would be of the same proportions to the existing. Whilst the proposed render would alter the appearance of the building, I do not consider this to be inappropriate in this setting. The bungalow, as existing, does not offer much in terms of architectural merit or local vernacular and so I consider that the proposals would be acceptable in design terms.
- 7.8 Two Silver Birch trees will need to be removed for the proposed development. In addition, one tree stump would be removed. It is not considered that the loss of these trees will have a detrimental impact on the landscape and, as explained by the arboricultural impact assessment, replanting during the soft landscaping phase of development will mitigate their loss. All remaining arboricultural features will be retained and incorporated into the site
- 7.9 I consider that overall, the visual impact of this proposal would be minimal so that would not result in a development that is individually or cumulatively visually incongruous in the countryside. As such, it would be in accordance with the provisions of ENV33 and ENV34. Furthermore, the sensitive design of the proposed extension would result in a bungalow that is appropriate in this countryside setting so that it would be in accordance with saved policy H33.

### **Residential Amenity**

- 7.10 The nearest property from Broader Lodge is almost 200m to the south east. As such, I do not consider that this proposal would have a negative impact on the residential amenity of nearby occupiers. There would be no loss of privacy and there would be no overshadowing as a result of this proposal.
- 7.11 In terms of the residential amenity of the future occupiers of this site, I am satisfied that this proposal would result in an acceptable provision of living accommodation.

**Other matters**

- 7.12 The Arboricultural Report and method statement are considered to be satisfactory so that there would be no harmful impact on the surrounding trees and woodland. This has been agreed by the MBC Landscape Officer and therefore I consider the proposals to be acceptable subject to a condition requiring compliance.
- 7.13 There would be no increased level of traffic or parking provisions as a result of these proposals and therefore I consider them to be acceptable in terms of highways.

**8.0 CONCLUSION**

- 8.1 This proposal for an extension to a bungalow has been sensitively designed in relation to the existing dwelling and to minimise the impact on the AONB and the Special Landscape Area. The site is already well screened and at a reasonable distance from neighbouring properties that there would be no impact on the neighbours.
- 8.2 The proposals are therefore considered to comply with Policies H33, ENV33 and ENV34 of the Local Plan. Planning permission is therefore recommended subject to the following conditions.

**RECOMMENDATION – GRANT** Subject to the following conditions

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

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

- 2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans 12202A 02E

Reason: To protect the visual amenity of the Special Landscape Area and AONB

- 3. The provisions of the submitted arboricultural method statement and tree protection details must be strictly complied with throughout the course of development.

Reasons: To protect the visual amenity of the Special Landscape Area and AONB

Case Officer: Flora MacLeod

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

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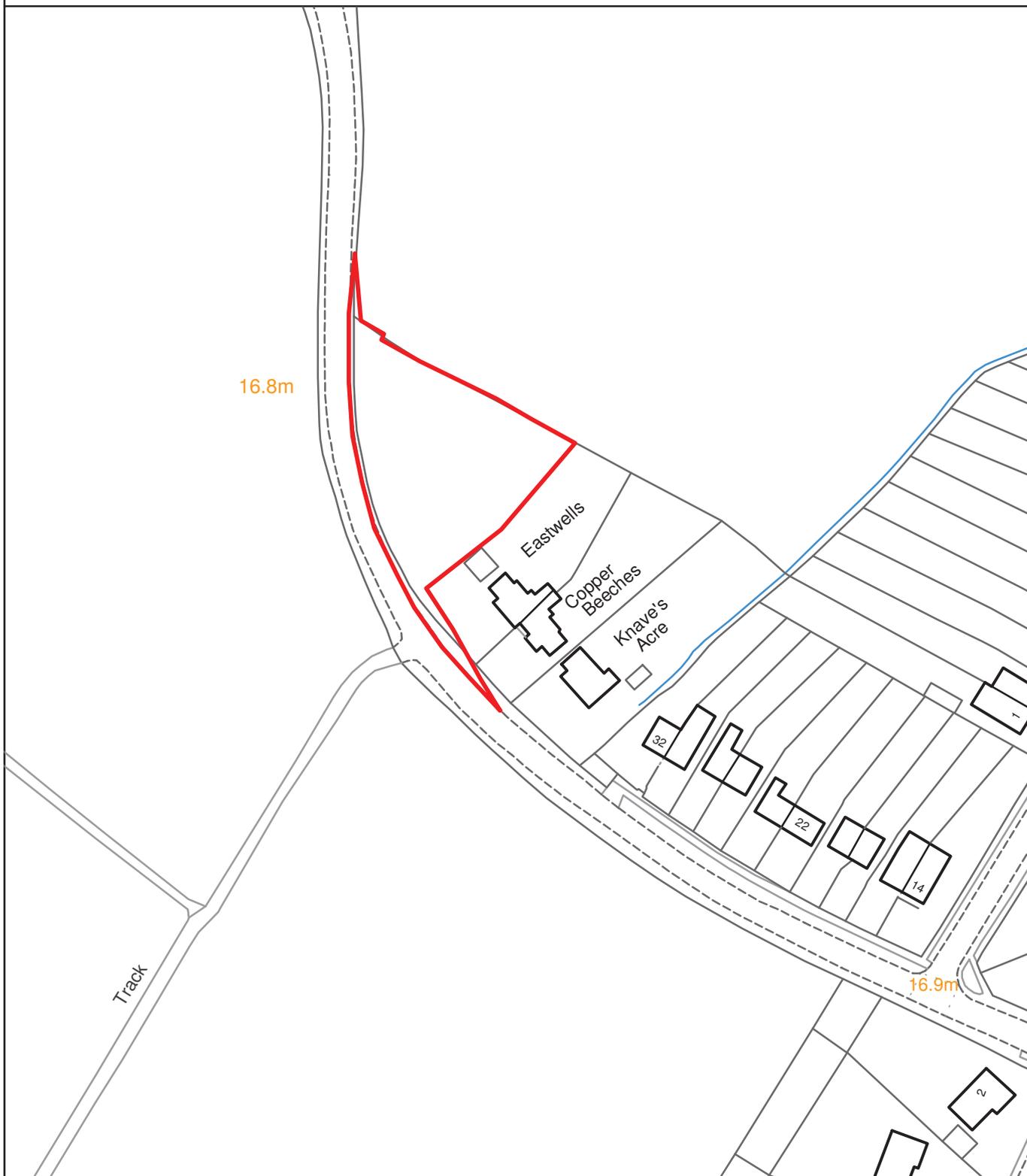
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31/07/2015

# THE MAIDSTONE BOROUGH COUNCIL

Land Adj to Eastwells  
Kenward Rad  
Yalding

MBC Ref: 15/504510



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**Rob Jarman**  
Head of Planning

**REPORT SUMMARY**

<b>REFERENCE NO - 15/504510/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of three (4-bed) detached houses with integral garages and 2 parking spaces per dwelling.		
<b>ADDRESS</b> Land Adj to Eastwells, Kenward Road, Yalding, Kent, ME18 6JP		
<b>RECOMMENDATION – Approve with conditions</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development is at a sustainable location, immediately adjoins an existing settlement, and is not considered to result in significant visual harm to the area. Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> - It is a departure from the Development Plan		
<b>WARD</b> Marden And Yalding Ward	<b>PARISH COUNCIL</b> Yalding	<b>APPLICANT</b> C/o Agent <b>AGENT</b> Wealden Homes
<b>DECISION DUE DATE</b> 28/10/15	<b>PUBLICITY EXPIRY DATE</b> 27/07/15	<b>OFFICER SITE VISIT DATE</b> 26/06/15
<b>RELEVANT PLANNING HISTORY:</b>		

MA/14/0539 - Erection of 3 detached houses – Refused (allowed at appeal)

MA/10/1933 - Erection of ground floor front/side extension and first floor side extension - Approved

MA/01/0689 - Certificate of lawfulness application for (1) use of property as dwelling without complying with agricultural occupancy condition (iii) of MK3/62/299 and (2) use of land shown hatched as domestic garden - Approved

MA/95/0792 - Demolition of existing rear addition, erection of single storey rear and front porch extensions and formation of a bay window to front elevation – Approved

MA/93/0338 - Conservatory - Approved

MA/83/1481 - Double garage – Approved

MK3/62/299 - Pair of cottages for agricultural workers - Approved

**1.0 Relevant policy**

Development Plan: ENV6, ENV28, T13  
National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Draft Local Plan: SP5, DM4, DM5, DM30

## **2.0 Consultation responses**

- 2.01 **Yalding Parish Council:** Object to the application but do not wish to see it reported to Planning Committee;

*"Councillors are aware that Maidstone Borough Council does not have a 5 year housing supply and the appeal inspector intimates that garden infill should count towards this. However YPC disagrees as its understanding is that gardens are no longer classified as brown field site making it easier for councils to resist the granting of planning permission on such land. As the inspector has allowed the appeal it is therefore assumed that you will be recommending approval of the application and if this is the case, Councillors wish for their objection to be noted but would not ask that it go to planning committee. If however you are of a mind to refuse the application Councillors would fully support this. If planning permission is granted on this land YPC would urge you to consider smaller family homes as the parish has a disproportionate amount of larger homes and is in need of smaller homes."*

- 2.02 **KCC Highways:** Raise no objection.
- 2.03 **Environmental Health Officer:** Raises no objection.
- 2.04 **Landscape Officer:** Raises no objection;
- 2.05 **Environment Agency:** Have no comments to make.
- 2.06 **UK Power Networks:** Raise no objection.
- 2.07 **Scottish Gas:** Has no comment to make.

These comments were received under the previous planning application (MA/14/0539) and are still considered relevant;

- 2.08 **Southern Water:** Raises no objection.
- 2.09 **KCC Biodiversity Officer:** Raises no objection.

*"The Preliminary Ecological Appraisal report has been submitted in support of this application. We advise that no further surveys are required to inform the determination at this time. Recommendations to minimise the potential for ecological impacts to any reptiles, breeding birds and hedgehogs present on the site are provided in the report and we advise that these are implemented. These should be secured by condition, if planning permission is granted."*

*One of the principles of the National Planning Policy Framework is that opportunities to incorporate biodiversity in and around developments should be encouraged. We advise that the inclusion of ecological enhancement measures would support Maidstone BC in meeting the aims of the NPPF to deliver gains for biodiversity. The Preliminary Ecological Appraisal report includes ecological enhancement recommendations and the implementation of at least some of these should be secured by condition, if planning permission is granted."*

## **3.0 Neighbour representations**

- 3.01 1 representation made in support of application.

#### **4.0 Site description**

- 4.01 'Eastwells' is a relatively large semi-detached dwelling located on the south-eastern side of its residential curtilage measuring some 0.22 hectares. The proposal site is triangular shaped, measuring some 0.13 hectares in area; and its frontage onto Kenward Road measures approximately 65m in length (taking in the bend in the road). The site is used and laid out as domestic garden land with vegetable gardens, lawns and flower beds together with sheds and outbuildings. Land to the north and west of the site is in agricultural use; and residential development extends to the south along Kenward Road towards its junction with the High Street, Yalding some 300m to the south-east of the site. Whilst 'Eastwells' itself is within the village envelope of Yalding as defined in the Maidstone Borough Wide Local Plan 2000 (MBWLP), the application site is outside the village boundary and is therefore countryside for planning purposes. The site has no specific landscape or other designation.

#### **5.0 Background information**

- 5.01 The most recent planning application on the site (MA/14/0539), which was also for the erection of 3 dwellings, was overturned and refused at Planning Committee for the following reason;

*The proposal represents a significant extension into the open countryside and therefore to the built form of Yalding and by reason of its mass and design and associated loss of hedgerows, trees and other natural features would cause harm to the character and appearance of the open countryside and fail to represent good design, contrary to policies ENV28 and ENV41 of the Maidstone Borough Wide Local Plan 2000 and central government advice contained within the National Planning Policy Framework.*

- 5.02 The applicant subsequently appealed this decision and the Inspectorate allowed the development on the 15<sup>th</sup> September 2015. This decision is a strong material planning consideration in the determination of this application. In summary, the Inspector stated that...*"the character of the site would change but I do not consider that there would be harm to the countryside.....and with the benefit of sympathetic design and maturity of existing and proposed planting, the site forms a logical limited extension to the settlement in a sustainable location."*
- 5.03 It should also be noted that under MA/14/0539 that the proposal was said to conflict with saved development plan policy ENV41. However, the ponds have since been removed and the Planning Inspector and the Council accepted at the time of the appeal of MA/14/0539 that reference to that policy is no longer relevant. This remains the case for this current application.

#### **6.0 Proposal**

- 6.01 This application is for the erection of three (4-bed) detached dwellings (with integral garages) fronting onto Kenward Road with private amenity space to the rear and/or side. Each dwelling would have direct vehicular

access from Kenward Road and would be set back from the edge of the highway to provide parking to the front.

- 6.02 The properties are of similar scale and design, and they would have a similar materials palette, which would include:

*Roof tiles – Redland Duoplain (rustic brown 40 plots 1 and 2 & charcoal grey 77 – plot 3)*  
*Facing brick – Hoskins Brick Ltd (Maltings Antique 135)*  
*Feature brick - Weinerberger Terca – Warnham red (all plots)*  
*Cladding – Handmade clay tile – Sandtoft Goxhill Autumn brown (plots 1 & 2) and Hardiplank weatherboarding – Arctic White (plot 3)*

- 6.03 The proposed properties would stand some 8m in height from their ridge to ground level; their eaves height would be some 5m from ground level; and each property's estimated footprint would be some 9m by 8.5m (excluding porch and integral garage projection). Plot 1 is the closest property to 'Eastwells', and the separation distance between the two properties would be 5m; and plot 3, the western most property, would occupy a general triangular shaped plot.

- 6.04 Each plot would benefit from an integral garage and 2 off-road parking spaces; and elements of the existing landscaping would be retained to the front, with further planting also proposed including a replacement Beech hedge to the frontages.

- 6.05 In general terms, this proposal is similar to what has recently been allowed on appeal under MA/14/0539, in terms of number of units, scale, location, landscaping, and parking provision. The only real difference is the change in design and appearance of the houses.

## **7.0 Principle of development**

- 7.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

- 7.02 The application site is outside of the defined village boundary of Yalding. It is therefore upon land defined in the Local Plan as countryside.

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

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

- (1) That which is reasonably necessary for the purposes of agriculture and forestry; or*
- (2) The winning of minerals; or*
- (3) Open air recreation and ancillary buildings providing operational uses only; or*
- (4) The provision of public or institutional uses for which a rural location is justified; or*

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

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

- 7.04 The proposed development does not fit into any of the exceptions set out in policy ENV28, which is why it has been advertised as a departure from the Development Plan.
- 7.05 It is necessary therefore to consider two main issues in relation to the proposals. Firstly, whether there are any material considerations that would indicate that a decision not in accordance with the Development Plan is justified, and secondly whether the development would cause unacceptable harm.
- 7.06 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should;
- "Identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;"*
- 7.07 The 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.
- 7.08 This lack of a five year supply is a significant factor and at paragraph 49 of the NPPF it states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a five year supply cannot be demonstrated. The presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.

- 7.09 In terms of the location of the site, the NPPF advises that when planning for development i.e. through the Local Plan process, the focus should be on existing service centres and on land within or adjoining existing settlements. The site lies immediately adjacent to the settlement boundary of Yalding, within walking distance of its centre which has a number of facilities expected within a larger village including a shop post office, GP surgery and train station. As such, and as accepted by the Planning Inspector, the site is in a sustainable location and meets the NPPF's core approach to sustainable development.
- 7.10 For the above reasons, I consider the policy principle of residential development at the site is acceptable. The key issue is whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole. I will now go on to consider the key planning issues.

## **8.0 Design, siting and layout**

- 8.01 As set out above the site is currently used as residential amenity garden land and is home to a number of trees, and it should also be noted at this stage that the beech hedge that was to the front of the site (as previously considered under MA/14/0539) has been removed. It is noted that many of the trees on site are not visible from public vantage points given their size and location, and none of the trees on or adjacent to the site are protected. The proposal would involve the loss of a number of mature trees but many of these are small domestic specimens and the Landscape Officer does not consider any worthy of formal protection through a Tree Preservation Order.
- 8.02 An Arboricultural Impact Assessment (AIA) has been submitted which concludes that the proposal would result in the loss of 13 C grade and 1 A grade trees. It advises that protective fencing would be used to protect the trees to be retained during construction works and that a scheme of new planting for the site would mitigate the loss of existing planting and soften the proposed development from wider views. As under the previous planning application (MA/14/0539), the Landscape Officer has raised no formal objection and no recommendation has been made to formally protect any of these trees (given their limited public amenity value). The Planning Inspector also raised no objection in this respect.
- 8.03 Whilst it acknowledged that the proposal would extend formal built development into an area currently used as amenity garden land, the scheme has been developed to minimise this impact with the houses set back some distance into the site. This allows an open frontage to be presented to Kenward Road which reflects the "building line" of existing development along the road. Indeed, the site has a more domestic appearance and acts more as a transitional site to the countryside beyond, and the Planning Inspector raised no objection in this respect.
- 8.04 From the east the development would be seen as part of the residential development fronting on to Kenward Road, whilst long range views from

the west of the site are limited due to the bend in the road. There are also robust boundaries (such as a belt of well established trees) between the site and the agricultural land to the north, providing good screening. The loss of the Beech hedge was regrettable, and through further negotiation with the applicant, it has been agreed to plant a replacement Beech hedge along the frontage. This will be secured by way of condition. Further planting to the site's boundaries will help to soften the visual impact of the development from both long and short range views, although it is recognised that the planting along the Kenward Road frontage would have to be carefully considered in order to provide adequate visibility splays to the proposed dwellings. In locational terms therefore, the site would form a logical extension of the village which would not significantly impact upon the character of the surrounding countryside, or be perceived as extending into that countryside in any meaningful or adverse way. It should also be noted that the Planning Inspector also raised no objection in terms of design, siting and layout.

- 8.05 As set out above, the proposed dwellings would be of similar design and materials palette which would be consistent with other properties in the locality; each of the units would be substantial family dwellings; and the plot sizes and spacing between each property would be comparable with other existing development along Kenward Road and not out of place as a result. This general approach was considered acceptable by the Planning Inspector under MA/14/0539; and I am satisfied that it would continue to reflect the general character and appearance of Kenward Road where the style and design of properties do vary.

## **9.0 Highway safety**

- 9.01 This application proposes three dwellings with separate accesses coming out on to Kenward Road, which along this stretch (apart from the approximately 10m at the most western extreme of the site) is subject to a 30mph speed restriction. There is also an existing pedestrian footpath from 32 Kenward Road towards Yalding village; the proposed driveways would be wide enough to allow for turning and forward egress; and the applicant has demonstrated acceptable visibility splays (even with the replacement Beech hedge). As accepted under the previous application, KCC Highways have raised no objection to the erection of 3 properties here; and a relevant condition to ensure adequate visibility splays is supported. It should also be noted that the Planning Inspector raised no highway safety objection to 3 dwellings of this size in this location.

## **10.0 Biodiversity implications**

- 10.01 The applicant has submitted the same Preliminary Ecological Appraisal that was considered under MA/14/0539. Dated June 2014, I am satisfied that the findings and recommendations are still relevant and do not consider it reasonable request an updated report in this instance. The report highlights that the site is an area of well maintained amenity garden land with lawns and flowerbeds, a number of ornamental trees of various ages, an extensive vegetable plot and small orchard area. The 2 key changes from this time are that the pond has been filled in and the Beech hedge to the front has been removed.

10.02 As previously mentioned, a replacement Beech hedge will be planted along the frontage of the site. It was also regrettable that the pond within the site was filled in, however after further discussions with the applicant, they are not prepared to include a replacement pond as part of the scheme. In their view it is not practical, as 2 of the plots have a relocated underground electricity cable; plot 1 has a retained tree that could be disturbed/damaged by the introduction of a new pond; and there is no room for a pond in plot 3. The applicant also commented that from a marketing and health and safety point of view, customers are unlikely to want a pond, particularly with young families. On balance, I accept this reasoning and would consider it unreasonable to insist on a replacement pond in this instance.

10.03 Even with the pond and Beech hedge, the report found that the site offered negligible potential for amphibians due to the fact that it was highly managed and the lack of suitable breeding ponds within 250m of the site; because there were few unmanaged areas within the site, it also offered limited potential for reptiles; and there was no potential within the site to support dormice or badgers. The report went on to say that none of the trees present on the site offered potential for roosting bats, though it was accepted that bats might use it for foraging although given that it was unlikely to support many prey animals this use, if any, would be occasional. There was the high potential, however, that the site could support breeding birds within its trees, hedges and within bird boxes. The appraisal makes recommendations to minimise the potential for ecological impacts to any reptiles, breeding birds and hedgehogs.

10.04 KCC Ecology was satisfied that no further ecological survey work was required under MA/14/0539, and that the proposed works to minimise the ecological impact of the development could be secured by condition. Such recommendations within the ecological report included the provision of hedgehog, and bird nesting boxes, bat roosting spaces, and native planting including areas of wildflower planting to attract invertebrates. I am satisfied that this remains the case and will duly impose such a condition. To reiterate, the Planning Inspector raised no objection on ecological grounds.

10.05 I would add that under MA/14/0539, the Planning Inspector was of the view that whilst a condition relating to the recommendations included within the ecological report was necessary in the interests of promoting biodiversity, a further condition relating to the review of ecological matters if the development does not commence within 2 years is unreasonable. On this basis, I consider it unreasonable to add such a condition in this case.

## **11.0 Residential amenity**

11.01 The proposed layout and fenestration detail would provide acceptable living conditions (internally and externally) in terms of outlook, light and privacy for future residents; and it would not adversely affect the residential amenities of existing neighbouring properties. It should also

be noted that the Planning Inspector raised no residential amenity objections under MA/14/0539.

## **12.0 Flood risk and drainage**

12.01 The NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and the technical guide outlines that opportunities to reduce the overall level of flood risk in the area should be sought through the layout and form of the development and appropriate use of Sustainable Urban Drainage (SUDs). The site is not within a high risk flood area as identified by the Environment Agency and it is noted that they have no comments to make in relation to this scheme. The Planning Inspector also raised no objection in this respect.

12.02 In addition, in terms of surface water, Southern Water previously advised that there are no public surface water sewers in the immediate vicinity to serve this development and an alternative means of draining surface water from the development is, therefore, required. It is considered appropriate to secure this via a planning condition. The Planning Inspector also raised no objection in this respect.

## **13.0 Other considerations**

13.01 Although this proposal would only make a small contribution towards the borough's shortfall in housing supply, it would be consistent with the Council's objective within the draft local plan of Yalding having the potential for limited new housing provided that it is of a scale in keeping with the character of the settlement.

13.02 Under MA/14/0539, the Planning Inspector agreed that conditions relating to materials, boundary treatments, refuse, visibility splays, surface water, site levels, retention of parking facilities, landscaping and lighting are all necessary in the interests of good planning and to achieve an acceptable standard of development. These conditions have been duly imposed.

13.03 The Inspector was also of the view that because there was no evidence to suggest that there were any issues with land contamination or foul sewer capacity, it was not necessary to impose conditions relating to those issues. The Environmental health Officer continues to raise no objection in these respects and so I have no reason to go against this view. I therefore raise no objection on these issues and consider it unreasonable to impose any related conditions.

## **14.0 Conclusion**

14.01 The issues raised by Yalding Parish Council have been dealt with in the main body of this report, but I would reiterate that a proposal of this scale in this location is considered to be acceptable garden land development and the Planning Inspector also raised no objection in this respect.

14.02 The proposal site is not considered to be unsustainable as to warrant refusal given the current land supply issue; and the visual impact of the

proposal would be localised and would not result in any harmful protrusion into open countryside. There are also no residential amenity, highway, landscape/arboricultural and ecological objections. Considering the low level of harm caused by the development, in the context of a lack of 5 year housing supply, I am of the view that the low adverse impacts would not significantly and demonstrably outweigh the benefits of this proposal. On balance, it is therefore considered that compliance with the NPPF is sufficient grounds to depart from the adopted Local Plan. I therefore recommend approval subject to the appropriate conditions.

**RECOMMENDATION** – Approve subject to the following conditions:

- (1) The development hereby permitted must be begun not later than the expiration of 3 years from the date of this permission.

Reason: In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) No development above ground level shall take place until full details and samples of the materials to be used in the construction of the external surfaces of the development, including, all hard surfacing, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

- (3) The development shall be undertaken in accordance with the hard boundary treatments as shown on drawing number PL-WH-004 Rev A received 06/10/15, and maintained thereafter unless the Local Planning Authority gives written consent to any variation;

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

- (4) No development above ground level shall take place until full details of all facilities for the storage of refuse and recyclable have been submitted to and approved in writing by the local planning authority. The facilities shall be provided before first occupation of the dwelling to which they relate and thereafter retained as approved.

Reason: In the interests of amenity.

- (5) The garage and parking areas shown on the approved plans shall be provided before first occupation of the dwelling to which they relate. Thereafter both garage and parking areas shall be kept permanently available for parking use and no development, whether permitted by the Town and Country Planning (General Permitted Development) ( England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications) shall be carried out on those areas of land.

Reason: In the interests of road safety.

- (6) No development above ground level shall take place until full details of all visibility splays, to include provision of a 1.2 metre open grassed area along the full extent of the site's frontage have been submitted to and approved in writing by the local planning authority. The splays and grassed area shall be provided before first occupation of the dwelling to which they relate and thereafter retained as approved.

Reason: In the interests of highway safety and amenity.

- (7) No development shall commence 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 scheme shall be provided before first occupation of the dwelling to which it relates and thereafter retained as approved.

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

- (8) No development above ground level shall take place until details of existing and proposed site levels and the finished slab levels of the buildings hereby permitted, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interest of amenity.

- (9) No development shall take place above ground level until details of any external lighting, including details of spread and intensity of light and size and design of light fittings, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and thereafter retained as approved.

Reason: In the interests of amenity and to ensure the proposed development is satisfactorily integrated into its setting.

- (10) No development shall take place above ground level until a landscaping scheme for the site has been submitted to and approved in writing by the local planning authority that shall include;

a) A replacement Beech hedge to the frontage of the site that is in accordance with drawing number PL-WH-005 Rev A received 06/10/15.

The said scheme shall include hard and soft landscaping; trees and hedgerows to be retained together with measures for protection during construction; planting plans; written specifications; schedules of trees, plants, plant sizes and proposed numbers/densities where appropriate; and an implementation programme. Thereafter, the approved landscaping scheme shall be carried out fully within 12 months of the completion of the development. Any trees or other 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 a similar size and species unless the local planning authority give prior written consent to any variation.

Reason: To ensure the proposed development is satisfactorily integrated in to its setting and provide for landscaping.

- (11) No development shall take place above ground level until full details of the recommendations contained within the preliminary ecological appraisal report dated 23 June 2014 have been submitted to and approved in writing by the local planning authority. Such details as may be approved shall be provided before first occupation of the dwelling to which they relate and thereafter retained as approved.

Reason: In the interests of supporting and promoting the biodiversity interests of the site.

- (12) The development hereby permitted shall be carried out in accordance with the following approved plans: PL-WH-007, 008, 009, 010 and 011 received 01/06/15 and PL-WH-003 Rev A, 004 Rev A, 005 Rev A and 006 Rev A received 06/10/15;

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

## INFORMATIVES

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.

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside of the normal working hours is advisable.

You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at [www.considerateconstructorscheme.org.uk](http://www.considerateconstructorscheme.org.uk)

No vehicles may arrive, depart, be loaded or unloaded within the general site, and plant and machinery shall not be operated, that would generate noise beyond the boundary of the site, except between the hours of 0800 hours and 1800 Mondays to Fridays and 0800 and 1300 hours on Saturdays (and at no time on Sundays or Bank or Public Holidays).

The Bat Conservation Trust's 'Bats and Lighting in the UK' guidance should be adhered to in the lighting design.

The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended), 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 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.

The applicant/developer should enter into a legal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, S021 2SW (tel. 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

Under the terms of the Flood & Water Management Act 2010, each Lead Local Flood Authority will set up a Sustainable Drainage Advisory Board (SAB). Kent County Council (KCC) has been identified as the lead Flood Local Authority for this area and will be responsible for approval of surface water drainage infrastructure for new development. SAB approval will be required in addition to planning consent. We therefore recommend the applicant makes contact with the SAB at KCC to discuss details of the proposed surface drainage infrastructure. Enquiries should be made to Kent County Council via email at [suds@kent.gov.uk](mailto:suds@kent.gov.uk).

The applicant may be required to apply for other consents directly from the Environment Agency. The term 'consent' covers consents, permissions or licenses for different activities (such as water abstraction or discharging to a stream), and the Environment Agency has a regulatory role in issuing and monitoring them. The applicant should contact 03708 506 506 or consult the Environment Agency's website to establish whether a consent will be required. <https://www.gov.uk/environmental-permit-check-if-you-need-one>.

Case Officer: Kathryn Altieri

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.

197



198

A photograph of a paved road curving to the right. The road is flanked by a line of trees and a fence. The trees have green and yellow foliage, suggesting autumn. The sky is clear and blue. The number 198 is overlaid on the left side of the image.

199

A photograph of a residential street. On the left, a utility pole stands against a clear blue sky. A paved road curves to the right. A wooden picket fence runs along the right side of the road, with a large tree in the center and a purple-leaved tree on the right. The number '199' is overlaid on the left side of the image.



200

A photograph of a residential street. The road is paved and curves to the right. On the left side, there is a brick house partially obscured by dense green bushes and a large, dark-leaved tree. A utility pole stands near the house. A speed limit sign is visible on the left side of the road. On the right side, there is a grassy area with more utility poles and a clear blue sky. The number '201' is overlaid on the image, oriented vertically on the left side.

201

202

A photograph of a lush green landscape. In the foreground, a stone path leads from the bottom right towards the center. To the left of the path, there are tall, thin grasses. The middle ground is dominated by a large, vibrant green lawn. In the background, there is a dense line of trees with various shades of green and some autumnal reds. The sky is a clear, bright blue. The number '202' is printed vertically on the left side of the image.



203

204

A wide-angle photograph of a lush garden. The central focus is a large, vibrant green lawn, which is mostly in shadow from the surrounding trees and shrubs. The lawn is bordered by a variety of plants, including tall evergreens, deciduous trees with green and some autumn-colored leaves, and several large bushes. In the foreground, there's a wooden fence or border. The sky is a clear, bright blue. The number '204' is printed vertically on the left side of the image.

205

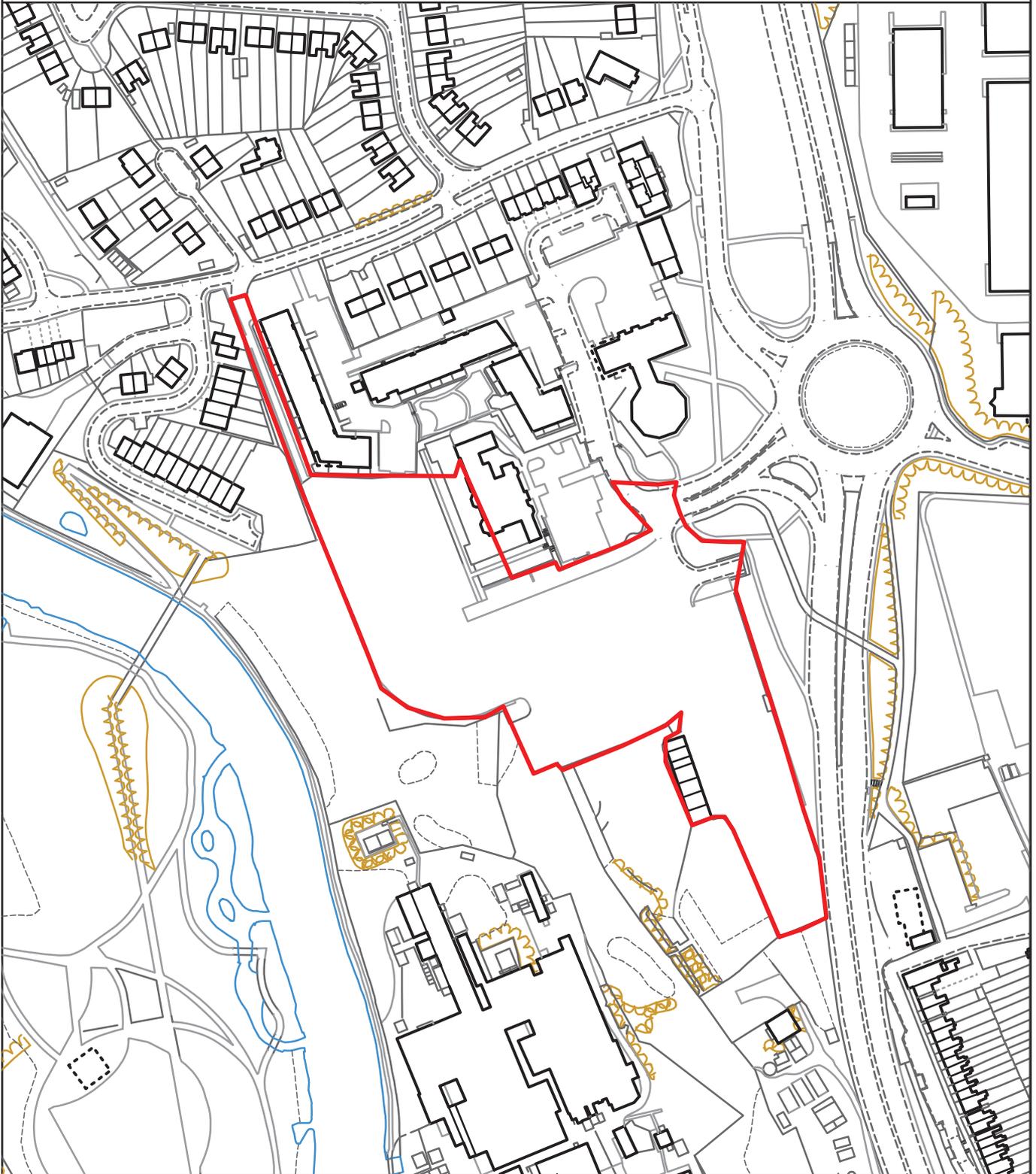
A photograph of a garden scene. In the foreground, there is a large, well-maintained green lawn. In the middle ground, a dark-colored house with a gabled roof and yellow window shutters is partially visible through dense foliage. A trellis structure covered in green vines spans across the garden, with a white bench tucked underneath it. To the left, a green netting structure is visible. The sky is clear and blue, and several power lines run across the top of the frame. The number '205' is printed vertically on the left side of the image.

# Agenda Item 20

## THE MAIDSTONE BOROUGH COUNCIL

Springfield Park  
Royal Engineers Road  
Maidstone  
Kent

MBC Ref: 15/506426



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**Rob Jarman**  
Head of Planning

**REPORT SUMMARY**

<b>REFERENCE NO - 15/506426/MOD106</b>			
<b>APPLICATION PROPOSAL</b> Modification of Planning Obligation dated 1st August 2006 (05/2350), owner's obligations to delete clause 3.2 of the s106 legal agreement to enable residential apartments to commence in advance of B1 office blocks.			
<b>ADDRESS</b> Springfield Park Royal Engineers Road Maidstone Kent			
<b>RECOMMENDATION</b> Agree to the deletion of clause 3.2			
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR APPROVAL</b> To unlock this site for development and to provide much needed housing and to regenerate this gateway site.			
<b>REASON FOR REFERRAL TO COMMITTEE</b> The 2005 planning application and heads of terms of s106 were determined by the Planning Committee.			
<b>WARD</b> North Ward	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Development Securities (Maidstone) Ltd <b>AGENT</b> Nathaniel Lichfield & Partners	
<b>DECISION DUE DATE</b> 05/10/15	<b>PUBLICITY EXPIRY DATE</b>	<b>OFFICER SITE VISIT DATE</b>	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
MA/05/2350	Erection of three separate blocks to provided approximately 16750sqm (gross external area), B1 Office, two large blocks to provide 192 no flat dwellings and retail/community building.	Approved with planning conditions and s106 legal agreement.	1/08/2006
MA/06/0762	Outline application for a mixed use scheme comprising office space (B1 use Class), residential and retail development (A1 and A3 use Class) and associated car parking, with all matters reserved for future consideration   Springfield Park, Royal Engineers	Approved with planning conditions and s106 legal agreement.	24/08/2006
MA/10/1327	An application for a certificate of lawful development for an existing development being the implementation of planning permission MA/05/2350 within the three year period from the date of the permission.	LDC issued to confirm that the development has commenced and the site has an extant planning permission under ref MA/05/2350	23/09/2010

MA/13/2099	Creation of A1 Retail Unit with ancillary café, supporting (A1-A3) and D1 doctor surgery)	Refused	8/05/2014
03/02/2011	A Deed of Variation to amend clause 3.2 of the s106 agreement dated 1 August 2006 in respect of planning application MA/05/2350, to change the order in which the office blocks permitted under the permission must be constructed.	<p>Planning committee approved revision to clause 3.2 as follows:</p> <p>3.2.1 the owner undertake to complete the construction of Office Block A (including the building out of all the car park- part of which will be underground-serving office block A and B) before the first occupation of any of the residential units to be constructed as permitted by the planning permission; and</p> <p>3,2.2 the Retail Unit shall be constructed and completed and made ready for occupation upon the earlier of:</p> <p>(a) the first occupation of the Office Block A; or</p> <p>(b) the first occupation of the 50<sup>th</sup> residential unit to be constructed as permitted by the planning permission.</p>	The s106 legal agreement was not signed
14/505741/OUT	Residential development (C3) comprising 130 dwellings (46 houses and 84 apartments), internal access roads, car parking and landscaping with access to be considered at this stage and all other matters are reserved for future consideration.	Yet to be determined	

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The application site is known as Springfield Park, Royal Engineers Road Maidstone, situated on the south west corner of Royal Engineers

roundabout. The previous use on this site ceased a few years ago and the associated buildings were demolished.

Permission granted under ref MA/05/2350 commenced a few years ago (this was confirmed by the LDC issued under ref MA/10/1327). The permission comprised 3 office blocks (referred to as Block A, B and C) along the eastern boundary of the site fronting Royal Engineers Road, 6 flat blocks in two rows (Referred to as Block A, B, C, D, E and F); a detached two storey building to the east of the residential blocks to provide community facility at ground floor level and retail/café (A1 –A3) at first floor.

- 1.02 In 2010 Maidstone Borough Council issued a Lawful Development Certificate under MA/10/1327 confirming that all the relevant planning conditions under ref MA/05/2350 had been discharged, off site affordable housing having been provided and planning permission had commenced.

## **2.0 PROPOSAL**

- 2.01 The current proposal seeks permission to vary the terms of the Section 106 legal agreement in order to free the owner from the obligation under clause 3.2 of the legal agreement.

- 2.02 Cause 3.2 of the s106 is as follows:-

The owner:-

*3.2.1 will complete the construction of Office Block C as defined on Plan C of Schedule 1 to this Deed before the first occupation of any of the residential units to be constructed as permitted by the Planning Permission;*

*3.2.2 will commence and thereafter complete construction of the Office Block B as defined on Plan C of Schedule 1 to this Deed once the Owner has exchanged contracts for agreements for lease for 75% or more of the units in the Office Block C to be constructed as permitted by the Planning Permission; and*

*3.2.3 the Retail Unit shall be constructed and completed and made ready for occupation upon the earlier of:*

- (a) the first occupation of Office Block C; or*
- (b) the first occupation of the 50<sup>th</sup> residential unit to be*

## **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

Maidstone Borough Local Plan Regulation 18 Consultation 2014

## **4.0 LOCAL REPRESENTATIONS**

- 4.1 3 representations have been received from the local residents. It appears that there has been a misunderstanding of the proposal as none of the comments received are related to the application the subject of the current submission.

## **5.0 Applicant's Supporting Argument in favour of the deed of variation application.**

- 5.1 The applicant has submitted the following arguments to support this application.
- A) Without an identified tenant, there is no viability for building new offices in Maidstone or certainty that the format as approved is what the market wants (10 years on and still no prospect of getting the development built).
  - B) There remains the prospect that some office space might still be created and the planning permission would still exist after any change in the s106 agreement.
  - C) The change now requested will allow the consented 192 residential units to be developed straight away, along with opening up the green space in front of Springfield House.
  - D) If some form of office development does not become viable in the near future, Development Securities (owners) will be working with Maidstone BC on a higher density housing scheme on the Royal Engineers Road frontage.
  - E) All of this would be in support of the Council's draft allocation of the wider Springfield site for 100% residential use, now a substantial material consideration, and in support of 5-year housing supply.

## **6.0 BACKGROUND**

- 6.01 Members will be aware that the 2005 planning permission for a mixed office and residential development was granted and the terms of s106 was worded in order to ensure that the development complied with the Deposit Draft of Medway and Kent Structure Plan and Development Brief for the whole Springfield site that was a material consideration and identified it for employment purpose at the time. Moreover at that time there was a clear need for delivery of employment floor space and there was not the same degree of need to provide residential units as now.
- 6.02 Clearly over the last 10 years market conditions and the Council's priorities have changed. Similarly, the Kent and Medway Structure Plan

and the Springfield Development Brief are no longer material considerations in the assessment of development at the Springfield site. Moreover, this site is now allocated solely for residential development in the Regulation 18 consultation document with the site allocation having been approved to go forward to Regulation 19.

- 6.03 In addition the Council is currently short of its 5 year housing land supply and this brown field site can come forward for housing.
- 6.04 Having regard to the above it is important to note that there is no existing or emerging policy support for office use development on this site and therefore there is no longer a need to retain the current clauses (the subject of this application) within the S106.
- 6.05 Members are also advised that all of the off- site affordable unit provision required under the terms of the 2005 planning permission (involving the transfer of the freehold of three parcels of land to a registered social landlord for building affordable units) has already been carried out and the affordable houses constructed and occupied.
- 6.06 It should also be noted that as confirmed in the LDC application ref MA/10/1327, all the precedent conditions (those that required discharging prior to the commencement of the development) relating to application MA.05/2350 have been discharged. Part of the roadway serving the approved scheme as well as Springfield Mansion was constructed in 2007. However, the original applicant's company subsequently went into administration, leaving the site in the hand of a receiver, who instigated the demolition of the remaining buildings on the site necessary for the development to be constructed.
- 6.07 Notwithstanding the 2005 planning permission, this site is not identified in the Maidstone Borough Wide Local Plan 2000 for either housing or employment purposes. However policy H1(11) of Maidstone Borough Local Plan Regulation 18 Consultation 2014 which is a material consideration has identified the application site and wider adjoining land to the south and west for solely residential development. This allocation has been confirmed by the Council's SPS&T for the site to go forward to Maidstone Borough Local Plan Regulation 19 consultation.
- 6.08 A recent study called "Qualitative Employment Site Assessment 2014" carried out by GVA for Maidstone Council revealed that market demand for office floor space in Maidstone has shifted and demand for large office blocks no longer exists. Within the town centre office development is likely to come forward in the longer term, and is likely to 'follow' some level of loss of space in the shorter term. The long term aspiration should be to deliver space that provides purpose built small units, with a range between 20sqm to 200sqm likely to best reflect expected demand trends.
- 6.09 The study goes on to say that:-

- To retain and grow the office role within Maidstone the future focus should be on consolidating and improving the office provision, this should seek to deliver stock which matches the 'new' demand profile (i.e. smaller, more flexible high quality space).
- It is clear that the current stock will not be required, either in scale or typology. This may mean longer term opportunities for redevelopment of provision such as Kent House, Miller House and Cornwallis House given they provide a type of floorspace that does not meet occupier requirements.
- In the short to medium term refurbishment and/or redevelopment of sites for purely office uses is unlikely to be attractive. Values are unlikely to support this type of development approach and there is unlikely to be the scale of demand to re-absorb replacement stock at the same quantum.
- To compete for occupiers there is likely to be a need for wider improvements and changes to the 'mix' within the town centre. This should seek to provide a good quality environment that office floorspace would sit within and does not adversely impact the functionality of the town centre as an employment location
- The major challenge will be balancing opportunities to bring forward a more mixed use area that functions well and continues to provide a location businesses want to invest in. A key tension may be the protection of the areas most likely to be attractive to office occupiers i.e. those that provide on-site (or close by) parking and also good access to the Station. These are also likely to be areas that will also be more attractive to other, higher value uses such as residential.

## 7.0 Appraisal

- 7.01 The extant development scheme as outlined above comprises (in addition to the 192 residential apartments and the shop-crèche/community facility building) 3no. separate B1 office buildings. Building A with a total gross external floor area of 3697sqm, building B with a total gross external floor area of 5853sqm and building C with a total gross external floor area of 7200sqm (total gross floor area of 16750sqm office floor area).
- 7.02 Block C was chosen because it was the largest (7200sqm) of the 3 office blocks and represented a significant commitment to delivering the project by the then applicant and also was a significant contribution towards the employment guidelines in the then Deposit Draft of the Kent and Medway Structure Plan and Development Brief.

- 7.03 As mentioned above the site does not form part of any employment land allocation in the Maidstone Borough Wide Local Plan 2000 and as such there is no policy requirement for employment development on this site. Furthermore, due to the significant shift in the market demand for offices in Maidstone and in particular a lack of demand for large office floor area buildings, this site has not been developed over the past 10 years and is unlikely to come forward in the near future. An amendment to the terms of the s106 would allow the residential element of the permission to come forward in advance of the office development (enabling the provision of much needed housing on this brownfield site to contribute to the 5 year shortfall of housing supply). The permission for the office element of the scheme would remain and future owners of the site could then decide whether to build out this part of the permission or seek to submit a separate application for this area of land in the future
- 7.04 As mentioned above it is important to note that this site has been identified in policy H1 (11) of Maidstone Borough Local Plan Regulation 18 Consultation 2014 for wholly residential development and this has been agreed by SPS&T to progress towards Reg 19. Furthermore (as mentioned in the history section above) an outline application has been submitted for wholly residential development of the site in compliance with the MB Wide Local Plan 2000 and policy H1(11) referred to in this paragraph. As such it is considered that the application for a deed of variation to the original s106 would be in line with this emerging policy which is a material consideration in assessment of this application.
- 7.05 Given the economic situation and market conditions it is considered that the deletion of clause 3.2 from the s106 agreement would ensure commencement of the residential element of the development of this site and regeneration of this key gateway site at the entrance to the Town Centre that has lain undeveloped for many years.
- 7.06 The consequence of not entering into the Deed of Variation as proposed is likely to result in this key important site close to town centre remaining undeveloped for many more years in to the future to the detriment of the local economy, housing need of Maidstone and visual amenity of the area.
- 7.07 Agreeing to the Deed of Variation would facilitate the commencement of the residential element of the development and the provision of much needed housing in Maidstone.

## 8.0 **Conclusion**

- 8.01 The proposed Deed of Variation would facilitate the construction of the 192 residential apartments approved under ref MA/05/2350 and give the applicant the flexibility and opportunity to reassess the potential of this site having regard to current market conditions and demand and at the same time embark on regeneration of this important gateway site.

9.0 **RECOMMENDATION –**

A deed of variation be completed to delete clause 3.2 in its entirety of the s106 Agreement dated 1 August 2006 in respect of planning application MA/05/2350.

Case Officer: Majid Harouni

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

## **THE MAIDSTONE BOROUGH COUNCIL** **PLANNING COMMITTEE – 22<sup>nd</sup> October 2015**

### **APPEAL DECISIONS:**

- 1. 15/502206** Conversion of loft with the insertion of rooflights, incorporating a partially raised ridge line and a flat roof to the rear.

**APPEAL:** Dismissed

49 Hillary Road  
Penenden Heath  
Kent  
ME14 2JT

(Delegated)

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- 2. 15/501479** Two-storey side and rear extension, porch and single-storey rear extension

**APPEAL:** Dismissed

34 Buckland Hill  
Maidstone  
Kent  
ME16 0SA

(Delegated)

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- 3. 14/506557/TPO** Tree Preservation Order application - Oak – reduce to 10.3 metres in height due to shading and danger to neighbouring properties

**APPEAL:** Allowed in part and condition 1 is Upheald subject to the varying of the maximum size of pruning cuts.

1 Ivy Mews  
Bushy Grove  
Kingswood  
Kent  
ME17 3QL

(Delegated)

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- 4. 15/501366** Outline application for the erection of 3/4 storey building containing 10 flats with associated access, parking, bin and cycle stores. (Access, appearance, layout and scale being sought) as shown on drawing numbers 12-28-01 and 12-

28-02revA and 12-28-03 and 12-28-04 and 12-28-05 and 12-28-06 and 12-28-07 and 12-28-08; date Jan 2015.

**APPEAL:** Dismissed

Rear Of 11/13  
Albion Place  
Maidstone  
Kent  
ME14 5DY

(Delegated)

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**5. 14/500219**

Outline application for the demolition of existing commercial buildings and the development (and re-development) of land for residential purposes. With all matters reserved for future consideration

**APPEAL:** Allowed subject to conditions

The Old Goods Yard  
Headcorn Road  
Lenham  
Kent  
ME17 2HT

(Delegated)

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**6. 14/506335**

Erection of 1No. detached house together with use of part of twin/double garage approved under application ref: 14/502920/FULL.

**APPEAL:** Dismissed

77 Poplar Grove  
Maidstone  
Kent  
ME16 0AN

(Delegated)

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