

# AGENDA

## PLANNING COMMITTEE MEETING



Date: Thursday 28 May 2015  
Time: 6.00 pm  
Venue: Town Hall, High Street,  
Maidstone

Membership: To be appointed at the Annual  
Meeting of the Council to be held on 23 May 2015

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Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Election of Chairman
5. Election of Vice-Chairman
6. Items withdrawn from the Agenda
7. Date of Adjourned Meeting - 4 June 2015
8. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting

**Continued Over/:**

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**Issued on 19 May 2015**

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEBBIE SNOOK on 01622 602030**. To find out more about the work of the Committee, please visit [www.maidstone.gov.uk](http://www.maidstone.gov.uk)

*Alison Broom*

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

9.	Disclosures by Members and Officers	
10.	Disclosures of lobbying	
11.	To consider whether any items should be taken in private because of the possible disclosure of exempt information.	
12.	Minutes (Part I) of the meeting held on 16 April adjourned to 23 April 2015 - to follow	
13.	Appointment of Political Group Spokespersons	
14.	Presentation of Petitions (if any)	
15.	Report of the Head of Planning and Development - Deferred Items	1 - 3
16.	13/1453 - Land Off Clapper Lane, Staplehurst, Kent, TN12 0RB	4 - 15
17.	13/1823 - Mayfield Nursery, Ashford Road, Harrietsham, Maidstone, Kent, ME17 1BN	16 - 60
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26.	14/506180 - Roughlands, Goudhurst Road, Marden, Kent, TN12 9NH	342 - 347
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28.	15/503305 - Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent, ME15 6JQ	380 - 386
29.	Appeals Decisions	387 - 388
30.	Chairman's Announcements	

## **PART II**

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

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

- |  |                          |
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| 31. Minutes (Part II) of the meeting held on<br>16 April adjourned to 23 April 2015 - to<br>follow | 5 – Legal<br>Proceedings |
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### **PLEASE NOTE**

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

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

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

# Agenda Item 15

## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

**28 MAY 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/07/2133 - DEMOLITION OF EXISTING BUILDINGS, ERECTION OF A FIVE STOREY RESIDENTIAL DEVELOPMENT COMPRISING OF 52 STUDIO APARTMENTS AND 24 ONE-BED FLATS WITH 38 UNDERCROFT PARKING SPACES AND 22 EXTERNAL PARKING SPACES WITH VEHICULAR AND PEDESTRIAN ACCESS FROM HART STREET TOGETHER WITH LANDSCAPING - LAGUNA MOTORCYCLES SITE, HART STREET, MAIDSTONE</u> | <u>Date Deferred</u><br><br>10 April 2014 |
|-----|--|---|

- 1.2.1. Deferred for the submission of a revised viability assessment which contains up-to-date figures and which is based on current market conditions to inform Members' discussions on matters including the provision of affordable housing, the achievement of Level 4 of the Code for Sustainable Homes, the provision of landscaping to the footpath to the west of the site and possible improvements to the design.

- |     |  |                  |
|-----|--|------------------|
| 1.3 | <u>MA/13/1979 - OUTLINE PLANNING APPLICATION FOR UP TO 55 RESIDENTIAL DWELLINGS WITH MEANS OF ACCESS. ALL OTHER MATTERS RESERVED - LAND NORTH OF HEATH ROAD, COXHEATH, MAIDSTONE, KENT</u> | 18 December 2014 |
|-----|--|------------------|

- 1.3.1 Deferred to:

Seek additional details of surface water drainage (to address Environment Agency comments);

Seek 40% affordable housing with appropriate viability evidence to demonstrate if this is not achievable; and

Seek further ecological surveys of the site.

Any S106 legal agreement should include a commitment from the developer to deliver the proposal.



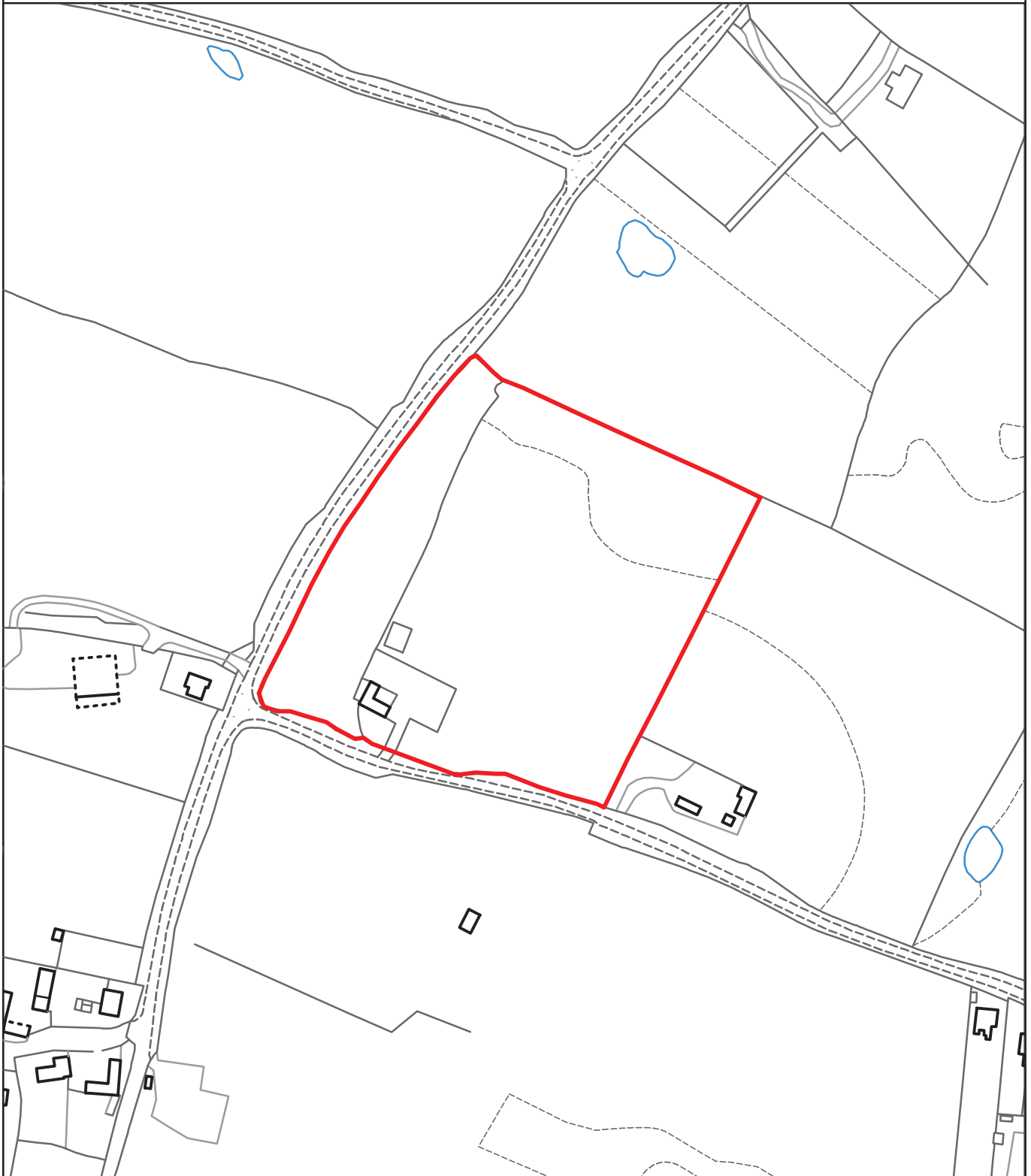
- 1.4 14/503960 - OUTLINE APPLICATION FOR 13 NO. DWELLING HOUSES WITH ASSOCIATED AMENITY SPACE, SHARED ACCESS ROAD AND NEW FOOTWAY WITH ACCESS, APPEARANCE, LAYOUT AND SCALE TO BE CONSIDERED AT THIS STAGE WITH ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION - LAND EAST OF THATCH BARN ROAD AND SOUTH OF LENHAM ROAD, HEADCORN, KENT 19 March adjourned to 23 March 2015
- 1.4.1 Deferred for:
- A. Further assessment of the layout in the context of development proposed and/or approved on neighbouring sites, and specifically in terms of:
- Southern Water drainage issues and SUDS;  
Strategic landscaping;  
Biodiversity (including movement of species through the site/creation of a wildlife corridor); and  
Detailing (including GCN-friendly gulleys, swift bricks, materials).
- B. Further information relating to the contribution requested by Kent County Council for Youth Services as Members queried whether this meets the necessary tests.
- 1.5 14/503957 - APPLICATION FOR PERMANENT CHANGE OF USE TO A FREE SCHOOL (CLASS D1) - GATLAND HOUSE, GATLAND LANE, MAIDSTONE, KENT 19 March adjourned to 23 March 2015
- 1.5.1 Deferred for investigation of:
- The safety issues relating to the collection and drop-off of children in a narrow lane (at busy periods) and the highways issues caused by an increase in vehicle movements as a result of the wider catchment area for this type of school.
- The extent of properly-managed play areas within the boundaries of the site, taking account of the size standard and separation of Key Stages 1 & 2.
- The need for this development – the area is not understood to have been identified as having a need for infant/primary school facilities.
- 1.6 14/504905 – ERECTION OF 1 NO. DETACHED HOUSE AND GARAGE FOR FARM OWNER/MANAGER – WARNHAMS FARM, HUNT STREET, WEST FARLEIGH, KENT 16 April adjourned to 23 April 2015
- 1.6.1 Deferred for one meeting cycle to allow for the drafting of appropriate conditions and informatives to be attached to any planning consent. These to include

time limit, materials, agricultural occupancy, landscape, landscape implementation, boundary treatments, code for sustainable homes, removal of permitted development rights and any other conditions the Case Officer deems appropriate.

# THE MAIDSTONE BOROUGH COUNCIL

Land Off, Clapper Lane  
Staplehurst  
Kent  
TN12 0RB

MBC Ref: 13/1453



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**Rob Jarman**  
Head of Planning

## REPORT SUMMARY

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

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

- 1.0 This application was recommended for approval by Members at 23 April 2015 planning committee. The application is being referred back to committee as some local residents did not receive written notification from the council about the 23 April committee meeting. This was due to an internal error with the council's computer system.

## **2.0 DESCRIPTION OF SITE**

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

## **3.0 PROPOSAL**

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

## **4.0 POLICY AND OTHER CONSIDERATIONS**

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, T13
- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)

- Draft Maidstone Borough Local Plan: SS1, SP5, GT1, DM2, DM3, DM6, DM10, DM26

## 5.0 LOCAL REPRESENTATIONS

- 5.1 When the application was first received in August 2013 letters were sent out to neighbouring properties and a site notice was put up on a telegraph pole on Clapper Lane adjacent to the site.
- 5.2 Some five letters of representation have been received from neighbouring properties. Comments are summarised as follows:
- Inappropriate vehicle access
  - Out of character with the countryside
  - Disposal of waste
  - Light pollution
  - Sewage
  - Flood risk
  - Loss of wildlife
  - Loss of trees
  - Too many gypsy sites in Staplehurst
  - Unsustainable development in the countryside
  - Unjustified development
  - Protected species on the site
  - Gypsy status of the applicant
- 5.3 Following the committee meeting on the 23 April 2015 the council received several complaints from local residents stating they had not received notified of the meeting. The letters also reiterated previous objections to the proposal.

## 6.0 CONSULTATIONS

- 6.1 **Staplehurst Parish Council:** *'Councillors noted a series of objections to the application that residents had sent to the borough council. Councillors expressed concern about the impact of undertaking such development in open countryside and particularly questioned the proposed new separate access in Clapper Lane, which they believed to be unsuitable; they also questioned its necessity when the proposed site was for relatives of the existing residents. For these reasons councillors voted to recommend REFUSAL to the MBC Planning Officer'.*
- 6.2 Prior to the committee meeting on 23 April 2015 an additional representation was received from Staplehurst Parish Council (summarised) as follows:
- Staplehurst Parish Council will not be sending a representative to speak at the committee meeting
  - The Parish Council reiterates its recommendation for refusal but has not requested referral to Planning Committee
  - Staplehurst Parish Council send a question and supplementary comments as follows:
    - (i) they asked whether proof of the applicant's and intended residents' status had been sought;
    - (ii) there was evidence that site water was discharging into a public culvert;

- (iii) the site exit is too close to the T-junction from which a minimum distance of 35 metres should apply.

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

6.4 **KCC Highways:** No objections

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

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

*Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.*

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

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

*Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: [www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 0300 333 5539) in order to obtain the necessary Application Pack'.*

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

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

### **Enhancements**

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

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

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

7.0 **APPRAISAL**

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

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

- 7.2 Policy ENV28 then outlines the types of development that can be permitted. This does not include gypsy development as this was previously covered under housing policy H36 of the MBWLP but this is not a ‘saved’ policy.

- 7.3 A key consideration in the determination of this application is central Government guidance contained within ‘Planning Policy for Traveller Sites’ (PPTS) published in March 2012. This places a firm emphasis on the need to provide more gypsy sites, supporting self-provision and acknowledging that sites are likely to be found in rural areas.

- 7.4 Though work on the emerging local plan is progressing as yet there are no adopted policies responding to the provision of gypsy sites. Local Authorities have the responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans. To this end Maidstone Borough Council, in partnership with Sevenoaks District Council procured Salford University Housing Unit to carry out a revised Gypsy and Traveller Accommodation Assessment (GTAA). The GTAA concluded the following need for pitches over the remaining Local Plan period:

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

- 7.5 These figures were agreed by Cabinet on the 13<sup>th</sup> March 2013 as the pitch target and were included in the consultation version of the Local Plan.

- 7.6 Regulation 18 version of the Draft Local Plan states that the Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTTSA) revealed the need for 187 permanent Gypsy and Traveller pitches to be provided in the borough during the period October 2011 and March 2031. Accommodation for Gypsies and Travellers is also a specific type of housing that councils have the duty to provide for under the Housing Act (2004). Draft Policy DM26 of the Regulation 18 version of the Draft Local Plan accepts that this type of accommodation can be provided in the countryside provided that certain criterion is met. The Draft Plan also states that the Borough’s need for gypsy and traveller pitches will be addressed through the granting of permanent planning permissions and through the allocation of sites. The timetable for adoption is currently beyond 2016.

- 7.7 Issues of need are dealt with below but in terms of broad principles Development Plan Policy and Central Government Guidance clearly allow for gypsy sites to be located in the countryside as an exception to the general theme of restraint. In the case of this specific site, there is no reason to object to a permanent unrestricted use as a gypsy site.

Need for Gypsy Sites



7.8 The PPTS gives guidance on how gypsy accommodation should be achieved, including the requirement to assess need.

7.9 As stated above, the projection accommodation requirement is as follows:

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

7.10 Taking into account this time period, since 1<sup>st</sup> October 2011 the following permissions for pitches have been granted (net):

- 61 Permanent non-personal permissions
- 16 Permanent personal permissions
- 0 Temporary non-personal permissions
- 33 Temporary personal permissions

7.11 Therefore a net total of 77 permanent pitches have been granted since 1<sup>st</sup> October 2011. It must be noted that the requirement for 105 pitches in the initial 5 year period includes need such as temporary consents that are yet to expire (but will before the end of March 2016) and household formation. This explains why the need figure appears so high in the first 5 years.

7.12 The latest GTAA demonstrates the ongoing need for pitches although any potential pitch needs to be assessed on its merits, and in rural areas with particular regard to its impact on the character and appearance of the countryside.

#### Gypsy Status

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

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

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

## **8.0 Visual Impact**

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

- 8.2 Whilst the proposal would result in new development in the countryside, the parcel of land in question is well screened by the existing buffer of trees and hedgerow along the western site boundary adjacent to Clapper Lane. The site is also well screened by tree and hedgerow planting along the east boundary and the woodland to the north of the site would also offer a good level of screening. Glimpses of the site would be afforded during the winter months however it is considered that these short distance views would be overtly prominent given the level of screening along the boundaries. An existing access on the southern boundary provides short range views into the site from George Street which would be re-enforced by additional landscaping and secured via condition.
- 8.3 In terms of views, whilst there are glimpses of the site from short range along George Street, there are no significant medium to long distance views of the site from any other public vantage point. I therefore take the view that the site is not prominent in the wider landscape.
- 8.4 Given the site's location and the good level of well established landscaping that already surrounds the site, and the re-enforced landscaping that will be ensured by way of condition, I am of the view that this development would not appear visually dominant or incongruous in the countryside hereabouts and raise no objections in this respect.

## **9.0 Residential amenity**

- 9.1 A residential use is not generally a noise generating use; the nearest residential properties are the existing caravan site located to the southeast with frontage onto George Street and a residential property known as Critoph located opposite the junction at Clapper Lane and George Street. Critoph is located some 80m from the site on the opposite side of Clapper Lane with significant mature landscape screening. The caravan site occupied by the applicant's son is located some 50m distance and is also separated by mature vegetation. Given this, I am satisfied that the provision of one pitch in this location would not have a significant detrimental impact on the residential amenity of any neighbouring occupant, in terms of general noise and disturbance, privacy, light or outlook. Any excessive noise from the site that does have a significant impact should be dealt with under Environmental Health legislation.

## **10.0 Highway safety implications**

- 10.1 A new vehicle access is proposed onto Clapper Lane to the northwest section of the site. The first section of the vehicle access onto Clapper Lane would be formed of block paving while the parking / turning areas on the site would be shingle. KCC Highways have been consulted and do not raise any objections to the proposal from a highways safety or parking perspective subject to suitably worded conditions.
- 10.2 The proposed access is considered to provide adequate visibility and it is considered that the proposal would not result in any significant intensification of traffic movements to and from the site. A condition would be attached to ensure the vehicle access gates would be set back a suitable distance to allow a vehicle to wait off Clapper Lane while waiting to enter the property. There would also be adequate turning facilities within the site.
- 10.3 KCC Highways has not raised objections to the location of the proposed site entrance/exit which would be located more than 100m distance from the nearest T-junction. The break in the hedgerow on George Street to the south of the site (not

adjacent the boundary of the application site) would be infilled with new planting as required by condition 4.

## **11.0 Landscape and biodiversity implications**

11.1 One of the principles of the National Planning Policy Framework is that “*opportunities to incorporate biodiversity in and around developments should be encouraged*”. In the first instance no ecological information had been submitted with this application, and the KCC Biodiversity Officer was of the view that the proposal did have the potential to result in ecological impacts, and in particular on Great Crested Newts. An ecological survey was therefore requested to be carried out assessing the potential for, inter alia, Great Crested Newts to be present and impacted by the proposed works. The applicant subsequently submitted a Ecological Report by Collingridge Ecological Consultants , and the Biodiversity Officer at KCC is satisfied that this has been carried out to an appropriate standard and advises that no further ecological survey work is necessary at this time.

11.2 The submitted report did conclude that the site has limited ecological interest and recommendations are provided to minimise the potential for ecological impacts, which are in summary:

*Hedgerows could be enhanced for reptiles and GCN by creating hibernacula or native trees could be planted in any gaps within the hedgerows.*

11.3 In the interest of biodiversity, a landscaping condition will be imposed requesting that additional hedgerows should be enhanced as per the above and is submitted for approval prior to the commencement of any works.

11.4 There are no protected trees on, or immediately adjacent to this site, but there are significant hedgerow trees along the west boundary of the site where the new access would be formed. The Landscape Officer is concerned that the laying of hard surfacing could potentially adversely affect these trees. So whilst there are no arboricultural grounds on which to object to this application, a pre-commencement condition requiring an arboricultural method statement in accordance with the recommendations of BS5837:2012 will be imposed. A landscaping scheme will also be secured by way of condition to ensure that new planting, particularly along the southern boundary, will be native species.

## **12.0 Drainage**

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

## **13.0 Conclusion**

13.1 I am of the view that the proposed development would not result in severe visual harm to the character and appearance of the countryside hereabouts, and consider it an acceptable development in the countryside. I am therefore satisfied that a permanent (non-restrictive) consent would be appropriate in this instance.

- 13.2 I consider that this proposed development would not cause any demonstrable harm to the character, appearance or vitality of the area, and would not significantly harm the amenities of existing residents. It is therefore considered that the proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant; and recommend conditional approval of the application on this basis.

**14.0 RECOMMENDATION – GRANT** Subject to the following conditions:

CONDITIONS to include

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

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

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

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

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

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

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

- i) Details of the species, size, density and location of all new planting within the site;
- ii) Native hedge planting along the southern boundary of the site and along the north side of George Street to the south of the site.

Reason: In the interests of visual amenity and biodiversity.

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

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

- (6) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority an Arboricultural Method Statement which shall be in accordance with BS 5837 (2012) Trees in relation to design, demolition and

construction - Recommendations and shall include a decompaction specification and details of no-dig permeable driveway construction;

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

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

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

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

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

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

(9) The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the commencement of the use of the land and maintained thereafter. The boundary treatment details shall include the following:

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

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

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

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

If a method other than a cesspit is to be used the applicant should also contact the Environment Agency to establish whether a discharge consent is required and provide evidence of obtaining the relevant discharge consent to the local planning authority.

Reason: To ensure adequate drainage arrangements.

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

Reason: To prevent pollution of the water environment.

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

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

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

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

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

Informatives:

to Applicant: APPROVAL

The Council's approach to this application:

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

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

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

In this instance:

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

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

Case Officer: Andrew Jolly

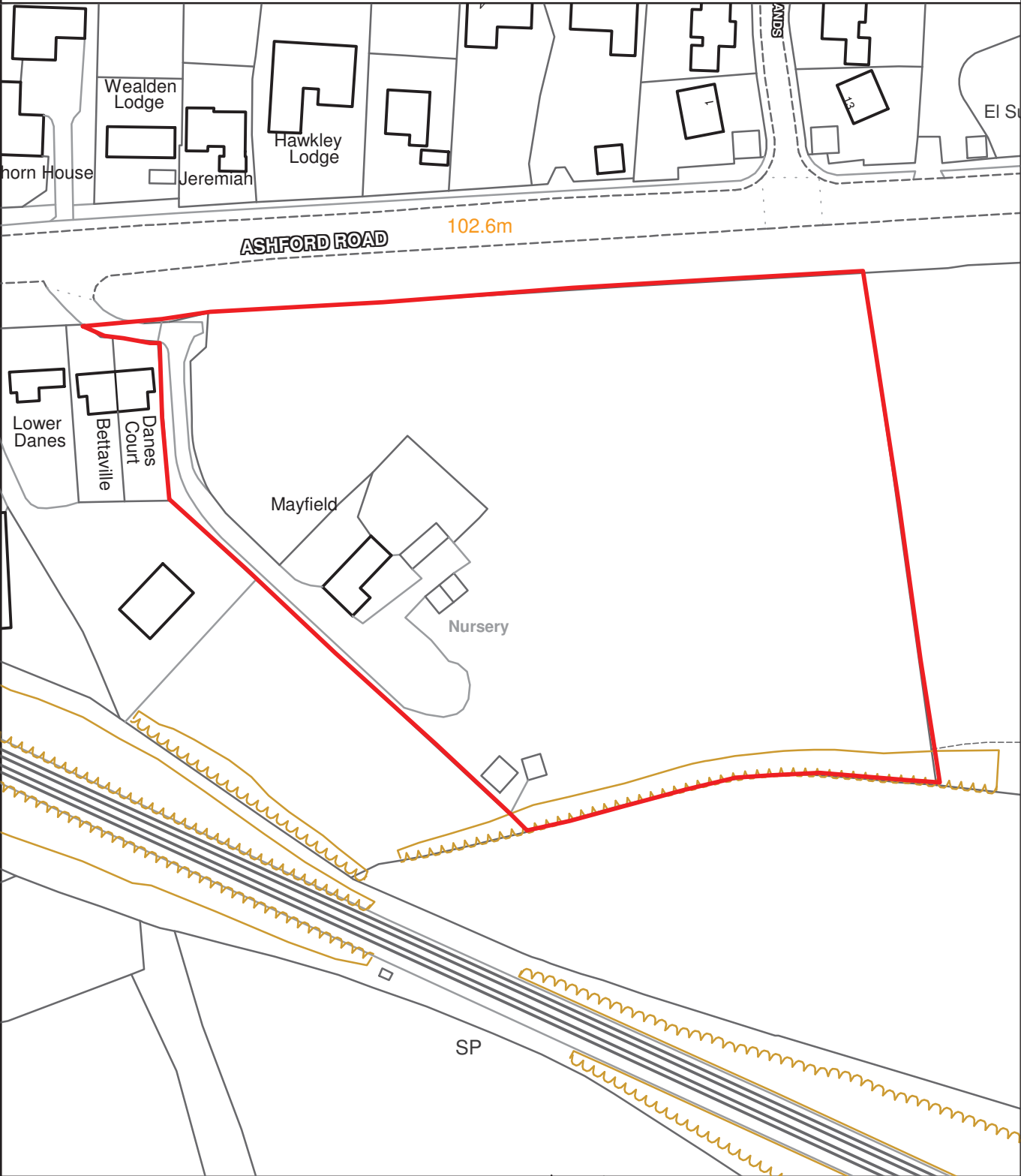
NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

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

THE MAIDSTONE BOROUGH COUNCIL

Mayfield Nursery,  
Ashford Road,  
Harrietsham, Maidstone,  
Kent, ME17 1BN

MBC Ref: 13/1823



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Rob Jarman  
Head of Planning

## REPORT SUMMARY

<b>REFERENCE NO - 13/1823</b>		
<b>APPLICATION PROPOSAL</b> An outline planning application for the demolition of existing buildings and the erection of 49 dwellings and associated car parking and landscaping, with the matter of access to be considered at the current time and all other matters reserved.		
<b>ADDRESS</b> Mayfield Nursery, Ashford Road, Harrietsham, Maidstone, Kent, ME17 1BN		
<b>RECOMMENDATION</b> Amend S106 contributions as set out in report		
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b> <p>The proposed development does not conform with policy ENV28 of the Maidstone Borough-Wide Local Plan 2000. However, the development is at a sustainable location; immediately adjoins an existing settlement; is identified under policy H1 (27) in the emerging Local Plan as a housing allocation and complies with the criteria set out in the relevant policy; 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 Local Plan.</p>		
<b>REASON FOR REFERRAL TO COMMITTEE</b> <p>To seek the agreement of Members of the Planning Committee to amend the S106 contributions being sought.</p>		
<b>WARD</b> Harrietsham And Lenham Ward	<b>PARISH/TOWN COUNCIL</b> Harrietsham	<b>APPLICANT</b> Mr Habil Kapasi <b>AGENT</b> Robinson Escott Planning
<b>DECISION DUE DATE</b> 30/01/14	<b>PUBLICITY EXPIRY DATE</b> 30/01/14	<b>OFFICER SITE VISIT DATE</b> Various
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>		

- MA/98/0955 Erection of garden centre building; erection of replacement farm shop; re-siting of polytunnel and retention of existing farm shop as a potting shed (resubmission following refusal of MA/98/0111) - APPROVED WITH CONDITIONS
- MA/98/0111 Erection of garden centre building; erection of replacement farm shop; re-siting of polytunnel and retention of existing farm shop for use as a potting shed - REFUSED
- MA/97/0892 Variation of condition 07 of MA/93/1519 to read ' no goods shall be sold from the site other than those directly associated with agriculture and horticulture items for gardens and gardening and products for the feeding and care of domestic animals except as otherwise agreed beforehand in writing' - APPROVED WITH CONDITIONS
- MA/93/1519 Erection of building and use of land as a garden centre - APPROVED WITH CONDITIONS



- MA/86/1848 Erection of shed to be used as farm shop for the sale and storage of imported produce and produce grown on site with no more than 50% of the floorspace used for the sale and storage of plant, shrubs and small miscellaneous items - APPROVED WITH CONDITIONS
- MA/85/1747 Change of use from nursery to garden centre – REFUSED
- MA/84/0741 Change of use from nursery to garden centre – WITHDRAWN
- MA/83/0896 Widening and improvement to access driveway - APPROVED WITH CONDITIONS
- MA/81/0842 Extension to nursery and garden centre, retail farm produce - REFUSED
- MA/81/0380 New access to existing property - REFUSED
- MA/80/0532 Bedroom and porch extensions plus internal alterations – APPROVED

## MAIN REPORT

### 1.0 BACKGROUND

- 1.01 The current application seeks outline planning permission for the demolition of existing buildings and the erection of 49 dwellings and associated car parking and landscaping, with the matter of access to be considered at the current time and all other matters reserved on a site adjoining the southern eastern boundary of the rural service centre of Harrietsham.
- 1.02 The application was reported to the Planning Committee meeting held on 15<sup>th</sup> January 2015. Members resolved to give the Head of Planning and Development delegated powers to grant planning permission subject to conditions and the prior completion of a S106 legal agreement prior legal agreement in such terms as the Head of the Legal Partnership may advise to secure the following:
- *The provision of 40% affordable residential units within the application site; and*
  - *A contribution of £2,360.96 per applicable house and £590.24 per applicable flat towards the build costs of extending Harrietsham Primary School; and*
  - *A contribution of £30.70 per dwelling 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 application site; and*
  - *A contribution of £8.44 per dwelling to be used to address the demand from the development towards youth services through increased centre based youth services local to the application site; and*
  - *A contribution of £122.01 per dwelling to be used to address the demand from the development towards additional book stock and services at libraries local to Harrietsham; and*
  - *A contribution of £15.95 per dwelling to address the demand from the development for adult social services to be used towards the provision of new/expanded facilities and services both on site and local to the development, including assistive technology and enhancement of local community facilities to ensure full DDA access; and*
  - *A contribution of £23,587 (£360 per predicted occupier based on size of market dwellings) to be prioritised firstly towards healthcare facilities at The Glebe Medical Centre, Harrietsham and then The Len Valley Medical Centre, Lenham; and*

- *A contribution towards highway improvements to the A20 in Harrietsham (final amount to be confirmed).*

1.03 The Committee report and urgent updates to the Committee report are attached as Appendix A to this report.

## **2.0 REASON FOR REFERRAL BACK TO PLANNING COMMITTEE**

2.01 As Members will be aware, S123 of the CIL Regulations came into force on 6<sup>th</sup> April 2015. Prior to this date, all contributions subject to a S106 agreement were required under the terms of S122 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. Subsequent to this date, S123 of the CIL Regulations additionally requires all contributions being sought by way of S106 agreements to relate to the funding or provision of an infrastructure project or type of infrastructure, and further that no more than five separate planning obligations can contribute towards the funding or provision of a project or type of infrastructure. 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.

2.02 In the circumstances of this case, the coming into force of S123 directly effects and changes the following elements of the Heads of Terms:

- *A contribution of £30.70 per dwelling 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 application site; and*
- *A contribution of £8.44 per dwelling to be used to address the demand from the development towards youth services through increased centre based youth services local to the application site; and*
- *A contribution of £122.01 per dwelling to be used to address the demand from the development towards additional book stock and services at libraries local to Harrietsham; and*
- *A contribution of £15.95 per dwelling to address the demand from the development for adult social services to be used towards the provision of new/expanded facilities and services both on site and local to the development, including assistive technology and enhancement of local community facilities to ensure full DDA access; and*
- *A contribution of £23,587 (£360 per predicted occupier based on size of market dwellings) to be prioritised firstly towards healthcare facilities at The Glebe Medical Centre, Harrietsham and then The Len Valley Medical Centre, Lenham; and*
- *A contribution towards highway improvements to the A20 in Harrietsham (final amount to be confirmed).*

2.03 Kent County Council have reassessed their requests in light of S123 of the CIL Regulations, and in particular in relation to the limitation on the pooling of contributions, and as a result they are no longer seeking a contribution towards adult education or adult social services. In addition, the contribution towards library services has been reduced to £2,352.78, and it has been specified that this will be used to fund the mobile library serving Harrietsham.

2.04 Kent County Council have provided further details of the contributions sought towards primary education and youth services, and confirm that these requests

satisfy the tests in relation to pooling set out in the CIL Regulations; these contributions therefore remain in place.

- 2.05 In respect of the A20 improvement scheme, the cost of the evolving scheme is such that a contribution of £3,500 per dwelling in respect of the housing site allocations identified in the emerging Local Plan within and adjacent to the rural service centre of Harrietsham is required to secure delivery of the highway and public realm improvements that are sought in order to reconcile the north and south of the village and allow for the necessary safeguarding of the amenity of local residents in this regard. It is considered that this contribution meets the tests set out in the CIL Regulations.
- 2.06 The relevant consultee has confirmed that the contribution sought in relation to public healthcare will be directed towards the improvement of The Glebe Medical Centre in Harrietsham, and that this request falls within the five obligation limitation on pooling.
- 2.07 The Heads of Terms as set out below have been amended in accordance with the changes to the requests, including specific reference to the destination of the contributions, as set out in paragraphs 2.03 – 2.05 above. In addition, additional condition 23 and additional informatives are included in the recommendation, in accordance with the resolution of the Planning Committee at the meeting on 15<sup>th</sup> January 2015.

### **3.00 RECOMMENDATION**

- 3.01 The recommendation, as amended in respect of the Heads of Terms for contributions, additional condition 23 and additional informatives as previously resolved by Planning Committee, is set out in full below for the purposes of clarity:

SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT, IN SUCH TERMS AS THE HEAD OF THE LEGAL PARTNERSHIP ADVISES, TO PROVIDE THE FOLLOWING:

- *The provision of 40% affordable residential units within the application site; and*
- *A contribution of £2,360.96 per applicable house and £590.24 per applicable flat towards the first phase of the 1FE expansion of Harrietsham Primary School; and*
- *A contribution of £413.56 to be used to address the demand from the development towards youth services (supplied to youth workers and organisations serving Harrietsham); and*
- *A contribution of £2,352.78 to be used to address the demand from the development towards additional book stock supplied to the mobile library service serving the development) and*
- *A contribution of £23,587 (£360 per predicted occupier based on size of market dwellings) towards the improvement of healthcare facilities at The Glebe Medical Centre, Harrietsham being the provision of two additional clinical rooms; and*
- *A contribution of £3,500 per dwelling towards highway improvements to the A20 in Harrietsham.*

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

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

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

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

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

Reason: no such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990, and in order to encourage the commencement of development and boost the provision of new market and affordable housing supply in accordance with paragraph 47 of the National Planning Policy Framework 2012 and paragraph 027 of the National Planning Policy Guidance 2014.

(2) The details of reserved matters of layout and appearance submitted pursuant to condition 1 above shall include inter-alia;

(i) A landscape and topography led layout with a softer more informal dispersed pattern of development that applies a 'looser' pattern of built form and less hard surfacing than shown on the indicative layout which creates an active frontage onto the A20;

(ii) The provision of on site reptile receptor site with suitable levels of connectivity with the surrounding reptile habitat and habitat for the Cinnabar Moth (through the provision of Ragwort planting);

(iii) A full landscape and visual impact appraisal of the development including views from public rights of way in the North Downs Area of Outstanding Natural Beauty;

(iv) Full details of rooflines and roofscapes, streetscenes within the site and to the site frontage with the A20, and north-south sections across the site; and

(v) The incorporation of decentralised and renewable or low-carbon sources of energy.

Reason: no such details have been submitted, to ensure a high quality design for the development and to safeguard biodiversity assets.

(3) The details of landscaping submitted pursuant to condition 1 shall provide for the retention and repair of existing trees and mature hedging to north, south and east site boundaries, and hedgerows and tree lines within the site;

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

(4) The development shall not commence until details of all fencing, walling and other boundary treatments have been submitted to the Local Planning Authority and approved in writing. The boundary treatments shall not include closeboarded fencing of a height greater than 1.8m, or closeboarded fencing or solid walling of a height of greater than 1m to the boundary of any public space, and shall include the retention and where necessary reinforcement of boundary hedges to the site using appropriate native species as set out in Maidstone Landscape Character Assessment 2012 and Maidstone Landscape Local Character Assessment Supplement 2012, and access through or under site and plot boundaries for small mammals including badgers and hedgehogs shall be provided for by way of the inclusion of post and rail fencing and/or fencing raised a minimum of 20cm above ground level.

The development shall be carried out in accordance with the approved details before the first occupation of the development and maintained thereafter;

Reason: to ensure a satisfactory appearance to the development, secure the amenity of future occupiers,, and safeguard biodiversity assets.

(5) 5. The development shall not commence until written details and samples of the materials to be used in the construction of the external surfaces, including hard surfaces, of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The materials shall include, inter alia, swift and bat bricks. The development shall thereafter be constructed using the approved materials unless otherwise agreed in writing by the Local Planning Authority;

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

(6) 6. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and 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 Maidstone Landscape Character Assessment Supplement 2012 (Harrietsham to Lenham Vale landscape type), and shall include, inter alia, the retention of all trees and hedges identified as such in the Sylvan Arb Arboricultural Report (Tree Survey and Tree Constraints Plan) ref SA/771/13 received 24th October 2013; the retention and repair of hedgerows and tree lines within the site; the provision of wild flower meadow areas; and provision of on site reptile receptor site with suitable levels of connectivity with the surrounding reptile habitat and habitat for the Cinnabar Moth (through the provision of Ragwort planting).

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.

(7) 7. 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.

(8) The development shall not commence until an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) including details of any tree works that would be necessary to implement the proposal, which shall include details of all trees to be retained and the proposed measures of protection, undertaken in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations" has been

submitted to and approved in writing by the Local Planning Authority. The AMS shall include full details of areas of hard surfacing within the root protection areas of retained trees which should be of permeable, no-dig construction and full details of foundation design for all buildings within root protection zones, where the AMS identifies that specialist foundations are required. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

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

(9) The development shall not commence until details of any external 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 in order to minimise any impact upon ecology. The development shall be carried out in accordance with the approved details and maintained thereafter;

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

(10) 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 or above has been achieved;

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

(11) The development shall be undertaken in strict accordance with the recommendations of the JFA Landscape and Ecology Ecological Assessment ref KEN 1836 received 24th October 2013 and JFA Landscape and Ecology Ecological Survey Report Bats and Reptiles ref KEN 1836 received 22nd April 2014, subject to the additional information and mitigation required by condition 12 below, and maintained thereafter;

Reason: To secure appropriate management and enhancement within the site in the interests of ecology and biodiversity.

(12) Notwithstanding the details and recommendations set out in JFA Landscape and Ecology Ecological Assessment ref KEN 1836 received 24th October 2013 and JFA Landscape and Ecology Ecological Survey Report Bats and Reptiles ref KEN 1836 received 22nd April 2014, the development shall not commence until a long term management plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall incorporate 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 JFA Landscape and Ecology Ecological Assessment ref KEN 1836 received 24th October 2013 and JFA Landscape and Ecology Ecological Survey Report Bats and Reptiles ref KEN 1836 received 22nd April 2014 and the inclusion of enhancement measures to be incorporated into the fabric of buildings.
- j) Details of the management of open space areas to provide biodiversity enhancement.

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

Reason: to secure appropriate management and enhancement within the site in the interests of ecology and biodiversity.

(13) 13. The development hereby permitted shall be carried out in strict accordance with the recommendations of the Peter Moore Acoustics Acoustic Assessment ref 130701/1 received 24th October 2013;

Reason: in the interests of residential amenity.

(14) The development hereby permitted shall be carried out in strict accordance with the recommendations of the Lustre Consulting Air Quality Assessment ref 1218/AK/10-13/169 received 24th October 2013;

Reason: in the interests of residential amenity.

(15) 15. The development permitted by this planning permission shall not commence until a detailed surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to, and approved by, the Local Planning Authority. The drainage strategy should demonstrate that the surface water run-off generated up to and including the 1 in 100 year 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 drainage details submitted to the Local Planning Authority shall:

Specify the responsibilities of each party for the implementation of the SUDS scheme;

Specify a timetable for implementation; and

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

The scheme shall be implemented in accordance with the approved details prior to first occupation of the development, 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.

(16) No development shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

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

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

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

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

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

Reason: to prevent pollution to the environment.

(17) No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved unless with the written agreement of the Local Planning Authority;

Reason: to prevent pollution of the environment.

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

Reason: to prevent pollution of the environment.

(19) No infiltration of surface water drainage into the ground, other than that allowed under the sustainable surface water drainage scheme approved under condition 15 above, is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters;



Reason: to prevent pollution of the environment and protect controlled waters.

(20) No development shall take place until full details in the form of drawings to an appropriate scale of all piling and any other foundation designs using penetrative methods which do not result in unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details unless agreed in writing with the Local Planning Authority;

Reason: to prevent pollution to the environment.

(21) No development shall take place until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

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

(22) The approved details of the access, as shown in Appendix E of the Gateway TSP Transport Assessment ref LF/13-0601 received 24th October 2013 shall be completed before the commencement of the use of the land and maintained thereafter;

Reason: in the interests of road safety.

(23) The details of landscape, ecological mitigation and sustainable surface water drainage required by conditions 1, 6, 12 and 15 above shall include, inter alia, an ecological receptor site and a sustainable urban drainage system in the south of the site adjacent to the site boundary.

Reason: in the interest of pollution and flood prevention, and safeguarding biodiversity assets.

## INFORMATIVES

(1) The lighting scheme provided in accordance with condition 9 should adhere to the following advice from the Bat Conservation Trust and Institution of Lighting Engineers.

### Bats and Lighting in the UK

#### Summary of requirements

The two most important features of street and security lighting with respect to bats are:

1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.

2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

UV characteristics:

Low

Low pressure Sodium Lamps (SOX) emit a minimal UV component.

High pressure Sodium Lamps (SON) emit a small UV component.

White SON, though low in UV, emit more than regular SON.

High

Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps

Mercury lamps (MBF) emit a high UV component.

Tungsten Halogen, if unfiltered, emit a high UV component

Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

Variable

Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output. Glass glazing and UV filtering lenses are recommended to reduce UV output.

Street lighting

Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels.

Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided.

If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

Security and domestic external lighting

The above recommendations concerning UV output and direction apply. In addition:

Lighting should illuminate only ground floor areas -light should not leak upwards to illuminate first floor and higher levels;

Lamps of greater than 2000 lumens (150 W) must not be used;

Movement or similar sensors must be used -they must be carefully installed and aimed, to reduce the amount of time a light is on each night;

Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;

Light must not be directed at or close to bat roost access points or flight paths from the roost -a shield or hood can be used to control or restrict the area to be lit;

Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;

Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

(2) A formal application for connection to the public sewerage system is required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or [www.southernwater.co.uk](http://www.southernwater.co.uk)).

The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or [www.southernwater.co.uk](http://www.southernwater.co.uk)).

(3) Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

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.

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

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

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

If the existing premises, including outbuildings, are found to contain asbestos based material the following informative must also be complied with:

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

(4) Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental/unauthorised discharge to ground. The areas for storage should not drain to any surface water system.

Where it is proposed to store more than 200 litres (45 gallon drum = 205litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention, the applicant should refer to Environment Agency guidance PPG1 General guide to prevention of pollution, which is available online at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk).

Please note that the CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste.

Please also note that contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore its handling, transport, treatment and disposal is subject to waste management legislation which includes:

- i. Duty of Care Regulations 1991
- ii. The Waste (England and Wales) Regulations 2011
- iii. Hazardous Waste (England and Wales) Regulations 2005
- iv. Pollution Prevention and Control Regulations (England and Wales) 2000
- v. Environmental Permitting (England and Wales) Regulations 2010

(5) The design of any scheme coming forward at reserved matters stage should, in its detailing, reflect the local vernacular of the built environment to the south of Ashford Road in the vicinity of Harrietsham.

(6) The materials submitted in accordance with condition 5 should be considered in conjunction with Ward Members and Harrietsham Parish Council.

Case Officer: Catherine Slade

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

**REPORT SUMMARY**

<b>REFERENCE NO -</b> 13/1823		
<b>APPLICATION PROPOSAL</b> An outline planning application for the demolition of existing buildings and the erection of 49 dwellings and associated car parking and landscaping, with the matter of access to be considered at the current time and all other matters reserved		
<b>ADDRESS</b> Mayfield Nursery, Ashford Road, Harrietsham, Maidstone, Kent, ME17 1BN		
<b>RECOMMENDATION</b> GRANT OUTLINE PLANNING PERMISSION SUBJECT TO PRIOR COMPLETION OF AN APPROPRIATE LEGAL MECHANISM AND CONDITIONS		
<b>REASON FOR REFERRAL TO COMMITTEE</b> The proposal is a departure from the Development Plan.  Councillor Harwood, as acting Liberal Democrat Spokesman, called the application in before Planning Committee for the reasons set out in the report.  The recommendation is contrary to the views of Harrietsham Parish Council, who have requested that the application be reported to Planning Committee in the event of a recommendation for approval.		
<b>WARD</b> Harrietsham And Lenham Ward	<b>PARISH/TOWN</b> Harrietsham	<b>COUNCIL</b> <b>APPLICANT</b> Mr Habil Kapasi <b>AGENT</b> Robinson Escott Planning
<b>DECISION DUE DATE</b> 30/01/14	<b>PUBLICITY EXPIRY DATE</b> 30/01/14	<b>OFFICER SITE VISIT DATE</b> Various
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>		

- MA/98/0955 Erection of garden centre building; erection of replacement farm shop; re-siting of polytunnel and retention of existing farm shop as a potting shed (resubmission following refusal of MA/98/0111) - APPROVED WITH CONDITIONS
- MA/98/0111 Erection of garden centre building; erection of replacement farm shop; re-siting of polytunnel and retention of existing farm shop for use as a potting shed - REFUSED
- MA/97/0892 Variation of condition 07 of MA/93/1519 to read ' no goods shall be sold from the site other than those directly associated with agriculture and horticulture items for gardens and gardening and products for the feeding and care of domestic animals except as otherwise agreed beforehand in writing' - APPROVED WITH CONDITIONS
- MA/93/1519 Erection of building and use of land as a garden centre - APPROVED WITH CONDITIONS

- MA/86/1848 Erection of shed to be used as farm shop for the sale and storage of imported produce and produce grown on site with no more than 50% of the floorspace used for the sale and storage of plant, shrubs and small miscellaneous items - APPROVED WITH CONDITIONS
- MA/85/1747 Change of use from nursery to garden centre – REFUSED
- MA/84/0741 Change of use from nursery to garden centre – WITHDRAWN
- MA/83/0896 Widening and improvement to access driveway - APPROVED WITH CONDITIONS
- MA/81/0842 Extension to nursery and garden centre, retail farm produce - REFUSED
- MA/81/0380 New access to existing property - REFUSED
- MA/80/0532 Bedroom and porch extensions plus internal alterations – APPROVED

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The proposal site is located immediately to the south of the defined settlement boundary of Harrietsham in open countryside and is not subject to any environmental or other designations, whether nationally or Maidstone Borough-Wide Local Plan 2000 specific. The site is located to the south of Ashford Road, a classified public highway (the A20), which is a main arterial route between Maidstone and the towns and villages further to the east. The village boundary of Harrietsham runs along the opposite side of the highway in this location; this is reflected in the fact that there is a pedestrian pavement along the northern side of the highway, but not along the southern edge, which instead has a grassed highway verge with a width of approximately 3m.
- 1.02 The proposal site, which has an area of approximately 1.5Ha, comprises a roughly trapezium shaped overgrown field or paddock which has a vacant dwelling ("Mayfield") and several single storey outbuildings in the south west area, collectively known as Mayfield Nurseries. There are no neighbouring heritage assets, and the site is not located in an area recorded by the Environment Agency as being prone to fluvial flooding.
- 1.03 The topography of the site forms a shallow valley running east to west which is manifested in land levels which fall gently within the site towards the south before rising again in the southern third of the site, whilst the land levels in close proximity to the front (north) and rear (south) boundaries of the site slope steeply towards the exterior of the site. In the case of the north boundary, there is a difference in levels of between 1m and 2.2m between the interior of the site and the highway verge. The highest ground levels are found in the north east and south east corners of the site, whilst the lowest are in the central part of the west of the site in the vicinity of the main building on the site.
- 1.04 The site boundaries to the south and east of the site, which adjoin land in nominally agricultural use, are defined by mature native hedgerows, as is that along the northern boundary of the site along the A20, which is separated from the proposal site by generous grassed highway verge. These hedgerows are distinctive in the landscape of the area and serve to provide effective screening to the site. There are a number of trees in the west and south west of the site which are of mixed species and quality.

- 1.05 The site has an existing vehicular access from Ashford Road which is shared with the residential properties known as Danes Court and Bettaville, however the track leading into the proposal site, which is located in close proximity to the east elevation of Danes Court, is overgrown and does not appear to have been used for some time.
- 1.06 The closest residential properties are Danes Court, Bettaville and Lower Danes, which are located to the west of the site, fronting onto Ashford Road. On the opposite side of Ashford Road is a consolidated area of residential development within the defined village boundary, predominantly dating from various periods within the twentieth century. The mainline railway line between London and Maidstone/Ashford runs in close proximity to the south boundary of the site along an elevated embankment. Beyond this are the High Speed 1 railway line and the M20.

## **2.0 PROPOSAL**

- 2.01 The application seeks outline planning permission for the erection of 49 dwellings with the matter of access to be considered at this stage and all other matters (being of appearance, layout, landscape and scale) being reserved for future consideration. As Members will be aware, following legislative changes, in cases where appearance, layout, landscape and scale are reserved matters, there is no requirement for applicants to provide details of these matters, however an indicative site layout has been provided, as have indicative streetscenes.
- 2.02 The application seeks approval of access to the site. This is to be achieved through the introduction of an access to the site which would be located off set from the centre of the frontage in the west of the site, opposite "Howards Lodge". As set out above in paragraph 2.01, the application is outline with layout a matter reserved, however the indicative site layout shows a main internal spine route within the site, from which would flow secondary routes which dwellings would front onto.
- 2.03 An indicative site layout has been provided which indicates that the number of units sought can be achieved on the land, together with adequate landscaping, private and public amenity space, and parking to achieve an acceptable quality to the scheme. This layout shows accommodation to be predominantly provided by way of detached and semi-detached dwellings with a single terrace of three and two "flats over the garage", together with a three storey block of flats in the north east corner of the site which would provide nine apartments. The supporting information states that the dwellings shall be of two storeys, whilst the apartment block would be of three storeys, notwithstanding the fact that scale is a reserved matter. The indicative layout shows private gardens of reasonable size to be provided to all dwellings, as well as a shared open area centrally within the site, which is shown to include a local area for play (LAP). The southern margin of the site is shown as being undeveloped in order to provide a receptor site for reptiles on the site.
- 2.04 The indicative layout shows the achievement of a strong landscape buffer to the south and west boundaries of the site. The buffer to the northern boundary of the site with the A20 is shown to be narrower, however the change in levels between the interior of the site and the highway, and the presence of the highway verge act to soften this frontage of the site. In any case, as set out above, layout and landscaping are reserved matters, and therefore this can, if necessary be resolved at the reserved matters stage and more robust landscaping to this boundary be secured by way of condition.
- 2.05 The application documentation states that the development would provide 40% affordable housing, which is shown on the indicative layout as being located in the

north east of the site, including the three storey flatted block. The housing mix is set out in the table below:

<b>Affordable</b>	<b>No.</b>
1 bed FOG	2
1 bed apartment	5
2 bed apartment	4
2 bed house	2
3 bed house	5
4 bed house	2
	(20)
<b>Market</b>	
3 bed house	16
4 bed house	13
	(29)
<b>Total</b>	<b>49</b>

- 2.06 The development would achieve Level 4 of the Code for Sustainable Homes.

### 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, T13, CF1  
Supplementary Planning Documents: Affordable Housing Development Plan Document (2006), Open Space Development Plan Document (2006)  
Maidstone Borough Council Draft Local Plan: SS1, SP3, SP5, H1(27), H2, DM1, DM2, DM4, DM6, DM10, DM11, DM12, DM13, DM23, DM24, DM30, ID1  
Harrietsham Draft Neighbourhood Plan: Identifies site for residential development

- 3.01 As set out in paragraph 1.01, the application site is located outside of the settlement boundary of Harrietsham, as defined in the Maidstone Borough-Wide Local Plan 2000. Notwithstanding this, it is identified in the Maidstone Borough Council Draft Local Plan policy H1 as a housing allocation with an expected yield of 50 units, subject to the development criteria set out in Appendix A (H1(27)) of the Local Plan.
- 3.02 The Council has recently finished its Regulation 18 consultation on its emerging Local Plan and representations from that consultation are currently being assessed. The emerging plan is a material consideration and can, however, be given some weight when considering planning applications by virtue of its progress through the stages in the adoption process.
- 3.03 The site is also identified in the Harrietsham Draft Neighbourhood Plan policy LIV03 as suitable for residential development, subject to the criteria set out in the policy. The Draft Neighbourhood Plan is a material consideration, however there are still key stages ahead in its progression.

### 4.0 LOCAL REPRESENTATIONS

- 4.01 A site notice was displayed at the site on 28<sup>th</sup> November 2013.



4.02 Ten neighbour representations were received from (or on behalf of) seven households. Of these, all raised objection to or concern over the proposal. The following issues were raised:

- Location of site outside defined settlement boundary, remote from centre of village and core services and facilities.
- Setting of precedent and prematurity in respect of emerging Neighbourhood Plan.
- Contribution toward urban sprawl and ribbon development along the A20.
- Overdevelopment of the site, excessive density of built development, visual impact upon the open countryside.
- Design of the proposal being out of keeping with the character of the village.
- Highway issues, including traffic generation, inadequate provision of on site parking, inappropriate location for a new access, speed of traffic/speed limit, design of proposed highways mitigation; inadequate transport assessment.
- Flood risk on the site.
- Harm to residential amenity by way of loss of privacy/overlooking.
- Lack of information relating to detail of the proposal.
- Pressure on social infrastructure and waste water services.
- Lack of consideration of impact on biodiversity, particularly bats.
- Residential amenity of occupiers of development, in respect of air quality and noise.

4.03 Two representations were received on behalf of Harrietsham Against Reckless Development (HARD), which raised the following concerns:

- Overdevelopment of the site, excessive density of built development, visual impact upon the open countryside.
- Design of the proposal being out of keeping with the character of the village.
- Highway issues, specifically inappropriate location for a new access.

## 5.0 CONSULTATIONS

5.01 **Councillor Harwood** (as acting Liberal Democrat Spokesman) requests that the application be reported to Planning Committee for the following reasons:

5.01.1 "This application is generating some local controversy in the village, and from a quick look around the site it is indeed sensitive in local landscape, amenity and biodiversity terms.

5.01.2 If the scheme is to be permitted it will be very important to endure that layout and design minimises any negative impacts. The illustrative "estate layout" does not satisfy me that the sensitivity of this site is understood. Therefore, to ensure that any potential outline permission sets acceptable development parameters I would like to request that if this scheme is to be recommended for approval by officers that it be reported to Planning Committee."

5.02 **Harrietsham Parish Council** wish to see the application refused on the following grounds:

- The site is not within the current village envelope.
- The entry into Harrietsham from the east is the very "Gateway" to this end of the village and should therefore reflect the rural aspect with highway traffic calming

features to reflect this. The visual impact of the development would be incongruous to the "Gateway" access preferred.

- The highways function, vehicular turning points and pedestrian crossover points would require revisiting to be safe and functional. There is no consideration of the siting of the existing or new speed indicator device (SID).
- The vehicular entrance into the development would require much more landscaping, indeed a significant buffer to landscaping is needed but not we feel provided. The impact of the development from Lenham direction should be a prime consideration with the density reduced to reflect this, together with the repositioning of properties on the north east of the site.
- There needs to be consideration for access to the bus shelters, a provision of an additional bus shelter and footpath provision.
- We feel that given the location of this proposal in relation to the village centre that there is insufficient green space, it is poorly located within the development and does not allow the residents within it to enjoy what should be a valuable social and usable amenity.
- We feel that flooding problems have not been considered adequately as this area is historically often flooded.
- There needs to be consideration of the wider impact of the site to its knock-on-effect elsewhere in the village. Contributions through S106/CIL to other areas within the community include, play provision within the village, doctors surgery, village hall, footpaths etc.
- The proposed development should take the Harrietsham Neighbourhood Plan, and the current Local Plan, which will be adopted within the next 18/24 months, into consideration under contributions to a requested Section 106 Agreement. As such we consider the application to be premature.

5.03 **Primary Care Trust (NHS Property Services)** seek contributions towards local primary and community health services, being the Glebe Medical Centre and Len Valley Medical Centre, of £360.00 per person (based on calculated occupancy rates of market housing).

5.04 **Kent County Council** seek contributions towards community and education infrastructure in the local area as follows:

- Primary Education: £2360.96 per applicable house and £590.24 per applicable flat towards expansion of Harrietsham Primary School.
- Secondary Education: currently no requirement.
- Libraries: £122.01 per dwelling.
- Community Learning: £30.70 per dwelling.
- Youth Service: £8.44 per dwelling.
- Adult Social Care: £15.95 per dwelling.

- 5.05 **Kent County Council Highway Services** raise no objection to the proposal subject to the new access being secured under a S38 agreement and contributions towards the A20 improvement scheme.
- 5.06 **Maidstone Borough Council Parks and Open Spaces** raise no objection to the proposal, but confirm that at the reserved matters stage further details of on site provision will be required, and that in the event of on site provision not being suitable in terms of its quality or extent, contributions towards off site provision at Booths Field will be sought by way of a suitable legal mechanism attached to any subsequent reserved matters or full application for planning permission.
- 5.07 **Maidstone Borough Council Housing Services** raise no objection to the proposal, stating that the proposed provision of affordable housing (being 40%), the tenure mix (being 60/40 affordable rent to shared ownership), and the mix of units (as set out in the table above in under paragraph 2.05) is acceptable, but raise concern over the distribution of the affordable units within the site.
- 5.08 **Kent County Council Biodiversity Officer** raises no objection to the proposal, subject to conditions requiring the implementation of the recommendations of the Ecological Assessment and Ecological Survey Report Bats and Reptiles, and securing the provision of an acceptable reptile receptor site within the site with suitable levels of connectivity with the surrounding reptile habitat, also suitable for the provision of habitat for the Cinnabar Moth (e.g. through the provision of Ragwort planting).
- 5.09 **Natural England** raise no objection to the proposal, making reference to their standing advice.
- 5.10 **Kent Wildlife Trust** raise no objection to the proposal subject to conditions requiring implementation of the recommendations of the Ecological Assessment.
- 5.11 **Environment Agency** raises no objection to the proposal subject to conditions requiring the submission of details of sustainable surface water drainage, contaminated land investigation and remediation, and foundations, and the implementation of the approved details.
- 5.12 **Maidstone Borough Council Landscape Officer** raises no objection to the proposal subject to parameters being set in respect of any subsequent reserved matters application in relation to landscape and visual impact appraisal, and the imposition of conditions requiring the submission of details of detailed landscape proposals (including implementation details and a long term management plan), an arboricultural impact assessment and tree protection plan, and implementation of the approved details.
- 5.13 **Maidstone Borough Council Environmental Health Manager** raises no objection to the scheme subject to conditions requiring implementation of the recommendations of the Acoustic Assessment and Air Quality Assessment, and the subject to the submission of details of contaminated land investigation and remediation and external lighting, and implementation of the approved details.
- 5.14 **Kent Police** raise no objection to the proposal, but raise concern over subsequent detailed application and request conditions relating to the compliance with Secured by Design in respect of the reserved matter of layout.

- 5.15 **Southern Water** raise no objection to the proposal subject to conditions requiring the submission of details of foul and surface drainage, and implementation of the approved details, and confirm that foul sewerage disposal can be accommodated subject to a formal application for a connection to the public sewer.
- 5.16 **Southern Gas Networks** raise no objection to the proposal, but draw attention to the presence of gas mains within the vicinity of the site.
- 5.17 **UK Power Networks** raise no objection to the proposal.

## 6.0 BACKGROUND PAPERS AND PLANS

- 6.01 The development proposals are shown on drawing numbers 1372/ C102, 1372/V01, 1412, S101 and S102 received 24<sup>th</sup> October 2013; and 1372/C101C received 22<sup>nd</sup> April 2014.
- 6.02 The application is supported by a Planning Statement, Ecological Assessment (undertaken by JFA Landscape and Ecology, reference KEN 1836), Air Quality Assessment (undertaken by Lustre Consulting, reference 1218/AK/10-13/169), Transport Assessment (undertaken by Gateway TSP reference LF/13-0601 TSv1), Flood Risk Assessment (undertaken by Herrington Consulting Limited), Acoustic Assessment (undertaken by Peter Moore Acoustics, reference 13070/1), Arboricultural Report (Undertaken by Sylvan Arb, reference SA/771/13) and Sustainability Statement (undertaken by Bluesky Unlimited), all received 24<sup>th</sup> October 2014; a Design and Access Statement received 12<sup>th</sup> December 2013 (with housing mix as amended by a covering email received 29<sup>th</sup> September 2014); and an Ecological Survey Report Bats and Reptiles (undertaken by JFA Landscape and Ecology, reference KEN 1836) received 22<sup>nd</sup> April 2014.

## 7.0 APPRAISAL

### Principle of Development

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

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

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

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



permission would result in unacceptable harm, such that notwithstanding any material justification for a decision contrary to the Development Plan, the proposal is unacceptable.

- 7.03 The key material consideration outside of the Development Plan in the determination of applications for residential development in the open countryside is national planning policy as set out in the National Planning Policy Framework 2012 (NPPF) and the Council's position in respect of a five year housing land supply.

- 7.04 Paragraph 47 of the NPPF states that Councils should;

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

- 7.05 Relevant to this, the NPPF requires that local authorities have a clear understanding of housing needs in their area, and as such they should prepare a Strategic Housing Market Assessment (SHMA) to assess their full needs; working with neighbouring authorities where housing market areas cross administrative boundaries. Maidstone has carried this out with Ashford Borough Council and Tonbridge and Malling Borough Council. The SHMA (2014) confirms the objectively assessed housing need for the borough over the plan period 2011 to 2031 as 19,600 dwellings (980 dwellings per annum). Subsequent to this, the objectively assessed housing need was revised downwards to 18,600. This figure, which is based on central government population projections based on 2011 census data, was reported to, and accepted by, Cabinet on 10<sup>th</sup> September 2014.

- 7.06 In April 2013 when most recently calculated, the Council had a two year supply of housing assessed against the objectively assessed housing need of 19,600 dwellings (at that time). Even when considered in light of the reduction in the assessed housing need and the housing permissions granted since that date, the Council remains in the position of being unable to demonstrate a 5 year housing land supply.

- 7.07 This lack of a five year supply is a significant factor and at paragraph 49 of the NPPF it is stated that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a five year supply cannot be demonstrated. This position has been reflected in recent appeal decisions issued since the publication of the NPPF. In this policy context, the presumption in favour of sustainable development identified in paragraph 14 of the NPPF means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.

- 7.08 In respect of the circumstances of the specifics of this case, the proposal site is located adjacent to the settlement boundary of Harrietsham, identified as a Rural Service Centre (RSC) in the draft Local Plan under draft policy SP3, providing a range of key services including a school and community facilities, albeit that they will

require improvement commensurate with any increase in population, and good public transport links to employment and retail centres.

- 7.09 RSC's are considered the most sustainable settlements in Maidstone's settlement hierarchy, as set out in the draft Local Plan, outside of the town centre and urban area by virtue of their accessibility, potential for growth and role as a service centre of surrounding areas. The draft Local Plan states that, "Rural service centres play a key part in the economic and social fabric of the borough and contribute towards its character and built form. They act as a focal point for trade and services by providing a concentration of public transport networks, employment opportunities and community facilities that minimise car journeys."
- 7.10 In this context, it is considered that the location of the site is sustainable in the terms of the NPPF and draft Local Plan.
- 7.11 Furthermore, the application site is a housing allocation within the emerging Local Plan for 50 dwellings under the scope of policy H1(27), subject to the following detailed criteria:
- *The woodland areas along the southern boundary of the site will be retained, in order to screen new housing from the railway line.*
  - *The line of trees along the eastern and western boundaries of the site will be retained and enhanced, in order to provide a suitable buffer between the existing housing to the west and the adjacent open countryside to the east.*
  - *Access will be taken from the A20 Ashford Road only.*
  - *Development will be subject to the results and recommendations of a phase one ecological survey.*
  - *Provision of publicly accessible open space as proven necessary, and/or contributions.*
  - *Appropriate contributions towards community infrastructure will be provided, where proven necessary.*
  - *Development will be subject to a noise survey to determine any necessary attenuation measures in relation to the railway line.*
  - *Appropriate contributions towards a highways improvement scheme for the section of the A20 Ashford Road that passes through Harrietsham.*
  - *Appropriate contributions towards the provision of a safe pedestrian and cycle crossing point on the A20 Ashford Road, to be agreed with the Highways Authority.*
  - *Improvements to and provision of pedestrian and cycle links to the village centre.*
  - *Approximate development density of 30 dwellings per hectare.*
- 7.12 The Council is not in a position to demonstrate a five year housing land supply, and as such normal restraints on volume residential development in the open countryside do not currently apply as the adopted Local Plan is considered out of date. In such

circumstances the NPPF advises that when planning for development through the Local Plan process and the determination of planning applications, the focus should be on existing service centres and on land within or adjoining existing settlements. The development of this site is therefore in accord with the objectives of the NPPF. The application is also supported by the allocation of the site for housing in the emerging Local Plan, and also in the draft Harrietsham Neighbourhood Plan (which as stated above is a material consideration, although I do not consider it grounds to approve the application in its own right).

- 7.13 Furthermore, the bringing forward of development on this sustainable site adjacent to an RSC, identified as being suitable for residential development in the emerging Local Plan, will of itself contribute towards the provision of housing and therefore help in meeting the shortfall in housing supply. This also represents a strong material consideration in favour of the development.
- 7.14 The concerns raised in respect of pre-maturity of consideration of the application due to the current status of the draft Local and Neighbourhood Plans is noted, however the Local Planning Authority has a duty to determine applications as and when submitted, and cannot refuse to determine applications on the basis that the policy framework is immature. Given the requirement for further work and procedural stages to be completed in respect of both documents, including examination, and the likely timetable for this to take place, and in light of the Council's position on its 5 year land supply (as discussed above) it is not appropriate or reasonable to delay consideration of the application in this regard.
- 7.15 For these reasons, it is considered that the principle of the development is, by virtue of national planning policy as set out in the NPPF and local planning policy as set out in the emerging Local Plan, acceptable in the circumstances of this case, subject to detailed consideration of whether any adverse impacts of the development would outweigh the benefits of the application in respect of the provision of housing in a sustainable location. In the circumstances of this case, the key planning issues are considered to be visual impact, density of the development (including whether the site can suitably accommodate 49 dwellings), residential amenity, access/highway safety and ecology.

#### **Visual Impact**

- 7.16 The proposal is outline with all matters, other than access, reserved; as such, it is difficult to scrutinise the precise visual impact of the development in terms of its architectural detail, however the general visual impact of development of the site can be assessed. The development of greenfield sites will inevitably result in some degree of visual change to the environment, however this must be set against the existing pattern of development local to the site and the absence of any local or national recognition of the site as a valued landscape. In this case, the key views are from the A20 by virtue of the absence of public rights of way, and other public vantage points, in the vicinity of the site.
- 7.17 A critical feature of the proposal site is that it is set down in relation to the A20 by a steep vegetated embankment with a height of between 1m and 2.2m, and its interior has levels which continue to fall towards the south as a result of its topography which takes the form of a shallow east-west valley. This, together with the substantial highway verge immediately to the north, results in any development on the site being naturally subservient in views from the highway, and this can be safeguarded by way of conditions setting parameters in respect of the reserved matter of scale.

- 7.18 It is also the case that the site boundaries to the south and east of the site are robustly vegetated by mature native hedges, which provide a substantial degree of screening to the interior of the site from these perspectives. The indicative site layout shows these hedges to be retained and open space and landscaping to be provided within the development, however as both layout and landscape are matters reserved for future consideration, the retention and provision of these features can be secured by way of conditions attached to any outline consent as can the introduction of additional screening through suitable planting in order to strengthen the landscaping to the northern boundary of the site, which is currently varied in respect of its screening quality.
- 7.19 In wider views the development will be seen against the existing surrounding development, which includes two and two and a half storey dwellings to the north of the A20, in Downlands, and to the west of the proposal site, as well as large, albeit low set, commercial buildings also to the west, substantial bungalows to the north of the site, and the railway line to the south of the site, the course of which is also heavily vegetated.
- 7.20 For these reasons, in the circumstances of this case, the broad visual impact of the development is considered to be acceptable as the development will be seen as a logical extension to Harrietsham with strong landscaping boundaries to the surrounding open countryside.
- 7.21 However, in light of the village periphery status of the site, a high quality design solution will be expected for this site that responds appropriately to its context and the predominantly rural character of the locality. Any detailed proposal in this location will require a landscape-led approach, particularly the edge treatments where it will be important to retain and enhance all the existing landscape buffers especially on the north and east boundaries. It should also carefully integrate the scheme with the locality's existing low density, character, pattern and scale of surrounding development. A stronger landscape structure than indicated on the illustrative layout will be expected that connects the existing and proposed landscape/ecological buffers and corridors. A softer more informal dispersed pattern of development that applies a less regimented layout with a 'looser' built form and less hard-standing whilst creating an active frontage onto the A20 aligned with the properties to the west of the site, will be sought. A thorough contextual and character analysis and Visual & Landscape Impact Assessment to justify and explain the vision, rationale and design evolution of the scheme will be expected in support of a subsequent detailed planning application.
- 7.22 The indicative layout submitted as part of the application purely demonstrates that up to 49 dwellings can be accommodated on the site. It applies a very suburban response to the site and together with the illustrative sketches indicates that there could be considerable infill where there is an appreciable difference in levels between the A20 and the site. To fully appreciate the full impact of the proposal the heights, scale, appearance and detailing of the dwellings, in particular rooflines, site boundary treatments, plot boundary treatments and north-south sections across the site, the A20 and 'Downlands' will be required. It will also be important to distinguish and carefully position key buildings such as the gateway/landmark structure located in the north east corner of the site, other focal buildings terminating vistas, fronts and backs including dual aspect dwellings, level and prominence of car parking, and their spatial relationship and function within the streetscene(s).
- 7.23 Notwithstanding the above, whilst any scheme coming forward will be required to be of an acceptably high standard, it is considered that specific restrictions on materials, architectural design approach, or layout of buildings by way of the imposition of



design codes, other than those securing appropriate landscape buffering to the site, would be unduly restrictive given the wide variety of residential development in close proximity to the site and the absence of neighbouring heritage assets. Notwithstanding this, the quality of any scheme coming forward should be secured by way of conditions requiring robust planting and landscape protection along site boundaries in order to safeguard the soft edges of the site, particularly to the A20, and requiring the submission of a detailed visual impact assessment in the event of a detailed application being submitted (discussed further below in paragraphs 7.54 and 7.55).

### **Cumulative impact**

- 7.24 Members will be aware that the current application is one of several that have come forward for volume residential development in and around the settlement of Harrietsham over the last year. These include the Hook Lane site (80 dwellings), the Tongs Meadows site (105 dwellings), the CTRL site (113 dwellings) and the Church Road site (79 dwellings), which was considered at the last Planning Committee. These schemes, together with that currently under consideration, would provide a gross total of 426 dwellings. In the context of the emerging Local Plan, which has identified Harrietsham a Rural Service Centre suitable for accommodating residential growth due to its range of key services and good accessibility to Maidstone and other retail and employment centres, and as such the cumulative impact of the scheme is considered to be acceptable, subject to continuing improvements in community facilities such as the recent replacement primary school.
- 7.25 In terms of pressure on local social infrastructure, including highways, it is clear from the consultation responses that subject to financial mitigation being provided for the expansion or provision of additional services, Harrietsham is considered capable of absorbing the additional population which would result from a grant of planning permission in this case in addition to these other developments. These contributions are discussed in further detail below in paragraphs 7.28-7.41 below.
- 7.26 In any case, the applications relating to the CTRL and Tongs Meadows sites are currently undetermined, and that relating to Church Road is outline; there is therefore no certainty that they will come forward for developing out in the foreseeable future.
- 7.27 For these reasons it is considered that the cumulative impact of the development, when assessed in the context of the existing consents on other sites in and around Harrietsham, is acceptable.

### **Affordable Housing and S106 Contributions**

- 7.28 A development of this scale will place extra demands on local services and facilities and it is important to ensure that the development can be assimilated within the local community. As such, policy CF1 of the Maidstone Borough-Wide Local Plan 2000 and the Council's Open Space DPD allow for suitable contributions to make the development acceptable in planning terms to be sought in line with policies of the Local Plan.
- 7.29 This is supported by policy ID1 of the emerging Local Plan, which relates to infrastructure delivery. The preamble of the draft policy sets out the Council's progress towards developing its Community Infrastructure Levy (CIL), and in the event of competing demands for developer contributions towards the delivery of infrastructure for new development proposals, identifies the Council's hierarchy of prioritisation as follows:

affordable housing, transport, open space, public realm, health, education, social services, utilities, libraries and emergency services.

- 7.30 In this case, the applicant proposes 40% affordable housing built to lifetime Homes standards, which is in accordance with the current Maidstone Borough Council Affordable Housing DPD. The proposed distribution of affordable housing within the site (plots 32 – 49 inclusive) and the mix of housing stock and tenure (60% social rented and 40% shared ownership), being a mix of 7 x 1-bed units, 6 x 2-bed units, 5 x 3-bed units and 2 x 4-bed units have been arrived at in consultation with the Council's Housing Officer who has raised no objection to the details proposed. Therefore, subject to a S106 agreement safeguarding this provision, this element of the proposal is considered to be acceptable.
- 7.31 In terms of financial contributions towards social infrastructure other than affordable housing, any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criteria that set out that any obligation must meet the following requirements: -
- It is:
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and
  - Fairly and reasonably related in scale and kind to the development.
- 7.32 In this case, the following contributions have been sought in respect of the proposed development, which will be considered in detail below:
- **£2,360.96 per 'applicable' house and £590.24 per 'applicable' flat** is sought towards the expansion of Harrietsham Primary School.
  - **£122.01 per dwelling** is sought to be used to address the demand from the development towards additional bookstock and services at local libraries serving the development.
  - **£30.70 per dwelling** is sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both through detailed adult education centres and through outreach community learning facilities local to the development.
  - **£8.44 per dwelling** is sought to be used to address the demand from the development towards youth services locally.
  - **£15.95 per dwelling** 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.
  - **£23,587** (£360 per person, per market housing unit calculated in accordance with NHS formulae of occupancy) is sought towards the improvement of primary care medical facilities local to the development.
  - **A sum in the region of £3,500 per unit** (delegated powers to be sought to finalise the exact sum under the scope of the legal agreement) is sought towards the improvement of the A20 and associated public realm improvements.
- 7.33 Kent County Council has requested a contribution of £2,360.96 per 'applicable' house and £590.24 per 'applicable' flat towards extension of Harrietsham Primary School. Evidence has been submitted that demand for places at this school will, as a

result of the cumulative impact of developments in the vicinity of the village, exceed capacity. The contributions set out above would go towards meeting the additional strain placed upon the school facilities within the locality, and is considered to be a reasonable sum, related to the scale of the development. I am therefore satisfied that this contribution meets the tests as set out above.

- 7.34 A contribution of £122.01 per dwelling is sought by Kent County Council towards additional bookstock and services at the local library on the basis that the development would result in additional active borrowers when overall borrower numbers are in excess of area service capacity and bookstock in Maidstone generally below the County and UK average. I consider this request to be compliant with policy CF1 and to meet the tests set out above.
- 7.35 A contribution of £30.70 per dwelling is sought by Kent County Council towards the provision of new/expanded facilities and services for adult education centres and outreach community learning facilities in light of the current shortfall in provision and likely additional strain that would be placed on the service by the proposed development. I consider that this request is justified, compliant with policy CF1 and the three tests as set out above.
- 7.36 A contribution of £8.44 per dwelling is sought by Kent County Council towards local youth services in order to accommodate the additional strain that would be placed on the service by the proposed development. I consider that this request is justified, compliant with policy CF1 and the three tests as set out above.
- 7.37 A contribution of £15.95 per dwelling is sought by Kent County Council towards adult social services to be used towards provision of assistive technology and enhancement of local community facilities to ensure full DDA compliant access to clients. I consider that this request is justified, compliant with policy CF1 and meets the three tests as set out above.
- 7.38 A contribution of £23,587 is sought to support the delivery of investments highlighted within the PCTs Strategic Service Development Plan. This would be directed towards local surgery premises at The Glebe Medical Centre and Len Valley Medical Centre. I consider this request to be justified, compliant with policy CF1 and the three tests as set out above.
- 7.39 A contribution of approximately £3,500 per unit (actual sum to be finalised under delegated powers) is sought towards the A20 improvement scheme which would provide traffic calming measures and public realm improvements to the A20 in Harrietsham in accordance with emerging Local Plan policy (including those relating to housing allocations in Harrietsham). Draft emerging Local Plan policy H1 (27) refers to appropriate contributions towards a highway improvement scheme for the section of the A20 Ashford Road that passes through Harrietsham. 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 user friendly conditions for pedestrian and other resident users, thereby reducing the detrimental impact of the A20 in forming a physical and psychological barrier between the northern and southern parts of the village, whilst the land freed up by the narrowing and re-alignment of the highway will be available for improvements to the public realm including the enlargement of the village green.

- 7.40 Due to the scale of new residential development proposed to both the north and south of the A20 in Harrietsham and resultant increases in vehicular and pedestrian movements which will inevitably result, and the need for the relevant authorities to fully consider the cumulative impact of the major housing schemes coming forward in the round, it is considered that the proposed works to the highway are reasonable, necessary and related to the planning applications in respect of lowering traffic speeds, re-engaging motor vehicle users with the village itself and improving the safety and overall environment of pedestrians and other road users. The sum is yet to be finalised as the precise detail of the highway improvement scheme is still in the process of being determined, however it is likely to be in the region of £3,500 per unit. This request is considered to be justified and compliant with Maidstone Borough-Wide Local Plan 2000 policy CF1, emerging Local Plan policy H1 (27) and the draft Harrietsham Neighbourhood Plan, as well as the three tests as set out above.
- 7.41 The contributions set out above are considered to be necessary to mitigate the impact upon local social and other infrastructure, to be reasonably related to the character and scale of the proposed development, to be fully financially justified, tested against the requirements of S122 of the Community Infrastructure Levy Regulations 2010, and otherwise compliant with existing and emerging Development Plan policy. The provision of these contributions by way of an appropriate legal mechanism is therefore considered to be acceptable.

#### **Density**

- 7.42 Concerns have been raised in respect of the density of the development, which is 32.6 dwellings per hectare. This is considered to be acceptable in an edge of rural service centre location such as this, and in fact accords with the proposed development density for the development of the site put forward in the draft Local Plan allocation.
- 7.43 Whilst the introduction of a block of flatted accommodation in the north east of the site would represent a novel form of development to the south of the A20 in this locality, large scale buildings of appropriate design are not of themselves unacceptable, and the block of flatted accommodation at the junction of Ashford Road with Church Lane 150m to the west of the site demonstrates that development of such character and scale can be achieved in a sensitive and site specific manner appropriate to the context of Harrietsham. The indicative layout of the dwellinghouses is considered to be acceptable in relation to the grain and pattern of the existing residential development located to the west and north of the site, which exhibits a moderate level of variation.
- 7.44 For these reasons, it is considered that the proposed density of the development is acceptable, subject to the full details required by way of the reserved matters.

#### **Residential Amenity**

- 7.45 The site is located adjacent to the village envelope and in close proximity to a large number of residential properties, however these are in the main to the north of the A20, and severed from the proposal site by this highway as well as being at a higher topographic level. It is not considered on the basis of this special relationship that the proposal would have any significant impact upon the amenity of the occupiers of these dwellings.



- 7.46 Of more concern is the property to the immediate west of the site, Danes Court, however this dwelling has no facing windows to habitable rooms, and as shown on the indicative site layout, adequate separation can be achieved between the property and proposed dwellings to avoid conflicts in respect of overlooking and overshadowing. In any case, the detailed layout and design of the buildings are matters reserved for future consideration, and such aspects of the development would be subject to full scrutiny at such a time as fully detailed proposals coming forward. Members will be aware that such conflicts can easily be resolved by way of good design, particularly in a context such as this where there is considerable scope for flexibility in the detailed layout and appearance of the buildings within the site. It is not considered that the development of the site for the provision of dwellings would give rise to any significant level of disturbance over and above what might be expected in association with any other residential purpose.
- 7.47 For these reasons, it is considered that the proposal is acceptable in terms of its impact upon the occupiers of existing residential properties.
- 7.48 The site is located in close proximity to the A20 and the London to Ashford mainline railway, which are both key strategic transportation routes, which can give rise to issues of air quality and noise and other disturbance for the future occupiers of the proposed dwellings. However, acoustic and air quality reports have been submitted in support of the application, and the Council's Environmental Health Manager has confirmed that subject to the imposition of conditions securing compliance with the recommendations of these documents, no objection is raised to the proposal.

### **Highways**

- 7.49 Access is the only matter for consideration at the current time; this is proposed by way of the introduction of a new access in the west of the site frontage as shown on the site layout, which is in accordance with the relevant criterion set out in emerging Local Plan policy H1 (27). No vehicular access to the site would be gained via the existing access which currently serves the properties to the west (Lower Danes, Bettaville and Danes Court).
- 7.50 The introduction of the access will require works to the public carriageway including the introduction of a filter lane, a pedestrian refuge and footways to the southern side of the A20.
- 7.51 The proposed access and associated features have been fed into the draft A20 improvement scheme, which includes alterations to the highway which will serve the proposal site as well as achieving a reduction in the speed limit to 30 mph throughout the village, supported and enforced by way of the introduction of gateway features to the east and west of the village centre, narrowing and realignment of the carriageway, shared pedestrian/cycle paths, adjustments to street lighting, and the works to facilitate pedestrian movement across the highway, including the introduction of additional crossing points, and the repositioning/reworking of existing crossing points, all of which will cumulatively benefit and mitigate the highway impact of this and other developments coming forward in and adjacent to the village. A contribution towards the cost of the implementation of the final scheme is being sought, as set out above in paragraphs 7.32, 7.39 and 7.40, which is likely to be in the region of £3,500 per unit, delegated powers being sought to finalise the exact amount under the scope of the negotiation of the legal agreement.
- 7.52 Kent County Council Highways have raised no objection to the location or design of the proposed access, and agree the principle of the associated works, subject to the

completion of an appropriate legal mechanism to secure them. I am aware that concern has been raised by the occupiers of dwellings with existing accesses to the A20 in respect of the impact of the works on the functioning of these accesses. The detailed highway works will be required to not only allow the access to the proposal site to function safely, but also to conform with the wider A20 improvement scheme referred to above in paragraph 7.39, and agreement will not be given for works that prejudice the functioning of existing infrastructure. This being the case, and the precise scope and detail of the works to the public highway (excluding the access to the site itself) not being finalised at the current time, it is considered that there is no objection to the scheme on highway grounds.

- 7.53 Parking provision and layout are not matters for detailed consideration at the current time, however a suitable level and distribution of car parking could be achieved whilst securing a high quality of design of any detailed scheme coming forward.

### **Landscaping**

- 7.54 The existing landscaping on the site is of mixed and limited quality, and not considered worthy of specific protection. However, it provides context to the site and the wider village as a whole and where possible trees of value are retained within the scheme. The indicative layout indicates that this can be achieved with limited future pressure of removal. As can be seen above, the Council's Landscape Officer raises no objection to the proposal, subject to the imposition of conditions requiring the submission of details of detailed landscape proposals (including implementation details and a long term management plan), an arboricultural impact assessment and tree protection plan, and implementation of the approved details.
- 7.55 Given the limited information provided in support of the application in terms of the wider landscape and visual impact of the development (in large part due to the character of the application, being outline with all matters other than access reserved), a condition should also be imposed requiring the submission of a landscape and visual impact appraisal at the detailed stage in order that this aspect of the proposal can be fully assessed and the visual impact of the development on landscape quality be limited or adequately mitigated.

### **Biodiversity**

- 7.56 Concerns have been raised about the detrimental impact of the scheme on biodiversity assets. An Ecological Assessment and Ecological Survey Report (Bats and Reptiles) have been supplied in support of the application. These conclude that the site has moderate value for bats and low value for reptiles, and suggest mitigation, although no specific details are provided. In addition, the site provides habitat for the Cinnabar moth (a UK Biodiversity Action Plan priority species), and other species including badgers, hedgehogs and dormice.
- 7.57 As set out above, the Kent County Council Biodiversity Officer considers the information provided and mitigation proposed to be acceptable, subject to the imposition of conditions requiring compliance with the recommendations of the approved documents, and a condition securing the provision of an acceptable reptile receptor site within the site with suitable levels of connectivity with the surrounding reptile habitat, which shall also provide suitable provision of habitat for the Cinnabar Moth (e.g. through the introduction of Ragwort planting).
- 7.58 Subject to the imposition of the relevant conditions, it is not considered that there is any objection to the proposal on the grounds of harm to biodiversity assets.

### **Flood risk, drainage and contaminated land**

- 7.59 The site is not a location recorded by the Environment Agency as being prone to fluvial flood, and as such no objection is raised to the proposal on the grounds of flood risk. A flood risk assessment has been provided in support of the application, the focus of which is surface water flooding. The report recommends that a surface water management strategy be developed for the scheme, and that SuDS techniques be incorporated into the detailed design of the development, although no detail of either of these mitigation strategies are provided.
- 7.60 The Environment Agency accepts the recommendations of the report although it disagrees with the conjectures that the land is not subject to surface water flooding and is a brownfield site. Notwithstanding this, no objection is raised by the Environment Agency in respect of flood risk, subject to the imposition of pre-commencement conditions requiring the submission of details of a sustainable surface water drainage scheme, and implementation of the approved details.
- 7.61 In regards to foul drainage, Southern Water raise no objection to the proposal subject to the submission of details of foul and surface drainage, and implementation of the approved details.
- 7.62 The land is not known to be contaminated, however its former agricultural and commercial use is such that there may be contaminants present, and due to the geology of the site overlying aquifers and location in close proximity to groundwater fed surface springs and streams, additional conditions have been requested to safeguard vulnerable groundwater, and groundwater fed, resources. These are considered, in the circumstances of this case, to be reasonable and necessary.

### **Other Matters**

- 7.63 The loss of grade 2 agricultural land is noted and the views of the Council's Agricultural Advisor have been sought on the loss of this land to development. However, 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 5 year land supply means that some development on greenfield sites, and best and most versatile land is inevitable. In this case, the site is awkwardly shaped parcel of land located on a wedge of land between the A20 and the London to Ashford mainline railway, and as such is not contiguous with other agricultural land, which diminishes its value for the purpose of provision of produce on a commercial basis.
- 7.64 The proposed development is described in the application documentation as achieving Code for Sustainable Homes Level 4, and as such is compliant with emerging Local Plan policy. A condition should be imposed safeguarding this standard of sustainable development in any subsequent reserved matters application.

## **8.0 CONCLUSION**

- 8.01 The proposal is contrary to adopted Maidstone Borough-Wide Local Plan 2000 policy, however for the reasons set out above, being the absence of a five year housing land supply, the age of the Development Plan, the allocation of the site for housing in the emerging Local Plan and the draft Harrietsham Neighbourhood Plan, and the location of the site adjoining an identified Rural Service Centre in a sustainable location, it is considered to be such that the proposal is acceptable in

principle in the context of decision making that accords with the National Planning Policy Framework.

- 8.02 Whilst the development would be seen in public views, particularly from the A20 and to a more limited degree other public rights of way to the north, it would be seen in the context of the existing built form of Harrietsham. Conditions are suggested that will require any detailed scheme to be landscape led in terms of its design and visual and landscape impact, retaining existing site boundaries of mature native hedging and trees. As a result it is considered that the overall visual impact of the proposed development is acceptable in the context set out above.
- 8.03 I have taken into consideration the consultation responses and other representations received in relation to the proposal, and assessed the application in respect of all material considerations. In this case, the limited harm that would result from the development, as mitigated by the proposed legal agreement and conditions, would not outweigh the demonstrable benefits of the provision of 49 dwellings, including affordable housing provision, in a sustainable location in the context of an inability to demonstrate a five year housing supply. As such compliance with the National Planning Policy Framework 2012 provides sufficient grounds for a departure from the Maidstone Borough-Wide Local Plan 2000. For this reason I recommend that Members grant delegated powers to the Head of Planning and Development to approve the application subject to the receipt of an appropriate S106 legal mechanism and the following conditions.

## **9.0 RECOMMENDATION**

That subject to the prior completion of a Section 106 legal agreement in such terms as the Head of Legal Services may advise to secure the following:

The provision of 40% affordable residential units within the application site; and

A contribution of £2,360.96 per applicable house and £590.24 per applicable flat towards the build costs of extending Harrietsham Primary School; and

A contribution of £30.70 per dwelling 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 application site; and

A contribution of £8.44 per dwelling to be used to address the demand from the development towards youth services through increased centre based youth services local to the application site; and

A contribution of £122.01 per dwelling to be used to address the demand from the development towards additional book stock and services at libraries local to Harrietsham; and

A contribution of £15.95 per dwelling to address the demand from the development for adult social services to be used towards the provision of new/expanded facilities and services both on site and local to the development, including assistive technology and enhancement of local community facilities to ensure full DDA access; and



A contribution of £23,587 (£360 per predicted occupier based on size of market dwellings) to be prioritised firstly towards healthcare facilities at The Glebe Medical Centre, Harrietsham and then The Len Valley Medical Centre, Lenham; and

A contribution towards highway improvements to the A20 in Harrietsham (final amount to be confirmed);

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:

CONDITIONS to include:

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

a. 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 one year from the date of this permission.

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

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990, and in order to encourage the commencement of development and boost the provision of new market and affordable housing supply in accordance with paragraph 47 of the National Planning Policy Framework 2012 and paragraph 027 of the National Planning Policy Guidance 2014.

2. The details of reserved matters of layout and appearance submitted pursuant to condition 1 above shall include inter-alia;

(i) A landscape and topography led layout with a softer more informal dispersed pattern of development that applies a 'looser' pattern of built form and less hard surfacing than shown on the indicative layout which creates an active frontage onto the A20;

(ii) The provision of on site reptile receptor site with suitable levels of connectivity with the surrounding reptile habitat and habitat for the Cinnabar Moth (through the provision of Ragwort planting);

(iii) A full landscape and visual impact appraisal of the development including views from public rights of way in the North Downs Area of Outstanding Natural Beauty;

(iv) Full details of rooflines and roofscapes, streetscenes within the site and to the site frontage with the A20, and north-south sections across the site; and

(v) The incorporation of decentralised and renewable or low-carbon sources of energy.

Reason: No such details have been submitted, to ensure a high quality design for the development and to safeguard biodiversity assets.

3. The details of landscaping submitted pursuant to condition 1 shall provide for the retention and repair of existing trees and mature hedging to north, south and east site boundaries, and hedgerows and tree lines within the site;

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

4. The development shall not commence until details of all fencing, walling and other boundary treatments have been submitted to the Local Planning Authority and approved in writing. The boundary treatments shall not include closeboarded fencing of a height greater than 1.8m, or closeboarded fencing or solid walling of a height of greater than 1m to the boundary of any public space, and shall include the retention and where necessary reinforcement of boundary hedges to the site using appropriate native species as set out in Maidstone Landscape Character Assessment 2012 and Maidstone Landscape Local Character Assessment Supplement 2012, and access through or under site and plot boundaries for small mammals including badgers and hedgehogs shall be provided for by way of the inclusion of post and rail fencing and/or fencing raised a minimum of 20cm above ground level.

The development shall be carried out in accordance with the approved details before the first occupation of the development and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development, secure the amenity of future occupiers,, and safeguard biodiversity assets.

5. The development shall not commence until written details and samples of the materials to be used in the construction of the external surfaces, including hard surfaces, of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The materials shall include, inter alia, swift and bat bricks. The development shall thereafter be constructed using the approved materials unless otherwise agreed in writing by the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development and a high quality of design.

6. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and 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 Maidstone Landscape Character Assessment Supplement 2012 (Harrietsham to Lenham Vale landscape type), and shall include, inter alia, the retention of all trees and hedges identified as such in the Sylvan Arb Arboricultural Report (Tree Survey and Tree Constraints Plan) ref SA/771/13 received 24th October 2013; the retention and repair of hedgerows and tree lines within the site; the provision of wild flower meadow areas; and provision of on site reptile receptor site with suitable levels of connectivity with the surrounding reptile habitat and habitat for the Cinnabar Moth (through the provision of Ragwort planting).

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.

7. 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.

8. The development shall not commence until an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) including details of any tree works that would be necessary to implement the proposal, which shall include details of all trees to be retained and the proposed measures of protection, undertaken in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations" has been submitted to and approved in writing by the Local Planning Authority. The AMS shall include full details of areas of hard surfacing within the root protection areas of retained trees which should be of permeable, no-dig construction and full details of foundation design for all buildings within root protection zones, where the AMS identifies that specialist foundations are required. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

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

9. The development shall not commence until details of any external 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 in order to minimise any impact upon ecology. The development shall be carried out in accordance with the approved details and maintained thereafter;

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

10. 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 or above has been achieved;

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

11. The development shall be undertaken in strict accordance with the recommendations of the JFA Landscape and Ecology Ecological Assessment ref KEN 1836 received 24th October 2013 and JFA Landscape and Ecology Ecological Survey Report Bats and Reptiles ref KEN 1836 received 22nd April 2014, subject to the additional information and mitigation required by condition 12 below, and maintained thereafter;

Reason: To secure appropriate management and enhancement within the site in the interests of ecology and biodiversity.

12. Notwithstanding the details and recommendations set out in JFA Landscape and Ecology Ecological Assessment ref KEN 1836 received 24th October 2013 and JFA Landscape and Ecology Ecological Survey Report Bats and Reptiles ref KEN 1836 received 22nd April 2014, the development shall not commence until a long term management plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall incorporate 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 JFA Landscape and Ecology Ecological Assessment ref KEN 1836 received 24th October 2013 and JFA Landscape and Ecology Ecological Survey Report Bats and Reptiles ref KEN 1836 received 22nd April 2014 and the inclusion of enhancement measures to be incorporated into the fabric of buildings.
- j) Details of the management of open space areas to provide biodiversity enhancement.

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

Reason: To secure appropriate management and enhancement within the site in the interests of ecology and biodiversity.

13. The development hereby permitted shall be carried out in strict accordance with the recommendations of the Peter Moore Acoustics Acoustic Assessment ref 130701/1 received 24th October 2013;

Reason: in the interests of residential amenity.

14. The development hereby permitted shall be carried out in strict accordance with the recommendations of the Lustre Consulting Air Quality Assessment ref 1218/AK/10-13/169 received 24th October 2013;

Reason: in the interests of residential amenity.

15. The development permitted by this planning permission shall not commence until a detailed surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to, and approved by, the Local Planning Authority. The drainage strategy should demonstrate that the surface water run-off generated up to and including the 1 in 100 year 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 drainage details submitted to the Local Planning Authority shall:

Specify the responsibilities of each party for the implementation of the SUDS scheme;



Specify a timetable for implementation; and

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

The scheme shall be implemented in accordance with the approved details prior to first occupation of the development, 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.

16. No development shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

all previous uses;

potential contaminants associated with those uses; and

a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

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

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

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

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

Reason: to prevent pollution to the environment.

17. No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved unless with the written agreement of the Local Planning Authority;

Reason: to prevent pollution of the environment.

18. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local

Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: to prevent pollution of the environment.

19. No infiltration of surface water drainage into the ground, other than that allowed under the sustainable surface water drainage scheme approved under condition 15 above, is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters;

Reason: To prevent pollution of the environment and protect controlled waters.

20. No development shall take place until full details in the form of drawings to an appropriate scale of all piling and any other foundation designs using penetrative methods which do not result in unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details unless agreed in writing with the Local Planning Authority;

Reason: to prevent pollution to the environment.

21. No development shall take place until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

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

22. The approved details of the access, as shown in Appendix E of the Gateway TSP Transport Assessment ref LF/13-0601 received 24th October 2013 shall be completed before the commencement of the use of the land and maintained thereafter;

Reason: in the interests of road safety.

## INFORMATIVES

(1) The lighting scheme provided in accordance with condition 9 should adhere to the following advice from the Bat Conservation Trust and Institution of Lighting Engineers.

### Bats and Lighting in the UK

#### Summary of requirements

The two most important features of street and security lighting with respect to bats are:

1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.
2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting

bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

UV characteristics:

Low

Low pressure Sodium Lamps (SOX) emit a minimal UV component.

High pressure Sodium Lamps (SON) emit a small UV component.

White SON, though low in UV, emit more than regular SON.

High

Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps

Mercury lamps (MBF) emit a high UV component.

Tungsten Halogen, if unfiltered, emit a high UV component

Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

Variable

Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output. Glass glazing and UV filtering lenses are recommended to reduce UV output.

Street lighting

Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels.

Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided.

If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

Security and domestic external lighting

The above recommendations concerning UV output and direction apply. In addition:

Lighting should illuminate only ground floor areas -light should not leak upwards to illuminate first floor and higher levels;

Lamps of greater than 2000 lumens (150 W) must not be used;

Movement or similar sensors must be used -they must be carefully installed and aimed, to reduce the amount of time a light is on each night;

Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;

Light must not be directed at or close to bat roost access points or flight paths from the roost -a shield or hood can be used to control or restrict the area to be lit;

Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;

Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

(2) A formal application for connection to the public sewerage system is required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or [www.southernwater.co.uk](http://www.southernwater.co.uk)).

The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or [www.southernwater.co.uk](http://www.southernwater.co.uk)).

(3) Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

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.

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

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

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

If the existing premises, including outbuildings, are found to contain asbestos based material the following informative must also be complied with:

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

(4) Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental/unauthorised discharge to ground. The areas for storage should not drain to any surface water system.



Where it is proposed to store more than 200 litres (45 gallon drum = 205litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention, the applicant should refer to Environment Agency guidance PPG1 General guide to prevention of pollution, which is available online at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk).

Please note that the CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste.

Please also note that contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore its handling, transport, treatment and disposal is subject to waste management legislation which includes:

- i. Duty of Care Regulations 1991
- ii. The Waste (England and Wales) Regulations 2011
- iii. Hazardous Waste (England and Wales) Regulations 2005
- iv. Pollution Prevention and Control Regulations (England and Wales) 2000
- v. Environmental Permitting (England and Wales) Regulations 2010

Case Officer: Catherine Slade

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

Reference number: MA/13/1823

Recommendation:

Due to the uncertainty over the precise sums involved for highway and associated public realm improvements the recommendation should be changed to read as follows:

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

Affordable Housing:

Cllr Sams has requested that consideration be given to securing a similar level of local needs housing within the scheme to that secured by way of the legal agreement relating to MA/11/0592 – Land at West Street and Hook Lane).

Officer comment:

The application has been put forward on the basis of providing 40% affordable housing for the benefit of the residents of Maidstone, and has been assessed on that basis, in accordance with the Council's adopted Affordable Housing DPD. Local need has in part been addressed by way of the provision on the The Hollies site, and affordable housing on this site and others currently under consideration in and around Harrietsham will also contribute towards addressing this need (which has not recently been assessed).

Members will be aware that this pro rata allocation was not requested in relation to MA/14/0095 (Land at Church Road, Harrietsham, Kent) which came before the Planning Committee in December 2014, and it is considered appropriate that this matter is dealt with in a consistent manner, and in the case of the application currently under consideration, on the basis on which it was submitted, although the Council's Housing Officers have indicated that they would be happy to work with the Parish Council in determining whether a local need still exists.

For these reasons, it is considered that, in accordance with the comments of the Maidstone Borough Council Housing Officer, the affordable housing secured by way of a grant of planning permission should not be restricted for local needs housing.

Matters of scale:

Paragraph 7.17 of the report suggests that scale should be the subject of a condition. As discussed in paragraph 7.23, the physical properties of the site and the specific character of the setting are such that in the circumstances of this case it is considered that a restriction in terms of the matter of scale, which would be considered in full in the determination of any subsequent reserved matters or full application coming forward, would be unduly restrictive.

Additional Objections:

Additional representations objecting to the application have been received, the main points raised are summarised below:

- Sustainability of the site for residential development;
- The works proposed to the A20 on the operation of existing accesses, specifically the siting of uncontrolled pedestrian crossings.

Officer comment:

The sustainability of the site is dealt with in the Committee report. In respect of the A20

improvement scheme, this is a scheme of proposed works to the A20 throughout Harrietsham which is currently in the process of being finalised.

The A20 improvement scheme at the current time is indicative, and any works proposed to the public highway will be required to be acceptable to Kent County Council Highway Services, and for the avoidance of doubt I propose an additional informative as follows:

*"The highway improvements to the A20 associated with the development shall include the provision of a pedestrian footway along the southern side of the highway linking the development with the existing bus stop and an uncontrolled crossing in the close vicinity of the existing bus stop."*

#### Condition 5 - Materials:

Councillor Harwood has requested that the materials condition (Condition 5) be amended so as to make explicit the need to integrate biodiversity enhancements within the fabric of the development, and as such I propose to amend the condition to read as follows:

*"The development shall not commence until written details and samples of the materials to be used in the construction of the external surfaces, including hard surfaces, of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The materials shall include, inter alia, swift and bat bricks to be incorporated into the fabric of the dwellings. The development shall thereafter be constructed using the approved materials unless otherwise agreed in writing by the Local Planning Authority;*

*Reason: To ensure a satisfactory appearance to the development and a high quality of design."*

I also propose an additional informatives as follows:

*The bat boxes and swift bricks required by condition 5 shall be located in accordance with guidance published by the Bat Conservation Trust and Royal Society for the Protection of Birds, which can be found at [http://www.bats.org.uk/pages/bat\\_boxes.html](http://www.bats.org.uk/pages/bat_boxes.html) and <http://www.rspb.org.uk/advice/helpingbirds/nestboxes/smallbirds/siting.aspx>."*

#### Recommendation:

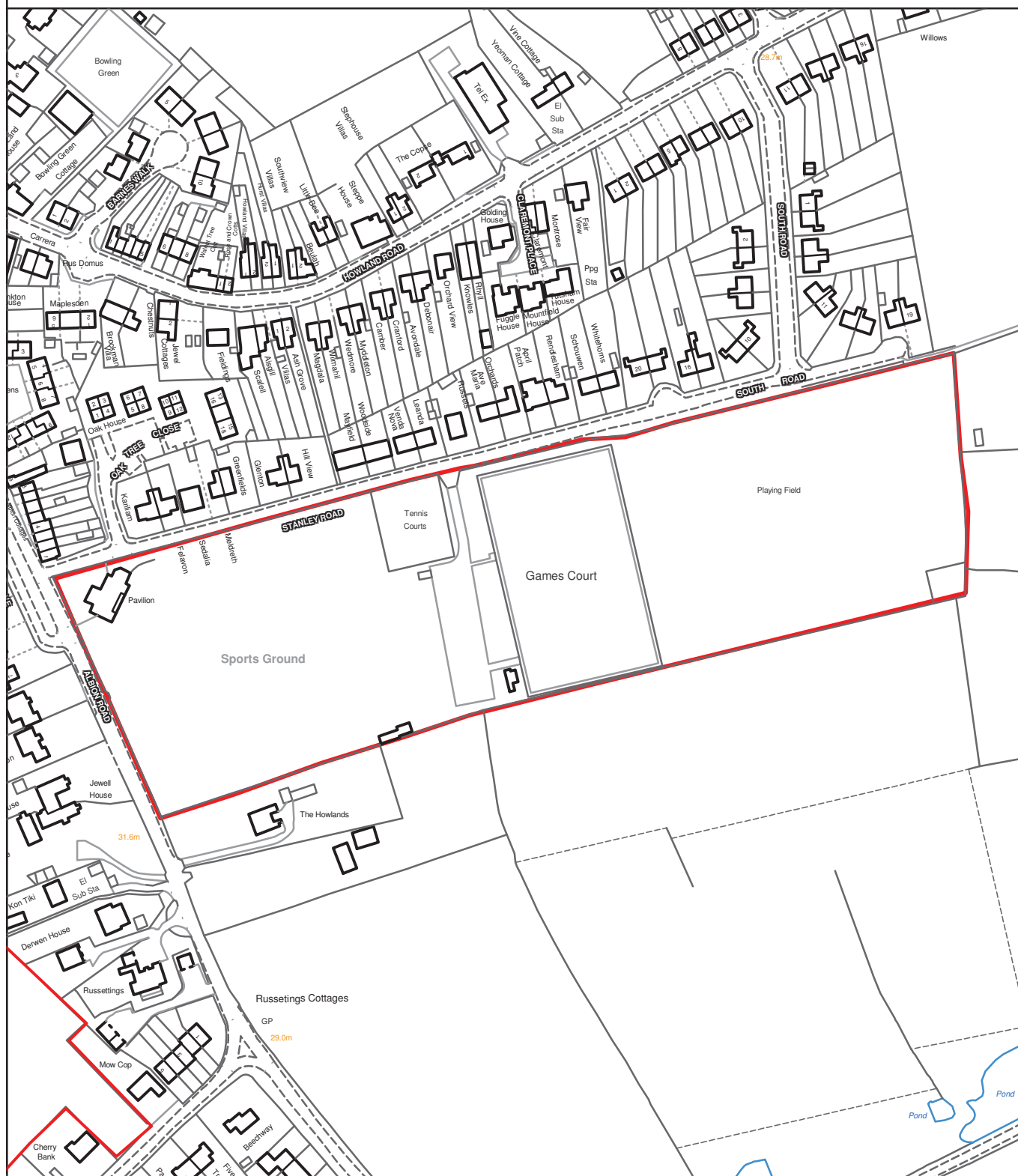
Subject to the amendments set out above, my recommendation remains unchanged.

# Agenda Item 18

# THE MAIDSTONE BOROUGH COUNCIL

**Marden Cricket & Hockey Club**  
**Stanley Road**  
**Marden**  
**Kent**

**MBC Ref: 13/1928**



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**Rob Jarman**  
**Head of Planning**

## REPORT SUMMARY

<b>REFERENCE NO - 13/1928</b>		
<b>APPLICATION PROPOSAL</b> <p>Erection of 124 dwellings with parking, vehicular and pedestrian access, and associated hard and soft landscaping as shown on the site location plan and drawing numbers A306, supported by a DHA Affordable Housing and Contributions Statement reference KC/9763, CGMS Archaeological Desk Based Assessment reference DH/KB/16009, FLA Arboricultural Impact Assessment and Method Statement reference CPL-MAR-HD-AIA, GEA Desk Study and Ground Investigation Report reference J13245, FLA Supporting Statement (Landscape), Corylus Ecology Extended Phase 1 Habitat and Bat Building Survey Report, FLA Landscape and Visual Impact Assessment (including drawing numbers CPL-MAR-LST-001-1 rev C, CPL-MAR-LST-001-2 rev C, CPL-MAR-LST-002, and CPL-MAR-LVI-001-1, and viewpoint sheets 1 and 2 of 2), DHA Planning Statement reference MJW/9763, Ruskins Pre-Development Tree Condition Survey reference 0813-1364 rev 1, DHA Statement of Community Involvement reference KC/9763, Turley Associates Sustainable Design and Construction Assessment, DHA Transport Assessment reference SEH/T0303 and PDI Utilities Utilities Feasibility Report reference 13.303 rev 1, all received 7th November 2014, Design and Access Statement and Amazi Flood Risk Assessment reference AMA342 rev A received 13th November 2013; Addendum Design and Access Statement received 16th January 2014; Corylus Ecology Addendum GCN Survey Report received 23rd April 2014, drawing number A307, proposed bollard strategy drawing number 2509/13/21748A, Road Safety Audit and covering email received 30th September 2014; drawing number 21748A/100F received 3rd October 2014; site layout and house types booklet and email received 7th October 2014.</p>		
<b>ADDRESS</b> Marden Cricket & Hockey Club, Stanley Road, Marden, Kent		
<b>RECOMMENDATION</b> Amend S106 contributions as set out in report		
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b> <p>The proposed development does not conform with policy ENV28 of the Maidstone Borough-Wide Local Plan 2000. However, the development is at a sustainable location; immediately adjoins an existing settlement; is identified under policy H1 (35) in the emerging Local Plan as a housing allocation and complies with the criteria set out in the relevant policy; 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 Local Plan.</p>		
<b>REASON FOR REFERRAL TO COMMITTEE</b> <p>To seek the agreement of Members of the Planning Committee to amend the S106 contributions being sought.</p>		
<b>WARD</b> Marden And Yalding Ward	<b>PARISH/TOWN</b> Marden	<b>COUNCIL</b>
		<b>APPLICANT</b> Countryside Properties <b>AGENT</b> Dha Planning
<b>DECISION DUE DATE</b> 12/03/14	<b>PUBLICITY EXPIRY DATE</b> 12/03/14	<b>OFFICER SITE VISIT DATE</b> Various
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>		
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>

99/1243	Erection of 3m high fencing around perimeter of all weather surface sports pitch	REFUSED
97/1498	An application under S192 of the Town Planning Act for the use of mobile floodlighting units to illuminate all weather surface sports pitch permitted under reference MA/94/0339 (units to be folded to storage mode and removed from operating position to safe storage position when not in use to illuminate playing surface)	APPROVED
96/0913	Installation of artificial grass hockey pitch (revised siting to that permitted under MA/94/0339) and erection of 8 no. 15m high floodlighting masts and a 3 metre high perimeter fence	REFUSED
96/0815	Installation of artificial grass hockey pitch (revised siting to that permitted under MA/94/0339) and erection of 8 no. 15m high floodlighting masts and a 3 metre high perimeter fence	REFUSED, DISMISSED AT APPEAL
96/0356	Erection of floodlighting system (8 No. 15m high masts) for proposed artificial grass hockey pitch	WITHDRAWN
94/0339	Installation of all-weather surface sports pitch	APPROVED SUBJECT TO CONDITIONS
87/1053	Change of use of agricultural land to sports ground	APPROVED
72/0452/MK3	Extensions and alterations, ladies cloakroom, boiler house, changing room	APPROVED SUBJECT TO CONDITIONS
71/0042/MK3	New first floor to existing single storey pavilion	APPROVED SUBJECT TO CONDITIONS
62/0009A/MK3	Details of pavilion at Cricket Club	APPROVED SUBJECT TO CONDITIONS
62/0009/MK3	An outline application for new pavilion	APPROVED SUBJECT TO CONDITIONS

## MAIN REPORT

### 1.0 BACKGROUND

- 1.01 The current application seeks full planning permission for the erection of 124 dwellings together with associated landscaping, car parking and amenity space on a site adjoining the southern eastern boundary of the rural service centre of Marden.
- 1.02 The application was reported to the Planning Committee meeting held on 16<sup>th</sup> October 2014. Members resolved to give the Head of Planning and Development delegated powers to grant planning permission subject to conditions and the prior completion of a S106 legal agreement prior legal agreement in such terms as the Head of the Legal Partnership may advise to secure the following:
- *The provision of 40% affordable residential units within the development.*
  - *£2,360.96 per 'applicable' house and £590.24 per 'applicable' flat towards the build costs of extending Marden Primary School.*
  - *£2,359.80 per 'applicable' house and £589.95 per 'applicable' flat towards the extension of secondary school buildings used by residents of Marden.*

- £30.70 per dwelling to address the demand from the development towards the provision of new/expanded facilities and services both through detailed adult education centres and through outreach community learning facilities local to the development.
- £8.44 per dwelling to address the demand from the development towards youth services locally.
- £100.79 per dwelling to address the demand from the development towards additional bookstock and services at local libraries serving the development.
- £15.95 per dwelling 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.
- £18,628.35 towards the extension of and works to the Marden Medical Centre.
- £78,120.00 towards the provision of offsite outdoor sports facilities, children's and young people's equipped play areas, and allotment and community gardens.
- £7,762.50 towards the improvement of the KM276.
- £25,956.92 towards improvement works to Marden Station.
- The full build out, so as to be functional and available for public use, of the replacement sports facility already granted outline planning permission under MA/13/0358 or any further/replacement planning permission relating to the replacement sport facility prior to commencement of the development hereby being permitted.

1.03 The Committee report and urgent updates to the Committee report are attached as Appendix A to this report.

## **2.0 REASON FOR REFERRAL BACK TO PLANNING COMMITTEE**

2.01 As Members will be aware, S123 of the CIL Regulations came into force on 6<sup>th</sup> April 2015. Prior to this date, all contributions subject to a S106 agreement were required under the terms of S122 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. Subsequent to this date, S123 of the CIL Regulations additionally requires all contributions being sought by way of S106 agreements to relate to the funding or provision of an infrastructure project or type of infrastructure, and further that no more than five separate planning obligations can contribute towards the funding or provision of a project or type of infrastructure. 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.

2.02 In the circumstances of this case, the coming into force of S123 directly effects and changes the following elements of the Heads of Terms:

- £8.44 per dwelling to address the demand from the development towards youth services locally.
- £100.79 per dwelling to address the demand from the development towards additional bookstock and services at local libraries serving the development.
- £15.95 per dwelling 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.
- £78,120.00 towards the provision of offsite outdoor sports facilities, children's and young people's equipped play areas, and allotment and community gardens.



- 2.03 Kent County Council have reassessed their requests in light of S123 of the CIL Regulations, and in particular in relation to the limitation on the pooling of contributions, and as a result they are no longer seeking a contribution towards adult education or adult social services. In addition, the contribution towards library services has been reduced to £5,953.95, and it has been specified that this will be used to improve the offer at Marden Library.
- 2.04 Kent County Council have provided further details of the contributions sought towards primary and secondary education, and youth services, and confirm that these requests satisfy the tests in relation to pooling set out in the CIL Regulations; these requests therefore remain in place.
- 2.05 The relevant consultees have confirmed that the contributions sought towards the improvement of Marden Medical Centre, Marden Station and KM276, and the provision and improvement of outdoor sports facilities and children's and young people's play equipment at Marden Playing Fields, fall within the five obligation limitation on pooling. The requirement for the provision of the alternative sports facility is a standalone requirement specific to this consent, and as such is acceptable under the legislation.
- 2.06 The Heads of Terms as set out below have been amended in accordance with the changes to the requests, including specific reference to the destination of the contributions, as set out in paragraphs 2.03 – 2.04 above. In addition, condition 16 is amended and additional informatives included in the recommendation, in accordance with the resolution of the Planning Committee at the meeting on 16<sup>th</sup> October 2014.

### **3.00 RECOMMENDATION**

- 3.01 The recommendation, as amended in respect of the Heads of Terms for contributions, and the amendment to condition 16 and additional informatives as previously resolved by Planning Committee, is set out in full below for the purposes of clarity:

SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT, IN SUCH TERMS AS THE HEAD OF THE LEGAL PARTNERSHIP ADVISES, TO PROVIDE THE FOLLOWING:

- *The provision of 40% affordable residential units within the development.*
- *£2,360.96 per 'applicable' house and £590.24 per 'applicable' flat towards the build costs of extending Marden Primary School.*
- *£2,359.80 per 'applicable' house and £589.95 per 'applicable' flat towards the first phase of expansion of Cornwallis School used by residents of Marden.*
- *£1,046.56 to address the demand from the development towards youth services (supplied to youth workers and organisations serving Marden).*
- *£5,953.96 to address the demand from the development towards additional bookstock at Marden library serving the development.*
- *£18,628.35 towards the extension of and works to the Marden Medical Centre.*
- *£78,120.00 towards the provision and improvement of offsite outdoor sports facilities and children's and young people's equipped play areas at Marden Playing Fields.*
- *£7,762.50 towards the improvement of the KM276.*
- *£25,956.92 towards improvement works to Marden Station.*
- *The full build out, so as to be functional and available for public use, of the replacement sports facility already granted outline planning permission under*



*MA/13/0358 or any further/replacement planning permission relating to the replacement sport facility prior to commencement of the development hereby being permitted.*

THE HEAD OF PLANNING AND DEVELOPMENT BE GIVEN 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 five 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, and in order to allow the replacement facility granted outline planning permission under MA/13/0358 to be provided for use prior to the commencement of the development hereby permitted.

- (2) The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted, which shall include stock brick, plain clay tiles and timber weatherboarding, and incorporate bat boxes to the boundary facing elevation of every other building on the site boundaries and swift bricks to the north or west elevations of every other building on the site boundaries (so as bat boxes and swift bricks are incorporated into alternate buildings on the site boundaries), have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved materials unless otherwise agreed in writing by the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development and a high quality of design, and to secure biodiversity enhancements within the development.

- (3) No development shall take place until details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority;

- i) Details of the roof overhangs and eaves.
- ii) Details of windows and doors and recesses/reveals (which shall be a minimum of 70mm).
- iii) Details of the junction of the timber boarding and the brickwork.

The development shall be undertaken in accordance with the approved details and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and a high quality of design.

- (4) The development shall not commence until details of all fencing, walling and other boundary treatments, which shall not include closeboarded fencing of a height greater than 1.8m, or closeboarded fencing or solid walling of a height of greater than 1m to the boundary of any public space, and shall include the retention and where necessary reinforcement of boundary hedges to the site, have been submitted to the Local Planning Authority and approved in writing. The development shall be carried out in accordance with the approved details before the first occupation and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and secure the amenity of future occupiers.

(5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Class(es) A, B, C, D, E, F and G and Schedule 2, Part 2, Class A to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development and safeguard the residential amenity of future occupiers.

(6) The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

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

(7) 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 and protect controlled waters.

(8) The development shall not be occupied until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a plan (a "long-term monitoring and maintenance plan") for longer-term

monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented in full as approved;

Reason: To prevent pollution of the environment and protect controlled waters.

(9) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the local planning authority) shall be carried out until the developer has submitted a revised remediation strategy to the local planning authority detailing how this unsuspected contamination will be dealt with and written approval obtained from the Local Planning Authority. The revised remediation strategy shall be implemented in full as approved;

Reasons: To prevent pollution of the environment and protect controlled waters.

(10) 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 or above has been achieved;

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

(11) The development shall not commence until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and in order to minimise any impact upon ecology. The development shall be carried out in accordance with the approved details and maintained thereafter;

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

(12) 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. The archaeological work shall be carried out thereafter in accordance with the approved details;

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

(13) The development permitted by this planning permission shall only be carried out in strict accordance with the approved Flood Risk Assessment prepared by Amazi Reference AMA342 Rev A, dated 6th November 2013, subject to the details approved in respect of the following:

1. The development permitted by this planning permission shall not commence until a detailed surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to, and approved by, the Local Planning Authority. As set out within the approved drainage strategy report, off site discharges should be restricted to greenfield QBAR values for all events up to and including the 1 in 100 year plus climate change event.

The drainage details submitted to the Local Planning Authority shall:

Specify the responsibilities of each party for the implementation of the SUDS scheme;

Specify a timetable for implementation;

Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime; and

Relevant manufacturers details on all SUDS features and any SW pumping station should be provided within the Flood Risk Management Plan and the Health and Safety Plan Operation and Maintenance manuals.

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.

(14) The development shall not commence until full details of the flood attenuation basins and swales, which shall include details of levels; provision of a receptor site for Great Crested Newts in accordance with the recommendations of the Corylus Ecology Extended Phase 1 Habitat received 17th November 2014 and Corylus Ecology Addendum GCN Survey Report received 23rd April 2014; and details of the location and design of all gully pots which, where required, will be off-set from the kerbs by a minimum of 150mm and sloped kerbs will be positioned adjacent, as well as any associated ground works and infrastructure have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained thereafter unless with the agreement in writing of the Local Planning Authority:

Reason: In the interest of flood prevention and ecology and biodiversity.

(15) No infiltration of surface water drainage into the ground, other than that allowed under the SUDS scheme approved under condition 13 above, is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters;

Reason: To prevent pollution of the environment and protect controlled waters.

(16) The development shall not commence until details of foul water drainage, which shall include 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.

(17) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management.

The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines (Low Weald landscape type) and shall be based on the principles shown on drawing numbers CPL-MAR-LST-001-1 rev C and CPL-MAR-LST-001-2 rev C and Landscape Strategy Supporting Statement, and shall include, inter alia, the retention of all trees and hedges identified as such in the FLA Arboricultural Impact Assessment and Method Statement reference CPL-MAR-HD-AIA received 7th November 2014; wild flower meadow area to the peripheral areas of the "green", and the use of reed beds in the swales and drainage basins associated with the approved SUDS details.

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.

(18) 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.

(19) The development shall be carried out in compliance with the FLA Arboricultural Impact Assessment and Method Statement reference CPL-MAR-HD-AIA received 7th November 2014, except insofar as all references in the document to "minimum dig method" shall be read as "no dig construction" in accordance with BS5837:2012, unless otherwise agreed in writing by the Local Planning Authority;

Reason: To ensure retained trees are protected during the course of development and to ensure a satisfactory external appearance to the development.

(20) The development shall be undertaken in strict accordance with the recommendations of the Corylus Ecology Extended Phase 1 Habitat and Bat Building Survey Report received 7th November 2013 and Corylus Ecology Addendum GCN Survey Report received 23rd April 2014, subject to the additional information and mitigation required by condition 21 below, and maintained thereafter;

Reason: To secure appropriate management and enhancement within the site in the interests of ecology and biodiversity.

(21) Notwithstanding the details and recommendations set out in Corylus Ecology Extended Phase 1 Habitat and Bat Building Survey Report received 17th November 2014 and Corylus Ecology Addendum GCN Survey Report received 23rd April 2014, the development shall not commence until an ecological enhancement and long term management plan and revised mitigation strategy undertaken by a suitably qualified person has been submitted to and approved in writing by the Local Planning Authority. The content

of the ecological enhancement and long term management plan and revised mitigation strategy shall incorporate the following:

- i) Appropriate receptor site provision within the design of the flood attenuation basins and swales required by condition 14 above;
- ii) Aims and objectives of the management plan;
- iii) Appropriate management options for achieving the identified aims and objectives;
- iv) Prescriptions for management actions;
- v) Details of the body or organisation responsible for implementation of the plan; and
- vi) Ongoing monitoring and remedial measures.

The development shall thereafter be undertaken in accordance with the approved details and maintained thereafter;

Reason: To secure appropriate management and enhancement within the site in the interests of ecology and biodiversity.

(22) No part of the development hereby permitted shall be occupied until the following works have been constructed and completed:

- i) Dropped kerb crossings to the north and south of the junction of Albion Road and Stanley Road and to each side of the proposed accesses to the site from Albion Road;
- ii) The upgrading of the existing zebra crossing on Goudhurst Road to a pelican crossing;
- iii) The improvement of two bus stops to aid accessibility for the mobility impaired, one on the north and one on the south side of High Street in the vicinity of the junction with Haffenden Close; and
- iv) The provision of an uncontrolled pedestrian crossing across Church Green;

Reason: In the interests of highway and pedestrian safety and sustainability.

(23) The approved details of the accesses to the site as detailed in the Road Safety Audit Stage 1 reference DHA/T0303/1/BS received 30th September 2014 shall be completed in full before occupation of the development and maintained thereafter;

Reason: In the interests of highway and pedestrian safety.

(24) The development shall not commence until, details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be provided before the first occupation of the buildings or land and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity.

(25) The development shall not commence until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design, have been submitted to and approved by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and maintained thereafter;

Reason: To ensure a high quality external appearance to the development and in the interests of ecology and biodiversity.

(26) No part of the development shall be occupied until a Sustainable Travel Measures Action Plan undertaken in accordance with the recommendations of the DHA Transport Assessment reference SEH/T0303 received 7th November 2014 (Sustainable Travel Statement) has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out in full;

Reason: In the interests of sustainable transport use.

(27) No development shall take place until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

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

(28) No external meter cupboards, vents, or flues shall be installed on any external elevation without the prior agreement in writing of the Local Planning Authority;

Reason: To secure a high standard of design.

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

site location plan and drawing numbers A306, supported by a DHA Affordable Housing and Contributions Statement reference KC/9763, CGMS Archaeological Desk Based Assessment reference DH/KB/16009, FLA Arboricultural Impact Assessment and Method Statement reference CPL-MAR-HD-AIA, GEA Desk Study and Ground Investigation Report reference J13245, FLA Supporting Statement (Landscape), Corylus Ecology Extended Phase 1 Habitat and Bat Building Survey Report, FLA Landscape and Visual Impact Assessment (including drawing numbers CPL-MAR-LST-001-1 rev C, CPL-MAR-LST-001-2 rev C, CPL-MAR-LST-002, and CPL-MAR-LVI-001-1, and viewpoint sheets 1 and 2 of 2), DHA Planning Statement reference MJW/9763, Ruskins Pre-Development Tree Condition Survey reference 0813-1364 rev 1, DHA Statement of Community Involvement reference KC/9763, Turley Associates Sustainable Design and Construction Assessment, DHA Transport Assessment reference SEH/T0303 and PDI Utilities Utilities Feasibility Report reference 13.303 rev 1, all received 7th November 2014, Design and Access Statement and Amazi Flood Risk Assessment reference AMA342 rev A received 13th November 2013; Addendum Design and Access Statement received 16th January 2014; Corylus Ecology Addendum GCN Survey Report received 23rd April 2014, drawing number A307, proposed bollard strategy drawing number 2509/13/21748A, Road Safety Audit and covering email received 30th September 2014; drawing number 21748A/100F received 3rd October 2014; site layout and house types booklet and email received 7th October 2014;

Reason: In the interests of clarity and to secure a high quality of development.

## INFORMATIVES

(1) The lighting scheme provided in accordance with condition 11 should adhere to the following advice from the Bat Conservation Trust and Institution of Lighting Engineers.



## Bats and Lighting in the UK

### Summary of requirements

The two most important features of street and security lighting with respect to bats are:

1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.

2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

### UV characteristics:

#### Low

Low pressure Sodium Lamps (SOX) emit a minimal UV component.

High pressure Sodium Lamps (SON) emit a small UV component.

White SON, though low in UV, emit more than regular SON.

#### High

Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps

Mercury lamps (MBF) emit a high UV component.

Tungsten Halogen, if unfiltered, emit a high UV component

Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

#### Variable

Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output. Glass glazing and UV filtering lenses are recommended to reduce UV output.

### Street lighting

Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels.

Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided.

If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

### Security and domestic external lighting

The above recommendations concerning UV output and direction apply. In addition:

Lighting should illuminate only ground floor areas -light should not leak upwards to illuminate first floor and higher levels;

Lamps of greater than 2000 lumens (150 W) must not be used;

Movement or similar sensors must be used -they must be carefully installed and aimed, to reduce the amount of time a light is on each night;

Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;

Light must not be directed at or close to bat roost access points or flight paths from the roost -a shield or hood can be used to control or restrict the area to be lit;

Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;

Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

(2) A formal application for connection to the public sewerage system is required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or [www.southernwater.co.uk](http://www.southernwater.co.uk)).

(3) The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or [www.southernwater.co.uk](http://www.southernwater.co.uk)).

(4) Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the EHM regarding noise control requirements.

(5) 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.

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

(7) Vehicles may only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

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

If the existing premises, including outbuildings, are found to contain asbestos based material the following informative must also be complied with:

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

(9) Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental/unauthorised discharge to ground. The areas for storage should not drain to any surface water system.

Where it is proposed to store more than 200 litres (45 gallon drum = 205litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention, the applicant should refer to Environment Agency guidance PPG1 General guide to prevention of pollution, which is available on online at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk).

(10) Please note that the CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste.

Please also note that contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore its handling, transport, treatment and disposal is subject to waste management legislation which includes:

- i. Duty of Care Regulations 1991
- ii. The Waste (England and Wales) Regulations 2011
- iii. Hazardous Waste (England and Wales) Regulations 2005
- iv. Pollution Prevention and Control Regulations (England and Wales) 2000
- v. Environmental Permitting (England and Wales) Regulations 2010

(11) For the purposes of clarity, the bat boxes and swift bricks referred to in condition 2 shall be placed on alternate buildings on the site boundaries.

The bat boxes and swift bricks required by condition 2 shall be located in accordance with guidance published by the Bat Conservation Trust and Royal Society for the Protection of Birds, which can be found at [http://www.bats.org.uk/pages/bat\\_boxes.html](http://www.bats.org.uk/pages/bat_boxes.html) and <http://www.rspb.org.uk/advice/helpingbirds/nestboxes/smallbirds/siting.aspx>.

(12) For the purposes of clarity, the bat boxes and swift bricks referred to in condition 2 shall be placed on alternate buildings on the site boundaries.

The bat boxes and swift bricks required by condition 2 shall be located in accordance with guidance published by the Bat Conservation Trust and Royal Society for the Protection of Birds, which can be found at [http://www.bats.org.uk/pages/bat\\_boxes.html](http://www.bats.org.uk/pages/bat_boxes.html) and <http://www.rspb.org.uk/advice/helpingbirds/nestboxes/smallbirds/siting.aspx>.

The Council's approach to this application:

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

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

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

In this instance:

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

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

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

Case Officer: Catherine Slade

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

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

## REPORT SUMMARY

## REFERENCE NO - 13/1928

## APPLICATION PROPOSAL

Erection of 124 dwellings with parking, vehicular and pedestrian access, and associated hard and soft landscaping as shown on the site location plan and drawing numbers A306, supported by a DHA Affordable Housing and Contributions Statement reference KC/9763, CGMS Archaeological Desk Based Assessment reference DH/KB/16009, FLA Arboricultural Impact Assessment and Method Statement reference CPL-MAR-HD-AIA, GEA Desk Study and Ground Investigation Report reference J13245, FLA Supporting Statement (Landscape), Corylus Ecology Extended Phase 1 Habitat and Bat Building Survey Report, FLA Landscape and Visual Impact Assessment (including drawing numbers CPL-MAR-LST-001-1 rev C, CPL-MAR-LST-001-2 rev C, CPL-MAR-LST-002, and CPL-MAR-LVI-001-1, and viewpoint sheets 1 and 2 of 2), DHA Planning Statement reference MJW/9763, Ruskins Pre-Development Tree Condition Survey reference 0813-1364 rev 1, DHA Statement of Community Involvement reference KC/9763, Turley Associates Sustainable Design and Construction Assessment, DHA Transport Assessment reference SEH/T0303 and PDI Utilities Utilities Feasibility Report reference 13.303 rev 1, all received 7th November 2014, Design and Access Statement and Amazi Flood Risk Assessment reference AMA342 rev A received 13th November 2013; Addendum Design and Access Statement received 16th January 2014; Corylus Ecology Addendum GCN Survey Report received 23rd April 2014, drawing number A307, proposed bollard strategy drawing number 2509/13/21748A, Road Safety Audit and covering email received 30th September 2014; drawing number 21748A/100F received 3rd October 2014; site layout and house types booklet and email received 7th October 2014.

**ADDRESS** Marden Cricket & Hockey Club, Stanley Road, Marden, Kent

**RECOMMENDATION** subject to the prior completion of a suitable legal mechanism planning permission be granted subject to conditions.

## REASON FOR REFERRAL TO COMMITTEE

The proposal is a departure from the Development Plan.

The recommendation is contrary to the views of Marden Parish Council, which are discussed below, who wish the application to be reported to Planning Committee in the event of a recommendation for approval.

The application is a controversial proposal which has been the subject of a petition attracting in excess of 100 signatures.

<b>WARD</b> Marden And Yalding Ward	<b>PARISH/TOWN</b> Marden	<b>COUNCIL</b>	<b>APPLICANT</b> Countryside Properties <b>AGENT</b> Dha Planning
<b>DECISION DUE DATE</b> 11/03/14	<b>PUBLICITY EXPIRY DATE</b> 11/03/14 and 16/05/2014	<b>OFFICER SITE VISIT DATE</b> Various	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	
99/1243	Erection of 3m high fencing around perimeter of all weather surface sports pitch	REFUSED	

97/1498	An application under S192 of the Town Planning Act for the use of mobile floodlighting units to illuminate all weather surface sports pitch permitted under reference MA/94/0339 (units to be folded to storage mode and removed from operating position to safe storage position when not in use to illuminate playing surface)	APPROVED
96/0913	Installation of artificial grass hockey pitch (revised siting to that permitted under MA/94/0339) and erection of 8 no. 15m high floodlighting masts and a 3 metre high perimeter fence	REFUSED
96/0815	Installation of artificial grass hockey pitch (revised siting to that permitted under MA/94/0339) and erection of 8 no. 15m high floodlighting masts and a 3 metre high perimeter fence	REFUSED, DISMISSED AT APPEAL
96/0356	Erection of floodlighting system (8 No. 15m high masts) for proposed artificial grass hockey pitch	WITHDRAWN
94/0339	Installation of all-weather surface sports pitch	APPROVED SUBJECT TO CONDITIONS
87/1053	Change of use of agricultural land to sports ground	APPROVED
72/0452/MK3	Extensions and alterations, ladies cloakroom, boiler house, changing room	APPROVED SUBJECT TO CONDITIONS
71/0042/MK3	New first floor to existing single storey pavilion	APPROVED SUBJECT TO CONDITIONS
62/0009A/MK3	Details of pavilion at Cricket Club	APPROVED SUBJECT TO CONDITIONS
62/0009/MK3	An outline application for new pavilion	APPROVED SUBJECT TO CONDITIONS

Although not relating directly to the application site, of note are a number of applications relating to land off Maidstone Road, north of Marden, where it is proposed that the Marden Hockey and Cricket Club will relocate to in the event of planning permission being granted for the redevelopment of the current facility for residential purposes. Outline planning permission has been granted under the scope of MA/13/0358, and applications relating to conditions attached to the outline consent are currently under consideration. The details of all relevant applications are set out below:

14/501603	Variation of conditions 1, 2, 8, 11, 18 + 19 on MA/13/0358	CURRENTLY UNDER CONSIDERATION
14/501602	Submission of details pursuant to condition 6 - levels and condition 7 - archaeological watching brief of MA/13/0358	CURRENTLY UNDER CONSIDERATION
13/0358	Outline application for the provision of new sports club ground (to include cricket pitches, artificial multi-purpose/hockey pitches, tennis courts, cricket nets, floodlights, clubhouse and car parking) including change of use from agriculture, with access to be determined and all other matters reserved for	APPROVED SUBJECT TO CONDITIONS

	subsequent approval	
11/0361	Outline application for the provision of new sports club ground (to include cricket pitches, artificial multi-purpose/hockey pitches, hockey practice area, tennis courts, cricket nets, floodlights, club house and car parking) including change of use from agriculture, with access to be determined and all other matters reserved for subsequent approval	WITHDRAWN

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

1.01 The proposal site is located to the south of the village of Marden, which is identified in the draft Local Plan as being a rural service centre (RSC). The site is a linear parcel of land running from west to east which can be thought of as having three distinct sections. The western third of the site largely comprises the cricket pitch and a modest single storey pavilion and car parking area in the north corner of the site. The central part of the site comprises two tennis courts, an Astroturf pitch used for hockey, cricket nets, and associated storage and other structures. The eastern part of the site is a rough grassland and scrub area which appears to be used informally for recreational uses such as dog walking. Other than a mounded area in the east of the site adjacent to the hockey pitch, the site is mainly level.

1.02 The site is located in open countryside to the immediate south and west of the settlement boundary of Marden as defined in the Maidstone Borough-Wide Local Plan 2000, however it is designated in the draft Local Plan as being an allocated site for housing under policy H1(35). The land is not subject to any other specific environmental or economic planning policy designations.

1.03 The site is bound to the west by Albion Road and to the north by Stanley Road, which becomes South Road and continues eastward as a public footpath, the KM276. These are both unclassified roads, however they differ in their character. Albion Road is characterised by consolidated ribbon development running south of the proposal site to its western edge which is within the village boundary, but is more open and rural on its eastern side. The buildings to the western side of Albion Road include Bishop House and Jewel House, a pair of Grade II listed dwellings located opposite the south western corner of the site. It runs into the countryside south east of Marden and is a historic route towards various rural hamlets including Marden Thorn. It is also used for traffic heading towards Staplehurst, although to a lesser extent than Howland Road, further to the north. Stanley Road/South Road, which runs along the northern boundary of the site, is a quieter road with a suburban character which feeds into an interwar housing estate to the north of the site, which is also within the defined village boundary. The southern edge of this estate, which comprises a mix of predominantly semi-detached two storey and single storey dwellings, runs along the northern side of Stanley Road/South Road facing the application site. To the south of the site is agricultural land and garden land associated with The Howlands, a detached dwelling fronting onto Albion Road, and to the east of the site is garden land associated with dwellings associated with Stone Pit Farm.

1.04 The boundaries of the site are predominantly made up of mature native hedges of variable quality; those to the western and northern boundaries are patchier than those to the south and east boundaries which are more consolidated and robust. There are a number of trees in the hedges to the north, south and east boundaries; there are no other trees of significance on the site.



1.05 An application was made in 2011 to register part of the western end of the site (primarily the cricket pitch) as a village green under the provisions of the Commons Act 2006. A formal decision has not yet been issued, however the Inspector's report on the Public Inquiry has recommended that the application fail.

## **2.0 PROPOSAL**

2.01 The application seeks full planning permission for the erection of 124 dwellings together with associated landscaping, car parking and amenity space.

2.02 The development would primarily comprise two storey detached and terraced dwellings, together with three low rise blocks providing apartment accommodation in the east of the site. The proposed development is landscape led, allowing for considerable landscaping within the site, including along the spine route into the interior of the site which would extend eastwards from an access point located centrally to the western boundary of the site from Albion Road. This route would meander into the site, through a large open space which would function as, and have the character of, a traditional green within the development, around which would be arranged detached dwellings. Going further into the site, the density of the built environment would increase, however verges, swales and public amenity space are allowed for which would provide sufficient landscaping, including tree planting, to achieve a significant degree of softening to the character of the development, provide informal amenity space and contribute towards sustainable surface water drainage management. This open space would also, in the south east of the site, provide a substantial landscape buffer to the southern boundary of the site and balancing pond for drainage purposes.

2.03 The properties in the west of the site, adjacent to Albion Road, would address this frontage, albeit whilst being set back and separated from it by hard and soft landscaping, which reflects the relationship of existing dwellings to the west of this highway. Elsewhere around the site boundaries, gardens have been used to soften the edge of the development and allow retention of existing hedges and trees; only three properties would abut the northern site boundary.

2.04 The dwellings are shown on the submitted drawings as having a traditional appearance using materials such as red brick, hanging tiles, and weather boarding to respond to the historic Marden vernacular, and the layout incorporates dual aspect buildings in order to provide visual interest to the streetscape and increase natural surveillance of open spaces within the site.

2.05 The primary vehicular and pedestrian access to the site would be gained by way of an access to Stanley Road central to the western boundary of the site, however emergency and pedestrian access would also be provided from Stanley Road/South Road in the north east of the site, and three dwellings in the north west of the site would be served by a subsidiary access to the north of that serving the main body of the development.

2.06 The overall density of the development would be 29dpha, however the pattern of development would be least in the west of the site, increasing towards the centre of the site and then further in the east, as described above in paragraph 2.02.

2.07 Of note is the extant outline consent granted under MA/13/0358 for the replacement Marden Hockey and Cricket Club facility on land to the north of Marden. This consent provides (subject to reserved matters) for the provision of a replacement sports facility in the event of planning permission being granted for the residential development of the proposal site. Applications are currently under consideration for the discharge of conditions relating to this proposal, and a reserved matters application is expected imminently.

### 3.0 SUMMARY INFORMATION

	Proposed
Site Area (ha)	4.2Ha
Overall Housing Density (dpha)	30
No. of Storeys	2 (dwellinghouses), 3 (apartments)
Parking Spaces	264 (2.1 per dwelling)
No. of Residential Units	124
No. of Affordable Units	49 (40%)

### 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, T13, CF1  
Supplementary Planning Documents: Affordable Housing Development Plan Document (2006), Open Space Development Plan Document (2006)  
Maidstone Borough Council Draft Local Plan: SS1, SP3, SP5, H1 (35), H2, DM1, DM2, DM4, DM6, DM10, DM11, DM12, DM13, DM23, DM24, DM30, ID1  
Other: Marden Design Statement 2001

4.01 As set out in paragraph 1.01, the application site is located outside of the settlement boundary of Marden, as defined in the Maidstone Borough-Wide Local Plan 2000. Notwithstanding this, it is identified in the Maidstone Borough Council Draft Local Plan policy H1 as a housing allocation with an expected yield of 125 units, subject to the development criteria set out in Appendix A (H1(35)) of the Local Plan.

4.02 The Council has recently finished its Regulation 18 consultation on its emerging Local Plan and representations from that consultation are currently being assessed. The emerging plan can, however, be given some weight when considering planning applications by virtue of its progress through the stages in the adoption process.

4.03 The draft Marden Neighbourhood Plan is currently under consultation and is therefore of limited weight in the determination of planning applications. The Marden Surface Water Management Plan is in the process of being drafted, and is expected to be finalised and implemented in March 2015.

### 5.0 LOCAL REPRESENTATIONS

5.01 A site notice was displayed at the site on 20<sup>th</sup> December 2013.

5.02 **Councillor Annabelle Blackmore** objects to the proposal, making the following detailed comments:

*"I have very strong objection to the development of the Cricket Club site. This site is the only visible green space from the main roads leading into the village centre. The additional properties will change the streetscene and the traffic which will arise will cause chaos on both Stanley Road and Albion Road. The fuel station in the village is only a matter of metres from the junction of Stanley Road and Albion Road so the road infrastructure is not in place to support the additional properties. Marden village contains essential ingredients for village life which are all within walking distance:*

*local pub, cricket green and a peaceful location within a community which has an identity. Plans have been approved for hundreds of houses within the Marden village. Marden does not need any more and has taken more than its fair share of growth.*

*In March 2013 the Neighbourhood Plan Group organized two Open Days which were extremely well attended. A map showed all the sites available including the cricket club site. Each adult who visited the Open Day was given a green sticker and a red sticker. The red sticker was to be placed where development was totally unacceptable and the green sticker placed on the map where development was acceptable. The cricket club site was the only site which did not receive any support at all and was covered in red stickers. All the other sites had a mixed response.*

*As a Borough Councillor I am fortunate that residents make their views known to me. This particular development has caused much anguish to many, even those who support the Cricket Club. This is a development too far. The drainage system cannot support this development is already under great strain. During the Christmas period tankers were clearing waste water from several lanes nearby and the system is already clearly overloaded and cannot serve the current properties in the village. Several hundred additional houses have already been granted permission so the additional waste from these properties will wreck a system under pressure.*

*The National Planning Policy Framework (NPPF) offers advice for sustainable development, this development does not pass that test at all. It creates unsustainable and unwelcome features which are too many additional vehicle movements, further waste water, pressure on medical facilities and school, as well as the removal of an amenity green space from the village which is much needed. The amenity space includes tennis courts as well as hockey and cricket pitches. The potential relocation of the cricket club a mile away means further additional car journeys as children are driven to the location rather than walking along pavements through the village. This is not sustainable development. Traffic surveys completed for the area are flawed, because they were either not for an appropriate time period or they took place prior to the implementation of the 7.5 tonne weight limit restriction. Although this site is favoured by developers, the Borough Council has a serious duty to protect our rural areas from unwelcome development. The lack of a good bus service shows we do not have another aspect of infrastructure to support it.*

*I urge you to refuse this ghastly proposal which will change the fabric of the village forever."*

5.03 More than 100 letters of objection (including from the Marden History Group) were received, which raised the following planning concerns:

- Design
- Relationship of the development to Marden
- Pressure on local infrastructure including health care, schools and sewerage
- Increased traffic, lack of on site parking provision
- Harm to biodiversity
- Loss of a public open space and community asset, and impact on public health
- Flood risk and drainage
- Harm to residential amenity
- Loss of trees
- Principle of the development of open countryside
- Cumulative impact of the development when considered alongside other applications
- Harm to the setting of heritage assets

- Harm to the character of Marden
- "Quid pro quo" of alternative sports facility having already been granted planning permission

5.03 The following issues raised are not planning matters, and will not be considered further in this report:

- Impact on property values
- Loss of view
- Disturbance during the construction phase
- Profiteering by developers
- Covenants on the land

5.03 In addition, a petition (made up of several parts) with more than 250 signatories raising objection to the proposal was received.

## 6.0 CONSULTATIONS

6.01 **Marden Parish Council** wish to see the application refused, and made the following detailed comments:

*Marden Parish Council (MPC) continues to deplore the unfortunate and entirely avoidable situation imposed upon it by elected Members of the Borough Council. This is caused by Members' long-standing inability to prepare and have adopted a development plan for their Borough, in accordance with the requirements of National Planning Policy Guidance.*

*This situation has led to an unsustainable number of planning applications in the village which threaten its character and the amenity of existing and, most likely, future residents. Recent flooding in December 2013 illustrated the significant shortcomings of the village's foul and surface water drainage systems, despite the continued denial of any material problem on the part of the Statutory Undertakers concerned.*

*To date, MPC's stance, given this local policy lacuna, has been to abstain from providing a view on these opportunistic application proposals. However, as a full planning application, the subject presents significant development control concerns to Councillors, namely:*

*A weak, thoughtless and unimaginative proposed layout with meaningless and tokenistic open space provision, heavily compromised by the proposed east/west spine road;*

*A lack of any meaningful connectivity between the application site and Stanley Road, in particular. The proposed orientation of dwellings to the northern edge of the application site turn their back on Stanley Road, and the village, which is completely unacceptable in terms of best practice urban design and good place making;*

*The proposed use of 2.5 and 3 storey blocks to maximise density which, by virtue of their proposed scale, height and massing will present an overly dominant and incongruous feature on the rural fringe of a village, and for which there is no substantive local precedent;*



*The exclusive concentration of affordable units at the eastern edge of the proposed development, at a density in excess of 40dph, with scant regard for the quality of architectural or elevational treatment in this location, resulting in an effective 'second class' of development for non-market residents.*

*As explained to the applicant, MPC would encourage them and their agent to now begin to engage in constructive face to face dialogue with MPC regarding the layout and design of this development. This should take place at the earliest possible opportunity.*

*Until such times as MPC are reconsulted on this application, it maintains its firm objection to the application proposals, for the reasons outlined.*

*However if MBC are minded to approve this scheme Marden Parish Council would want to see the following conditions:*

- (1) Schemes for rainwater harvesting and traffic management*
- (2) Management company set up for managing SuDs and Open Spaces*
- (3) Sewerage holding tanks to be incorporated into the development*
- (4) Boundary retention plan*
- (5) Dwellings to be built to Level 4*
- (7) Developer contribution to foul water sewer improvements necessary to bring the existing pumping station and pipework system up to a standard which can accommodate the extra demand placed upon it by the new development.*
- (8) Developer contribution to highway improvements associated with extra traffic generated by the new development.*
- (9) Developer contribution for Marden Primary School and local secondary education to accommodate the expected increase in the school-age population of the village resulting from the new development.*
- (10) Developer contribution for Marden Medical Centre to accommodate the expected number of additional village residents following the new development.*
- (11) For aspects not specifically addressed above, MBC/developers to also view the S106 document produced by Marden Parish Council*
- (12) MPC would want involvement in the affordable housing scheme and to incorporate housing to be kept in perpetuity for local needs*
- (13) Would wish to see provision of low level dwellings for the ageing population."*

**6.02 Maidstone Borough Council Housing Officer:** raises no objection to the proposal subject to a legal mechanism securing 40% affordable housing at a tenure mix of 60% social rented (or similar) and 40% shared ownership, and confirms that the distribution within the site is acceptable in this case, making the following detailed comments:

*"I can confirm that having looked over the layout plans and plot numbers, I am happy to go with your alternative option replacing a terrace of 4 x 2-bed houses with a terrace of 2 x 2-bed and 2 x 3-bed houses. I would suggest that based on this revised mix and layout plan, that the affordable tenure is split as follows:*

*Plots 72 to 100 – Affordable Rent*

*Plots 101 to 120 – Shared Ownership*

*This would give the following breakdown, giving a well balanced mix in terms of meeting need and achieve the 60/40 split. It should also be acceptable to an RP in terms of management.*

*Affordable Rent – 12 x 1-bed units, 12 x 2-bed units, 5 x 3-bed units.*

*Shared ownership – 3 x 1-bed units, 12 x 2-bed units, 5 x 3-bed units.”*

**6.03 Kent County Council Economic Development:** raise no objection to the proposal subject to the provision of contributions towards education and social infrastructure, making the following detailed comments:

*“Primary Education*

*The proposal gives rise to additional primary school pupils during occupation of this development. The forecast primary pupil product in the locality results in the maximum capacity of local primary schools being exceeded. The impact of 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.*

*This need, cumulatively with other new developments in the vicinity, can only be met through the extension of existing Primary School accommodation at Marden.*

*The County Council requires a financial contribution towards construction of the new accommodation at £590.24 for each applicable flat and £2360.96 for each applicable house. ‘applicable’ means: all dwellings except 1 bed of less than 56sqm GIA, and sheltered accommodation.*

*Please note this process will be kept under review and may be subject to change (including possible locational change) as the Local Education Authority has to ensure provision of sufficient pupil spaces at an appropriate time and location to meet its statutory obligation under the Education Act 1996 and as the Strategic Commissioner of Education provision in the County under the Education Act 2011*

*KCC will commission additional pupil places required to mitigate the forecast impact of new residential development on local education infrastructure generally in accordance with its Commissioning Plan for Education Provision 2012-17 and Delivering Bold Steps for Kent - Education, Learning and Skills Vision and Priorities for Improvement, May 2012.*

*Secondary Education*

*The proposal is projected to give rise to additional secondary school pupils from the date of occupation of this development. The forecast secondary pupil product from new developments in the locality results in the maximum capacity of local secondary schools being exceeded. This need can only be met through the provision of new accommodation within the locality.*

*A Secondary School contribution of £589.95 per applicable flat and £2359.80 per house is required to mitigate the impact of this development. The new secondary school accommodation will be provided at one or any of the Secondary schools used by the students of Marden and delivered in accordance with the Local Planning Authority’s Infrastructure Delivery Plan (where available); timetable and phasing.*

*Please note where a contributing development is to be completed in phases, payment may be triggered through occupation of various stages of the development comprising an initial payment and subsequent payments through to completion of the scheme.*

*Please note this process will be kept under review and may be subject to change (including possible locational change) as the Local Education Authority will need to ensure provision of the additional pupil spaces within the appropriate time and at an appropriate location.*

#### Community Learning

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

*The County Council will mitigate this impact through the provision of new/expanded facilities and services both through dedicated Adult Education centres and through outreach Community learning facilities local to the development.*

*The projects will be delivered as the monies are received and to accord with the LPA's Infrastructure Delivery Plan (where applicable).*

*The County Council therefore requests £30.70 per household to address the direct impact of this development.*

#### Youth Services

*The service caters for young people from 11 to 25 years though the prime focus is on hard to reach 13 to 19 year olds. The service is provided on a hub and spoke service delivery model. The hub offers the full range of services whilst spokes provide outreach provision. Outreach provision can take a number of forms, including detached youth workers, mobile services, affiliated voluntary and community groups etc.*

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

*The County Council therefore requests £8.44 per household.*

#### Libraries and Archives

*There is an assessed shortfall in provision (Appendix 2) : overall borrower numbers in the area are in excess of area service capacity, and bookstock for Maidstone Borough at 1339 per 1000 population is below the County average of 1349 and both the England and total UK figures of 1510 and 1605 respectively.*

*The County Council will mitigate this impact through the provision of additional bookstock and services at local Libraries serving the development and will be delivered as and when the monies are received and will accord with the LPA's Infrastructure Delivery Plan (where applicable).*

*The County Council therefore requests £100.79 per household to address the direct impact of this development.*

#### Adult Social Care



*Facilities for Kent Family & Social Care (FSC) (older people, and adults with Learning or Physical Disabilities) are fully allocated. The proposed development will result in a demand upon social services which FSC are under a statutory obligation to meet but will have no additional funding to do so.*

*The County Council will mitigate this impact through the provision of new/expanded facilities and services both on site and local to the development.*

*The mitigation will comprise the following projects:*

*Project 1: Assistive Technology (also referred to as Telecare): installation of technology items in homes on this development (including: pendants, fall sensors, alarms, etc.) to enable existing & future clients to live as independently and secure as possible in their own homes on this site.*

*Project 2: Building Community Capacity: enhancement of local community facilities to ensure full DDA access to clients to participate in community activities and groups.*

*These projects will be delivered once the moneys are collected except where the implementation of the proposed project(s) relies upon pooled funds, then the project will commence as soon as practicable once the funding target has been reached.*

*The County Council therefore requests £15.95 per household."*

**6.04 NHS Property Services:** raise no objection to the proposal subject to the provision of a contribution towards the forward funded expansion of Marden Medical Practice, making the following detailed comments:

*"Detailed discussions in the past with Maidstone Borough Council in respect of the impact of the developments upon primary care within Marden, has led to a revised contribution to be sought from the respective developers of sites within the village.*

*I confirm the NHS's position in terms of our claim for Section 106 monies:*

- *The former PCT forward funded works to Marden Medical Practice to enable them to accommodate the 500 new dwellings anticipated over the coming plan period.*
- *The cost of the works was £204,189.00*
- *The works eligible for NHS funding amounted to £144,189.00*
- *There was just £19990.00 already available in S106 contributions from the Old Market Development which was granted to the practice to offset development costs*
- *Thus it is expected that the 500 units planned in Marden will have to pay for the residual costs of development at **£124,189.00***

*It has been agreed with the Council that assuming a proportionate sum per new dwelling, the NHS contribution should be £124,189 divided by 500 assumed new units multiplied by the number of units proposed on each site. Thus for this particular development at the Marden Cricket and Hockey Club, Stanley Road, the sum of the remaining surgery development costs (£124,189) divided by 500 units, (£248.378/unit) multiplied by the number of units proposed at this site (75) provides the level of contributions sought at **£18,628.35***

*We agreed that this agreement is particular to the situation in Marden given the fact works were forward funded by the NHS and can be directly related to the proposed new housing. Elsewhere the NHS will still use the predicted occupancy rates and*

*associated multiplier to secure developers contributions on developments. Intermediate and social housing provision has been excluded from this request for contributions in line with the NHS Section 106 policy.*

*It would be expected that all local developments fund the impact upon local primary care services equally and that the NHS is able to secure the appropriate level of funding from developers to mitigate the necessary investment in surgery premises.*

*NHS Property Services Ltd therefore seeks a contribution of £18,628.35 plus support for our legal costs in connection with securing this contribution."*

6.04.01 Please note that the above contribution is calculated on the basis of the number of proposed market housing units only, and excludes affordable housing from the calculation.

6.05 **Maidstone Borough Council Parks and Open Spaces Officer:** raises no objection to the proposal subject to the provision of a contribution towards improvement, maintenance, refurbishment and replacement of play and sports facilities and allotments and community gardens local to the site, making the following detailed comments:

*"Having looked at the documents and spoken with my department, Parks and Leisure would be looking for an offsite contribution although this would not be for the usual £1575 per dwelling as there is some green space being provided within the development.*

*The Planning Statement advises that 4975 square metres of open space will be provided within the development which equates to 0.4975ha. For a proposed development of this size we would expect a minimum of 1.30ha of open space to be provided based on the local minimum standard required for Marden (which does not include Parks and Gardens, Natural and Semi Natural Green spaces, and Green corridors.*

*The development plans to provide ultimately Amenity Greenspace (of which Marden is already well above the required standard) in the form of a Swale and a form of Village Green. A village green that is cut in half by the main access road to the development which would give us reservations as to the safety of its use as recreational open space especially for young children with there being regular car movements in and out of the development. The developer also states that it will be providing a large amount of open space in the form of a new Cricket club along Maidstone Road. Although it is pleasing to see that there is a proposed development for improving the facilities to better the current area that is proposed to be built on, however as the new facilities are directly replacing old ones there is no additional open space being provided (albeit the newer facilities may be larger) – without knowing how much extra land is being provided by the proposed new cricket club it would be difficult to assess how much extra open space is being provided by the development in this instance. Marden is underprovided in terms of Outdoor Sports Facilities and one must also query whether the new facilities will be publicly accessible for all or whether they are only available for club members.*

*Whilst Marden is slightly overprovided in terms of provision for Children (Equipped Play) it goes without saying that a development of this size will lead to an increase in usage of existing play areas within Marden with new families and under 18's moving into the area. This in turn will put extra strain and stress on existing areas leading to quicker deterioration and increased maintenance and replacement costs. We would envisage a greater use of all play facilities within the current village of Marden.*

*Marden is also underprovided for in terms of Allotments and Community Gardens of which there is no planned provision for in terms of this proposed development.*

*With this in mind, this department would seek an additional off-site contribution for surrounding open space which is likely to see an increase in usage as a result of this development. Marden Playing Fields is approximately 300m away from this proposed development and is a large area of open space providing outdoor sports facilities and areas of equipped play, and is a central location of play and outdoor sports facilities for the local community.*

*We would envisage an increase in usage of facilities at this site as well as any others within a one mile radius of the development such as the Cockpits and Napoleon Drive.*

*We would request that an offsite contribution be made towards these sites for the improvement, maintenance, refurbishment and replacement of facilities within these areas. Facilities would include but not be restricted to pavilions, play equipment and play areas, ground works, outdoor sports provision and facilities.*

<b>GREEN SPACE TYPE</b>	
	<b>Requirements</b>
<i>Parks and Gardens</i>	<i>No requirement but included in other categories.</i>
<i>Natural and Semi-Natural areas</i>	<i>No contribution required as included in the development</i>
<i>Amenity Green Space</i>	<i>Some included in development.</i>
<i>Provision for Children and Young People Equipped Play</i>	<i>No onsite contribution, a contribution towards improvements to existing facilities is requested.</i>
<i>Green Corridors</i>	<i>Not required.</i>
<i>Outdoor Sports Facilities</i>	<i>New cricket club proposed of improved facilities and larger scale – size and scale unknown.</i>
<i>Allotments and Community Gardens</i>	<i>Not included, contribution is requested</i>
<i>Cemeteries and Grave Yards</i>	<i>Not required</i>
	<b>Total off site contribution of £630 per property requested</b>

*The table above condenses the types of green space and identifies what is potentially provided by the development. Bearing in mind that some types of green*

*space are supplied the typical financial contribution requested per dwelling would be reduced.*

*We would in this instance seek to request a contribution of £630 per dwelling x 124 = £78,120.*

*As indicated this would be used primarily towards the improvement, provision and maintenance of outdoor sports facilities and provision for children and young people equipped play and would be used at Marden Playing Fields and other facilities within a one mile radius."*

**6.06 Kent County Council Public Rights of Way Officer:** raises no objection to the proposal subject to the provision of a contribution towards the improvement of the KM276 between South Road and the driveway to Selby Oast, making the following detailed comments:

*"With regards to PROW KM276, the short section between South Road and the driveway for Selby Oast has very poor pedestrian access at present (see sketch map point A to Point B). The surface is muddy and uneven and there is a barbed wire fence that narrows the path considerably along the northern boundary, with inquisitive horses making the route almost impossible to walk. There is no way a baby buggy pusher could use it, causing a potential concern for future residents in the new housing, so I assume the developer has budgeted for improvements here. Whilst I appreciate the new residents will not be using PROW KH276 to access the services in Marden, I believe there is a need for new developments to allow access to the countryside for activities such as dog walking, cycling etc. The distance to be improved is only 150 metres."*

**6.07 Kent County Council Highway Services Engineer:** raises no objection to the proposal, although some concern is raised over the quantity and arrangement of on site parking proposed, subject to a S278 agreement securing improvements to the public highway, and contributions towards the improvement of Marden Railway Station. The Engineer's original comments raised the following matters:

*"1. The application proposes the development of 124 houses on the site of the cricket and hockey club. The primary site access is proposed from a new priority junction onto Albion Road. An additional new access to serve 3 dwellings is also proposed onto Albion Road north of the main access and south of the Stanley Road access.*

*2. Albion Road is subject to a 30mph speed limit past the development site. A vision splay of 2.4m x 43m can be achieved from the main site access and a safety audit is to be provided. Please also provide details of speed measurements.*

*3. Emergency access/footway links are proposed through to Stanley Road and the details are not clear from the submitted drawings, please could additional information be provided.*

*4. Visibility from Stanley Road is restricted. As this is to become an emergency access route for the development, improvements to the visibility splay should be considered. Also the footway from Stanley Road leading to the village centre is narrow and improvements to this should be considered together with links across Albion Road towards Napoleon Drive. Please also provide details of the vision splay from the proposed new access to serve Plots 1 – 3. These proposals should be included in the safety audit.*



5. The development comprises 18 x 1 bedroom flats, 10 x 2 bedroom flats, 28 x 2 bedroom houses, 40 x 3 bedroom houses and 28 x 4 bedroom houses. The site layout is in accordance with Manual for Streets principles. Footways are provided at the site access and lead into the site with shared surfaces being provided where appropriate. The layout is designed to physically reduce vehicle speeds and additional traffic calming should be provided every 60m to ensure low vehicle speeds. Tracking diagrams have been provided which indicate the areas where larger vehicles can turn. I would recommend that additional turning space be provided in the vicinity of Plot 88 in order to provide an alternative option to the turning area near to Plots 101-109 if parking occurs in the turning area. Please also provide tracking diagrams for the emergency access onto Stanley Road and a drawing showing the extent of the adoptable area. Please also note that the fire appliance needs to gain access to within 45m of all dwellings. The maximum reversing distance for fire engines is 20m. With regards to waste collection, residents should not be expected to carry waste more than 30m to the storage point and waste collection vehicles should be able to get within 25m of the storage point (shorter distances preferred).

6. Crash data has been sourced for the latest 3 year period to 31.3.13 and this indicates that there were no reported injury crashes during this period.

7. Parking is required in accordance with the Kent Design Guide Interim Guidance Note 3 for village areas. This requires 2 independently accessible spaces for each 3 and 4 bedroom house with 1.5 spaces for each 2 bedroom house and 1 space for each 1 and 2 bedroom flats with an additional 0.2 spaces per property for visitor parking. I am concerned that the layout proposed does not include parking in accordance with IGN3 and the shortfall will be likely to lead to parking along the access roads.

8. In general the 3 bedroom houses have insufficient parking; IGN3 recommends a minimum of 2 independently accessible spaces per dwelling where spaces are provided in tandem or within garages additional on street spaces should be provided. There is also a shortfall in parking provision for the 2 bedroom houses which require a minimum of 1.5 spaces per property. There are some visitor spaces provided adjacent to Plot 120 but these are likely to be occupied by residents. Visitor parking should be provided at a ratio of 0.2 spaces per property and this is lacking throughout the layout.

9. There are areas where the space available for manoeuvring is very limited such as plots 3, 11, 15, 16, 25, 27, 28, 29, 36, 37, 39, 41, 49 and 50 and this will cause overrunning of verges or parking elsewhere on site, which could lead to obstruction. A distance of 6m is recommended behind parking spaces to allow sufficient space for manoeuvring. Please could consideration be given to allow additional manoeuvring space.

10. The access road is 5.5m at the junction with Albion Road narrowing to 4.8m with a footway on one side. 4.8m is sufficient width to allow an HGV to pass a car. However there is a considerable shortfall in parking provision, particularly past Plots 17/41 and this cumulative shortfall together with the lack of visitor spaces is likely to lead to extensive on street parking which in turn may lead to difficulties in the safe passage of vehicles. I would therefore recommend that additional parking be provided.

11. Traffic surveys have been conducted to establish existing traffic flows along Albion Road and at the junction of High Street/Maidstone Road. Traffic generation

*has been estimated using TRICs, traffic distribution and assignment have been estimated using TEMPRO and census data. Traffic growth rates have been applied to the base traffic flows to provide 2018 flows and committed development and proposed development traffic have been added for the following sites:*

- a. the MAP Depot site – 112 dwellings*
- b. the Parsonage – 144 dwellings*
- c. land to the north of Howland Road, 47 dwellings*
- d. Stanley Farms – 85 dwellings*

*12. The percentage increase in traffic on local links and junctions has been estimated with the inclusion of the development traffic, committed/proposed development for the 2018 design year with growth factors applied. The results indicate that the maximum % increase in traffic at the junction of the High Street/ Maidstone Road during peak hours would be 7%. The results of the capacity assessment indicates that this junction has adequate capacity to accommodate the additional traffic with a maximum queue length, on any approach to the junction, of 2 vehicles and the maximum RFC being 0.697. (The recommended maximum RFC value is generally 0.85%)*

*13. Junction capacity assessments indicate that the proposed site access junction with Albion Road has adequate capacity to accommodate the development traffic in 2018 with the inclusion of committed development flows without queues and delays.*

*14. A Sustainable Travel Statement has been prepared and found to be acceptable.*

*15. The developer is required to upgrade the existing zebra crossing on Goudhurst Road to a pelican crossing to improve safety for those walking to the school.*

*16. A pedestrian crossing is required on Church Green close to its junction with the access to Marden Station to improve safety for those walking to the station.*

*17. Bus stop improvements are required at local bus stops to aid accessibility for the mobility impaired.*

*19. Cycle parking is required at the rail station, at the library and outside the post office.*

*20. An appropriate contribution is required toward improvements to Marden train station."*

6.07.01 Following the submission of additional information, including details of visibility splays and a road safety audit, the following further comments were received:

*"The information addresses concerns raised regarding the emergency access and footway link to Stanley Road, visibility splays and the extent of adoption and a road safety audit is provided in respect of the new junction onto Albion Road. I can confirm that all these details are acceptable however dropped kerb crossings will be required in Stanley Road at its junction with Albion Road as part of the footway links and should be provided under a Section 278 Agreement in addition to the other highway works outlined in my previous correspondence."*

6.07.02 Details have been provided of the contributions sought in respect of the improvements to Marden railway station as follows:

*"The contribution to the railway station would be made to southeastern as was the case with application MA/13/1291. The contribution required is based on the cost of the new station facilities which is £52,960 distributed equally between the 253 new homes being provided at the following development sites: Howland Road (44 dwellings), Stanley Farm (85) and Marden Cricket and Hockey Club (124 dwellings).*

*The contribution sought from the Cricket and Hockey Club site is  $\text{£}52,960/253=\text{£}209.33 \times 124 = \text{£}25,956.92$ ."*

**6.08 Kent County Council Biodiversity Officer:** raises no objection to the proposal subject to conditions requiring the submission of details of Great Crested Newt mitigation and the implementation of the approved details, and makes the following detailed comments:

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

#### *Great crested newts*

*We have reviewed the updated Great Crested Newt Survey and we have the following comments to make:*

*We are satisfied with the results of the Great Crested Newt Survey.*

*The mitigation detailed within the submitted report had stated that the proposed attenuation facility can be used as the receptor site. Unfortunately the design of the attenuation facility had yet to be finalised – however the ecologist has confirmed that they are satisfied that adequate scope for this to be designed in such a way so as to provide the necessary mitigation*

*We advise that while we are satisfied that this information is sufficient to determine the planning application we will require a detailed mitigation strategy to be submitted as a condition of planning permission, if granted. The mitigation strategy must be produced once the design of the attenuation facility has been finalised.*

*To minimise any impact on GCN within the completed development the applicant has confirmed the following will be carried out.*

- the use of gully pots has been avoided across the majority of the site by incorporating swale systems which allow the surface water to drain off the roads;*
- In some areas where there are gully pots will be required they will be off-set from the kerbs by a minimum of 150mm and sloped kerbs will be positioned adjacent to the gully pots; all drainage/road plans for the development must ensure they reflect the above points.*

#### *Bats*

*The oak tree (described as T3 within the ecology survey) has detailed that it has potential for roosting bats to be present. The planning officer has confirmed that the tree is to be retained within the proposed development and as such we are satisfied that no emergence surveys are required.*

#### *Lighting*



*Lighting can be detrimental to roosting, foraging and commuting bats. The recommendations discussed in paragraph 4.5 of the ecological survey should be taken into account when designing the lighting scheme.*

*We also advise that the Bat Conservation Trust's Bats and Lighting in the UK guidance is adhered to in the lighting design (see end of this note for a summary of key requirements).*

#### *Enhancements*

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

*The site plan indicates that the site contains green space – we suggest that a detailed ecological enhancement and management plan is submitted for comments as a condition of planning permission, if granted."*

**6.09 English Nature:** did not wish to comment on the application, referring to standing advice.

**6.10 Kent Wildlife Trust:** raise no objection to the proposal.

**6.11 Southern Water:** raise no objection to the proposal subject to the imposition of conditions requiring the submission of details of foul and surface drainage, and implementation of the approved details, and informative notifying the developer of the need for a formal agreement for provision of necessary sewerage infrastructure and connection to the public sewerage system, and make the following detailed comments:

*"Following initial investigations, there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewer, or improvements to existing sewers will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location.*

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

*"The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or [www.southernwater.co.uk](http://www.southernwater.co.uk))."*

*Our initial investigations indicate that the existing surface water system can accommodate a surface water flow of 17.0l/s. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.*

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

*"A formal application for connection to the public sewerage system is required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or [www.southernwater.co.uk](http://www.southernwater.co.uk))."*

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

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

*Specify the responsibilities of each party for the implementation of the SUDS scheme;*

*Specify a timetable for implementation; and*

*Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.*

*We request that should this application receive planning approval, the following condition is attached to the consent:*

*"Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."*

*Southern Water's current sewerage records do not show any public sewers to be crossing the above site. However, due to changes in legislation that came in to force on 1<sup>st</sup> October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and the potential means of access before any further works commence on the site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or [www.southernwater.co.uk](http://www.southernwater.co.uk))."*

**6.12 Environment Agency:** raises no objection to the proposed subject to the imposition of conditions requiring the implementation of the flood risk assessment and submission of details of surface water drainage (incorporating SUDS), land contamination investigation and remediation, and the implementation of the approved details, and preventing infiltration of surface water into the ground.

**6.13 Upper Medway Drainage Board:** raise no objection to the proposal, but raise the following concerns:

*"The principle of the proposed SuDS, with discharge to be limited to 17.2l/s, is considered appropriate and I am pleased to see that the applicant has included the use of open storage rather than relying on oversized pipes and tanks. However, the*

*Flood Risk Assessment acknowledges uncertainty regarding the route and connectivity of downstream watercourses. There was also a blockage highlighted in the existing highway drainage system at the junction between Stanley Road and South Road. Further investigation is therefore required in respect of the downstream network and the blockage must be addressed.*

*The proposal for the SuDS to be discharged via a pumping station should be avoided if at all possible. I note that the applicant has been in contact with KCC but I am surprised that "KCC was unwilling to discuss the option of establishing a gravity connection into their highway system". The applicant should be requested to explore this further, along with other potential gravity discharge options."*

**6.14 Maidstone Borough Council Landscape Officer:** raises no objection to the proposal subject to the imposition of conditions requiring the implementation of the recommendations of the Arboricultural Impact Assessment and Method Statement and submission of a detailed landscaping scheme for the site including a (long term maintenance plan) and the implementation of the approved details, making the following detailed comments:

*"There are no protected trees on, or immediately adjacent to this site, and the land is intensively managed recreational land bordered by hedges and hedgerow trees.*

*The Pre-Development Tree Condition Survey prepared by Ruskins Group Consultancy, the Arboricultural Impact Assessment and Method Statement and Landscape and Visual Impact Assessment produced by Furse Landscape Architects Ltd are considered acceptable in principle. I would add, however, that the proposed 'minimum dig method' of hard surface construction doesn't comply with current BS5837:2012 and recommendations. This should be amended to 'no dig construction' within the RPAs of retained trees.*

*The cricket and hockey club is located within Maidstone landscape character area 44, Staplehurst Low Weald. The area is considered to be of good condition and high sensitivity and the associated guideline is therefore 'conserve'.*

*The relevant guidelines for the Low Weald landscape type are as follows:*

- *Avoid the use of single species hedgerows and shelterbelts within this landscape, where species rich hedgerows are so prevalent*
- *Conserve and increase extent of clean water ponds*
- *Conserve and promote the extension of areas of floodplain and wetland*
- *Conserve the abundance of English oak and wild service trees within the landscape, which are frequent as hedgerow trees and as isolated specimens across farmland. Ensure continuity of this key feature by planting new oak trees to replace ageing specimens*
- *Conserve and promote the use of local materials including chequered red and grey brickwork, weatherboarding, timber framed buildings and ragstone*

*The key relevant detailed summary of actions are as follows:*

- *Conserve the abundance of oak as a dominant species, and plant new isolated oaks within pasture and oak standards within hedgerows to replace ageing species*
- *Conserve and enhance the hedgerows, ensuring that they are correctly managed and gaps replanted*
- *Encourage native hedgerows around commercial and housing developments*

*Generally, so long as the above report recommendations and landscape principles are adhered to, I raise no objection on arboricultural/landscape grounds."*

**6.15 Maidstone Borough Council Conservation Officer:** raises no objection to the proposal subject to conditions requiring the submission of details and samples of materials and landscaping, and implementation of the approved details, and makes the following detailed comments:

*"The site lies opposite a pair of listed buildings, Jewell House and Bishop House, which formerly comprised a single dwelling. This building originally occupied a relatively isolated position, slightly detached from the historic village centre of Marden, but with a small courtyard of farm buildings situated just to the south of it. In the late 20<sup>th</sup> Century the farm buildings were cleared away and replaced by a modern dwelling and to the north more substantial residential development linked the listed building to the village. Residential ribbon development now continues for a considerable distance beyond the listed building.*

*Jewell House/Bishop House now lies essentially within a built-up environment. Whilst the current application site is open in nature it is not rural in character, being too formalised in its existing sports use. It does make some contribution to the character of the setting of the listed building, but development in the manner proposed will not cause any significant harm to this setting, particularly if the roadside hedgerow is retained and strengthened with new planting. The design of the proposed dwellings is in an appropriate Kentish vernacular style."*

**6.16 Kent County Council Archaeological Officer:** raises no objection to the proposal subject to the imposition of a condition requiring the submission of a programme of archaeological work and implementation of the approved details, making the following detailed comments:

*"The site lies within an area of River Terrace Gravels. These deposits have potential to contain rare and important palaeolithic remains along with palaeoenvironmental elements. In general this area of Marden has produced evidence of Iron Age, Roman and medieval activity and there is some potential for these to survive on site.*

*This application is supported by a general desk based archaeological assessment by CgMs. The desk based archaeological assessment is fine and has been passed to the HER for future reference. In view of the palaeolithic potential and the size of the site, 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."*

**6.17 Maidstone Borough Council Environmental Health Officer:** Raises no objection subject to the imposition of conditions requiring the submission of details of land remediation and air quality emissions reduction and implementation of the approved details, making the following detailed comments:



*"This is a substantial development and the usual EH concerns for such a proposal exist here. There is a desk top study submitted, GEA Desk Study and Ground Investigation Report J13245 October 2013. This is primarily a geotechnical report but it does have some references to contamination; four samples were taken in trial pits and elevated PAH, namely benzo-a-pyrene. It suggests that further work would be required – I agree. Therefore a condition should be imposed highlighting the work yet to be done, but the first part of the condition can be deemed to have been completed.*

*Despite its size, the location of the proposed development is such that noise will not been an issue, though there is likely to be an addition to local air pollution from the number of extra residences and vehicles. Interestingly the accompanying transport plan raises no objections."*

6.18 **Sport England:** raise no objection to the proposal subject to the safeguarding of the provision of an alternative facility by way of the imposition of a condition preventing occupation of any dwelling prior to the replacement facility granted outline planning permission under MA/13/0358 being built out, functional and available for public use.

6.19 **Kent Police:** raise no objection to the proposal subject to the imposition of a condition requiring the development to incorporate measures to prevent crime in accordance with "Secured By Design".

6.20 **Network Rail:** raise no objection to the proposal.

6.21 **Southern Gas Networks:** raise no objection to the proposal, but draw attention to the presence of a gas main within the vicinity of the site.

## 7.0 APPRAISAL

### Principle of Development

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

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

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

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

7.03 The key material consideration outside of the Development Plan in the determination of applications for residential development in the open countryside is national planning policy as set out in the National Planning Policy Framework 2012 (NPPF) and the Council's position in respect of a five year housing land supply.

7.04 Paragraph 47 of the NPPF states that Councils should;

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

7.05 Relevant to this, the NPPF requires that local authorities have a clear understanding of housing needs in their area, and as such they should prepare a Strategic Housing Market Assessment (SHMA) to assess their full needs; working with neighbouring authorities where housing market areas cross administrative boundaries. Maidstone has carried this out with Ashford Borough Council and Tonbridge and Malling Borough Council. The SHMA (2014) confirms the objectively assessed housing need for the borough over the plan period 2011 to 2031 as 19,600 dwellings (980 dwellings per annum). This was agreed by Cabinet on 27th January 2014 and on 24th February 2014 to be included within the draft Local Plan (to be sent out for public consultation).

7.06 In April 2013 when most recently calculated, the Council had a two year supply of housing assessed against the objectively assessed housing need of 19,600 dwellings, which is the figure against which the supply must be assessed. Even when considered in light of housing permissions granted since that date, the Council remains in the position of being unable to demonstrate a 5 year housing land supply.

7.07 This lack of a five year supply is a significant matter and at paragraph 49 of the NPPF it is stated that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a five year supply cannot be demonstrated. This position has been reflected in recent appeal decisions issued since the publication of the NPPF. In this policy context, the presumption in favour of sustainable development identified in paragraph 14 of the NPPF means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.

7.08 In respect of the circumstances of the specifics of this case, the proposal site is located adjacent to the settlement boundary of Marden, identified as an RSC in the draft Local Plan under draft policy SP3, providing a wide range of key services including a primary school, medical centre, library and other community facilities including a village hall, as well as employment opportunities and good public transport links, including by rail, to larger employment and retail centres.

7.09 RSCs are considered the most sustainable settlements in Maidstone's settlement hierarchy, as set out in the draft Local Plan, outside of the town centre and urban area by virtue of their accessibility, potential for growth and role as a service centre of surrounding areas. The draft Local Plan states that, "Rural service centres play a key part in the

economic and social fabric of the borough and contribute towards its character and built form. They act as a focal point for trade and services by providing a concentration of public transport networks, employment opportunities and community facilities that minimise car journeys.”

7.10 In this context, it is considered that the location of the site adjacent to the RSC of Marden is sustainable in the terms of the NPPF and draft Local Plan.

7.11 This is recognised in the designation of the application site as a housing allocation within the emerging Local Plan for 125 dwellings under the scope of policy H1(35), subject to the following detailed criteria:

- *Retain and enhance hedges and trees along the southern and eastern boundaries of the site in order to screen new housing from the adjacent open countryside; and*
- *Access will be taken from either Albion Road or Stanley Road, subject to agreement with the Highways Authority; and*
- *Pedestrian and cycle access will be provided, to ensure good links to existing residential areas and the village centre; and*
- *Development will be subject to the results and recommendations of a phase one ecological survey; and*
- *Replacement sports facilities will be provided, as agreed by the Borough Council, before development of this site commences; and*
- *Provision of publicly accessible open space as proven necessary, and/or contributions; and*
- *Appropriate contributions towards community infrastructure will be provided, where proven necessary; and*
- *Complimentary improvements to public footpath KM276, connecting the site to Howland Road; and*
- *Approximate development density of 30 dwellings per hectare.*

7.12 The Council is not in a position to demonstrate a five year housing land supply, and as such normal restraints on volume residential development in the open countryside do not currently apply as the adopted Local Plan is considered out of date, in accordance with central government planning policy as set out in the NPPF and discussed in detail above. In such circumstances the NPPF advises that when planning for development through the Local Plan process and the determination of planning applications, the focus should be on existing service centres and on land within or adjoining existing settlements. The development of this site is therefore in accord with the objectives of the NPPF. The application is also supported by the allocation of the site for housing in emerging Local Plan policy H1(35), notwithstanding widespread objection to this by local residents.

7.13 Furthermore, the bringing forward of development on this sustainable site adjacent to an RSC, identified as being suitable for residential development in the emerging Local Plan, will of itself contribute towards the provision of housing and therefore help in meeting the



shortfall in housing supply. This also represents a strong material consideration in favour of the development.

7.14 The concerns raised in respect of pre-maturity of consideration of the application due to the current status of the draft Local Plan is noted, however given the requirement for further work and procedural stages to be completed in respect of both documents, including examination, and the likely timetable for these to take place, it is not appropriate or reasonable to delay consideration of the application for this reason. Furthermore, the Local Planning Authority has a duty to determine applications as and when submitted, and cannot refuse to determine, or indeed refuse, applications on the basis that the policy framework is immature.

7.15 For these reasons, it is considered that the principle of the development of the site for residential development, whilst contrary to Development Plan policy, is, by virtue of national planning policy as set out in the NPPF and local planning policy as set out in the emerging Local Plan, acceptable in the circumstances of this case, subject to detailed consideration of whether any adverse impacts of the development would outweigh the benefits of the application in respect of the provision of housing in a sustainable location. In the circumstances of this case, the key planning issues are considered to be visual impact and the density of the proposed development (including whether the site can suitably accommodate 124 dwellings); cumulative impact when taken together with other development sites coming forward; S106 contributions for the mitigation of impacts upon social and other infrastructure; the loss of a community facility; access/highway safety; drainage and flooding issues; and ecology.

### **Visual Impact**

7.16 The proposal is for the redevelopment of an open site in the open countryside for residential development; there will inevitably be a visual impact as a result. The site is clearly visible from both Albion Road and Stanley Road/South Road, and also the KM276 public right of way which runs along the northern boundary of the site, albeit that it is screened to a certain extent by existing landscaping which is proposed to be retained in the development of the site, and strengthened through the introduction of additional planting. The development would be seen against the existing hard boundary of the development to the north of Stanley Road/South Road, and that to the west of Albion Road, and due to its linear shape hugging the southern boundary of the defined settlement, represents a logical extension to the built environment in this specific location. This is recognised in the allocation of the site for housing in the draft local Plan under policy H1(35). The site is screened in longer views from Howland Road and Copper Lane by existing built development and field boundaries.

7.17 The concerns expressed in relation to the suitability of the scale and form of the proposed development are noted, and have some merit. It is true that the scale and density of the built form will increase from west to east within the site, however, this is not in itself unacceptable in design terms, and is a function of the need to provide a range of different dwelling types and sizes within the development for both market and affordable housing. The provision of larger detached properties in the west of the site is a response to the existing pattern of built development in the close vicinity of the junction of Albion Road and Stanley Road, whilst the tightening of the grain of the development within the central part of the site is itself a legitimate reaction to the more dense twentieth century development located between Stanley Road/South Road and Howland Road to the north of the site. Whilst it is the case that the existing built development is a mix of single and two storey dwellings along the northern side of Stanley Road/South Road, it does not automatically follow that the absence of bungalows within the proposal is unacceptable, and given the maintenance of openness along the north boundary of the site due to the abutment of gardens to this

boundary and the retention and reinforcement of existing hedging and trees it is not considered that the development would result in an unacceptable appearance to the frontage of this highway. However, in order to safeguard the hedging and the introduction of additional planting in a robust landscaping scheme and to prevent an unduly hard edge to the development, I propose a condition restricting boundary treatments to open spaces within and without the site in order to reinforcement reliance on landscaping as a means of enclosure.

7.18 The use of three, three storey blocks providing flatted accommodation in the east of the site will result in the introduction of a novel built form in the locality, however this does not automatically imply that their use is unacceptable. In the circumstances of this case, the scale of the buildings in respect of footprint, height and overall bulk, whilst inevitably greater than those of the proposed and existing dwellinghouses, are not excessive in scale, the two smaller blocks each providing six units of accommodation and the larger block in the south with an L-shaped footprint providing nine. In the case of the smaller of the three blocks, their footprints would not be significantly greater than those of some of the detached properties proposed.

7.19 The visual impact of the blocks will be mitigated by their location set well in from the north and south of the site and softened by landscaping within the site. The role of the proposed landscaping will be supported by the retention of existing mature landscaping along the southern and eastern boundaries of the site which includes robust native hedges and trees of substantial scale, in accordance with the criteria set out in emerging Local Plan policy H1(35). The blocks will be screened in views from the west by the greater part of the site, which will include substantial detached dwellings and blocks of terraces, and serve to present the context, whilst in views from within the site, they will provide a bookend to the development, beyond which will be the boundary to be retained, and open countryside.

7.20 It should be noted that policy H1(35) of the Maidstone Borough Council emerging Local Plan sets out the calculated yield for the site as 125 and the proposed development density as 30dpha and does not explicitly promote or exclude specific forms of residential accommodation; the arrangement of accommodation proposed under the scope of the current application satisfies the metrics set out in the draft policy. Although the density varies within the site, this fluidity allows the provision of significant areas of landscaping, including within the south east of the site, and this approach is considered to represent a welcome response to the context of the site, as reflected in the proposed layout

7.21 In terms of the detailed design, the development utilises a conventional pallet of house types and materials for the proposed dwellings which are in keeping with the scale, character and appearance of the traditional vernacular of Marden, incorporating porches and storm porches, modest dormers, soffits and chimneys, and materials including red brick, hanging tiles, timber weather boarding and render. It is considered in the circumstances of this case appropriate, reasonable, and necessary to require the submission of details and samples of materials, and architectural features in order to safeguard the quality of the development. The buildings are well proportioned and, particularly in the case of the detached dwellings, well articulated with dual aspect relationships to the vehicle and footways through the site. This has been carried through into the design of the terraces in the east of the site, where the use of first floor windows to side elevations serving non-habitable rooms will positively contribute to natural surveillance of open space and parking areas and add visual interest to flank elevations.

7.22 In respect of the three apartment blocks, although inescapably grander in scale than the proposed dwellinghouses on the site, they retain a visual continuity with the houses on the site, as well as those in the wider village of Marden, by way of the use of red brick, and in the case of the two smaller blocks are designed in a manner which breaks up the visual bulk

of the buildings and introduces elements of visual interest in the roofscape whilst maintaining an attractive symmetry.

7.23 For these reasons, namely the location and appearance of the proposed scheme in the context of the existing built up pattern of development in this area of Marden; the robust landscaping of the site which includes the retention of existing mature, native boundaries which serve to enclose the development envelope and the extensive additional planting proposed within the site; the high quality of the detailed, site specific architectural design; the compliance of the proposal with the criteria set out in the emerging Local Plan policy; and the safeguarding of the above by way of appropriate conditions, I consider that the visual impact of the proposed development on the character and appearance on the surrounding area to be acceptable in the context of providing a substantial contribution towards housing supply on a site accepted for such in the Draft Local Plan, subject to the conditions set out above.

### **Cumulative impact**

7.24 Members will be aware that the current application is one of several that have come forward for volume residential development in and around the settlement of Marden over the last couple of years. These include the MAP depot site (110 dwellings), the Parsonage site (144 dwellings), the Stanley Farm site (85 dwellings) and the Howland Road site (44 dwellings). These schemes, together with that currently under consideration, would provide a gross total of 507 dwellings. In the context of the emerging Local Plan, which has identified the RSC of Marden as having the capacity in terms of land supply to provide 550 dwellings on these sites, the cumulative impact of the scheme is considered to be acceptable.

7.25 In terms of pressure on local social infrastructure, including highways, it is clear from the consultation responses that subject to financial mitigation being provided for the expansion or provision of additional services, Marden is considered capable of absorbing the additional population which would result from a grant of planning permission in this case in addition to these other developments. These contributions are discussed in further detail below in paragraphs 7.28-7.43 below.

7.26 In any case, three of these permissions (those relating to the Parsonage, Stanley Farm and Howland Road sites) are outline, and there is therefore no certainty that they will come forward for developing out in the foreseeable future.

7.27 For these reasons it is not considered that the cumulative impact of the development, when assessed in the context of the existing consents on other sites in and around Marden, is unacceptable.

### **Affordable Housing and S106 Contributions**

7.28 A development of this scale will place extra demands on local services and facilities and it is important to ensure that the development can be assimilated within the local community. As such, policy CF1 of the Maidstone Borough-Wide Local Plan 2000 and the Council's Open Space DPD allow for suitable contributions to make the development acceptable in planning terms to be sought in line with of the Local Plan.

7.29 This is supported by policy ID1 of the emerging Local Plan, which relates to infrastructure delivery. The preamble of the draft policy sets out the Council's progress towards developing its Community Infrastructure Levy (CIL), and in the event of competing demands for developer contributions towards the delivery of infrastructure for new development proposals, identifies the Council's hierarchy of prioritisation as follows:

affordable housing, transport, open space, public realm, health, education, social services, utilities, libraries and emergency services.

7.30 In this case, the applicant proposes 40% affordable housing built to lifetime Homes standards, which is in accordance with the current Maidstone Borough Council Open Space DPD. The proposed distribution of affordable housing within the site (plots 72 – 120 inclusive) and the mix of housing stock and tenure (60% social rented and 40% shared ownership), being a mix of 12 x 1-bed units, 12 x 2-bed units, 5 x 3-bed units (affordable rent) and 3 x 1-bed units, 12 x 2-bed units, 5 x 3-bed units (shared ownership) have been arrived at in consultation with the Council's Housing Officer who has raised no objection to the details proposed. Therefore, subject to a S106 agreement safeguarding this provision, this element of the proposal is considered to be acceptable.

7.31 In terms of financial contributions towards social infrastructure other than affordable housing, any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criteria that set out that any obligation must meet the following requirements: -

It is:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development. the following sums have been sought:

7.32 In this case, the following contributions have been sought in respect of the proposed development, which will be considered in detail below:

- **£2,360.96 per 'applicable' house and £590.24 per 'applicable' flat** is sought towards the build costs of extending Marden Primary School.
- **£2,359.80 per 'applicable' house and £589.95 per 'applicable' flat** is sought towards the extension of secondary school buildings used by residents of Marden.
- **£30.70 per dwelling** is sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both through detailed adult education centres and through outreach community learning facilities local to the development.
- **£8.44 per dwelling** is sought to be used to address the demand from the development towards youth services locally.
- **£100.79 per dwelling** is sought to be used to address the demand from the development towards additional bookstock and services at local libraries serving the development.
- **£15.95 per dwelling** is sought 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.
- **£18,628.35** is sought towards the extension of and works to the Marden Medical Centre.
- **£78,120.00** is sought towards the provision of offsite outdoor sports facilities, children's and young people's equipped play areas, and allotment and community gardens.
- **£7,762.50** is sought towards the improvement of the KM276.
- **£25,956.92** is sought towards improvement works to Marden Station.



7.33 Kent County Council has requested a contribution of £2,360.96 per 'applicable' house and £590.24 per 'applicable' flat towards extension of Marden Primary School. Evidence has been submitted that the schools in the vicinity (Marden and Collier Street) are nearing capacity and that, taking into account this development and those permitted, capacity would be exceeded. The contributions set out above would go towards meeting the additional strain placed upon the school facilities within the locality, and is considered to be a reasonable sum, related to the scale of the development. I am therefore satisfied that this contribution meets the tests as set out above.

7.34 Kent County Council has also requested a contribution of £2,359.80 per 'applicable' house and £589.95 per 'applicable' flat towards the provision of additional accommodation at secondary schools used by the students of Marden. Evidence has been submitted that the secondary schools in the local area are nearing capacity and that, taking into account this development and those permitted, capacity would be exceeded. Therefore contributions are sought from new developments on the basis that the demand for places arising from these developments cannot be accommodated within existing secondary schools. The contributions set out above would go towards meeting the additional strain placed upon secondary school facilities within the locality, and is considered to be a reasonable sum, related to the scale of the development. I am therefore satisfied that this contribution is policy compliant and meets the tests as set out above.

7.35 A contribution of £30.70 per dwelling is sought by Kent County Council towards the provision of new/expanded facilities and services for adult education centres and outreach community learning facilities in light of the current shortfall in provision and likely additional strain that would be placed on the service by the proposed development. I consider that this request is justified, compliant with policy CF1 and the three tests as set out above.

7.36 A contribution of £8.44 per dwelling is sought by Kent County Council towards local youth services is sought in order to accommodate the additional strain that would be placed on the service by the proposed development. I consider that this request is justified, compliant with policy CF1 and the three tests as set out above.

7.37 A contribution of £100.79 per dwelling is sought by Kent County Council towards additional bookstock and services at the local library on the basis that the development would result in additional active borrowers when overall borrower numbers are in excess of area service capacity and bookstock in Maidstone generally below the County and UK average. I consider this request to be compliant with policy CF1 and to meet the tests set out above.

7.38 A contribution of £15.95 per dwelling is sought by Kent County Council towards adult social services to be used towards provision of assistive technology and enhancement of local community facilities to ensure full DDA compliant access to clients. I consider that this request is justified, compliant with policy CF1 and meets the three tests as set out above.

7.39 A contribution of £18,628.35 is sought towards the extension of and works to the Marden Medical Centre, which have been forward funded and completed by way of NHS funding on the basis of development in Marden, including that of the current site, coming forwards and providing the necessary funding in due course. I consider that this request, which is in line with previous approvals relating to residential development in Marden and has been fully scrutinised, is justified, compliant with policy CF1 and the three tests as set out above.

7.40 A contribution of £78,120.00 is sought towards the provision of offsite outdoor sports facilities, children's and young people's equipped play areas, and allotment and community gardens. Maidstone Borough Council's Parks and Open Spaces Officer has set out in the

detailed comments why the on site provision is considered in this case to be inappropriate for the purposes of contributing towards the parks and open spaces requirement identified, and I concur with these findings. Leaving aside the matter of the inclusion in the development of open space types which Marden is overprovided for and the limited compatibility of the "green" for children's play as a result of conflict between this use and vehicle movements, whilst it is noted that an approval of planning permission would allow the build out of a replacement sports facilities, for the reasons set out in the comments, it is not considered acceptable to set this against the open space provision as whilst it would result in a net increase in outdoor sporting facility provision, this would not be publically available for community use, being subject to a membership scheme, and therefore would not actually contribute towards mitigating the impact of the proposed development in terms of additional demand for public social infrastructure. However, the fact that green space is included within the layout of the development is reflected in the reduced sums sought in respect of parks and open spaces. I am therefore satisfied that this contribution is policy compliant and meets the tests as set out above.

7.41 The Kent County Council Public Rights of Way Officer has requested a contribution of £7,762.50 towards the improvement of between South Road and the driveway to Selby Oast, including improvement of its surface. The Officer acknowledges that the footpath would not directly enable occupiers of the development to access services in Marden, but considers that it will be used for informal activities including dog walking and access to the open countryside, a view which I consider has merit. I consider that this request is justified, and meets the three tests as set out above. The request is also expressly compliant with policy H1(35) of the emerging Local Plan.

7.42 A contribution of £25,956.92 is sought towards improvement works to Marden Station. This would, together with the contributions secured in respect of the developments at Stanley Farm and Howland Road, provide improved passenger communications facilities, personal safety improvements (including additional lighting and cctv), and increased accessibility by way of automatic door openers and accessible ticket office window facilities. The proposed development will result in increased passenger demand for services from and to Marden Station. I consider that this request is justified, policy compliant and meets the three tests as set out above. The request is also consistent with previous approvals of residential development in Marden.

7.43 The contributions set out above are considered to be necessary to mitigate the impact upon local social and other infrastructure, to be reasonably related to the character and scale of the proposed development, to be fully financially justified, tested against the requirements of S122 of the Community Infrastructure Levy Regulations 2010, and otherwise compliant with existing and emerging Development Plan policy. The provision of these contributions by way of an appropriate legal mechanism is therefore considered to be acceptable.

#### **Loss of an Existing Sports Facility**

7.44 Whilst the existing Marden Hockey and Cricket Club does not explicitly fall within the scope of the a community facility in the wording of Local Plan policies in the strictest terms, it is clear that the existing club and its grounds does represent a significant community asset. This is supported in the wording of the criteria by which any proposal for redevelopment of the site should be assessed under emerging Local Plan policy H1(35), which requires that *"replacement sports facilities will be provided, as agreed by the Borough Council, before development of this site commences"*.

7.45 In this case, outline planning permission has previously been obtained for the provision of an alternative facility of equal (or improved) standard of provision for sport by

Marden Hockey and Cricket Club under the scope of MA/13/0358, and preparations are being made for the progression of the cricket pitch and the submission of a reserved matters application. The proposed replacement facility, occupying a greater site area, would provide a cricket pitch, two artificial multi-purpose sports pitches and four tennis courts, a net increase over the existing extent of provision. The replacement facilities would also represent a qualitative improvement in respect of the current club premises.

7.46 It does not, of course, follow that the provision of the alternative facility will necessarily be secured by way of a grant of planning permission, and to this end any S106 agreement relating to a grant of planning permission should include a clause that the development currently under consideration shall not be commenced until such a time as the alternative community facility granted outline planning permission under MA/13/0358 is fully operational for use by the public. Such a legal mechanism is considered to be adequate to safeguard against the loss of the community facility in the circumstances of this case. Such a mechanism would accord with the views of Sport England, who have requested a condition which would have similar effect.

7.47 In light of the facts that the extant permission for the replacement facility is outline and that details have not yet formally been submitted, I propose imposing a five year implementation condition on any permission relating to the current application rather than the standard three year time limit in order to allow a reasonable time for compliance with the terms of the S106 in this regard.

## **Highways**

7.47 Concerns over highway safety, including the provision of on site parking and the cumulative impact of this development together with others in and around Marden have been raised in representations from the Parish Council and other parties. A Transport Assessment and Safety Audit have been provided in support of the application, and the comments of the Kent County Council Highway Services Engineer on these, and the scheme in general, are set out in full above in section 6.07.

7.48 The proposed development would gain primary access from Albion Road by way of a new vehicular access located approximately half way down the western boundary of the site, with a smaller secondary access serving three dwellings to the north of this, and an emergency and pedestrian access from Stanley Road. Evidence has been provided that these achieve the necessary visibility splays and vehicle tracking to ensure highway safety is not compromised. This arrangement is considered to be acceptable in terms of both highway safety and provision of pedestrian links between the development and the surroundings, and the Highway Services Engineer has raised no objection on this grounds.

7.49 The Highway Services Engineer has found the impact of the development in terms of traffic generation and on highway infrastructure, in the context of the existing consents for residential development in and around Marden, to be acceptable, subject to conditions and the requested improvements to the public highway within Marden in order to mitigate the impact of the development in respect of increased pedestrian activity and vehicular movements. The improvements sought include the upgrading of an existing zebra crossing to a pelican crossing, the introduction of an additional pedestrian crossing at Church Green, and bus stop improvements. A dropped kerb to Stanley Road is also requested. These improvements are considered to be reasonable in terms of being related to the proposed development and necessary for pedestrian safety in response to increased pedestrian flows between the site and facilities such as the school and railway station, and attaining sustainable transport choices, and as such a Grampian condition is suggested to secure the necessary improvements.



7.50 Members will note that the Engineer raises concern over the extent of the provision of on site car parking, concerns which are reflected in the representations received from local residents. Whilst the comments are noted, Members will be aware that the Parking Standards referred to have not been formally adopted by Maidstone Borough Council, and there are currently no other standards in place. The absolute number of car parking spaces provided is in accordance with the guidance; it is the fact that they are not independently accessible which is critical. In this case, the parking arrangement proposed has been encouraged in order to free up space within the development for landscaping and to prevent an over proliferation of hard surfacing within the layout which would be detrimental to the visual quality of the development. The concerns raised by Kent County Council in respect of on street and anti-social parking have been addressed by the developer with the introduction of dwarf fences, bollards, swales and hedges as shown on drawing number 2509/13/21748A, and it is considered that this “nudge” tactic will be sufficient to encourage occupiers to make effective use of the parking spaces allocated and to discourage parking behaviours detrimental to correct use of the highway.

7.51 For these reasons, I consider that the impact of the proposed development in terms of impact on the public highways and highway safety is acceptable.

### **Flood and Drainage**

7.52 Considerable concern has been raised in regard to the impact of the proposed development in relation to existing flood risk and the exacerbation of flood events by way of increased run off and increased pressure on the existing surface and foul sewerage systems.

7.53 As Members will be aware, whilst parts of the parish of Marden are identified by the Environment Agency as being prone to alluvial flood, the proposal site is not within such an area. However, a Flood Risk Assessment has been submitted in support of the application, the main focus of which is surface water run off.

7.54 This document, the contents and recommendations of which are accepted by the Environment Agency, supports the proposal to deal with surface water drainage by way of a SUDS designed to restrict 1:100 year storm event outflow to a maximum of 17.2l/s, including the incorporation of water attenuation storage by way of basins and swales, as shown on the site layout. Whilst no objection has been raised to the development on the grounds of surface water flood risk, conditions have been requested by both the Environment Agency and Southern Water, including the submission of details of the SUDS and the implementation of the approved details; these are considered to be reasonable and necessary in the circumstances of this case.

7.55 It is noted that the authors of the report favour a gravity fed connection into the highway system, but that a pumping station has been provided for on site in the event that this cannot be attained, which chimes with the views of the Upper Medway Internal Drainage Board. It is considered that the resolution of this matter can be dealt with by way of the condition set out in the previous paragraph in consultation with the Environment Agency, Southern Water and Kent County Council as the emerging surface water drainage authority.

7.56 In respect of foul water, Southern Water have confirmed that there is inadequate capacity in the current system for the transfer and treatment of additional material, and that therefore additional or improved infrastructure will be required to accommodate the proposed development. This would be dealt with by way of a S98 agreement by way of the provisions of the Water Industry act 1991, and as such is not a matter for further consideration.

### **Ecology and Biodiversity**

7.57 The applicant has submitted an Extended Phase 1 Habitat and Bat Building Survey Report, and Addendum Great Crested Newt Survey Report. These concluded that some trees on the site had potential for providing bat foraging and habitat, however that impacts in this respect would be limited due to the retention of key trees in the development. However, ecological enhancements including the provision of bat boxes and swift bricks to appropriate elevations are proposed to be secured by way of a materials condition.

7.58 The site was found to represent low value habitat for Great Crested Newts, however due to the proximity of ponds occupied by the amphibians and the value of the site as a channel for movement of the amphibians, that a mitigation strategy is necessary, involving the introduction of amphibian exclusion and drift fencing around the perimeter of, and within, the site, the trapping and relocation of any specimens found, and the provision of on site habitat by way of the attenuation pond in the south east of the site, together with structural devices within the build of the development, such as gully pots, to allow safe movement of the animals.

7.59 These findings have been accepted by the Kent County Council Biodiversity Officer who has requested conditions to secure these elements of the proposal within other details required by way of conditions such as drainage and landscaping, and the submission of details of a Great Crested Newt mitigation strategy and management plan, and the implementation of the approved details. These are considered to be reasonable and necessary in the circumstances of this case. The proposed mitigation is to include the provision of a receptor site for Great Crested Newts within the flood attenuation basins in the south east of the site which constitute a significant element of the SUDS strategy, further details of which are required by way of condition.

7.60 It is considered that the submitted information accurately reflects the ecological impact of the development on biodiversity assets, and that the proposed mitigation, subject to the conditions set out above, will achieve the required minimisation of the impact, and therefore the scheme is considered to be acceptable in this respect.

### **Landscaping**

7.70 The comments of the Maidstone Borough Council's Landscape Officer are set out above. These confirm that the information supplied in support of the application is generally acceptable, and that a condition is imposed requiring the recommendations of the relevant documents to be implemented in order to safeguard trees to be retained on the site, of which there are a considerable number along the site boundaries, in accordance with the criteria set out in emerging Local Plan policy H1(35).

7.71 The Officer has confirmed that the indicative landscaping scheme allows for the successful introduction and retention of trees and other landscaping, however requests that in addition to this, conditions requiring the submission of a detailed landscaping scheme that responds to the Maidstone Borough Council Landscape Character Assessment for Low Weald landscapes which should include a long term maintenance plan, and the implementation of the approved details are imposed. These are considered to be reasonable and necessary in order to secure the character and appearance of the development and to safeguard the maintenance and enhancement of the existing site boundaries which are recognised as a strong landscape feature in this location, and will serve to visually contain the development, particularly to its the southern and eastern boundaries.

### **Other Matters**

7.72 The spatial relationship of the proposed dwellings, both with existing dwellings surrounding the proposal site, and within the site, is considered to be such that no significant harm to the amenity of current or future occupiers in respect of loss of privacy, loss of light, outlook or general amenity would result from the development.

7.73 A desk top survey and ground investigation report has been provided in support of the application, which has identified elevated levels of PAH within the site. In response to this, conditions requiring details of further ground investigation and remediation (if necessary) and the implementation of the approved details, have been requested by the Environment Agency and the Council's Environmental Health Officer. Given the outcomes of the initial investigation and the sensitive nature of residential use, these are considered to be reasonable and necessary in the circumstances of this case.

7.74 Concern has been raised in respect of the impact of the proposed development on designated and non-designated heritage assets, and it is recognised that the western boundary of the site is located in close proximity to a pair of Grade II listed buildings. It is the view of the Council's Conservation Officer that the existing character of the site and the physical separation of the proposed residential development from the listed buildings by distance and landscaping are factors that limit the impact on the setting of these heritage assets, and I concur with this assessment.

7.75 Notwithstanding the above, the site is located within an area recorded as being of archaeological interest, and as such a condition requiring an archaeological programme of works to be undertaken in order to allow the accurate recording of any archaeology on the site. This is considered to be reasonable and necessary given the archaeological quality of the site.

7.76 The applicants have agreed to attain Code Level 4 in the new residential development, in accordance with emerging Local Plan policy, and a condition is proposed to secure this.

## **8.0 CONCLUSION**

8.01 The proposal is contrary to adopted Maidstone Borough-Wide Local Plan 2000 policy, however for the reasons set out above, being the absence of a five year housing land supply, the age of the Development Plan, and the location of the site adjoining an identified Rural Service Centre in a sustainable location, is considered to be such that the proposal is acceptable in principle in the context of decision making that accords with the National Planning Policy Framework.

8.02 Whilst the development would be visible in views from public highways and other rights of way, it would be seen in the context of the existing built form of Marden, and as a landscape led design which would maintain much of the existing site boundaries of mature native hedging and trees, the overall visual impact of the proposed development is considered to be acceptable in the context set out above in paragraph 8.01.

8.03 I have taken into consideration the consultation responses and other representations received in relation to the proposal, and assessed the application in respect of all material considerations. In this case, the limited harm that would result from the development, as mitigated by the proposed legal agreement and conditions, would not outweigh the demonstrable benefits of the provision of 124 dwellings, including affordable housing provision, in a sustainable location in the context of an inability to demonstrate a five year housing supply. As such compliance with the National Planning Policy Framework 2012 provides sufficient grounds for a departure from the Maidstone Borough-Wide Local Plan 2000. For this reason I recommend that Members granted delegated powers to the Head of

Planning and Development to approve the application subject to the receipt of an appropriate S106 legal mechanism and the following conditions.

## 9.0 RECOMMENDATION

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

- The provision of 40% affordable residential units within the development.
- £2,360.96 per 'applicable' house and £590.24 per 'applicable' flat towards the build costs of extending Marden Primary School.
- £2,359.80 per 'applicable' house and £589.95 per 'applicable' flat towards the extension of secondary school buildings used by residents of Marden.
- £30.70 per dwelling to address the demand from the development towards the provision of new/expanded facilities and services both through detailed adult education centres and through outreach community learning facilities local to the development.
- £8.44 per dwelling to address the demand from the development towards youth services locally.
- £100.79 per dwelling to address the demand from the development towards additional bookstock and services at local libraries serving the development.
- £15.95 per dwelling 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.
- £18,628.35 towards the extension of and works to the Marden Medical Centre.
- £78,120.00 towards the provision of offsite outdoor sports facilities, children's and young people's equipped play areas, and allotment and community gardens.
- £7,762.50 towards the improvement of the KM276.
- £25,956.92 towards improvement works to Marden Station.
- The full build out, so as to be functional and available for public use, of the replacement sports facility already granted outline planning permission under MA/13/0358 or any further/replacement planning permission relating to the replacement sport facility prior to commencement of the development hereby being permitted:

The Head of Planning and Development BE DELEGATED POWERS TO GRANT PLANNING PERMISSION subject to the following conditions:

The development hereby permitted shall be begun before the expiration of five 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, and in order to allow the replacement facility granted outline planning permission under MA/13/0358 to be provided for use prior to the commencement of the development hereby permitted.

The development shall not commence until, written details and samples of the materials, which shall include stock brick, plain clay tiles and timber weatherboarding, and incorporate bat boxes to the boundary facing elevation of every other building on the site boundaries and swift bricks to the north or west elevations of every other building on the site boundaries, to be used in the construction of the external surfaces of the buildings hereby permitted have



been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved materials unless otherwise agreed in writing by the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development and a high quality of design.

No development shall take place until details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority;

- i) Details of the roof overhangs and eaves.
- ii) Details of windows and doors and recesses/reveals (which shall be a minimum of 70mm).
- iii) Details of the junction of the timber boarding and the brickwork.

The development shall be undertaken in accordance with the approved details and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and a high quality of design.

The development shall not commence until details of all fencing, walling and other boundary treatments, which shall not include closeboarded fencing of a height greater than 1.8m, or closeboarded fencing or solid walling of a height of greater than 1m to the boundary of any public space, and shall include the retention and where necessary reinforcement of boundary hedges to the site, have been submitted to the Local Planning Authority and approved in writing. The development shall be carried out in accordance with the approved details before the first occupation and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and secure the amenity of future occupiers.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Class(es) A, B, C, D, E, F and G and Schedule 2, Part 2, Class A to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development and safeguard the residential amenity of future occupiers.

The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

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

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 and protect controlled waters.

The development shall not be occupied until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented in full as approved;

Reason: To prevent pollution of the environment and protect controlled waters.

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the local planning authority) shall be carried out until the developer has submitted a revised remediation strategy to the local planning authority detailing how this unsuspected contamination will be dealt with and written approval obtained from the Local Planning Authority. The revised remediation strategy shall be implemented in full as approved;

Reasons: To prevent pollution of the environment and protect controlled waters.

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 or above has been achieved;

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

The development shall not commence until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and in order to minimise any impact upon ecology. The development shall be carried out in accordance with the approved details and maintained thereafter;

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

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. The archaeological work shall be carried out thereafter in accordance with the approved details;

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

The development permitted by this planning permission shall only be carried out in strict accordance with the approved Flood Risk Assessment prepared by Amazi Reference AMA342 Rev A, dated 6th November 2013, subject to the details approved in respect of the following:

1. The development permitted by this planning permission shall not commence until a detailed surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to, and approved by, the Local Planning Authority. As set out within the approved drainage strategy report, off site discharges should be restricted to greenfield QBAR values for all events up to and including the 1 in 100 year plus climate change event.

The drainage details submitted to the Local Planning Authority shall:

Specify the responsibilities of each party for the implementation of the SUDS scheme;

Specify a timetable for implementation;

Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime; and

Relevant manufacturers details on all SUDS features and any SW pumping station should be provided within the Flood Risk Management Plan and the Health and Safety Plan Operation and Maintenance manuals.

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.

The development shall not commence until full details of the flood attenuation basins and swales, which shall include details of levels; provision of a receptor site for Great Crested Newts in accordance with the recommendations of the Corylus Ecology Extended Phase 1 Habitat received 17th November 2014 and Corylus Ecology Addendum GCN Survey Report received 23rd April 2014; and details of the location and design of all gully pots which, where required, will be off-set from the kerbs by a minimum of 150mm and sloped kerbs will be positioned adjacent, as well as any associated ground works and infrastructure have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained thereafter unless with the agreement in writing of the Local Planning Authority:



Reason: In the interest of flood prevention and ecology and biodiversity.

No infiltration of surface water drainage into the ground, other than that allowed under the SUDS scheme approved under condition 13 above, is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters;

Reason: To prevent pollution of the environment and protect controlled waters.

The development shall not commence until details of foul water drainage have been submitted to and approved by the local planning authority. The development shall be carried out and maintained thereafter in accordance with the approved details;

Reason: In the interest of pollution and flood prevention.

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

The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines (Low Weald landscape type) and shall be based on the principles shown on drawing numbers CPL-MAR-LST-001-1 rev C and CPL-MAR-LST-001-2 rev C and Landscape Strategy Supporting Statement, and shall include, inter alia, the retention of all trees and hedges identified as such in the FLA Arboricultural Impact Assessment and Method Statement reference CPL-MAR-HD-AIA received 7th November 2014; wild flower meadow area to the peripheral areas of the "green", and the use of reed beds in the swales and drainage basins associated with the approved SUDS details.

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.

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.

The development shall be carried out in compliance with the FLA Arboricultural Impact Assessment and Method Statement reference CPL-MAR-HD-AIA received 7th November

2014, except insofar as all references in the document to "minimum dig method" shall be read as "no dig construction" in accordance with BS5837:2012, unless otherwise agreed in writing by the Local Planning Authority;

Reason: To ensure retained trees are protected during the course of development and to ensure a satisfactory external appearance to the development.

The development shall be undertaken in strict accordance with the recommendations of the Corylus Ecology Extended Phase 1 Habitat and Bat Building Survey Report received 7th November 2013 and Corylus Ecology Addendum GCN Survey Report received 23rd April 2014, subject to the additional information and mitigation required by condition 21 below, and maintained thereafter;

Reason: To secure appropriate management and enhancement within the site in the interests of ecology and biodiversity.

Notwithstanding the details and recommendations set out in Corylus Ecology Extended Phase 1 Habitat and Bat Building Survey Report received 17th November 2014 and Corylus Ecology Addendum GCN Survey Report received 23rd April 2014, the development shall not commence until an ecological enhancement and long term management plan and revised mitigation strategy undertaken by a suitably qualified person has been submitted to and approved in writing by the Local Planning Authority. The content of the ecological enhancement and long term management plan and revised mitigation strategy shall incorporate the following:

- i) Appropriate receptor site provision within the design of the flood attenuation basins and swales required by condition 14 above;
- ii) Aims and objectives of the management plan;
- iii) Appropriate management options for achieving the identified aims and objectives;
- iv) Prescriptions for management actions;
- v) Details of the body or organisation responsible for implementation of the plan; and
- vi) Ongoing monitoring and remedial measures.

The development shall thereafter be undertaken in accordance with the approved details and maintained thereafter;

Reason: To secure appropriate management and enhancement within the site in the interests of ecology and biodiversity.

No part of the development hereby permitted shall be occupied until the following works have been constructed and completed:

- i) Dropped kerb crossings to the north and south of the junction of Albion Road and Stanley Road and to each side of the proposed accesses to the site from Albion Road;
- ii) The upgrading of the existing zebra crossing on Goudhurst Road to a pelican crossing;
- iii) The improvement of two bus stops to aid accessibility for the mobility impaired, one on the north and one on the south side of High Street in the vicinity of the junction with Haffenden Close; and
- iv) The provision of an uncontrolled pedestrian crossing across Church Green;

Reason: In the interests of highway and pedestrian safety and sustainability.

The approved details of the accesses to the site as detailed in the Road Safety Audit Stage 1 reference DHA/T0303/1/BS received 30th September 2014 shall be completed in full before occupation of the development and maintained thereafter;

Reason: In the interests of highway and pedestrian safety.

The development shall not commence until, details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be provided before the first occupation of the buildings or land and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity.

The development shall not commence until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design, have been submitted to and approved by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and maintained thereafter;

Reason: To ensure a high quality external appearance to the development and in the interests of ecology and biodiversity.

No part of the development shall be occupied until a Sustainable Travel Measures Action Plan undertaken in accordance with the recommendations of the DHA Transport Assessment reference SEH/T0303 received 7th November 2014 (Sustainable Travel Statement) has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out in full;

Reason: In the interests of sustainable transport use.

No development shall take place until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

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

No external meter cupboards, vents, or flues shall be installed on any external elevation without the prior agreement in writing of the Local Planning Authority;

Reason: To secure a high standard of design.

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

site location plan and drawing numbers A306, supported by a DHA Affordable Housing and Contributions Statement reference KC/9763, CGMS Archaeological Desk Based Assessment reference DH/KB/16009, FLA Arboricultural Impact Assessment and Method Statement reference CPL-MAR-HD-AIA, GEA Desk Study and Ground Investigation Report reference J13245, FLA Supporting Statement (Landscape), Corylus Ecology Extended Phase 1 Habitat and Bat Building Survey Report, FLA Landscape and Visual Impact Assessment (including drawing numbers CPL-MAR-LST-001-1 rev C, CPL-MAR-LST-001-2 rev C, CPL-MAR-LST-002, and CPL-MAR-LVI-001-1, and viewpoint sheets 1 and 2 of 2),

DHA Planning Statement reference MJW/9763, Ruskins Pre-Development Tree Condition Survey reference 0813-1364 rev 1, DHA Statement of Community Involvement reference KC/9763, Turley Associates Sustainable Design and Construction Assessment, DHA Transport Assessment reference SEH/T0303 and PDI Utilities Utilities Feasibility Report reference 13.303 rev 1, all received 7th November 2014, Design and Access Statement and Amazi Flood Risk Assessment reference AMA342 rev A received 13th November 2013; Addendum Design and Access Statement received 16th January 2014; Corylus Ecology Addendum GCN Survey Report received 23rd April 2014, drawing number A307, proposed bollard strategy drawing number 2509/13/21748A, Road Safety Audit and covering email received 30th September 2014; drawing number 21748A/100F received 3rd October 2014; site layout and house types booklet and email received 7th October 2014;

Reason: In the interests of clarity and to secure a high quality of development.

## INFORMATIVES

(1) The lighting scheme provided in accordance with condition 11 should adhere to the following advice from the Bat Conservation Trust and Institution of Lighting Engineers.

### Bats and Lighting in the UK

#### Summary of requirements

The two most important features of street and security lighting with respect to bats are:

1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.
2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

#### UV characteristics:

##### Low

Low pressure Sodium Lamps (SOX) emit a minimal UV component.

High pressure Sodium Lamps (SON) emit a small UV component.

White SON, though low in UV, emit more than regular SON.

##### High

Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps

Mercury lamps (MBF) emit a high UV component.

Tungsten Halogen, if unfiltered, emit a high UV component

Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

##### Variable

Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output. Glass glazing and UV filtering lenses are recommended to reduce UV output.

#### Street lighting

Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels.

Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided.

If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

#### Security and domestic external lighting

The above recommendations concerning UV output and direction apply. In addition:

Lighting should illuminate only ground floor areas -light should not leak upwards to illuminate first floor and higher levels;

Lamps of greater than 2000 lumens (150 W) must not be used;

Movement or similar sensors must be used -they must be carefully installed and aimed, to reduce the amount of time a light is on each night;

Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;

Light must not be directed at or close to bat roost access points or flight paths from the roost -a shield or hood can be used to control or restrict the area to be lit;

Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;

Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

(2) A formal application for connection to the public sewerage system is required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or [www.southernwater.co.uk](http://www.southernwater.co.uk)).

(3) The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or [www.southernwater.co.uk](http://www.southernwater.co.uk)).

(4) Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:2009 for noise control on construction sites. Statutory



requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the EHM regarding noise control requirements.

(5) 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.

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

(7) Vehicles may only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

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

If the existing premises, including outbuildings, are found to contain asbestos based material the following informative must also be complied with:

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

(9) Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental/unauthorised discharge to ground. The areas for storage should not drain to any surface water system.

Where it is proposed to store more than 200 litres (45 gallon drum = 205litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention, the applicant should refer to Environment Agency guidance PPG1 General guide to prevention of pollution, which is available on online at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk).

(10) Please note that the CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste.

Please also note that contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore its handling, transport, treatment and disposal is subject to waste management legislation which includes:

- i. Duty of Care Regulations 1991
- ii. The Waste (England and Wales) Regulations 2011
- iii. Hazardous Waste (England and Wales) Regulations 2005
- iv. Pollution Prevention and Control Regulations (England and Wales) 2000



v. Environmental Permitting (England and Wales) Regulations 2010

The Council's approach to this application:

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

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

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

In this instance:

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

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

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

Case Officer: Catherine Slade

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

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

Reference number: MA/13/1928

Village green status of site:

The report states in paragraph 1.05 that in respect of a 2011 application to register part of the site (primarily the cricket pitch) as a village green under the provisions of the Commons Act 2006, that "a formal decision has not yet been issued, however the Inspector's report on the Public Inquiry has recommended that the application fail." This is incorrect; a decision on the application was made earlier this year. The application was refused.

Condition 2 - Materials:

Condition 2 seeks to achieve high quality of design and biodiversity enhancements in the development, and for the purposes of clarity in what is required and the reason for the condition I propose to amend the condition as follows:

*"The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted, which shall include stock brick, plain clay tiles and timber weatherboarding, and incorporate bat boxes to the boundary facing elevation of every other building on the site boundaries and swift bricks to the north or west elevations of every other building on the site boundaries (so as bat boxes and swift bricks are incorporated into alternate buildings on the site boundaries), have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved materials unless otherwise agreed in writing by the Local Planning Authority;*

*Reason: To ensure a satisfactory appearance to the development and a high quality of design, and to secure biodiversity enhancements within the development."*

I also propose two additional informatives as follows:

*"For the purposes of clarity, the bat boxes and swift bricks referred to in condition 2 shall be placed on alternate buildings on the site boundaries.*

*The bat boxes and swift bricks required by condition 2 shall be located in accordance with guidance published by the Bat Conservation Trust and Royal Society for the Protection of Birds, which can be found at [http://www.bats.org.uk/pages/bat\\_boxes.html](http://www.bats.org.uk/pages/bat_boxes.html) and <http://www.rspb.org.uk/advice/helpingbirds/nestboxes/smallbirds/siting.aspx>."*

Recommendation:

Subject to the amendments set out above, my recommendation remains unchanged.

Reference number: MA/13/1928

Application for discharge of conditions 14/501602:

This application was approved on 9<sup>th</sup> October 2014. The application to vary conditions attached to MA/13/0358 (14/501603) remains outstanding.

Outcome of Marden Parish Council consultation on sites for residential development in Marden:

An additional neighbour representation has been received which challenges the assertion in Councillor Blackmore's statement (quoted in full in the Committee Report), regarding the placing of red and green stickers on a map of Marden during a Marden Parish Council consultation event. Evidence has been provided which indicates that the application site received a more mixed response than that claimed by Councillor Blackmore, with some support being demonstrated for its development.

Notwithstanding this conflict in respect of the outcome of the consultation, Members will be aware that, as set out in paragraph 7.12, I give limited weight to this in light of the allocation of the site for housing in the draft Local Plan.

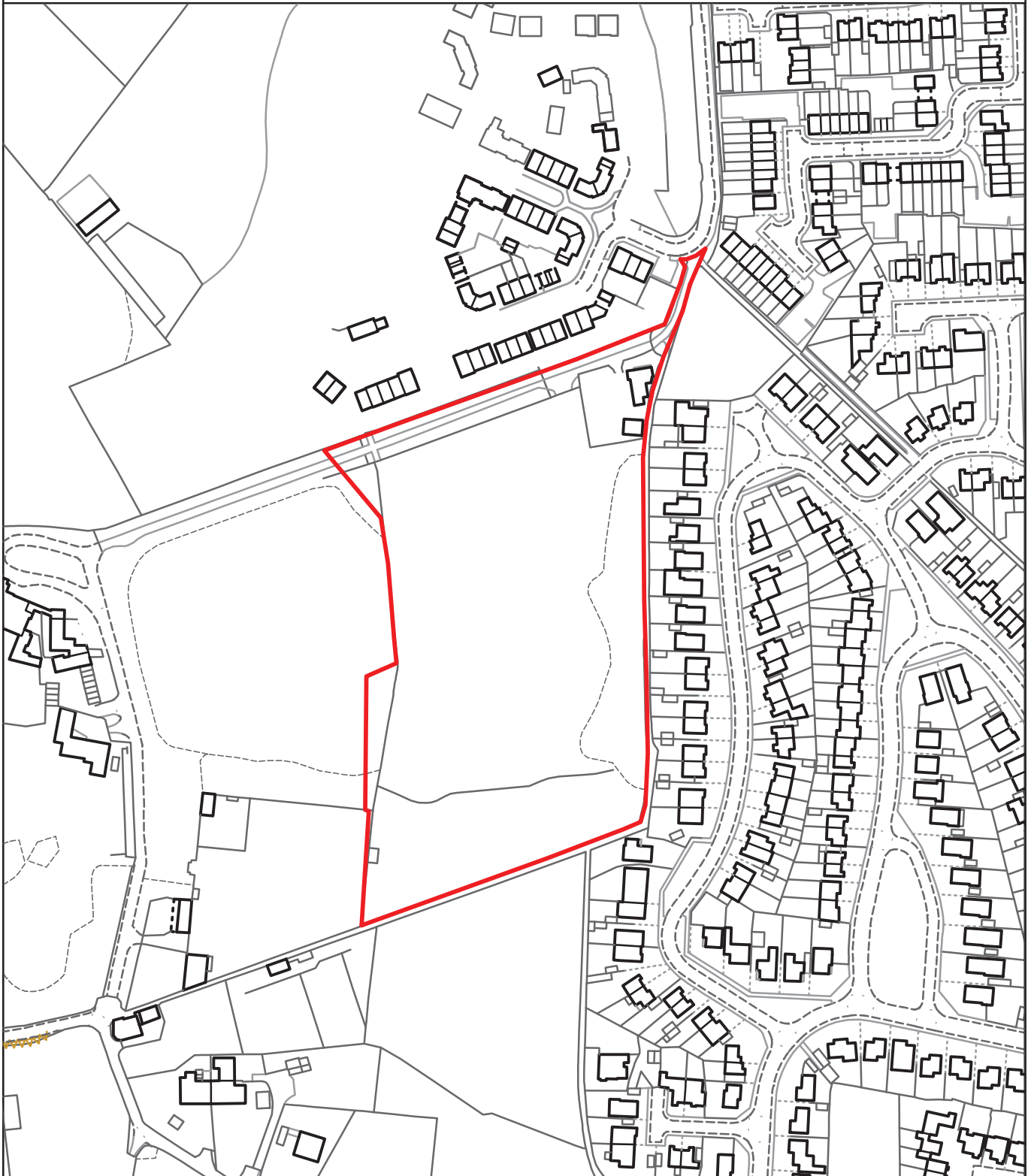
Recommendation:

Subject to the amendments set out in my previous (seen) urgent update report, my recommendation remains unchanged.

# THE MAIDSTONE BOROUGH COUNCIL

Land At Postley Road  
Maidstone  
Kent  
ME15 6RH

MBC Ref: 13/2038



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**Rob Jarman**  
Head of Planning

## REPORT SUMMARY

REFERENCE NO - 13/2038

APPLICATION PROPOSAL

Outline application for residential development comprising 62 dwellings with associated car parking and landscaping, involving the demolition of existing dwelling to the north east of site, with access and layout considered at this stage and all other matters reserved for future consideration.

ADDRESS Land At, Postley Road, Maidstone, Kent, ME15 6RH

RECOMMENDATION

DELEGATED POWERS TO APPROVE SUBJECT TO CONDITIONS

(See Section 8 of report for full recommendation)

SUMMARY OF REASONS FOR RECOMMENDATION

The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development is at a sustainable location, immediately adjoins an existing urban area, and given the current shortfall in the required five-year housing supply, any adverse impacts would not significantly and demonstrably outweigh the public benefits of providing much needed housing, including affordable housing. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan.

REASON FOR REFERRAL TO COMMITTEE

- Departure from the Development Plan
- Councillor D. Mortimer has requested the application be reported to Planning Committee for the reasons set out below.

WARD	PARISH/TOWN COUNCIL	APPLICANT
South Ward	Tovil	Chailey Homes Ltd.
		AGENT Robinson Escott Planning
DECISION DUE DATE	PUBLICITY EXPIRY DATE	OFFICER SITE VISIT DATE
30/04/15	20/11/14	13/02/14 & 19/05/15

RELEVANT PLANNING HISTORY

App No	Proposal	Decision	Date
15/501069/OUT	Outline application for the erection of four semi-detached dwellings with all matters reserved for future consideration.	PENDING	
73/0463/MK1	Outline Application for the erection of residential development	REFUSED & APPEAL DISMISSED	23/08/73
63/0584/MK1	The erection of dwellings	REFUSED & APPEAL DISMISSED	05/06/64
58/0271/MK1	The erection of dwellings	REFUSED	28/08/58

## MAIN REPORT

## **1.0 DESCRIPTION OF SITE**

- 1.01 The application site is a roughly rectangular parcel of land at the south end of Postley Road with an area of approximately 2.6ha. The site adjoins the settlement boundary of Maidstone in the adopted Local Plan which runs along the north and east boundaries of the site. To the north is a recent residential development of 127 dwellings and to the east are large areas of residential development including Richmond Way which is closest. The site adjoins the settlement boundary but is located within the countryside for Development Plan purposes, which here is designated an Area of Local Landscape Importance (Loose Valley) under policy ENV35.
- 1.02 There is an existing dwelling known as 'The Lodge' in the northeast corner and the remainder of the land is mainly grassed and currently in equestrian use with some stables and small buildings in the southwest corner. There are some scattered trees on site (with certain species protected under an area TPO) and some limited tree/hedge lines along parts of the boundaries. The land has a gentle slope to the west. The Loose Conservation Area adjoins the west boundary and small sections of the site extend into it by around 5-8m. 'Hayle Place' is a Grade II listed building and is around 155m west of the site. Other nearby listed buildings include Little Bockingford (GII) around 100m to the southwest, Bockingford Court (GII) around 80m to the southwest, and Bockingford Farmhouse (GII) around 90m to the south. Public Right of Way (PROW) KB33A runs along the east boundary and heads west along the south boundary. PROW KB22 heads southwards from the south boundary of the site. There is a private right of way along the north part of the site which runs west to Hayle Place.

## **2.0 PROPOSAL**

- 2.01 This is an outline application for residential development comprising 62 dwellings with associated car parking and landscaping, involving the demolition of existing dwelling to the north east of site, with access and layout considered at this stage and all other matters reserved for future consideration.
- 2.02 Access would be taken off the south end of Postley Road via the existing access to 'The Lodge' in the northeast corner. Layout is being considered, which shows the access road curving into the site with an apartment block illustrated to be 2.5 storeys in height facing onto the road and an area of open space opposite where an LEAP (Local Equipped Area for Play) would be provided. The road would divide heading west on a loop where it would link back up with the main road towards the southeast corner. Houses would front the roads with landscaped front gardens and tree planting. Houses would be a mix of detached and semi-detached of two storeys but there would be eight bungalows along the east edge towards the southeast corner. A pedestrian route would run through the site from north to south linking with public footpaths to the south.
- 2.03 Affordable housing is proposed at 40% with a 60/40 split for rented/shared equity.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

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



- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV26, ENV28, ENV35, T3, T13, T21, T23, CF1,
- MBC Affordable Housing DPD (2006)
- MBC Open Space DPD (2006)
- Guidance: 'The Sign of a Good Place to Live – Building for Life 12'
- DRAFT Maidstone Borough Local Plan (Regulation 18): SS1, SP5, H1, H2, DM2, DM4, DM10, DM11, DM12, DM13, DM24, ID1

#### **4.0 LOCAL REPRESENTATIONS**

4.01 Approximately 110 representations received raising the following (summarised) points:

- Harm to the landscape.
- Harm to listed buildings.
- Harm to Conservation Area.
- Not high quality design and out of character.
- Apartment block out of character.
- High density.
- Lack of green space in this area.
- Greenfield land.
- Highway safety on new access and local area.
- Access too narrow.
- Lack of parking.
- Increase car usage.
- Loss of privacy.
- Loss of light.
- Overshadowing.
- Loss of views.
- Harmful impact on wildlife.
- Light pollution.
- Strain in infrastructure.
- Anti-social behaviour from LEAP.
- Problems with water and drainage.
- Increased pollution.
- Loss of value.
- Problems with construction traffic.
- Lack of consultation with community.

4.02 **Ward Councillor Derek Mortimer:** Raises objection on the basis of highway safety; loss of 'The Lodge', harm to the landscape, harm to local amenity, greenfield land, harm to listed buildings, apartments unsuitable, archaeology, harm to wildlife, unsustainable location.

4.03 **Ward and County Councillor Brian Clark:** Raises objection on the basis of urban sprawl and harm to the landscape; traffic congestion; harm to wildlife; risk to wider area; unsustainable development.

4.04 **Borough Councillor Harwood:** Concern regarding ecological impact. Considers that the dead tree and surrounding vegetation should be retained due to its biodiversity value and mitigation/enhancement should be provided.

**4.05 North Loose Residents Association:** Object and raise the following summarised points:

- Harm to the landscape.
- Unsustainable development.
- Lack of local infrastructure.
- Dangerous access.
- Safety issues during construction.
- Apartment out of character.
- Harm to wildlife.
- Lack of open space within the area.
- Conflict with policy ENV22.
- Lack of community consultation.

**4.06 Helen Grant MP:** Has carried out a local survey with 1000 homes and received 202 responses with 96% opposed to development (Feb'15). Concerns raised over traffic, impact on the environment, and lack of infrastructure. Considered inappropriate for further development.

## **5.0 CONSULTATIONS**

**5.01 Tovil Parish Council:** Recommend refusal for the following reasons:

- The mixed access of 4.8m for vehicles and pedestrians is an unacceptable form of access to this development.
- Inappropriate to be building on green field land.
- The proposed 3 storey block is inappropriate within this proposed development.
- Proposed road widths within the development, although within planning guidelines, we consider will be a problem with on street parking and the weekly rubbish collection/delivery vehicles.
- ENV22, 3.68 of Local Plan: The area in question forms part of the relief area and therefore makes a significant contribution to the overall quality of the environment.
- Bat survey: 3 different species of bat have been seen on the site and require protection, however no roosts appear to have been confirmed.
- Comparison has been made with the Hayle Park development, which is/was a brown field site. The area in question however is an acknowledged green field site bordering a conservation area.
- The development is not in accordance with Policies ENV22, ENV26 and ENV28.
- The development does not accord with the adjacent Conservation Area and the setting of the Grade II listed building, Hayle Place.
- The affordable housing should be reduced to 30% as Tovil and its immediate neighbourhood is already very well served with affordable housing.
- The proposed development does not meet with the Tovil Parish Community Plan Policies GD1, GD3, HD1 and HD2.
- The development does not allow for enough public open space ensuring that the development positively contributes to the setting of the development.
- We believe that the development/infilling of this site does not positively contribute to the locality's distinctive character.
- Would like to see s106 provide £100,000 for purchase of further land to enhance nature Reserve.
- Would like to see s106 provide £500,000 for road and transport improvements.
- Visitor parking should be increased.

- Reduction in height of apartment due to overlooking.
- Road along the properties in Richmond Way should be relocated.
- Further buffer zones for landscaping should be included.
- Would like to see a s106 for the use of a minimum of 20% local labour on the construction.

5.02 **MBC Conservation Officer:** Raises objections and considers there would be harm to the significance of Hayle Place because of the impact on its setting and harm to the significance of the conservation area. Considers that the former parkland of Hayle Place should be considered as a non-designated heritage asset (NDHA) in its own right, and development of this part of it will necessarily result in harm to the significance of the NDHA.

5.03 **MBC Landscape Officer:** No objections. *“The tree survey is acceptable in principle and appears to indicate that it is feasible to retain the most significant trees on the site provided that the final layout is prepared in accordance with a tree constraints plan. I, therefore, raise no objection on arboricultural grounds subject to a condition requiring an arboricultural method statement (AMS), including tree protection details, to be provided in accordance with the recommendations of BS5837:2012.”*

5.04 **MBC Parks & Leisure:** No off site contribution is being sought: *“South Park is the closest site and (a contribution) would exceed CIL regs in requesting contributions here. Any other site either exceeds CIL regs also or is close to 1km or more away and would be difficult to argue is linked with the development site when there are other areas much closer (i.e South Park).”*

5.05 **MBC Housing:** No objections. *“The developer is proposing the following unit split for the affordable provision:*

1 bed units	13
2 bed units	10
4 bed units	2

*Whilst ideally we would like to see provision of some 3 bed units for affordable use, the suggested units split is workable. There is no indication of the suggested tenure split of the affordable units. In accordance with adopted policy, 60% (15) of the units should be for affordable rent and 40% (10) for shared ownership.”*

5.06 **Environmental Health:** No objections.

5.07 **Environment Agency:** No objections subject to a condition requiring a detailed surface water drainage scheme.

5.08 **Kent Highways:** No objections subject to a raised table or raised pedestrian crossing point at the mouth of the access into the site to reduce the potential turning in approach speeds into this site. (See main report for discussion)

5.09 **KCC Economic Development:** Seeks contributions as follows:

- The proposal will give rise to additional primary school pupils during occupation of this development. Primary Education @ £2360.96 per applicable house (x46) + £590.24 per applicable flat (x2) = £109,784.64 is sought towards the

enhancement of teaching space being towards an additional classroom through reconfiguration of the existing building at South Borough Primary School.

- There is an assessed shortfall in provision and overall borrower numbers in the local area are in excess of area service capacity, and bookstock for Maidstone Borough at 1339 per 1000 population is below the County average of 1349 and both the England and total UK figures of 1510 and 1605 respectively. The County Council will mitigate this impact through the provision of additional bookstock and services. Library bookstock £2928.96 - project: bookstock for the new residents of this development alone (supplied to Kent History & Library Centre, Maidstone).
- Youth equipment £514.84 - required for the new residents of this development alone (supplied to Infozone Youth Hub).
- Delivery of 1 Wheelchair Accessible Home within the affordable housing on site.
- Provision of Superfast Fibre Optic Broadband 'fibre to the premises' to all buildings of adequate capacity (internal min speed of 100mb to each building) for current and future use of the buildings.

- 5.10 **KCC Ecological Advice Service:** No objections subject to conditions (See main report for discussion)
- 5.11 **KCC Countryside Access** (Public Rights of Way (PROW)): No objections subject to a condition that the developers fund a Highways Act Section 119 diversion of public right of way KB33a to connect to with the newly adopted road between plots 54 and 55, in full agreement with the County Council's PROW and Access Service.
- 5.12 **KCC Heritage:** No objections subject to conditions regarding a programme of archaeology work, building recording, safeguarding measures for any important features, and foundation designs.
- 5.13 **KCC Food Risk Project Officer (Lead Local Flood Authority):** No objections subject to surface water drainage proposals subject to conditions.
- 5.14 **NHS Property Services:** Seeks a healthcare contribution of £35,280 towards extension, refurbishment and/or upgrade in order to provide the required capacity at Boughton Lane surgery branch to Mote Medical Practice, or Grove Park surgery.
- 5.15 **Historic England** (formally English Heritage): The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
- 5.16 **Natural England:** No objections.
- 5.17 **Rural Planning Ltd:** No objections
- 5.18 **Kent Wildlife Trust:** The development is of a size that its residents are likely to make a significant contribution to recreational pressure on the Loose Valley Local Wildlife Site (LWS – MA20) and so the Trust believes that the Council is justified (NPPF, paragraph 118) in seeking contributions from the Postley Road housing development towards such enhancement and management projects; impact upon bats should be taken into account; enhancements recommended relating to birds and management of green space.

- 5.19 **Southern Water:** Can provide foul sewage disposal to service the development.
- 5.20 **UK Power Networks:** No objections.
- 5.21 **Southern Gas:** Advise on the location of gas mains and precautions.
- 5.22 **Kent Police:** No approach has been made by the applicant.

## 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 west of the defined urban settlement of Maidstone. 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 any 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 2014), the Council had a 2.1 year supply of housing assessed against the objectively assessed housing need of 18,600 dwellings.
- 6.09 This lack of a five year supply is a significant factor and at paragraph 49 of the NPPF it is states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a five year supply cannot be demonstrated. The presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.
- 6.10 In terms of the location of the site, the NPPF advises that the planning system should, "*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable*" (para.17); and "*support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport*" (para. 30). 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 just under 2km by road to the north with its extensive range of shops, services and businesses. More local to the site are a small range of shops, health facilities and services on the A229 (Loose Rd) which are around 700m from the site. Also within 1.3km there are a number of schools providing primary and secondary education all of which can be reached by lit footways. There are bus stops located on Armstrong Road approximately 400m distance from the site. 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.
- 6.11 In the light of the above five year supply position, bringing forward development on this sustainably located site immediately adjacent to the urban area 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.



- 6.12 The draft Local Plan, which went out to Regulation 18 public consultation in 2014, allocates the site for housing for 80 dwellings (policy H1(20)). Cabinet subsequently agreed to amend the draft policy in February this year to allocate the site for 62 dwellings.
- 6.13 Representations have been received relating to conflict with the 'Tovil Parish Community Plan'. This plan dates from 2008 and whilst Tovil have applied to become a Neighbourhood Plan (NP) area, the plan has not been formally submitted to the Council so there are a number of key stages ahead including pre-submission to the Council, Local Authority lead public consultation, independent examination and referendum. This potential Neighbourhood Plan is a material consideration, however, at its current stage, I consider it holds very little weight and do not consider it grounds to refuse planning permission.
- 6.14 For the above reasons, I consider the locational policy principle of residential development at this site is acceptable. The key issue is whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole. I will now go on to consider the key planning issues which are visual impact/design, heritage, access/highway safety, infrastructure, ecology, residential amenity, and drainage/flood risk.

#### **Visual Impact/Design**

- 6.15 The site is located on the edge of the urban boundary therefore classed as countryside, and falls within an Area of Local Landscape Importance. Policy ENV35 of the 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.
- 6.16 The site is a greenfield site and its development would clearly have an impact visually on the site. In terms of public vantage points, this impact would mainly be visible from the public footpaths bounding the site, so from short range views. From any more distant views from the other side of Loose Valley to the west, the development would be seen in the context of the existing urban area. The recent development to the north has projected west from the urban area and with this context, I do not consider the development would result in any significant intrusion or projection into open countryside that would be out of character here. Whilst more limited, there is the presence of development at Hayle Place and along Cripple Street to the southwest and so the development would not be out on a limb.
- 6.17 The density of the development is around 23 dwellings/hectare, which I consider is appropriate for the 'edge of urban' location and I note the recent development to the north was around 33 dwellings/ha. The layout is relatively spacious, maintaining and enhancing the landscaped boundaries of the site, and providing better spaced houses on the west edge which borders the Loose Valley.
- 6.18 In terms of the layout, many objections have been raised with regard to the apartment block at the entrance, which although scale is not being considered, is put forward by the applicant as being 2.5 storeys in height. There are 2.5 storeys on the development to the north and in my view 2.5 storeys would not be harmful to the area. To my mind this building and this height would actually provide a quality and meaningful 'entrance' building to the site that would face onto the

curved entrance road. Opposite the apartment building would be an area of public open space providing breathing space in front of the building so that the height would not be oppressive. I consider the apartment building and open space would serve to define the entrance providing a focus and a sense of place upon arrival.

- 6.19 Further into the site plots 28 and 29 would provide a focus at the junction where the road splits, and on other corners buildings are shown to have dual frontages and turn corners including on plots 36, 55, and 62. Bungalows are proposed along the east boundary in response to those on Richmond Way to the east. The most northern of these is shown as 1.5 storeys with a dual aspect to provide interest from the north.
- 6.20 The scheme would have good connections and integration with its surroundings with a new pathway running the length of the site and linking up with the public footpaths to the south. The roads are enclosed by buildings with the potential for good landscaping, as houses have landscape front gardens, and parking is mainly in tandem form to reduce the amount of hardstanding.
- 6.21 In terms of landscaping, the site currently lacks many strong features, with mainly sporadic hedge/tree boundaries which would be retained and strengthened. There is a good quality protected oak tree at the south end of the site, which would be retained and used as a focal feature around which houses would be placed. Within the site open gardens and tree planting is shown. The landscape officer is satisfied that the most significant trees on the site will be retained. The detail of the landscaping and boundary treatments will be very important, particularly along the east and south boundaries with the public footpaths so that fencing is not up against the path but is set back with planting in front. Landscaping along the west boundary will also be important to provide a soft edge to the development.
- 6.22 Overall, I consider there would be some harm to the landscape but this would be low and it would be seen in the context of existing development to the north and east, and I consider the layout of the development to be of a high quality standard which performs well against the 'Building for Life 12' guidance.

### **Heritage**

- 6.23 As outlined above, the Loose Conservation Area adjoins the west boundary and small sections of the site extend into it by around 5-8m. 'Hayle Place' is a Grade II listed building and is around 155m west of the site. Other nearby listed buildings include Little Bockingford (GII) around 100m to the southwest, Bockingford Court (GII) around 80m to the southwest, and Bockingford Farmhouse (GII) around 90m to the south.
- 6.24 The Conservation Officer raises objections to the development and considers there would be harm to the significance of Hayle Place (GII) because of the impact on its setting and harm to the significance of the conservation area because of the impact upon its setting. He also considers that the former parkland of Hayle Place should be considered as a non-designated heritage asset (NDHA) in its own right, and development of this part of it will necessarily result in harm to the significance of the NDHA. No objections have been raised with regard to the setting of other nearby listed buildings.

- 6.25 It is acknowledged that there will be some harm to the setting of Hayle Place and the Conservation Area and clarification over the level of harm has been sought from the Conservation Officer, and this is considered to be 'less than substantial'. The NPPF outlines that where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. It is considered that the provision of much needed housing (including affordable housing) in the context of the Council being a considerable way short of a 5 year housing land supply, and the NPPF aim of significantly boosting the supply of housing, would provide for public benefits that outweigh the harm in this case. I also consider the proposal is at a relatively low density with more spacious buildings on the west side adjacent to the Conservation Area, and with room for landscaping along the west edge to soften the impact.
- 6.26 The loss of 'The Lodge' has been raised in representations, however, this building is not considered to be of any merit to warrant objection to its loss and the Conservation Officer does not consider it to be a NDHA.

### **Highways**

- 6.27 The applicant has submitted a Transport Assessment which has been assessed by Kent Highways Services (KHS). This shows the traffic generation associated with the development is expected to be in the region of 34 trips during the AM peak and 38 during the PM peak. The junction of Postley Road/Courtenay Road/Armstrong Road has been modelled using 'Arcady' which assesses the capacity queues and delays at roundabouts. The results indicate that the development generated traffic will not lead to any significant additional delays or queuing at this roundabout. Overall, it is advised that the local road network can accommodate the traffic from the development. The visibility at the new access where it joins Postley Road is also considered to be safe.
- 6.28 The access into the site is 4.8m wide and does not allow for a dedicated pavement alongside the proposed two way road. As such, it would be a shared surface for pedestrians and vehicles for around 35m in length. KHS have raised some concerns regarding this on the basis that the left turn into the site could effectively be interpreted as a straight through from Postley Road by some motorists, and that there is little scope for a safety margin should pedestrians need it in the event of vehicles travelling at less than desirable speeds on this section. However, it is advised that a raised table or raised pedestrian crossing point at the mouth of the junction, between the tactile paving shown, would be a sufficient introduction to the shared surface to reduce the potential turning in approach speeds into this site. Subject to this, it is confirmed that there are no highway objections. This is not currently shown on the plans but can be secured by condition.
- 6.29 The issue of access for emergency vehicles has been raised. Having discussed this with Kent Fire & Rescue, they outline that 3.7m road widths are acceptable to allow a fire engine to access into and around the site (the roads are around 4.8m). The layout is also such that a fire engine would be able to get within a suitable distance of all buildings (45m). The site does not have the option of providing an alternative 'emergency access' but having discussed this Kent Fire & Rescue, on the basis of the size of the development, no concerns were raised. I also note the site to the north for 130 dwellings (determined in 2012) did not have an emergency access and this was not considered grounds for refusal.

- 6.30 The internal road which loops around the west of the site is a shared surface and some concern has been raised in representations over its safety. This is not a through road and the curves of the road would serve to keep speeds relatively low. No objections have been raised by KHS and I consider it would be acceptable. Parking provision would be around 127 spaces excluding garages (ratio of 1:2), which is considered acceptable by KHS. The nearest bus stops are located on Forest Hill and along Armstrong Road and bus boarders (raised kerbs) are requested at the stops on Forest Hill to improve accessibility for the mobility impaired and shelters are requested at the 2 stops on Armstrong Road in order to encourage the use of the buses, which are considered reasonable and necessary request to encourage public transport use, and can be secured by condition. Overall there are not considered to be any highway matters that would warrant refusal of the scheme.

### **Infrastructure**

- 6.31 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.
- 6.32 However, any request for contributions needs to be scrutinised, in accordance with Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criterion that sets out that any obligation must meet the following requirements: -

(Reg. 122)

It is:

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

And

(Reg. 123)

*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.*

- 6.33 Regulation 123 means that planning obligations cannot pool more than 5 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010).
- 6.34 The following contributions have been sought:
- 6.35 For primary education provision, £2360.96 per applicable house (x46) + £590.24 per applicable flat (x2) (£109,784.64) is sought towards the enhancement of teaching space being towards an additional classroom through reconfiguration of the existing building at South Borough Primary School.
- 6.36 For libraries, £2928.96 is sought towards bookstock for the new residents of this development (supplied to Kent History & Library Centre, Maidstone).
- 6.37 For youth equipment, £514.84 is sought for the new residents of this development (supplied to Infozone Youth Hub).
- 6.38 The provision of 1 Wheelchair Accessible Home within the affordable housing on site and superfast broadband to the houses is also sought for which suitable conditions could be worded.
- 6.39 Justification for the contributions is outlined at paragraph 5.09 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.
- 6.40 In terms of open space, a LEAP is proposed on site with informal space around. The site is within walking distance of South Park (around 600m) and so I consider this level of 'equipped' on-site open space is suitable for the development. The MBC Parks team originally requested an off-site financial contribution reduced in view of the LEAP towards South Park to mitigate the impact from future residents. However, due to the '5 pooling limit' change to the CIL regulations from April this year, this request can no longer be secured. Other nearby sites have already secured 5 contribution and others are too distant to justification a request. In view of this, the MBC Parks team recommended contributions towards the Loose Valley Local Wildlife Site, which is managed by the Kent Wildlife Trust (KWT). Parts of the site are open to public use and it is considered that future residents of the development will increase impact upon this public space and so a contribution to mitigate this impact is considered to be reasonable, directly related, and necessary, and therefore passes the CIL Test. Some details have been provided from KWT on potential improvements and maintenance and costs but it is considered that more detail and information is required on this, and so delegated powers are sought to finalise these details and the contribution amount.
- 6.41 In terms of healthcare, the NHS is seeking a healthcare contribution of £35,280 towards extension, refurbishment and/or upgrade in order to provide the required capacity at Boughton Lane surgery branch to Mote Medical Practice or Grove Park surgery.
- 6.42 Affordable housing would be provided at 40% with a 60/40 split in favour of rented being in line with the Council's DPD. MBC Housing has advised that whilst ideally they would like to see provision of some 3 bed units for affordable use, the suggested units split is workable. The Parish Council consider it should

be reduced to 30% as Tovil and its immediate neighbourhood are considered to already be very well served with affordable housing. Whether this is the case or not, affordable housing is in high need Borough-wide and this would contribute toward this need plus I do not consider the amount of affordable housing (25 units) would result in any harm to the local community.

- 6.43 The above contributions are considered to be necessary to mitigate the impact of the development, and I have checked with those making the requests that there are not already 5 signed s106 agreements contributions towards the projects, and clarification has been given that there are not. As such the requests would meet the CIL regulations tests.
- 6.44 The Parish Council have requested £100,000 for purchase of further land to enhance the nearby nature reserve, £500,000 for road and transport improvements, and the use of a minimum of 20% local labour on the construction. No justification for the amount or the need for this money has been provided, and so the request does not pass the CIL tests. Nor do I consider there is sufficient justification or necessity for the use of local labour in construction.

### **Ecology**

- 6.45 An Ecological Scoping Survey report and Bat Survey report have been submitted in support of this application. With regard to bats, the dead tree in the centre of the site provides opportunities for roosting bats. At the time of survey, no roosting bats were recorded emerging from the tree but KCC Ecology advise that the opportunities for bats to use the tree remain. It is advised that if permission is granted, depending on the timescale of reserved matters submissions and works commencing, it may be necessary for additional surveys of the tree to be carried out to ensure that no bats have moved in during the interim period. To minimise the potential for harm a soft felling method undertaken during September – November is recommended. It is advised that this is secured by condition, if permission is granted. The buildings in the north-eastern corner of the site have been assessed and are considered not to be suitable for bats, with which KCC Ecology agree.
- 6.46 Representations have been received suggesting retention of the dead tree within the site due to its ecological value, however, the applicant is not willing to retain this tree and it is not being used as a roost by bats. I do not consider the loss of the dead tree is grounds to refuse the application.
- 6.47 KCC advise that most of the site is grazed and provides little opportunity for wildlife. Scrub and trees which could offer some potential habitat are present along the boundaries of the site. There is potential for use of these features by nesting birds and, if permission is granted, they advise that an informative is provided to the applicant to ensure they are aware of the legal protection that nesting birds have. The main hedges and trees along boundaries would be retained and enhanced as outlined in the Design & Access Statement and this could be secured by condition. Other enhancements could be provided through native landscaping and through the introduction of bird and bat nesting/roosting features within buildings, which can be secured by condition.
- 6.48 Overall, I do not consider there would be any unacceptable impact upon ecology and enhancement can be secured.

### **Residential Amenity**



- 6.49 New houses would be positioned at sufficient distance from neighbouring properties so as not cause any harmful impacts in terms of privacy, loss of light or outlook. The new access road would be positioned away from existing houses and so I consider any traffic noise would not be harmful. I also consider the layout of the development is suitable to provide acceptable living standards for future occupants in terms of garden sizes, outlook, and privacy.

### **Flood Risk & Drainage**

- 6.50 The site falls within Flood Zone 1 (lowest risk) but being a major application, a flood risk assessment has been provided, which seeks to demonstrate that surface water run-off would be no worse than the current situation. The applicant is proposing a SUDs scheme being the use of soakaways (because the soils have relatively good permeability), and permeable hard surfacing. The Environment Agency has assessed this and raises no objections subject to full details of the scheme being submitted, formally approved and secured by condition, which can be achieved. In addition KCC as Lead Local Flood Authority have also assessed the proposals and raise no objections to the principles outlined subject to conditions to ensure the detail and on-going management.
- 6.51 In terms of foul drainage, Southern Water have confirmed that there is sufficient capacity in the local network to accommodate foul water flows from the development.

### **Other Matters**

- 6.52 Following the technical housing standards review, the previous government issued a written ministerial statement withdrawing the code for sustainable homes in March 2015. The statement (which is a material planning consideration) says *"planning permissions should not be granted requiring, or subject to conditions requiring, compliance with any technical housing standards other than for those areas where authorities have existing policies on access, internal space, or water efficiency"*. As such, conditions cannot be attached to planning permission seeking a code level. Instead, the government will be introducing a new set of streamlined national technical standards that will be dealt with under Building Regulations, and it is advised that energy performance requirements in Building Regulations will be set at a level equivalent to the Code for Sustainable Homes Level 4.
- 6.53 Other issues raised and not addressed above include potential for anti-social behaviour from use of the LEAP, loss of value, conflict with policy ENV22, and lack of consultation with the local community. There is potential for some noise from use of the LEAP by children, however, I would not consider this would be to an unacceptable level. There is no guarantee of anti-social behaviour and I note the LEAP is well overlooked by houses which would help to discourage this. The loss of value to property is not a material planning consideration. Policy ENV22 of the Local Plan relates to open space areas (public and private) within settlements and villages such as parks, playing fields, sports fields etc. and not equestrian /agricultural land outside of settlement boundaries and so is not relevant. An apparent lack of consultation with the local community prior to submission is regrettable but not grounds for objection.
- 6.54 Members may be aware of the refusal of residential development on the land immediately to the south of the site and to the north of Cripple Street. This was

an application for 36 houses (ref. 14/503167) and was refused at Planning Committee on 19<sup>th</sup> March based on harm to the setting of Bockingford Farmhouse (GII) and the Conservation Area, and landscape harm. Whilst a material consideration, I must remind Members that each application must be assessed on its own merits.

- 6.55 KCC Public Rights of Way team are seeking a condition that the developers fund a Highways Act Section 119 diversion of public right of way KB33a to connect to with the newly adopted road between plots 54 and 55 on the basis that they consider the provision of a new route within the site would lessen the value of the existing route. The PROW is outside the application site and would remain. I do not consider it would be harmed by this development and do not consider this request is justified and therefore fails to pass the tests for planning conditions.

## **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 urban boundary of Maidstone in the Local Plan, with local services nearby and is in reasonable proximity to the wide range of key services in the town centre as well as good public transport links.
- 7.03 There would be some harm to the landscape but this is considered to be low, largely confined to short range views, and the development would be seen in the context of existing development to the north and east. The design of the development is considered to be of a high quality with a density suitable for this edge of urban area location.
- 7.04 The Conservation Officer considers there would be 'less than substantial harm' to the significance of Hayle Place (Grade II listed) and the Conservation Area because of the impact on their settings, and this is clearly a negative factor against the development. However, it is considered that the provision of much needed housing (including affordable housing) in the context of the Council being a considerable way short of a 5 year housing land supply, and the NPPF aim of significantly boosting the supply of housing, would provide public benefits that outweigh the harm in this case. The proposal is also at a relatively low density with more spacious buildings on the west side adjacent to the Conservation Area and with room for landscaping along the west edge to soften the impact.
- 7.05 There are no highway objections, contributions would be secured to mitigate impacts upon local infrastructure, and affordable housing would be provided at 40%. There are no ecology or amenity objections, or any other matters that result in an objection to the development.
- 7.06 I have taken into account all representations received on the application and the recent decision on the application site to the south. Considering the harm to heritage assets and low level of visual harm caused by the development, in the context of a lack of 5 year housing supply, I consider that any adverse impacts

would not significantly and demonstrably outweigh the public benefits of providing much needed housing, including affordable housing, at a sustainable location. 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.
- Financial contribution of £109,784.64 towards the enhancement of teaching space being an additional classroom through reconfiguration of the existing building at South Borough Primary School.
- Financial contribution of £2928.96 towards the provision of additional bookstock and services (supplied to Kent History & Library Centre, Maidstone).
- Financial contribution of £514.84 towards youth equipment required for the new residents of this development alone (supplied to Infozone Youth Hub).
- Financial contribution of £38,808 towards extension, refurbishment and/or upgrade in order to provide the required capacity at Boughton Lane surgery branch to Mote Medical Practice, or Grove Park surgery.
- Financial contribution towards improvements, and/or refurbishment and/or maintenance of publicly accessible areas of the Loose Valley Local Wildlife Site (amount to be finalised under delegated powers by the Head of Planning and Development).

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

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

a. Scale b. Appearance c. Landscaping

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

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

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

2. The development shall not commence (including any demolition, ground works, site clearance) until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and long term management. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall follow the principles of the landscape strategy at section 6.6 of the Design and Access Statement and provide for the following:
  - (i) Retention and enhancement of boundary trees and vegetation with native planting.
  - (ii) The provision of a native landscape buffer along the west boundary of the site to include tree planting.
  - (iii) Native landscape planting between any boundary treatments and the site boundaries.
  - (iv) Native tree planting along streets.
  - (v) Details of locations for the retention of cordwood on site.

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

3. No development shall take place until an ecological design strategy (EDS) addressing ecological enhancements for the site, including bat roost provision, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
  - a) Purpose and conservation objectives for the proposed works;
  - b) Review of site potential and constraints;
  - c) Detailed design(s) to achieve stated objectives;
  - d) Extent and location/area of proposed works on appropriate scale maps and plans;
  - e) Type and source of materials to be used, e.g. native species of local provenance;
  - f) Timetable for implementation demonstrating that works are aligned with any proposed phasing of development;
  - g) Persons responsible for implementing the works;
  - h) Details of initial aftercare and long term maintenance;
  - i) Details for monitoring and remedial measures.

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

Reason: To protect and enhance biodiversity.

4. The development shall not commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following:
  - a) Description and evaluation of features to be managed.
  - b) Aims and objectives of management.

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

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

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

- 5. The development shall not commence until an Arboricultural Method Statement in accordance with BS5837:2012 including tree protection details, 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.

- 6. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials. The materials shall follow the principles outlined at section 6.7 of the Design and Access Statement and include weatherboarding, tile hanging, and clay roof tiles.

Reason: To ensure a satisfactory appearance to the development.

- 7. 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.

- 8. The development shall not commence 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.

- 9. The development shall not commence until the applicant, or their agents or successors in title, has secured the implementation of

- (i) Historic landscape assessment and field survey works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
- (ii) Following on from the assessment and field survey, any safeguarding measures to ensure preservation in situ of important historic landscape features and/or further recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure appropriate assessment of the historic landscape implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

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

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

11. The development shall not commence until details of foundations designs and any other proposals involving below ground excavation have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that due regard is had to the preservation in situ of important archaeological remains.

12. 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.

13. The development shall not commence until details of traffic calming measures at the mouth of the new junction/access point onto Postley Road have been submitted to and approved in writing by the local planning authority in consultation with the local highways authority. The approved measures shall be fully implemented prior to the occupation of the development.

Reason: In the interests of highway safety.

14. The development shall not commence until the details of the sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this proposal can be accommodated and disposed of on-site without any increase to the on/off-site flood risk during any rainfall events up to and including the climate change adjusted 100yr critical storm.

Reason: To ensure that the new development does not increase the risk of surface water flooding.



15. No occupation of the development hereby permitted shall take place until details of a scheme for the preparation, laying out and equipping of the play/amenity area, and its on-going maintenance have been submitted to and approved in writing by the Local Planning Authority. The facility shall be completed in accordance with the approved details prior to the first occupation of the development.

Reason: To provide open space to contribute to meeting the recreational needs of prospective occupiers.

16. No occupation of the development hereby permitted shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

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

Reason: To ensure that the new development does not increase the risk of surface water flooding.

17. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 2012 (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: In the interests of highway safety.

18. Details of a “lighting design strategy for biodiversity” for the site shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and in which lighting must be designed to minimise disturbance, and;
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: In the interest biodiversity protection.

19. The details submitted pursuant to condition 1 shall show no buildings over a height of 2.5 storeys (any third floor to be within the roof space).

Reason: To ensure a satisfactory appearance to the development in its context.

20. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that:

- (i) There is no resultant unacceptable risk to controlled waters
- (ii) The ground has been shown to be suitably permeable (in accordance with BRE digest 365), and where the installation of soakaways will not result in ground instability.

The development shall be carried out in accordance with the approval details.

Reason: To protect vulnerable groundwater resources.

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

Drawing no. 1366/C101B (Site Layout Plan), and 1366/SK07B (notwithstanding the traffic calming measures required under condition 13).

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

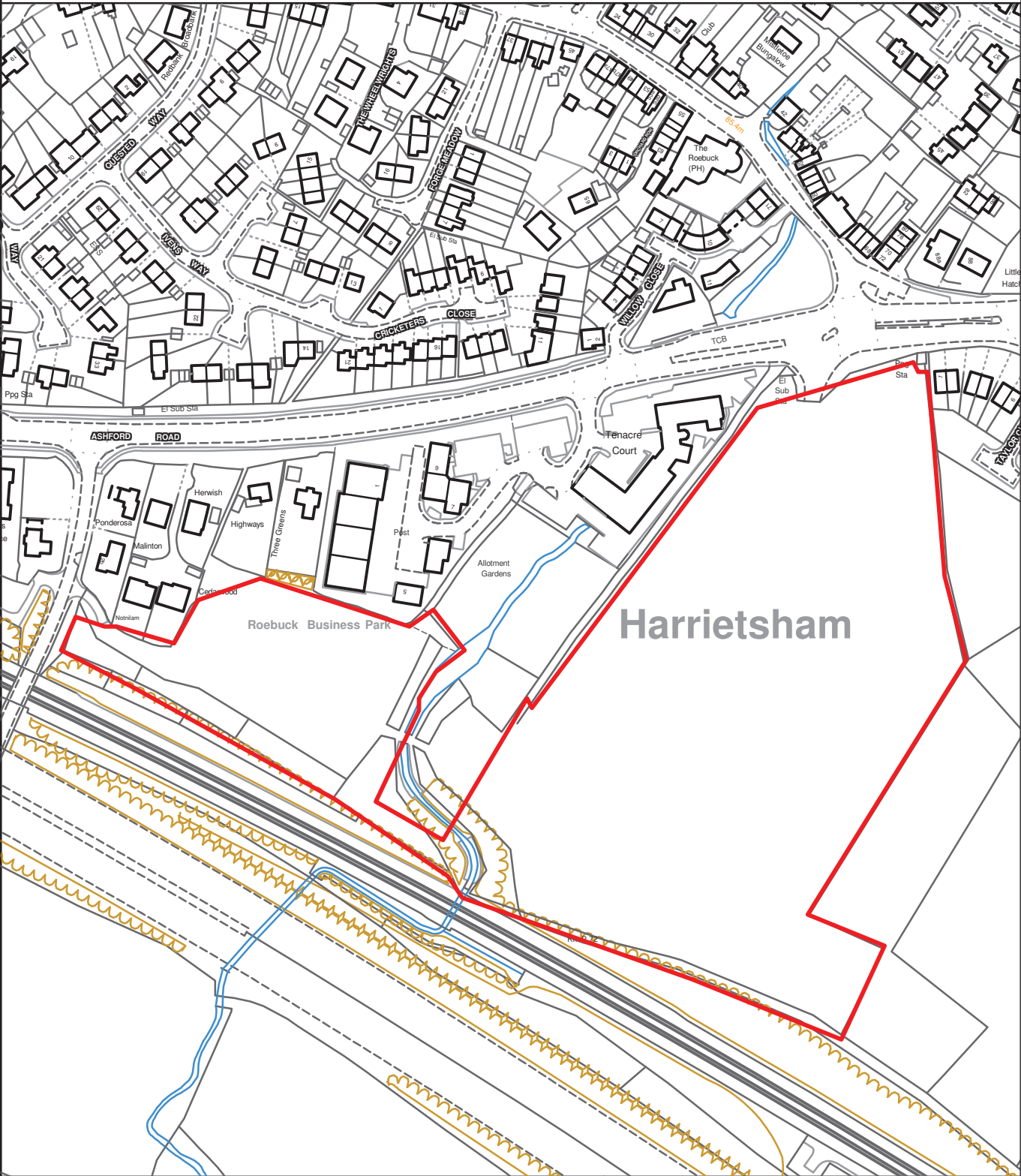
Case Officer: Richard Timms

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

THE MAIDSTONE BOROUGH COUNCIL

Land South of Ashford Road  
Harrietsham

MBC Ref: 14/0828



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Rob Jarman  
Head of Planning

## REPORT SUMMARY

<b>REFERENCE NO - 14/0828</b>		
<b>APPLICATION PROPOSAL</b>		
The redevelopment of land south of Ashford Road for residential development comprising the erection of 113/114 dwellings, internal access road, landscaped public open space, a LAP, a convenience store and highways works to Ashford Road.		
<b>ADDRESS</b> Land South Of Ashford Road Harrietsham Kent		
<b>RECOMMENDATION</b> Amend S106 contributions and remove condition as set out in report		
<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; is identified under policy H1 (26) in the emerging Local Plan as a housing allocation and complies with the criteria set out in the relevant policy; 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 Local Plan.		
<b>REASON FOR REFERRAL TO COMMITTEE</b>		
To seek the agreement of Members of the Planning Committee to amend the S106 contributions being sought and to recommend that a condition imposed by Planning Committee be omitted from the decision.		
<b>WARD</b> Harrietsham And Lenham Ward	<b>PARISH/TOWN</b> Harrietsham	<b>COUNCIL</b> <b>APPLICANT</b> Ward Homes <b>AGENT</b> Bidwells
<b>DECISION DUE DATE</b> 20/08/14	<b>PUBLICITY EXPIRY DATE</b> 20/08/14	<b>OFFICER SITE VISIT DATE</b> Various
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>		

- MA/14/0567 Request for a screening opinion as to whether the proposed development incorporating 117 dwellings and a food retail outlet of 300m<sup>2</sup> is development requiring an Environmental Impact Assessment- ENVIRONMENTAL STATEMENT NOT REQUIRED
- 59/0137/MK2 Outline application for residential development - REFUSED

## MAIN REPORT

### 1.0 BACKGROUND

- 1.01 The current application seeks full planning permission for a mixed use development comprising the erection of 113/114 dwellings and a retail unit of 365m<sup>2</sup>, together with associated landscaping, access, parking and open space, including provision of allotments and the potential provision of a fitted out 1 bed unit for community use by the Parish Council, subject to the agreement of Harrietsham Parish Council.

- 1.02 The site adjoins the southern boundary of the rural service centre of Harrietsham, and comprises a field formerly used as a depot in connection with the construction of the Channel Tunnel Rail Link high speed rail line.
- 1.02 The application was reported to the Planning Committee meeting held on 5<sup>th</sup> February 2015, and amended by a verbal update to Planning Committee at the meeting held on 26<sup>th</sup> February 2015. Members resolved to, subject to the receipt of any statutory consultee party responses received prior to the expiry of the public advertisement of the partial extinguishment of the KH276 Public Right of Way, give the Head of Planning and Development delegated powers to grant planning permission subject to conditions and the prior completion of a S106 legal agreement in such terms as the Head of the Legal Partnership may advise to secure the following:
- *The provision of 40% affordable residential units within the application site OR the provision of 39% affordable housing within the application site and the provision of a community facility fully fitted out for occupation and use by the Parish Council on plot 9; and*
  - *A contribution of £2,360.96 per 'applicable' house and £590.24 per 'applicable' flat towards the build costs of extending Harrietsham Primary School; and*
  - *A contribution of £30.70 per dwelling 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 application site; and*
  - *A contribution of £8.44 per dwelling to be used to address the demand from the development towards youth services through increased centre based youth services local to the application site; and*
  - *A contribution of £148.68 per dwelling to be used to address the demand from the development towards additional book stock and services at libraries local to Harrietsham; and*
  - *A contribution of £63.56 per dwelling to address the demand from the development for adult social services to be used towards the provision of new/expanded facilities and services both on site and local to the development, including assistive technology and enhancement of local community facilities to ensure full DDA access; and*
  - *A contribution of £71,028 (based on £360 per predicted occupier of market dwellings) to be prioritised firstly towards healthcare facilities at The Glebe Medical Centre, Harrietsham and then The Len Valley Medical Centre, Lenham; and*
  - *A contribution towards highway improvements to the A20 in Harrietsham (final amount to be confirmed); and*
  - *A contribution of £200 towards the improvement and maintenance of public rights of way in the vicinity of the site; and*
  - *The provision of land identified on drawing number 061302-WARD-PLAN2 received 20<sup>th</sup> January 2015 for public allotments and a contribution of £907.80 per dwelling towards the improvement of parks and open spaces within 1km of the proposal site OR a contribution of £1,575 per dwelling towards the improvement of parks and open spaces within 1km of the proposal site.*
- 1.03 The Committee report and urgent updates to the Committee report are attached as Appendix A to this report.
- 1.04 At the meeting Members resolved to impose an additional condition on the consent, minuted as follows:

*“an additional condition in consultation with Kent Highway Services relating to the provision of traffic calming measures proportionate and directly related to the development prior to the occupation of the dwellings.”*

## **2.0 REASON FOR REFERRAL BACK TO PLANNING COMMITTEE**

2.01 As Members will be aware, S123 of the CIL Regulations came into force on 6<sup>th</sup> April 2015. Prior to this date, all contributions subject to a S106 agreement were required under the terms of S122 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. Subsequent to this date, S123 of the CIL Regulations additionally requires all contributions being sought by way of S106 agreements to relate to the funding or provision of an infrastructure project or type of infrastructure, and further that no more than five separate planning obligations can contribute towards the funding or provision of a project or type of infrastructure. 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.

2.02 In the circumstances of this case, the coming into force of S123 directly effects and changes the following elements of the Heads of Terms:

- *A contribution of £30.70 per dwelling 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 application site; and*
- *A contribution of £8.44 per dwelling to be used to address the demand from the development towards youth services through increased centre based youth services local to the application site; and*
- *A contribution of £148.68 per dwelling to be used to address the demand from the development towards additional book stock and services at libraries local to Harrietsham; and*
- *A contribution of £63.56 per dwelling to address the demand from the development for adult social services to be used towards the provision of new/expanded facilities and services both on site and local to the development, including assistive technology and enhancement of local community facilities to ensure full DDA access; and*
- *A contribution of £71,028 (based on £360 per predicted occupier of market dwellings) to be prioritised firstly towards healthcare facilities at The Glebe Medical Centre, Harrietsham and then The Len Valley Medical Centre, Lenham; and*
- *A contribution towards highway improvements to the A20 in Harrietsham (final amount to be confirmed); and*
- *A contribution of £200 per dwelling towards the improvement and maintenance of public rights of way in the vicinity of the site; and*
- *The provision of land identified on drawing number 061302-WARD-PLAN2 received 20<sup>th</sup> January 2015 for public allotments and a contribution of £907.80 per dwelling towards the improvement of parks and open spaces within 1km of the proposal site OR a contribution of £1,575 per dwelling towards the improvement of parks and open spaces within 1km of the proposal site.*

2.03 Kent County Council has reassessed its requests in light of S123 of the CIL Regulations, and in particular in relation to the limitation on the pooling of contributions, and as a result it is no longer seeking a contribution towards adult



education or adult social services. In addition, the contribution towards library services has been reduced to £48.02 per dwelling, and it has been specified that this will be used to fund the mobile library serving Harrietsham.

- 2.04 Kent County Council have provided further details of the contributions sought towards primary education and youth services, and confirm that these requests satisfy the tests in relation to pooling set out in the CIL Regulations; these contributions therefore remain in place.
- 2.05 The relevant consultees have confirmed that the contributions sought in relation to public healthcare and public rights of way would be directed towards the improvement of The Glebe Medical Centre in Harrietsham and the public rights of way to the south of the A20 in the vicinity of Harrietsham (KH272, KH272A, KH276 and KH652) respectively, and fall within the five obligation limitation on pooling. Similarly, the Maidstone Borough Council Parks and Open Spaces Officer has confirmed that whilst the terms of the relevant contribution will remain unchanged in terms of the sums sought, and further detail has been provided in respect of the destination of the monies. In this case, in the event of on site provision of allotments the contributions sought would be £907.80 per unit, directed towards Glebe Fields for the improvement and replacement of outdoor sports facilities and areas of equipped play for children. In the event of the on site allotments not being provided, an additional £667.20 per unit would be payable, which would be directed towards Glebe Fields and the improvement of infrastructure and provision capacity of the existing allotments to the west of the site.
- 2.05 In respect of the A20 improvement scheme, the cost of the evolving scheme is such that a contribution of £3,500 per dwelling in respect of the housing site allocations identified in the emerging Local Plan within and adjacent to the rural service centre of Harrietsham is required to secure delivery of the highway and public realm improvements that are sought in order to reconcile the north and south of the village and allow for the necessary safeguarding of the amenity of local residents in this regard. It is considered that this contribution meets the tests set out in the CIL Regulations.
- 2.06 The Heads of Terms as set out below have been amended in accordance with the changes to the requests, including specific reference to the destination of the contributions, as set out in paragraphs 2.03 – 2.06 above.

### **3.0 OTHER MATTERS**

- 3.01 As set out above in paragraph 1.04, at the meeting Members resolved to attach an additional condition to the permission, which would seek to secure the provision of traffic calming measures “appropriate and proportionate” to the development associated with the A20 Improvement Scheme prior to the occupation of the dwellings.
- 3.02 The precise phrasing of the condition has been the subject of considerable discussion between officers, Mid Kent Legal Services and Kent County Council Highway Engineers. These discussions have concluded that the condition requested fails the tests for conditions as set out in National Planning Policy Guidance. I discuss the detail of the failure of the condition to satisfy four of the six tests below (the condition is considered to be relevant to planning and relevant to the development).

#### Necessity

- 3.03 The development would contribute towards the costs of the highways scheme at a pro rata rate of £3,500 per unit, consistent with other developments coming forward in the vicinity.
- 3.04 Given that provision has been made within the proposed S106 agreement for contributions towards the A20 Improvement Scheme and the delivery of the approved access for the development is subject to an implementation condition, to additionally require the elements of the scheme located in closest proximity to the site to be provided prior to occupation is considered to exceed what can be reasonably required in connection with the planning permission, particularly given that Kent Highways Services has raised no objection to the development on the grounds of highway safety.

#### Precision

- 3.05 Members were clear that the condition should only extend to what is “appropriate and reasonable” in relation to the development proposed. Unfortunately, it is extremely difficult to define what is “appropriate and reasonable” in the context of what would in fact be required by the condition, and to isolate elements that might be specific to road safety and the development under consideration.
- 3.06 This is due to the strategic scale of the A20 Improvement Scheme, and the fact that key elements of the traffic calming measures, such as the narrowing and realignment of the carriageway, extend over significant distances, as well as the interdependence of specific elements which would be very difficult to undertake separately (the realignment of the carriageway and the enlargement of the village green, for example). This difficulty is exacerbated by the absence of objection to the development from Kent Highway Services in respect of highway safety, which may otherwise have identified specific elements germane to the application site that could be set out in the wording of the condition.

#### Reasonable in all other respects

- 3.07 It has been agreed that the development would contribute towards the costs of the highways scheme at a pro rata rate of £3,500 per unit, consistent with other developments coming forward in the vicinity. Similar conditions have not been attached to these earlier applications, and as such it is unreasonable to go against this precedent in imposing the condition, particularly given the proximity of the development considered under the scope of MA/14/0095 (Land at Church Road).
- 3.08 Furthermore, the nature of the A20 Improvement Scheme, involving significant works to the public highway, is such that the responsibility for ensuring delivery of the scheme (the totality of which extends far beyond the zone “appropriate and proportionate” to the development currently under consideration) will ultimately rest with Kent County Council as the relevant Local Highway Authority, who will be collecting the monies in order for the scheme to be implemented. The applicant has no control over the progress of delivery, and it is therefore unreasonable to impose a condition which is beholden to the delivery of a scheme which is reliant not only on a third party, but also contributions from other developers coming forward in due course and also statutory obligations contained in legislation outwith the planning sphere imposed upon the Highways Authority.

#### Enforceability

- 3.09 The condition would be unenforceable as a result of the flaws set out above.

#### SUMMARY

- 3.10 For these reasons, it is recommended that the condition imposed by Members at the Planning Committee meeting of 5<sup>th</sup> February 2015 be struck from the recommendation.
- 3.11 However, notwithstanding the above recommendation, it is recognised that Members are concerned that the A20 Improvement Scheme is delivered in a timely fashion such that the growth of the southern part of the village is not compromised by conditions detrimental to the amenity and safety of future residents as well as the amenity of and character of the village as a whole.
- 3.12 To this end, additional work, which Kent County Council Highway Services has been party to, has been undertaken to establish a potential scheme of phasing of works corresponding with the likely coming forward of contributions as sites get built out. The works undertaken includes the identification of a central section of the A20 in Harrietsham in the location of the site, which could potentially be prioritised in terms of delivery of the overall scheme if necessary, and which has been designed to be delivered by way of the monies that would be secured in relation to MA/14/0828. Details of the proposed phasing are shown in the documentation attached to this report as Appendix B.
- 3.13 It is hoped that this will give Members and local residents sufficient surety that the A20 Improvements, and in particular those relating to the application site are achievable and deliverable.

#### **4.0 RECOMMENDATION**

- 4.01 The recommendation, as amended in respect of the Heads of Terms for contributions and the removal of additional condition 42, is set out in full below for the purposes of clarity:

SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT, IN SUCH TERMS AS THE HEAD OF THE LEGAL PARTNERSHIP ADVISES, TO PROVIDE THE FOLLOWING:

- *The provision of 40% affordable residential units within the application site OR the provision of 39% affordable housing within the application site and the provision of a community facility fully fitted out for occupation and use by the Parish Council on plot 9; and*
- *A contribution of £2,360.96 per 'applicable' house and £590.24 per 'applicable' flat towards the first phase of the 1FE expansion of Harrietsham Primary School; and*
- *A contribution of £8.44 per dwelling to be used to address the demand from the development towards youth services (supplied to youth workers and organisations serving Harrietsham); and*
- *A contribution of £48.02 per dwelling to be used to address the demand from the development towards additional book stock supplied to the mobile library service serving the development and*
- *A contribution of £71,028 (based on £360 per predicted occupier of market dwellings) towards the improvement of healthcare facilities at The Glebe Medical Centre, Harrietsham being the provision of two additional clinical rooms; and*

- *A contribution of £3,500 per dwelling towards highway improvements to the A20 in Harrietsham.*
- *A contribution of £200 towards the improvement and maintenance of public rights of way to the south of the A20 in the vicinity of Harrietsham (namely KH272, KH272A, KH276 and KH652 (in no particular preferential order)); and*
- *The provision of land identified on drawing number 061302-WARD-PLAN2 received 20<sup>th</sup> January 2015 for public allotments and a contribution of £907.80 per dwelling towards improvement and replacement of offsite outdoor sports facilities and children's and young people's equipped play areas at Glebe Fields OR a contribution of £1,575 per dwelling towards improvement and replacement of offsite outdoor sports facilities and children's and young people's equipped play areas at Glebe Fields and the improvement of infrastructure and provision capacity of the existing allotments to the west of the site.*

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

CONDITIONS to include

- (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, and in order to encourage the commencement of development and boost the provision of new market and affordable housing supply in accordance with paragraph 47 of the National Planning Policy Framework 2012 and paragraph 027 of the National Planning Policy Guidance 2014.

- (2) The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted, which shall include stock brick, plain clay tiles and timber weatherboarding, and incorporate bat boxes and swift bricks into the fabric of the buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved materials unless otherwise agreed in writing by the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development and a high quality of design, and to secure biodiversity enhancements within the development.

- (3) No development shall take place until details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved in writing by the Local Planning Authority;

- i) Details of the roof overhangs and eaves, which shall include rafter feet to dwellings in prominent locations within the site.
- ii) Details of windows and doors and recesses/reveals (which shall be a minimum of 70mm).
- iii) Details of the junction of the timber boarding and the brickwork.
- iv) Details of the shop front to the retail unit.

The development shall be undertaken in accordance with the approved details and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and a high quality of design.

(4) The development shall not commence until details of all fencing, walling and other boundary treatments, which shall not include closeboarded fencing of a height greater than 1.8m, or closeboarded fencing or solid walling of a height of greater than 1m to the boundary of any public space unless screened by landscaping, and shall include, inter alia, the retention and where necessary reinforcement of boundary hedges to the site, gaps of appropriate width and height at ground level to allow passage of mammalian wildlife (including hedgehogs) and any physical mitigation required in association with the acoustic investigation required in association with condition 16 below, have been submitted to the Local Planning Authority and approved in writing. The development shall be carried out in accordance with the approved details before the first occupation and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development, safeguard the amenity of future occupiers and prevent harm to biodiversity assets.

(5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Class(es) A, B, C, D, E, F and G, Schedule 2, Part 2, Class A, Schedule 2 Part 3 Classes CA, F and IA, and Schedule 2 Part 42 to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development and safeguard the residential amenity of future occupiers.

(6) The approved details of the parking, garaging and turning areas, together with the anti-social parking prevention measures shown on drawing number 061302-WARD-BS-01 received 27th January 2015, shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

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

(7) No development shall take place until details of the cycle storage facilities provided for the retail unit have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable travel.

(8) No development shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

i) A preliminary risk assessment which has identified:

all previous uses;  
potential contaminants associated with those uses; and

a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

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

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

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

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

Reason: to prevent pollution to the environment.

(9) The development shall not be occupied until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented in full as approved;

Reason: To prevent pollution of the environment and protect controlled waters.

(10) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted a revised investigation and remediation strategy to the Local Planning Authority, undertaken in accordance with the requirements of condition (7) above, detailing how this unsuspected contamination will be dealt with and written approval obtained from the Local Planning Authority. The revised remediation strategy shall be implemented in full as approved;

Reasons: To prevent pollution of the environment.

(11) 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 or above has been achieved;

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

(12) The development shall not commence until details of all external lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority, and shall include the following:



i) A layout plan (showing spillage and luminance levels) with beam orientation and a scheme of equipment in the design (luminaire, type, mounting height, aiming angle and luminaire profiles).

ii) A schedule of proposed hours of use for the different components of the submitted light scheme

iii) Details of measures to shield and direct light from the light sources so as to prevent light pollution and in order to minimise any impact upon ecology.

The lighting shall be installed, maintained and operated in accordance with the approved details and maintained thereafter unless the Local Planning Authority gives its written consent to any variation;

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

(13) 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 in writing by the Local Planning Authority. The archaeological work shall be carried out thereafter in accordance with the approved details;

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

(14) The development permitted by this planning permission shall only be carried out in strict accordance with the approved Flood Risk Assessment prepared by Banners Gate, reference 13179 FRA, received 21st May 2014, and SuDS Methodology Statement prepared by Kirk Saunders Associates, reference 5699-D008 rev A, received 21st November 2014, subject to the details approved in writing in respect of the following:

(i) The development permitted by this planning permission shall not commence until a detailed surface water drainage scheme for the site based on sustainable drainage principles incorporating surface attenuation measures and an assessment of the hydrological and hydrogeological context of the development has been submitted to, and approved in writing by, the Local Planning Authority. Off site discharges should be restricted to greenfield QBAR values for all events up to and including the 1 in 100 year plus climate change event.

(ii) The drainage details submitted to the Local Planning Authority shall:

(a) Specify the responsibilities of each party for the implementation of the SUDS scheme;

(b) Specify a timetable for implementation;

(c) Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime; and

(d) Relevant manufacturers' details on all SUDS features should be provided within the Flood Risk Management Plan and the Health and Safety Plan Operation and Maintenance manuals.

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.

(15) The development shall not commence until full details of the flood attenuation basins and swales required in association with the SUDS strategy required by condition (14) above, which shall include details of levels and details of the location and design of all gully pots which, where required, will be off-set from the kerbs by a minimum of 150mm and sloped kerbs will be positioned adjacent, as well as any associated ground works and infrastructure have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained thereafter unless with the agreement in writing of the Local Planning Authority:

Reason: In the interest of flood prevention and safeguarding biodiversity assets.

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

Reason: In the interest of pollution and flood prevention.

(17) Notwithstanding the recommendations of the Noise Assessment prepared by Sharps Redmore, reference 1414270, received 21st May 2014, the development shall not commence until an acoustic report providing details of noise mitigation to dwellings (including private garden areas) which attains acoustic protection for future occupiers in accordance with the recommendations of BS8233:2014 "Guidance on sound insulation and noise reduction for buildings" has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details and the mitigation maintained thereafter unless otherwise agreed in writing by the Local Planning Authority;

Reason: In the interest of safeguarding the residential amenity of future occupiers.

(18) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management.

The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines (Harrietsham Vale landscape type) and shall be based on the principles shown on drawing numbers 3094\_DR\_001 and 3094\_DR\_004 received 21st May 2014 and 3094\_DR\_002 rev C received 21st November 2014, and the Design and Access Statement Addendum received 21st November 2014. The landscape scheme shall include, inter alia, the retention of all trees and hedges identified as such in the Lloyd Bore Arboricultural Impact Assessment reference 3094\_RP\_003 received 21st May 2014; a minimum of three pedestrian access points between the interior of the site and the KH276; full details

(including a plan to a scale of 1:200 or 1:500 of a predominantly soft landscaped area featuring native tree planting and pollution tolerant landscaping to the public amenity area to the north of block 1 and the retail unit; the introduction of native hedging to the frontage of dwellings and adjacent to any acoustic fences required as noise mitigation in association with the noise report required by condition (16) above to soften the internal streetscape of the development; a landscaping buffer of a minimum of 25m which shall include native tree planting and a wild flower meadow area in the south of the site; the ecological mitigation identified in the Aspect Ecology Ecological Appraisal reference ECO3367.EcoApp.dv6 received 21st May 2014 and Aspect Ecology Reptile Survey Report reference ECO3367.Rept Survey.dv6 received 21st May 2014; and the use of reed beds in the swales and drainage basins associated with the approved SUDS details required by condition (13) above.

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.

(19) 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 ten 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.

(20) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority an Arboricultural Method Statement, which shall include provision for the protection of areas of new planting during construction, undertaken by an appropriately qualified party in accordance with BS5837:2012 and the recommendations of the Lloyd Bore Arboricultural Impact Assessment reference 3094\_RP\_003 received 21st May 2014. The development shall thereafter be carried out in accordance with the approved details and in compliance with the Lloyd Bore Arboricultural Impact Assessment reference 3094\_RP\_003 received 21st May 2014;

Reason: To ensure retained trees are protected during the course of development and to ensure a satisfactory external appearance to the development.

(21) The development shall be undertaken in strict accordance with the recommendations of the Aspect Ecology Ecological Appraisal reference ECO3367.EcoApp.dv6 and Aspect Ecology Reptile Survey Report reference ECO3367.Rept Survey.dv6 received 21st May 2014, subject to the additional information and mitigation required by conditions 21 and 22 below, and maintained thereafter;

Reason: To secure appropriate management and enhancement within the site in the interests of ecology and biodiversity.

(22) Notwithstanding the details and recommendations set out in Aspect Ecology Ecological Appraisal reference ECO3367.EcoApp.dv6 and Aspect Ecology Reptile Survey Report reference ECO3367.Rept Survey.dv6 received 21st May 2014, the development shall not commence until an construction environmental management plan undertaken by a suitably qualified party has been submitted to and approved in writing by the Local Planning Authority. The content of the construction environmental management plan shall incorporate the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of 'biodiversity protection zones';
- c) Practical measures (both physical measures and sensitive working practises) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs.

The approved construction environmental management plan shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority;

Reason: To secure appropriate management and enhancement within the site in the interests of ecology and biodiversity.

(23) No development shall take place until an ecological design strategy addressing the ecological enhancement of the site, as outlined in chapter 7 (Biodiversity Action Plan) of the Aspect Ecology Ecological Appraisal reference ECO3367.EcoApp.dv6 received 21st May 2014, has been submitted to and approved in writing by the Local Planning Authority. The ecological design strategy shall fully consider the impact of the use of the relevant area(s) of the site as semi-wild public open space, and shall include the following:

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

- g) Persons responsible for implementing the works;
- h) Details of initial aftercare and long-term maintenance;
- i) Details for monitoring and remedial measures.

Reason: To secure appropriate management and enhancement within the site in the interests of ecology and biodiversity."

(24) The approved details of the access, as shown in Appendix E of the Transport Assessment undertaken by DHA Transport reference JSL/10140 received 21st May 2014 shall be completed before occupation of the development and maintained thereafter unless with the agreement in writing of the Local Planning Authority;

Reason: In the interests of highway and pedestrian safety and sustainability.

(25) The development shall not commence until, details of satisfactory facilities for the storage of refuse and recycling on the site have been submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be provided before the first occupation of the development and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity.

(26) The development shall not commence until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design, have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter alia, a minimum of three pedestrian access points between the interior of the site and the KH276 to the south of the proposed retail unit and associated service yard, and the provision of an alternative route to the KH276 to be extinguished, through the northern part of the site, as indicated on drawing number 061302-WARD-01 rev B received 27th January 2015. The development shall be undertaken in accordance with the approved details and maintained thereafter;

Reason: To ensure a high quality external appearance to the development, safeguard pedestrian rights of way and in the interests of ecology and biodiversity.

(27) No works to extinguish the KH276 Public Right of Way will be undertaken prior to the approval in writing of details of, and completion in accordance with the approved details, the alternative route for pedestrians to the south and west of the retail unit hereby permitted. The development shall be carried out in accordance with the approved details and maintained thereafter;

Reason: to prevent harm to pedestrian access to the open countryside and harm to the public rights of way network.

(28) No part of the development shall be occupied until a Sustainable Travel Measures Action Plan, which shall include a Business Travel Plan for the retail unit (which shall include measures for its implementation, monitoring, review and subsequent enforcement) and Welcome Pack for residents of the proposed dwellings (which shall include maps showing the site in relation to walking, local buses, cycle routes, cycle stands, the nearest bus stops, and rail stations; approximate time it takes to walk or cycle to various local facilities; site specific public transport information including up to date public transport timetables; links to relevant local websites with travel information such as public transport operator information,

cycling organisations and the Council; details of local car share and car club schemes, including links to County & District Council sponsored schemes; information on public transport season tickets and offers; information on specific incentives including "Walk to Work" or "Cycle to Work" initiatives; and information on the health, financial and environmental benefits of sustainable travel) has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full;

Reason: In the interests of sustainable transport use.

(29) No development shall take place until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

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

(30) No external meter cupboards, vents, or flues shall be installed on any external elevation without the prior agreement in writing of the Local Planning Authority;

Reason: To secure a high standard of design.

(31) The building provided for retail use falling within Use Class A1 of the Use Classes Order 1987 (as amended by any order revoking and re-enacting that Order with or without modification) of the unit hereby permitted shall be used for a maximum number of two retail units. Once initially occupied, no change to the number of retail units, including internal subdivision, will be permitted without the agreement in writing of the Local Planning Authority;

Reason: To define the permission and to ensure that any impact upon the village centre is controlled.

(32) The retail use falling within Use Class A1 of the Use Classes Order 1987 (as amended by any order revoking and re-enacting that Order with or without modification) hereby permitted shall be restricted to the sale of convenience goods, and no display or sale of comparison goods will take place on the site;

Reason: To define the permission and to ensure that any impact upon the village centre is controlled.

(33) The retail use hereby permitted shall only open to customers within the following times:

0700 to 2200 Monday to Saturday and 0800 to 2100 on Sundays and Public/Bank Holidays;

Reason: To protect the amenities of the neighbouring occupiers.

(34) No structure, plant, equipment or machinery shall be placed, erected, or installed on or above the roof or on external walls without the prior approval in writing of the Local Planning Authority;

Reason : In order not to prejudice the visual appearance of the building and in the interests of safeguarding the residential amenity of the occupiers of adjacent dwellings.



(35) Prior to the first occupation of the retail unit, details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall ensure that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 as defined by BS8233: 1999 Sound Insulation and Noise Reduction for Building Code of Practice and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. The development shall be carried out in accordance with the approved details and maintained thereafter, and after installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority;

Reason: In the interests of safeguarding the residential amenity of the occupiers of adjacent dwellings.

(36) No commercial vehicle may arrive, depart, be loaded or unloaded in association with the use of the retail unit hereby permitted on the general site; nor shall vehicles equipped with refrigeration units be allowed to remain stationary with their refrigeration units in operation in the service yard, except between the hours of 0700 hours and 2200 Mondays to Saturdays and 0800 hours and 1200 hours on Sundays and Bank/Public Holidays;

Reason: To safeguard the amenity of the occupiers of neighbouring dwellings and the character of the surrounding area.

(37) Prior to the first occupation of the retail unit, a scheme for the control of noise and vibration of any plant (including ventilation, refrigeration, air conditioning and air handling units) to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. This shall then be so installed prior to the first use of the premises. The equipment shall be maintained and operated in compliance to the approved scheme whenever it is operation. The development shall be carried out in accordance with the approved details and maintained thereafter, and after installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority;

Reason: In the interests of safeguarding the residential amenity of the occupiers of adjacent dwellings.

(38) Prior to occupation of the retail unit hereby permitted, a service yard management plan, which shall include details of noise mitigation behaviours for vehicle operatives and the provision of heavy duty curtains to loading bays, shall be submitted to and approved in writing by the Local Planning Authority. The use shall be carried out in strict accordance with the approved details and maintained thereafter;

Reason: To safeguard the amenity of the occupiers of neighbouring dwellings and the character of the surrounding area.

(39) There shall be no external amplified sound within the service yard of the development hereby permitted;

Reason: in the interests of protecting the amenities of nearby residential property.

(40) The retail unit shall achieve at least a Very Good BREEAM Retail rating. The unit shall not be occupied until a final certificate has been issued for it certifying that at least a Very Good BREEAM Retail rating has been achieved;

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

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

drawing numbers 061302-WARD-06, 061302-WARD-AB-E1, 061302-WARD-AB-P1, 061302-WARD-AC-E1, 061302-WARD-AC-P1, 061302-WARD-AD-E1, 061302-WARD-AD-P1, 061302-WARD-B-P1, 061302-WARD-BCS01, 061302-WARD-BLK4-P1, 061302-WARD-C-E1, 061302-WARD-C-E2, 061302-WARD-C-P1, 061302-WARD-CP01, 061302-WARD-CP02, 061302-WARD-CS01, 061302-WARD-E-E1, 061302-WARD-E-P1, 061302-WARD-G-E1, 061302-WARD-G-P1, 061302-WARDS-GAR01, 061302-WARDS-GAR02, 061302-WARDS-GAR03, 061302-WARDS-GAR04, 061302-WARDS-GAR05, 061302-WARD-J-E1, 061302-WARD-J-P1, 061302-WARD-K-E1, 061302-WARD-K-P1, 061302-WARD-SH01, 061302-WARD-SH02, 061302-WARD-SH03, 3094\_DR\_001 and 3094\_DR\_004 all received 21st May 2014; drawing numbers 061302-WARD-A-E4 rev A, 061302-WARD-A-P2 rev A, 061302-WARD-B-E1 rev A, 061302-WARD-BCS02, 061302-WARD-BCS03, 061302-WARD-BLK1-E1 rev A, 061302-WARD-BLK1-E2 rev A, 061302-WARD-BLK1-E4 rev A, 061302-WARD-BLK1-P3 rev A, 061302-WARD-BLK2-E1 rev A, 061302-WARD-BLK2-E2 rev A, 061302-WARD-BLK2-E4 rev A, 061302-WARD-BLK2-P3 rev A, 061302-WARD-BLK3-E1 rev A, 061302-WARD-BLK3-E2 rev A, 061302-WARD-BLK3-E3 rev A, 061302-WARD-BLK3-P3 rev A, 061302-WARD-BLK4-E1 rev A, 061302-WARD-BLK4-E2 rev A, 061302-WARD-BLK4-P2 rev A, 061302-WARD-BLK4-P3 rev A, 061302-WARD-CP03, 061302-WARD-D-E1 rev A, 061302-WARD-D-P1 rev A, 061302-WARD-L-E1, 061302-WARD-L-P1, 061302-WARD-RET-E1 rev A, 061302-WARD-RET-E2 rev A, 061302-WARD-RET-E3 rev A, 061302-WARD-RET-E4, 061302-WARD-RET-P1 rev A, 061302-WARD-SUB01, and 3094\_DR\_002 rev C received 21st November 2014; drawing numbers 061302-WARD-PLAN1 and 061302-WARD-PLAN2, all received 20th January 2015; and drawing numbers 061302-WARD-00 rev A, 061302-WARD-01 rev B, 061302-WARD-02 rev B, 061302-WARD-03 rev B, 061302-WARD-04 rev B, 061302-WARD-05 rev B, 061302-WARD-A-E3 rev B, 061302-WARD-A-P1 rev C, 061302-WARD-AA-E2 rev B, 061302-WARD-AA-E3 rev B, 061302-WARD-AA-P2 rev C, 061302-WARD-AA-P3 rev C, 061302-WARD-BLK1-E3 rev B, 061302-WARD-BLK1-P1 rev B, 061302-WARD-BLK1-P2 rev B, 061302-WARD-BLK2-E3 rev B, 061302-WARD-BLK2-P1 rev B, 061302-WARD-BLK2-P2 rev A, 061302-WARD-BLK3-E4 rev B, 061302-WARD-BLK3-P1 rev B, 061302-WARD-BLK3-P2 rev A, 061302-WARD-BS-01, 061302-WARD-F-E1 rev A, 061302-WARD-F-P1 rev A, 061302-WARD-H-E1 rev A, 061302-WARD-H-P1 rev A and 061302-WARD-MF-01 rev A, all received 27th January 2015 and

drawing numbers 13179/ATR05, 13179/ATR01 A, 13179/ATR02 A, 13179/ATR03 B, 13179/ATR04 B, 13179-110 and 13179-111, and an Arboricultural Impact Assessment (undertaken by Lloyd Bore, reference 3094\_RP\_003), Archaeological Desk-Based Assessment (undertaken by CgMs Consulting, reference DH/KB/16917), Design And Access Statement, Ecological Appraisal (undertaken by Aspect Ecology, reference ECO3367.EcoApp.dv6), Flood Risk Assessment (undertaken by Banners Gate, reference 13179 FRA), Hard Landscape Materials and Shared Surface Design Guide (undertaken by Lloyd Bore, reference 3094/RP/001), Landscape and Visual Impact Assessment, Noise Assessment (undertaken by Sharps Redmore, reference 1414270), Planning Statement, Reptile Survey Report (undertaken by Aspect Ecology, reference ECO3367.Rept Survey.dv6), Statement of Community Involvement and Transport Assessment (undertaken by DHA Transport, reference JSL/10140), all received 21st May 2014; and drawing numbers

061302-WARD-PER01 rev A, 061302-WARD-PER02 rev A, 061302-WARD-PER03 rev A, 061302-WARD-SS01 rev A, 061302-WARD-SS02 rev A, 061302-WARD-SS03 rev A, 061302-WARD-SS04 rev A, 061302-WARD-SS05 rev A, and 061302-WARD-SS06 rev A, and a Design and Access Statement Addendum, Planning Statement Addendum, Agricultural Land Assessment (undertaken Tim O'Hare Associates, reference TOHA/RWA), and SuDS Methodology Statement (undertaken by Kirk Saunders Associates, reference 5699-D008 rev A), all received 21st November 2014

Reason: In the interests of clarity and to ensure the quality of the development is maintained.

## INFORMATIVES

(1) The lighting scheme provided in accordance with condition (11) should adhere to the following advice from the Bat Conservation Trust and Institution of Lighting Engineers.

### Bats and Lighting in the UK

#### Summary of requirements

The two most important features of street and security lighting with respect to bats are:

1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.

2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

#### UV characteristics:

##### Low

Low pressure Sodium Lamps (SOX) emit a minimal UV component.

High pressure Sodium Lamps (SON) emit a small UV component.

White SON, though low in UV, emit more than regular SON.

##### High

Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps

Mercury lamps (MBF) emit a high UV component.

Tungsten Halogen, if unfiltered, emit a high UV component

Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

##### Variable

Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output. Glass glazing and UV filtering lenses are recommended to reduce UV output.

#### Street lighting

Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels.

Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided.

If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

#### Security and domestic external lighting

The above recommendations concerning UV output and direction apply. In addition:

Lighting should illuminate only ground floor areas -light should not leak upwards to illuminate first floor and higher levels;

Lamps of greater than 2000 lumens (150 W) must not be used;

Movement or similar sensors must be used -they must be carefully installed and aimed, to reduce the amount of time a light is on each night;

Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;

Light must not be directed at or close to bat roost access points or flight paths from the roost -a shield or hood can be used to control or restrict the area to be lit;

Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;

Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

(2) A formal application for connection to the public sewerage system is required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or [www.southernwater.co.uk](http://www.southernwater.co.uk)).

(3) The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or [www.southernwater.co.uk](http://www.southernwater.co.uk)).

(4) For the purposes of discharge of conditions 33 and 34:

The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142 : 1997 Rating for industrial noise affecting mixed residential and Industrial areas) shall be at least 5dB below the existing measured ambient noise level LA90, T during the night time period. For the purpose of the assessment the Authority will accept 2300 to 0700 hours as covering the night time period.

The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142 : 1997 Rating for industrial noise affecting mixed residential and Industrial areas) shall be at least 5dB below the existing measured ambient noise level LA90, T during the day time period. For the purpose of the assessment the Authority will accept 0700 to 2300 hours as covering the night time period.

(5) Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the EHM regarding noise control requirements.

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.

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

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

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

(6) Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental/unauthorised discharge to ground. The areas for storage should not drain to any surface water system.

Where it is proposed to store more than 200 litres (45 gallon drum = 205litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention, the applicant should refer to Environment Agency guidance PPG1 General guide to prevention of pollution, which is available online at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk).

Please note that the CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste.

Please also note that contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore its handling, transport, treatment and disposal is subject to waste management legislation which includes:

- i. Duty of Care Regulations 1991
- ii. The Waste (England and Wales) Regulations 2011
- iii. Hazardous Waste (England and Wales) Regulations 2005
- iv. Pollution Prevention and Control Regulations (England and Wales) 2000
- v. Environmental Permitting (England and Wales) Regulations 2010

(7) No new planting should be introduced within 1m of the KH275 public right of way.

Public rights of way shall not be blocked either permanently or temporarily (including "Heras" or other fencing associated with construction works).

Should a Temporary Traffic Regulation Order be required for footpath KH272 whilst works are undertaken, the relevant Authority will need no less than 6 weeks notice for its processing.

(8) 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.considerateconstructorsscheme.org.uk](http://www.considerateconstructorsscheme.org.uk).

(9)

If site clearance works take place during the bird breeding season (March to August), such work should be undertaken in consultation with and under the supervision of a trained ecologist as it is an offence to disturb active nests and nesting birds.

(10) The applicant is advised that the site lies within a Area of Special Control of Advertisements.

(11) Any swales or basins required in association with the details required in connection with conditions 14 and 15 above should, where possible, be located in the south of the site where they can contribute towards the biodiversity enhancement of the semi-wild public open space and receptor site."

Case Officer: Catherine Slade

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

**REPORT SUMMARY**

<b>REFERENCE NO -</b> 14/0828		
<b>APPLICATION PROPOSAL</b> The redevelopment of land south of Ashford Road for residential development comprising the erection of 113/114 dwellings, internal access road, landscaped public open space, a LAP, a convenience store and highways works to Ashford Road.		
<b>ADDRESS</b> Land South Of Ashford Road Harrietsham Kent		
<b>RECOMMENDATION</b> GRANT PLANNING PERMISSION SUBJECT TO PRIOR COMPLETION OF AN APPROPRIATE LEGAL MECHANISM AND CONDITIONS		
<b>REASON FOR REFERRAL TO COMMITTEE</b>  The proposal is a departure from the Development Plan.		
<b>WARD</b> Harrietsham And Lenham Ward	<b>PARISH/TOWN COUNCIL</b> Harrietsham	<b>APPLICANT</b> Ward Homes <b>AGENT</b> Bidwells
<b>DECISION DUE DATE</b> 20/08/14	<b>PUBLICITY EXPIRY DATE</b> 20/08/14	<b>OFFICER SITE VISIT DATE</b> Various
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>		

- MA/14/0567 Request for a screening opinion as to whether the proposed development incorporating 117 dwellings and a food retail outlet of 300m2 is development requiring an Environmental Impact Assessment- ENVIRONMENTAL STATEMENT NOT REQUIRED
- 59/0137/MK2 Outline application for residential development - REFUSED

Also various consultations during the late 1990s relating to CTRL development which are not relevant to the current application.

**MAIN REPORT****1.0 DESCRIPTION OF SITE**

1.01 The proposal site, which has an area of approximately 4.7ha and is located to the south of Ashford Road (A20), has an irregular shape which is a reflection of the former use of the land as a depot associated with the construction of the Channel Tunnel Rail Link (CTRL). This history is reflected in a covenant on the site and adjoining land which prevents built development from taking place within 40m of the boundary of the CTRL; although covenants are not a planning matter, it is worth noting that as a result of this legal agreement, no development is proposed in the southern part of the site.

1.02 The northern boundary of the site wraps around the southern boundary of the built development (including the Roebuck Business Park, which comprises a collection of one and a half storey and two storey buildings loosely modelled on the vernacular of Kentish oasthouses and barns in the vicinity of the site, and a small number of residential properties of more conventional single storey, one and a half storey and two storey design) and Harrietsham allotments to the south of the business park located to the south of the A20 in this location, and has a narrow frontage to Fairbourne Lane in the west, and a wider frontage to the A20 in the north east of the site. The southern boundary of the majority of the site



follows the path of the CTRL, which is in a cutting at this point, beyond which (to the south) is the M20, which is elevated. There is a slim band of heavily tree'd landscaping between the two routes. The history of the site and its physical relationship to the CTRL are reflected in the designation of the site in its entirety (together with other land) as being safeguarded for the CTRL under the scope of Maidstone Borough-Wide Local Plan 2000 policy T6, albeit that this is not a saved policy for the purposes of decision making, by virtue of the completion of the engineering project.

1.03 The land can be approximately divided into two discrete sections (east and west) which are joined by a slim strip of land in the south of the site, which is located in the vicinity of a waterway which runs approximately north-east/south-west through Harrietsham. The path of this waterway through the site appears to have been re-engineered and diverted at some point (possibly in association with the construction of the CTRL).

1.04 The western section of the site, on which no built development is proposed, represents approximately a quarter of the site by area, and the main part of it comprises a rectangular scrubby field located to the south of eight dwellings (all accessed from either the A20 or Fairbourne Lane), the Roebuck Business Park and allotment gardens. This part of the site has an enclosed feel as a result of its size and the character of its boundary treatments. It extends westwards to connect with Fairbourne Lane, from which vehicular access can be gained, and is connected to the eastern section of the site by the slim strip of land referred to above in paragraph 1.02, which is located adjacent to the CTRL to the south of the allotments, and provides pedestrian access between the two parts of the site.

1.05 The eastern section represents approximately three quarters of the site by area, and all built development under consideration is proposed on this land. For the avoidance of doubt I refer throughout the report to the "zone of built development" (ZBD); this excludes the western part of the site and the 40m CTRL exclusion area as described above in paragraph 1.01.

1.06 The core of this section of the site has a roughly rectangular shape aligned approximately north-east/south-west, with projections to the south west (joining the western section of the site) and south east (projecting into agricultural land), whilst the northern part of the land extends northwards with diminishing width towards the A20, from which vehicular access is gained, the width of the frontage to the highway being "pinched" by the existing development to the south of the A20 and reducing in width from 140m to 70m. This part of the site has an open character, predominantly as a result of its topography of the eastern part of the site forms a shallow valley running east to west which is manifested in land levels which fall gently within the site towards the south before rising again in the southern third of the site to a higher elevation than those of the north of the site, however there are no significant changes in land levels between the site and the adjacent land, other than those associated with the CTRL cutting and the watercourse, however views of the Greensand Ridge on ground with an elevation of approximately 150m aod approximately 2.75km to the south can be gained from the site and the A20 in this location.

1.07 The southern boundary of this section of the site is adjacent to the CTRL in the west (continuing that of the western section of the site), but diverges from it in the east, following a field boundary which runs slightly northwards away from the railway. The western boundary of this section of the site is defined by a mature native hedge which runs along the south eastern boundary of the Roebuck Business Park and the allotments to the south of this commercial area. The eastern boundary of the site adjoins the garden of 1 Taylor Close and the parking areas associated with this dwelling and numbers 2 to 6 Taylor Close (inclusive), a small scale late twentieth century development of twelve dwellings which front onto the A20, and then, further to the south, agricultural land from which it is separated by a post and rail fence. The northern boundary of the site adjoins the A20 opposite the junction of the highway with West Street, where the village green is located. This key area of the village to the north of the site is identified in the draft Harrietsham Neighbourhood Plan as the heart of

the village. West Street leads to community facilities including the railway station and the primary school, although other community resources including the recreation ground and parish hall are located further to the north east on Church Road, albeit still within reasonable walking distance. The A20 in this location is effectively built as a four lane highway at this point although it is marked up as having one lane in either direction with filter lanes in appropriate locations throughout the village, and is subject to a 40mph speed limit.

1.08 A number of formally recognised public rights of way (PROW) are located within the site boundaries, as well as other informal routes which are not protected by legislation. The PROWs recorded on the KCC definitive map are as follows. In the western part of the site, the KH652 runs from Fairbourne Lane eastwards into the southern part of the eastern part of the site, where it becomes the KH272, and after continuing east then veers north eastwards before reaching the eastern boundary of the site, continuing across the adjacent agricultural land before eventually reaching East Street and the Harrietsham (East Street) conservation area. A spur of the KH272 is located in the east of the site running northwards between two dwellings to the west of the Roebuck Business Estate, joining the KH652 and the A20 before continuing northwards towards West Street through a residential area. The KH275 runs along the western boundary of the eastern part of the site, between the KH652/KH272 and the A20. The KH276 conversely runs along the north eastern boundary of the site, continuing on its trajectory south-easterly direction across the agricultural land to the south east of the site. A plan showing these footpaths in the context of the site is attached as Appendix A to this report.

1.09 There are no immediately neighbouring heritage assets, however to the north of the site is a listed building, 62 West Street, which is severed from the proposal site by the A20 and the village green. The boundary of the Harrietsham East Street Conservation Area, within which are a number of listed buildings, is located approximately 150m to the east as the crow flies, and directly connected to the site by a public right of way, the KH272. The site is not located in an area recorded by the Environment Agency as being prone to fluvial flooding. Leaving aside the Roebuck Business Park and some small scale commercial uses including the Mace stores and the Taste of Bengal, the immediate area along Ashford Road in the vicinity of the site is characterised by residential development much of which, particularly to the north of the highway, turns its back to the A20, and even when fronting the road, is set considerably from the carriageway and severed from it through the use of various forms of screening (with the exception of the some of the properties to the west of the business park and number 1 Willow Close.

1.10 As set out above in paragraph 1.01, the site is washed over by the CTRL safeguarding policy, which is not saved for decision-making purposes, and otherwise has no specific environmental or economic designations. It is located to the south of the defined settlement boundary of Harrietsham, which runs along the site boundary and the south and eastern boundaries of the Roebuck Business Estate and the dwellings and associated gardens to the west, then crosses the A20, running along the northern side of the highway to the north of the site. The site is therefore in open countryside for development management purposes. Whilst the site has previously been used as a depot associated with the CTRL, it has been restored following cessation of this use, and as such is considered to represent agricultural land, which is the basis on which it was considered in the Strategic Housing and Economic Development Land Availability Assessment (SHEDLAA) 2014. The Housing Site Assessment of the site for the purposes of the SHEDLAA is attached as Appendix B to this report.

## **2.0 PROPOSAL**

2.01 The application seeks full planning permission for a mixed use development comprising the erection of 113/114 dwellings and a retail unit of 365m<sup>2</sup>, together with associated landscaping, access and parking. The proposal includes the provision of land in the western part of the site for allotments, and the provision of one fitted out unit, the "flat

above the garage” in the north of the site as a meeting and storage facility for Harrietsham Parish Council, which would, in the event of the Parish Council failing to take up its use, or deciding at a subsequent point that the facility was no longer required, contribute towards the onsite affordable housing (shared ownership) provision.

2.02 The proposed access to the development would be located centrally to the site frontage with the A20, in the approximate location of the existing access to the land. The entry to the development would be characterised by landmark gateway features of substantial scale comprising a part three storey, part two storey, apartment block (block 1) to the west of the access, and a single storey retail building to the east of the access. These are shown on the proposed layout as being set back from, and at an angle to, the A20. This siting allows for the provision of landscaping to the site frontage which echos the existing village green to the north of the A20, providing continuity between the village heart, as is, and the proposed development, rather than treating them as two discrete elements in the streetscape. The retail unit would have an articulated frontage to the A20 which follows the entrance to the site and allows for openness between it and the apartment block, which has a blunter rectilinear arrangement and relationship to the public highway. An enclosed courtyard to the rear of the retail unit would provide a service and delivery area.

2.03 The access splits immediately on entry to the site, and at the head of the resultant T-junction would be a small area of landscaping, behind which would be located a terrace of four two storey dwellings which would wrap around the inside of the accesses into the interior of the site. These buildings (block 1, the retail unit and the terrace) together with the associated landscaping would provide the immediate character of the site and establish its relationship to the existing streetscape and the highway and public realm works proposed as part of the wider A20 improvement scheme.

2.04 Members will be aware that the siting of block 1 and the retail unit are substantially different to that originally proposed. The positioning of these two elements of the scheme were inverted and the elements moved further into the site as a response to discussions between Council officers and the applicants in order firstly to allow the provision of a southward “extension” to the existing village green to the north of the A20, and secondly because of a concern that the previous arrangement of the retail unit, which was formerly proposed to be sited fully within the site, backing onto the Roebuck Business Estate with no true frontage to the public highway. It was considered that this relationship to the A20 would fail to represent considered engagement with the village and be likely to prejudice the long term success of the building as a retail unit.

2.05 Going further into the development, there would be a hierarchy of highways which would allow vehicular and pedestrian permeability. These would provide routes in the east and west of the main body of the development, incorporating a landscaped square within the heart of the site to provide a focal point and break up the mass of the development. This circular route would provide further access to areas in the south of the ZBD distant from the site access, which in the case of the development in the far south and east of the ZBD, would be connected by a pedestrian route.

2.06 The housing would predominantly comprise two and two and a half storey dwellings arranged as pairs of semi-detached properties and terraces of three units joined to others by way of attached garages and in five cases by “flats above garages” (FOGs), although there would be two larger terraces in the south of the ZBD, and nine detached dwellings (including five “attached detached dwellings”) along the eastern boundary of the site. There would also, in addition to block 1 described above in paragraph 2.02, be three other apartment blocks in the south of the site, which would be two and a half storey in height. These blocks, together with two terraces of four two storey dwellings, would provide the southern termination of the development, beyond which would be a semi wild area of open space along the CTRL



exclusion zone, which would include areas providing biodiversity mitigation such as wild flower and tree planting, and the provision of hibernacula.

2.07 The detailed architectural design of the proposed dwellings is of a traditional domestic Kentish vernacular, including features such as brickwork window arches, porches of various designs, brick plinths, pitched and flat roofed dormers of diminutive scale, and front gables, in a range of materials including red brick, timber weather boarding, hanging tiles and render. Dwellings located on key junctions within the site are dual aspect, and therefore provide visual interest in the streetscene, and natural surveillance to public areas. In critical locations within the development, such as the terrace located at the site entrance and the property on the central square fronting the main access point (plot 58), consideration has been given to providing a focal anchor to these elements of the development. Although all the dwellings are gable ended, this is relieved by the inclusion of subservient front gables to some of the dwellings, and the variety of ridge heights and roof pitches within the development. The scheme has been amended to increase the number of windows to side elevations of properties facing open spaces including parking areas which serves to increase natural surveillance and provide interest to flank elevations. This is considered, on the whole, to represent an acceptable response to the character of the historic fabric of the domestic built environment of Harrietsham.

2.08 The proposal, as set above in paragraph 2.01 above, includes the provision of a FOG in the north of the site to the south of block 1 which would be fitted out for occupation but in the first instance gifted to Harrietsham Parish Council for use as a meeting and/or storage facility. A requirement that, in the event that the Parish Council choose not to take up the facility, or at an unspecified point in the future cease the use, the unit reverts to affordable housing is discussed further in paragraph 7.29.

2.09 In the event that the Parish Council take up the offer of a community facility, the onsite affordable housing provision would represent 39% of the total, whilst if not, it would constitute 40%. The distribution of the affordable housing provision is shown on the drawing number 061302-WARD-04 rev A, and would be located in the north west of the site, and along the southern boundary of the site. The provision would include all four blocks of apartment accommodation, as well as sixteen dwellings and two FOGs (including the structure potentially provided for the Parish Council). The proposed housing mix for the affordable provision is set out in the table below:

<b>Affordable – shared ownership</b>	<b>No.</b>
2 bed apartment	10 (or 9, with 1 unit provided as a community facility to the Parish Council)
2 bed house	1
3 bed house	7
	(18/17)
<b>Affordable – social rented</b>	
1 bed apartment	3
2 bed apartment	16
2 bed house	2
3 bed house	6
	(27)

2.10 Leaving aside the undeveloped areas of the site in the south and west, the key areas of landscaping within the ZBD would be provided at the site access, where it would make a significant positive impact on the character of the public realm in this “village heart” location,

the central square within the site, and along the eastern boundary. In addition, landscaping buffers to many of the dwellings on site have been provided for. This has been achieved through a small reduction in the number of units which has allowed a “loosening” of the grain of the development, and has also contributed towards a commensurate reduction in car parking and improved layout, particularly of the courtyard areas within the interior of the site.

2.11 In addition to the above, the development would also provide land to be used for the provision of additional allotments (or alternative open space of an appropriate character). This would be located in the north of the western part of the site to the south of the Roebuck Business Estate and to the south west of the existing allotments, and the land is identified on drawing number 061302-WARD-PLAN2 received 20<sup>th</sup> January 2015, and this element of the proposal and the impact on Parks and Open Spaces contributions is discussed in detail in paragraph 7.40 below. No details have been provided as to the means of access to the allotments, however this, as well as details such as the arrangement of plots, etc. are not matters for consideration under the scope of the current application. The development would achieve Level 4 of the Code for Sustainable Homes.

### **3.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV26, ENV28, ENV49, T13, T21, T23, R1, R2, R10, R12, CF1

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

Maidstone Borough Council Draft Local Plan: SS1, SP3, SP5, H1(26), H2, DM2, DM4, DM6, DM10, DM11, DM12, DM13, DM19, DM23, DM24, DM30, DM40, ID1

Harrietsham Draft Neighbourhood Plan: COM01, COM02, MOV02

3.01 As set out in paragraph 1.10, the application site is located outside of the settlement boundary of Harrietsham, as defined in the Maidstone Borough-Wide Local Plan 2000 (MBWLP). Notwithstanding this, the northern half of the eastern part of the site is identified in Maidstone Borough Council Draft Local Plan policy H1(26) as a housing allocation with an expected yield of 70 units, subject to the development criteria set out in Appendix A (H1(26)) of the Local Plan.

3.02 The Council has recently finished its Regulation 18 consultation on its emerging Local Plan and representations from that consultation are currently being assessed. The emerging plan is a material consideration and can, however, be given some weight when considering planning applications by virtue of its progress through the stages in the adoption process.

3.03 Following the Regulation 18 consultation on the emerging Local Plan, a further call for sites was undertaken due to the shortfall of housing land provided by way of the SHEDLAA. Although the proposal site was not resubmitted as part of this exercise, the extent of the area proposed for built development, and therefore its yield, was reassessed in response to the application before Members, and in a report to the Planning, Transport and Development Overview and Scrutiny Committee on 20<sup>th</sup> January 2015 it was recommended that, in the absence of demonstrable harm resulting from the increase in developable area, draft Local Plan policy H1(26) be revised to include the entirety of the ZBD proposed under the scope of the current application. The conclusion of the Committee will be reported to Cabinet on 28<sup>th</sup> January 2015, and the outcome of this meeting will be the subject of an urgent update report.

3.04 The site is also identified in the Harrietsham Draft Neighbourhood Plan as a development opportunity for residential, retail and community facility (public open space, parish hall and allotments) development subject to the criteria set out under policies COM01 and COM02, and the section of the A20 to the immediate north of the site as a “new High Street” under policy MOV01. The relevant extracts from the draft Neighbourhood Plan are attached to this report as Appendix C. The Draft Neighbourhood Plan is a material consideration, however there are still key stages ahead in its progression.

#### **4.0 LOCAL REPRESENTATIONS**

4.01 Three site notices were displayed at the site access, outside the Roebuck Business Park and on Fairbourne Lane on 17<sup>th</sup> July 2014.

4.02 Thirteen neighbour representations were received from (or on behalf of) eleven households. Of these, all raised objection to or concern over the proposal. A representation on behalf of the existing village shop was also received. The following planning issues were raised:

- Location of site outside defined settlement boundary, remote from centre of village and core services and facilities.
- Overdevelopment of the site, excessive density of built development, visual impact upon the open countryside, loss of a green space and change of the character of Harrietsham from a village to a town.
- Design of the proposal being out of keeping with the character of the village.
- Highway issues, including traffic generation, inadequate provision of on site parking, speed of traffic/speed limit, design of proposed highways mitigation.
- Flood risk on and off the site.
- Harm to residential amenity of occupiers of existing dwellings by way of loss of privacy/overlooking, overshadowing and overbearing impact.
- Residential amenity of occupiers of development, in respect of air quality and noise.
- Poor design of the scheme, including the standard of architectural detailing and overall design approach, inappropriate layout in relation to the siting of buildings and open space, quality of treatment of frontage to A20 and open space within the site, design being more suitable for urban locations,
- Pressure on social infrastructure.
- Impact on biodiversity.
- Impact on heritage assets.
- Impact on existing local businesses.
- Lack of employment opportunities within Harrietsham.
- Inadequate scale of retail element.

4.03 In addition, a representation was received from Harrietsham against Reckless Development which raised objection to the proposal on the grounds of density, loss of views to the Greensand Ridge, highway safety and traffic generation, failure to give over land for future frontage development to the A20, and inadequate landscaping and on site open space provision. The objection also set out the group’s opposition in principle to large scale residential development in Harrietsham.

4.04 The matters of loss of private views and the motives of the applicant were also raised. Members will be aware that these are not planning matters, and will not be discussed further in this report.

#### **5.0 CONSULTATIONS**

**5.01 Harrietsham Parish Council** wish to see the application approved subject to the various criteria, as set out in the detailed comments below:

**5.01.01** *"Further to the Parish Council's objections to the above application dated 24<sup>th</sup> July 2014, Harrietsham Parish Council have now viewed the amended plans that have been submitted by the applicant.*

**5.01.02** *Harrietsham Parish Council feel that the previous objections, which were listed, have been resolved in the resubmitted documents, subject to detailed legal agreements being finalised. This is aside from the fact that the application is still premature to the adoption of the Harrietsham Neighbourhood Plan. Following the offer made by Mr Jarman at the Planning Committee meeting held on the 18<sup>th</sup> December 2014, the Parish Council would welcome working with Officers to work on the detail required for the S106 agreement to ensure that the money from development is ring-fenced for the residents of Harrietsham.*

**5.01.03** *The Parish Council would request that the S106 agreement takes into account the items listed in the Harrietsham Neighbourhood Plan, which was submitted to Maidstone Borough Council in June of this year:*

- *Contributions towards the highways improvement project planned for the A20 through the village, including the redesigning of the West Street junction by the village green*
- *Contributions towards extending the provision of retail facilities within the village.*
- *Open space and communal landscaping within the application site to be transferred to Harrietsham Parish Council, and we would propose ongoing consultation with residents as part of the management program*
- *Contributions towards preparation and maintenance of the open space including the allotments to be provided*
- *Local Needs housing allocation must be a priority within the affordable housing element of the application. This should be the same approach as the agreement arranged for the Crest Nicholson site (The Hollies)*
- *Contributions towards improvements to the Harrietsham Doctors Surgery in Church Road. This is a specific local provision owned by the community. Therefore provision should be in addition to any other health provision*
- *Contributions towards village community facilities proposed for the new village centre as part of the Neighbourhood Plan*
- *Contributions towards the provision of public recreational and sporting facilities in Harrietsham*
- *Contributions towards the provision of youth facilities in Harrietsham*
- *Contributions towards the provision of a disabled lift for the footbridge at Harrietsham Station*
- *Contributions towards the development of the newly established nature reserve of Teers Meadow and a contribution to the on-going maintenance fund of the Glebe Field and Pilgrims Lake Nature Reserve. These are all significant village amenities.*
- *Contributions towards improving the former Network Rail footpath that runs from the A20 along the edge of the Booth Field to Church Road. Also, the footpath connection from Station to Court Lodge Road. This access route is part of the Neighbourhood Plan and agreement has recently been achieved to make it available."*

**5.03 Primary Care Trust (NHS Property Services)** seek contributions towards local primary and community health services, being the Glebe Medical Centre, Church Road, and



Len Valley Medical Centre, of £360.00 per occupier of market housing (based on calculated occupancy rates of market housing), being a sum of £71,028.

**5.04 Kent County Council** seek contributions towards community and education infrastructure in the local area as follows:

- Primary Education: £2360.96 per applicable house and £590.24 per applicable flat towards expansion of Harrietsham Primary School.
- Secondary Education: No current requirement.
- Libraries: £148.68 per dwelling.
- Community Learning: £30.70 per dwelling.
- Youth Service: £8.44 per dwelling.
- Adult Social Care: £63.56 per dwelling.

**5.05 Kent County Council Highway Services** raise no objection to the proposal subject to the new access being secured under a S38 agreement and contributions towards the A20 improvement scheme.

**5.06 Maidstone Borough Council Parks and Open Spaces** raise no objection to the proposal, but confirm that in the event of the allotments not being provided and/or the open land in the south of the site not being available for ecological or legal reasons for the provision of Parks and Gardens, Equipped areas of play, outdoor sports facilities, allotments/community gardens, contributions would be sought for improvements to Glebe Fields and Booth Field, both of which are within 1km of the site and strong focal hubs for the local community, making the following detailed comments:

**5.06.01** *"The way I see it there are several possible outcomes.*

- 1. The developer provides the open space for allotments which is utilised as allotments and the ecological mitigation/POS strips of land are not suitable for any form of use*
- 2. As No.1 but the strips of land are suitable for use as Open Space*
- 3. The developer does not provide open space onsite for allotments and the strips are not suitable for use*
- 4. As No.3 but the strips of land are suitable*

**5.06.02** *I have used swiftmap to gain a rough idea as to the area of the land that is proposed as being provided on site. I've estimated the "Allotment" area as 0.50ha and the strips of ecological/POS land as 1.37ha.*

**5.06.03** *If outcome No.2 is achieved then we would accept that and not seek any form of offsite contributions as it would exceed the minimum required onsite open space.*

**5.06.04** *Any other outcome would result in an offsite contribution being sought.*

**5.06.05** *The typical amount requested per dwelling when no onsite open space is provided is £1575. With the development being 113 dwellings and the required minimum open space per 1000 people in Harrietsham and Lenham being 4.36ha the following calculation can work out how much would be requested per 0.01ha*

$$\begin{aligned} 113 \text{ dwellings} \times 2.4 \text{ people} &= 271.2 \\ 271.2/1000 &= 0.2712 \\ 0.2712 \times 4.36 &= 1.18\text{ha} \end{aligned}$$

5.06.06 *1.18ha is the minimum amount of onsite open space we would expect to be provided for a development of this size*

*£1575/118 = £13.35 per dwelling for every 0.01ha below the minimum requirement*

5.06.07 *If the "allotment" area (approx 0.50ha) is provided yet the rest of the space cannot be utilised due to ecological reasons then there would be a shortfall of 0.68ha onsite. Therefore we would request  $68 \times £13.35 = £907.80$  per dwelling which would equate to £102581.40 (Outcome No.1)*

5.06.08 *If the "allotment" area isn't provided and the rest of the space cannot be utilised due to ecological reasons then there would be no onsite open space provided. Therefore we would request  $113 \times £1575$  which would equate to £177975 (Outcome No.3)*

5.06.09 *If the "allotment" area isn't provided and the rest of the space can be utilised as POS then the provision would achieve the minimum requirement of onsite open space. However, the use of this open space would need to be a formal use that is relevant and able to be used by the residents of the development. When calculating the minimum requirement of onsite provision the categories of Green corridors, natural/semi natural green spaces are not included as there is no standard set. Therefore it would need to be of use in the form of Parks and Gardens, Equipped areas of play, outdoor sports facilities, allotments/community gardens."*

5.07 **Maidstone Borough Council Housing Services** raise no objection to the proposal, stating that the proposed provision of affordable housing (being 40%, or 39% in the event of a FOG being taken up by the Parish Council) is acceptable in the circumstances of this case, the reduction being a result of the provision of a community facility and the unit reverting to affordable housing in the event of the use of the unit not being taken up by the Parish Council or ceasing, subject to the community facility coming out of the shared ownership element of the affordable housing provision on the site. The tenure mix (being 60/40 affordable rent to shared ownership), the mix of units (as set out in the table above in under paragraph 2.09), and the distribution of the affordable units within the site are also considered to be acceptable. The Housing Manager also confirms that in the absence of an up-to-date local needs housing assessment for Harrietsham, that it is not appropriate to restrict the affordable housing to being for local needs.

5.08 **Kent County Council Public Rights of Way** raise no objection to the proposal subject to a financial contribution of £200 per dwelling towards the improvement and maintenance of public footpaths KH272, KH272A, KH652, KH275 and KH276, and the making of the necessary orders to secure the extinguishment of the KH276 and provision of an alternative route, and the imposition of conditions and informatives. The extinguishment of the northern section of the KH276 (discussed further in paragraph 7.57) has been suggested by the Kent County Council Public Rights of Way Officer and incorporated into the layout by the applicant.

5.09 **Kent County Council Biodiversity Officer** raises no objection to the proposal, subject to conditions requiring the implementation of the recommendations of the Ecological Appraisal and Reptile Survey Report, and the submission of Construction Environmental Management Plan and Ecological Design Strategy, and implementation of the approved plans.

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

5.10 **Kent Downs AONB Unit** raises no objection to the proposal, making reference to the Kent Downs Management Plan. Concern was raised over the “lack of tree cover” and additional landscaping was requested within the site; no comments have been received in response to the reconsultation on the amended scheme. Reference was made to the need for a sensitive external lighting scheme.

5.11 **Environment Agency** raises no objection to the proposal subject to conditions requiring the submission of details of sustainable surface water drainage (which should include the provision of surface storage such as swales), and contaminated land investigation and remediation, and implementation of the approved details.

5.12 **Kent County Council Sustainable Drainage Manager** raises concern over the level of over the level of information provided, the detail of the scheme, the reliance on underground storage rather than surface attenuation measures and the absence of a management strategy.

5.13 **Maidstone Borough Council Landscape Officer** raises no objection to the proposal subject to conditions requiring implementation of the Arboricultural Impact Assessment, and the submission of landscaping and implementation of the approved details.

5.14 **MidKent Environmental Health Manager** raises no objection to the scheme in respect of land conditions and air quality, subject to conditions requiring details of contaminated land investigation and remediation if appropriate and implementation of the approved details; the submission of a sustainable travel plan (including welcome pack for residents, provision of car club parking bays and plug in an low emission charging facilities) and implementation of the approved details. Concern was raised over the impact of existing noise sources on the occupiers of the development and of the retail facility on the occupiers of neighbouring dwellings, but conditions were suggested to overcome these matters.

5.15 **Kent Police** raise no objection to the proposal, but raise concern over compliance with Secured by Design and therefore the Code for Sustainable Homes.

5.16 **Southern Water** note that there is a public foul sewer on the land (which will be subject to replacement and rerouting), and that the existing Harrietsham wastewater treatment works does not have the capacity to accommodate the flows generated from the development. On this basis, no objection is raised to the proposal subject to conditions requiring diversion of the sewer prior to commencement of the development, preventing occupation of the dwellings prior to the completion of any works necessary to provide adequate capacity in the local wastewater works, and requiring the submission of details of foul and surface drainage, and implementation of the approved details.

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

5.18 **Network Rail (High Speed)** raise no objection subject to a condition identifying the impact of the development on HIGHSPPEED1 or HS1 Property.

5.19 **Rural Planning Consultant** raises no objection to the proposal and confirms that the land comprises recent infill and does not constitute “best and most versatile” agricultural land.

5.20 **Maidstone Borough Council Conservation Officer** raises no objection to the proposal in respect of the limited impact on neighbouring listed buildings, or the Harrietsham (East Street) Conservation Area.

5.21 **Kent County Council Archaeological Officer** raises no objection to the proposal subject to the imposition of a condition requiring the submission of a programme of archaeological work and implementation of the approved details, notwithstanding the submission of a desk based survey due to the moderate archaeological potential of the site in respect of activity since the prehistoric period.

## 6.0 BACKGROUND PAPERS AND PLANS

6.01 The development proposals are shown on drawing numbers 061302-WARD-06, 061302-WARD-A-E1 rev A, 061302-WARD-A-E2 rev A, 061302-WARD-AA-E1, 061302-WARD-AA-P1 rev A, 061302-WARD-AB-E1, 061302-WARD-AB-P1, 061302-WARD-AC-E1, 061302-WARD-AC-P1, 061302-WARD-AD-E1, 061302-WARD-AD-P1, 061302-WARD-B-P1, 061302-WARD-BCS01, 061302-WARD-BLK4-P1, 061302-WARD-C-E1, 061302-WARD-C-E2, 061302-WARD-C-P1, 061302-WARD-CP01, 061302-WARD-CP02, 061302-WARD-CS01, 061302-WARD-E-E1, 061302-WARD-E-P1, 061302-WARD-G-E1, 061302-WARD-G-P1, 061302-WARDS-GAR01, 061302-WARDS-GAR02, 061302-WARDS-GAR03, 061302-WARDS-GAR04, 061302-WARDS-GAR05, 061302-WARD-J-E1, 061302-WARD-J-P1, 061302-WARD-K-E1, 061302-WARD-K-P1, 061302-WARD-SH01, 061302-WARD-SH02, 061302-WARD-SH03, 3094\_DR\_001 and 3094\_DR\_004 all received 21<sup>st</sup> May 2014; drawing numbers 061302-WARD-A-E4 rev A, 061302-WARD-A-P2 rev A, 061302-WARD-B-E1 rev A, 061302-WARD-BCS02, 061302-WARD-BCS03, 061302-WARD-BLK1-E1 rev A, 061302-WARD-BLK1-E2 rev A, 061302-WARD-BLK1-E4 rev A, 061302-WARD-BLK1-P3 rev A, 061302-WARD-BLK2-E1 rev A, 061302-WARD-BLK2-E2 rev A, 061302-WARD-BLK2-E4 rev A, 061302-WARD-BLK2-P3 rev A, 061302-WARD-BLK3-E1 rev A, 061302-WARD-BLK3-E2 rev A, 061302-WARD-BLK3-E3 rev A, 061302-WARD-BLK3-P3 rev A, 061302-WARD-BLK4-E1 rev A, 061302-WARD-BLK4-E2 rev A, 061302-WARD-BLK4-P2 rev A, 061302-WARD-BLK4-P3 rev A, 061302-WARD-CP03, 061302-WARD-D-E1 rev A, 061302-WARD-D-P1 rev A, 061302-WARD-L-E1, 061302-WARD-L-P1, 061302-WARD-RET-E1 rev A, 061302-WARD-RET-E2 rev A, 061302-WARD-RET-E3 rev A, 061302-WARD-RET-E4, 061302-WARD-RET-P1 rev A, 061302-WARD-SUB01, and 3094\_DR\_002 rev C received 21<sup>st</sup> November 2014; drawing numbers 061302-WARD-PLAN1 and 061302-WARD-PLAN2, all received 20<sup>th</sup> January 2015; and drawing numbers 061302-WARD-00 rev A, 061302-WARD-01 rev B, 061302-WARD-02 rev B, 061302-WARD-03 rev B, 061302-WARD-04 rev B, 061302-WARD-05 rev B, 061302-WARD-A-E3 rev B, 061302-WARD-A-P1 rev C, 061302-WARD-AA-E2 rev B, 061302-WARD-AA-E3 rev B, 061302-WARD-AA-P2 rev C, 061302-WARD-AA-P3 rev C, 061302-WARD-BLK1-E3 rev B, 061302-WARD-BLK1-P1 rev B, 061302-WARD-BLK1-P2 rev B, 061302-WARD-BLK2-E3 rev B, 061302-WARD-BLK2-P1 rev B, 061302-WARD-BLK2-P2 rev A, 061302-WARD-BLK3-E4 rev B, 061302-WARD-BLK3-P1 rev B, 061302-WARD-BLK3-P2 rev A, 061302-WARD-BS-01, 061302-WARD-F-E1 rev A, 061302-WARD-F-P1 rev A, 061302-WARD-H-E1 rev A, 061302-WARD-H-P1 rev A and 061302-WARD-MF-01 rev A, all received 27<sup>th</sup> January 2015.

6.02 The application is supported by drawing numbers 13179/ATR05, 13179/ATR01 A, 13179/ATR02 A, 13179/ATR03 B, 13179/ATR04 B, 13179-110 and 13179-111, and an Arboricultural Impact Assessment (undertaken by Lloyd Bore, reference 3094\_RP\_003), Archaeological Desk-Based Assessment (undertaken by CgMs Consulting, reference DH/KB/16917), Design And Access Statement, Ecological Appraisal (undertaken by Aspect Ecology, reference ECO3367.EcoApp.dv6), Flood Risk Assessment (undertaken by Banners Gate, reference 13179 FRA), Hard Landscape Materials and Shared Surface Design Guide (undertaken by Lloyd Bore, reference 3094/RP/001), Landscape and Visual Impact Assessment, Noise Assessment (undertaken by Sharps Redmore, reference 1414270), Planning Statement, Reptile Survey Report (undertaken by Aspect Ecology, reference



ECO3367.Rept Survey.dv6), Statement of Community Involvement and Transport Assessment (undertaken by DHA Transport, reference JSL/10140), all received 21<sup>st</sup> May 2014; and drawing numbers 061302-WARD-PER01 rev A, 061302-WARD-PER02 rev A, 061302-WARD-PER03 rev A, 061302-WARD-SS01 rev A, 061302-WARD-SS02 rev A, 061302-WARD-SS03 rev A, 061302-WARD-SS04 rev A, 061302-WARD-SS05 rev A, and 061302-WARD-SS06 rev A, and a Design and Access Statement Addendum, Planning Statement Addendum, Agricultural Land Assessment (undertaken Tim O'Hare Associates, reference TOHA/RWA), and SUDS Methodology Statement (undertaken by Kirk Saunders Associates, reference 5699-D008 rev A), all received 21<sup>st</sup> November 2014.

## 7.0 APPRAISAL

### Principle of Development

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

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

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

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

7.03 The key material consideration outside of the Development Plan in the determination of applications for residential development in the open countryside is national planning policy as set out in the National Planning Policy Framework 2012 (NPPF) and the Council's position in respect of a five year housing land supply.

7.04 Paragraph 47 of the NPPF states that Councils should;

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

7.05 Relevant to this, the NPPF requires that local authorities have a clear understanding of housing needs in their area, and as such they should prepare a Strategic Housing Market Assessment (SHMA) to assess their full needs; working with neighbouring authorities where housing market areas cross administrative boundaries. Maidstone has carried this out with Ashford Borough Council and Tonbridge and Malling Borough Council. The SHMA (2014) confirms the objectively assessed housing need for the borough over the plan period 2011 to 2031 as 19,600 dwellings (980 dwellings per annum). Subsequent to this, the objectively assessed housing need was revised downwards to 18,600. This figure, which is based on central government population projections based on 2011 census data, was reported to, and accepted by, Cabinet on 10<sup>th</sup> September 2014.

7.06 In April 2013 when most recently calculated, the Council had a two year supply of housing assessed against the objectively assessed housing need of 19,600 dwellings (at that time). Even when considered in light of the reduction in the assessed housing need and the housing permissions granted since that date, the Council remains in the position of being unable to demonstrate a 5 year housing land supply.

7.07 This lack of a five year supply is a significant factor and at paragraph 49 of the NPPF it is stated that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a five year supply cannot be demonstrated. This position has been reflected in recent appeal decisions issued since the publication of the NPPF. In this policy context, the presumption in favour of sustainable development identified in paragraph 14 of the NPPF means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.

7.08 In respect of the circumstances of the specifics of this case, the proposal site is located adjacent to the settlement boundary of Harrietsham, identified as a Rural Service Centre (RSC) in the draft Local Plan under draft policy SP3, providing a range of key services including a school and community facilities, albeit that they will require improvement commensurate with any increase in population, and good public transport links to employment and retail centres.

7.09 RSC's are considered the most sustainable settlements in Maidstone's settlement hierarchy outside of the town centre and urban area, as set out in the draft Local Plan, by virtue of their accessibility, potential for growth and role as a service centre of surrounding areas. The draft Local Plan states that, "Rural service centres play a key part in the economic and social fabric of the borough and contribute towards its character and built form. They act as a focal point for trade and services by providing a concentration of public transport networks, employment opportunities and community facilities that minimise car journeys."

7.10 In this context, it is considered that the location of the site is sustainable in the terms of the NPPF and draft Local Plan.

7.11 Furthermore, the application site is a housing allocation within the emerging Local Plan for 70 dwellings under the scope of policy H1(26), albeit only the northern part, subject to the following detailed criteria:

- *An undeveloped section of land will be retained on the eastern and southern parts of the site to create a buffer between development and the adjacent open countryside.*



- *Provision is made on the northern frontage of the site with the A20 Ashford Road for small scale convenience shopping to enhance the quality and range of shops available in the village.*
- *Access will be taken from the A20 Ashford Road only.*
- *Development will be subject to the results and recommendations of a phase one ecological survey.*
- *Development will be subject to a noise survey to determine any necessary attenuation measures in relation to the M20 motorway and HS1 railway line.*
- *Provision of publicly accessible open space as proven necessary, and/or contributions.*
- *Appropriate contributions towards community infrastructure will be provided, where proven necessary.*
- *Appropriate contributions towards a highways improvement scheme for the section of the A20 Ashford Road that passes through Harrietsham.*
- *Appropriate contributions towards the provision of a safe pedestrian and cycle crossing point on the A20 Ashford Road, to be agreed with the Highways Authority.*
- *Improvements to and provision of pedestrian and cycle links to the village centre.*
- *Approximate development density of 30 dwellings per hectare.*

7.12 As set out above in paragraph 3.03, an amendment to the allocation to include the entirety of the ZBD is currently in the process of being considered by the Planning, Transport and Development Overview and Scrutiny Committee prior to being taken to Cabinet.

7.13 The Council is not in a position to demonstrate a five year housing land supply, and as such normal restraints on volume residential development in the open countryside in accordance with policy ENV28 of the adopted Local Plan is considered out of date, although considerations of sustainability and other harm remain to be considered. In such circumstances the NPPF advises that when planning for development through the Local Plan process and the determination of planning applications, the focus should be on existing service centres and on land within or adjoining existing settlements. The development of this site is therefore in accord with the objectives of the NPPF. The application is also supported by the allocation of the site for housing and retail in the emerging Local Plan, and also in the draft Harrietsham Neighbourhood Plan (which as stated above is a material consideration, although I do not consider it grounds to approve the application in its own right).

7.13 Furthermore, the bringing forward of development on this sustainable site adjacent to an RSC, identified as being suitable for residential development in the emerging Local Plan, will of itself contribute towards the provision of housing and therefore help in meeting the shortfall in housing supply. This also represents a strong material consideration in favour of the development.

7.14 In terms of the proposed retail use, this is contrary to adopted Development Plan policy insofar as it constitutes a convenience store located outside of a defined settlement boundary. However, set against this is the location of the proposed store in a sustainable

location on the edge of the village centre, and the recognition in the emerging Local Plan that new retail development will be supported in RSCs such as Harrietsham under the scope of policy SP3, with the proposal site being identified for such a use in Local Plan housing allocation H1(26) and Harrietsham draft Neighbourhood Plan policy COM01. In light of the age of the adopted Maidstone Borough-Wide Local Plan 2000, the presumption in favour of sustainable development and the promotion of prosperous rural economies set out in the NPPF, and the thrust of emerging policy and allocation of the site for such use in the draft Local and Neighbourhood Plans, whilst this element of the proposal represents a departure, on balance the introduction of a convenience retail store in this location is considered to be acceptable.

7.15 The concerns raised in respect of pre-maturity of consideration of the application due to the current status of the draft Local and Neighbourhood Plans is noted, however the Local Planning Authority has a duty to determine applications as and when submitted, and cannot refuse to determine applications on the basis that the policy framework is immature. Given the requirement for further work and procedural stages to be completed in respect of both documents, including examination, and the likely timetable for this to take place, and in light of the Council's position on its 5 year land supply (as discussed above) it is not appropriate or reasonable to delay consideration of the application in this regard.

7.16 For these reasons, it is considered that the principle of the development is, by virtue of national planning policy as set out in the NPPF and local planning policy as set out in the emerging Local Plan, acceptable in the circumstances of this case, subject to detailed consideration of whether any adverse impacts of the development would outweigh the benefits of the application in respect of the provision of housing in a sustainable location. In the circumstances of this case, the key planning issues are considered to be visual impact and landscaping; density of the development (including whether the site can suitably accommodate 113/114 dwellings) and cumulative impact; affordable housing and other contributions; residential amenity; access/highway safety; PROWs; ecology; flood risk, drainage and contaminated land; and the impact of the introduction of a new retail unit.

### **Visual Impact and Landscaping**

7.17 The proposal is for the redevelopment of a greenfield site in the open countryside; as such, there will inevitably be a degree of visual impact as a result of the proposal. The development of agricultural sites on the edges of established settlements recognised as having the potential to accommodate volume housing development will inevitably result in some degree of visual change to the environment, however this must be set against the existing pattern of development local to the site and the absence of any local or national recognition of the site as a valued landscape. In the circumstances of this case, the impact of the development is increased by the visibility of the site in views from the A20 and the various public rights of way which run through and adjacent to the site. However, the site is not as prominent in medium and long distance views of the site as might be expected. This is due to a number of features particular to the site, including the topography of the ZBD which is set down in a shallow valley in relation to the A20 and the land to the south. This lower elevation would serve to diminish the visual impact of development within the site. In any case, development within the site would be screened in large part from direct views from the north by virtue of the arrangement of the retail unit, block 1 and the terrace fronting the site access, the dominance in the streetscene of which would be tempered by the set back of these buildings behind a landscaped public amenity space which would function as an extension to the existing village green. These design features, particularly the introduction of open space, the humanisation of the A20, and the introduction of a convenience retail unit, whilst contrary to the policies of the adopted MBWLP [albeit out of date in terms of the NPPF], are in accordance with the emerging Local Plan and Harrietsham Neighbourhood Plan, which seek to improve the retail offering within Harrietsham, focussing on the existing

heart of the village to the immediate north of the proposal site. The retail unit and block 1, whilst larger in scale than the neighbouring buildings, would to my mind provide a transition between the height of the “roundels” of the Roebuck Business Estate and the more modest domestic scale of the dwellings which make up Taylor Close. The arrangement of these gateway features, in maintaining the building line established by the existing built environment and allowing the introduction of extensive landscaping and public open space to the site frontage, represent a sensitive treatment of the relationship between the site, the A20, adjacent built development, and not least the historic village green.

7.18 Views into the site from the north are constrained by the presence of buildings with a screening effect, notably those of the Roebuck Business Estate, which in the “oast and barn” style buildings fronting onto the A20 immediately to the west of the site access, set a clear precedent for landmark buildings within the close vicinity of the site. A similar, albeit lesser, screening effect is provided by the residential properties along the south of the A20. In longer distance views from the Kent Downs Area of Outstanding Natural Beauty, the southern boundary of which is located to the north of the village, views are disrupted by the existing built form of Harrietsham and the route of the mainline railway line, which is elevated in relation to the site and has wooded embankments which of themselves provide a screening function within the wider landscape. In views from the south, the M20 motorway and CTRL corridor, which is partly elevated to the south of the site and intensively landscaped, again provides a screening effect. It is also the case that the proposed development would be seen against the built development of the Roebuck Business Estate and Taylor Close, and beyond, the main built form of the core of the village. There is in fact a strong argument to be made that the proposal, in addressing the matter of the siting of the frontage between a commercial use and residential properties, the village green and the physical and psychological over-dominance of the A20 in this location head on, would go a long way to reconciling this discordant combination of land uses, whilst retaining them, and tempering the detrimental impact of the A20 in this part of the village. However, notwithstanding the fact that the development would be seen against the backdrop of the existing built environment of Harrietsham, which includes development of a wide range of appearance and scale, and would be further framed to a certain extent by the existing major transport infrastructure to the north and south of the site, including the M20, the A20, the CTRL and the mainline railway, it is considered that a condition requiring the submission and approval of all external lighting is appropriate and necessary to minimise the visual impact of the site, particularly at night, when it might not otherwise appear so obvious in wider views.

7.19 It is also the case that the site boundaries to the north west and north east of the ZBD are robustly vegetated by mature native hedges, which provide a substantial degree of screening to the interior of the site from these perspectives. The indicative landscape masterplan shows these hedges to be retained, and open space and new landscaping, including tree planting, to be provided to the south and south east boundaries within the development in order to soften these edges to the ZBD, and in the case of the southern boundary of the development, provide a transition between the scheme and the open space being maintained in the south and west of the site for publicly accessible space (including land allocated for allotments) and ecological mitigation. In order to safeguard the effectiveness and long term survival of the necessary landscaping, which would make a wider positive contribution to the character of the immediate area, conditions are suggested requiring the submission of a detailed landscaping scheme arrived at in accordance with the recommendations of the Maidstone Borough Council Landscape Character Assessment 2012 and Maidstone Borough Council Landscape Character Assessment Supplement 2012 and a ten year implementation condition in order to allow the screening of this sensitive village edge site to mature and survive in the longer term. A condition requiring compliance with the submitted Arboricultural Impact Assessment and the submission of an Arboricultural Method Statement is also suggested in order to safeguard the existing hedgerows on and adjacent to the site, for a similar purpose.



7.20 Within the site, the architectural design is considered to be in keeping with the local vernacular of Harrietsham, and to include features that will promote visual interest within the streetscene and natural surveillance within the development. The quality of the proposed scheme can further be enhanced by way of the use of high quality natural and traditional materials, as well as architectural detailing which enhances the sense of place of the development as well as providing a physical connection to the historic fabric of the village, such as rafter feet and recessed joinery detailing. As such, conditions requiring the submission of details and samples of materials and architectural detailing are considered to be reasonable and necessary in the circumstances of this case.

7.21 For these reasons, in the circumstances of this case, the broad visual impact and design quality of the proposal is considered to be acceptable, subject to the conditions set out above.

### **Density and Cumulative Impact**

7.22 Although the site spreads over an extensive area, as described above in section 1 above, built development is restricted to the northern part of the eastern portion of the site, and the net development density is therefore 37dpha, although the gross density is 23.75dpha. Whilst this is above the indicative density in the regulation 18 version of draft Local Plan policy H1(26), the developable area of the site as proposed has increased following further detailed site assessment as part of the application process. This is considered on balance, in the context of the village centre location (albeit outside the currently defined settlement boundary in the MBWLP 2000) to be acceptable in the circumstances of this case. This change is reflected in the proposed amendment of the site allocation in the emerging Local Plan presented to Members in the report to the Planning, Transport and Development Overview and Scrutiny Committee on 20 January, which will also be considered by Cabinet in due course.

7.23 Members will be aware that the current application is one of several that have come forward for volume residential development in and around the settlement of Harrietsham over the last year. These include the Hook Lane site (80 dwellings), the Tongs Meadows site (105 dwellings), the Mayfield Nursery site (49 dwellings) and the Church Road site (79 dwellings), the last two of which have recently been considered by the Planning Committee. These schemes, together with that currently under consideration, would provide a gross total of 426 dwellings. In the context of the emerging Local Plan, which has identified Harrietsham a Rural Service Centre suitable for accommodating residential growth due to its range of key services and good accessibility to Maidstone and other retail and employment centres, and as such the cumulative impact of the scheme is considered to be acceptable, subject to continuing improvements in community facilities such as the recent replacement primary school.

7.24 In terms of pressure on local social infrastructure, including highways, it is clear from the consultation responses that subject to financial mitigation being provided for the expansion or provision of additional services, Harrietsham is considered capable of absorbing the additional population which would result from a grant of planning permission in this case in addition to these other developments. These contributions are discussed in further detail below in paragraphs 7.27-7.43 below.

7.25 In any case, the applications relating to the Tongs Meadows site is currently undetermined, and those relating to the Mayfield Nursery and Church Road sites are outline; there is therefore no certainty that they will come forward for developing out in the foreseeable future.

7.26 For these reasons it is considered that the cumulative impact of the development, when assessed in the context of the existing consents on other sites in and around Harrietsham, is acceptable.

### **Affordable Housing and S106 Contributions**

7.27 A development of this scale will place extra demands on local services and facilities and it is important to ensure that the development can be assimilated within the local community. As such, policy CF1 of the Maidstone Borough-Wide Local Plan 2000 and the Council's Open Space DPD allow for suitable contributions to make the development acceptable in planning terms to be sought in line with policies of the Local Plan.

7.28 This is supported by policy ID1 of the emerging Local Plan, which relates to infrastructure delivery. The preamble of the draft policy sets out the Council's progress towards developing its Community Infrastructure Levy (CIL), and in the event of competing demands for developer contributions towards the delivery of infrastructure for new development proposals, identifies the Council's hierarchy of prioritisation as follows:

affordable housing, transport, open space, public realm, health, education, social services, utilities, libraries and emergency services.

7.29 In this case, the applicant proposes 40% affordable housing built to lifetime Homes standards (39% if the community facility offer is taken up by the Parish Council), which is in accordance with the current Maidstone Borough Council Affordable Housing DPD. As set out above, in the circumstances of this case the Maidstone Borough Council Housing Manager has indicated that a reduction to 39% is acceptable. The proposed distribution of affordable housing within the site (blocks 2, 3 and 4 and plots 62 – 72 inclusive, 80 to 83 inclusive, and 97 and 98) and the mix of housing stock and tenure (60% social rented and 40% shared ownership), being a mix of 3 x 1-bed units, 27(26) x 2-bed units and 13 x 3-bed units have been arrived at in consultation with the Council's Housing Officer who has raised no objection to the details proposed. Therefore, subject to a S106 agreement safeguarding the proposed provision and the securing of the FOG on plot 9 for the provision of a community facility for use by the Parish Council OR its provision as a shared ownership affordable housing unit in the event of the Parish Council failing to take up, or ceasing, the use, this element of the proposal is considered to be acceptable in the circumstances of this case.

7.30 In terms of financial contributions towards social infrastructure other than affordable housing, any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criteria that set out that any obligation must meet the following requirements: -

It is:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

7.31 In this case, the following contributions have been sought in respect of the proposed development, which will be considered in detail below:

- **£2,360.96 per 'applicable' house and £590.24 per 'applicable' flat** is sought towards the expansion of Harrietsham Primary School.
- **£148.68 per dwelling** is sought to be used to address the demand from the development towards additional bookstock and services at local libraries serving the development.

- **£30.70 per dwelling** is sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both through detailed adult education centres and through outreach community learning facilities local to the development.
- **£8.44 per dwelling** is sought to be used to address the demand from the development towards youth services locally.
- **£63.56 per dwelling** is sought to be used to address the demand for adult social care services 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.
- **£71,028** (£360 per person, per market housing unit calculated in accordance with NHS formulae of occupancy) is sought towards the improvement of primary care medical facilities local to the development.
- **A sum in the region of £3,500 per unit** (delegated powers to be sought to finalise the exact sum under the scope of the legal agreement) is sought towards the improvement of the A20 and associated public realm improvements.
- **The provision of land** identified on drawing number 061302-WARD-PLAN2 received 20<sup>th</sup> January 2015 for public allotments and **£102,581.40** (£907.80 per dwelling based on 113 residential units) towards the improvement of parks and open spaces within 1km of the proposal site OR **£177,975.00** (£1,575 per dwelling based on 113 residential units)
- **£200 per dwelling** is sought to be used for the improvement and maintenance of PROWs local to the site.

7.32 Kent County Council has requested a contribution of £2,360.96 per 'applicable' house and £590.24 per 'applicable' flat towards extension of Harrietsham Primary School. Evidence has been submitted that demand for places at this school will, as a result of the cumulative impact of developments in the vicinity of the village, exceed capacity. The contributions set out above would go towards meeting the additional strain placed upon the school facilities within the locality, and is considered to be a reasonable sum, related to the scale of the development. I am therefore satisfied that this contribution meets the tests as set out above.

7.33 A contribution of £148.68 per dwelling is sought by Kent County Council towards additional bookstock and services at the local library on the basis that the development would result in additional active borrowers when overall borrower numbers are in excess of area service capacity and bookstock in Maidstone generally below the County and UK average. I consider this request to be compliant with policy CF1 and to meet the tests set out above.

7.34 A contribution of £30.70 per dwelling is sought by Kent County Council towards the provision of new/expanded facilities and services for adult education centres and outreach community learning facilities in light of the current shortfall in provision and likely additional strain that would be placed on the service by the proposed development. I consider that this request is justified, compliant with policy CF1 and the three tests as set out above.

7.35 A contribution of £8.44 per dwelling is sought by Kent County Council towards local youth services in order to accommodate the additional strain that would be placed on the service by the proposed development. I consider that this request is justified, compliant with policy CF1 and the three tests as set out above.

7.36 A contribution of £63.56 per dwelling is sought by Kent County Council towards adult social services to be used towards provision of assistive technology and enhancement of



local community facilities to ensure full DDA compliant access to clients. I consider that this request is justified, compliant with policy CF1 and meets the three tests as set out above.

7.37 A contribution of £71,028 is sought to support the delivery of investments highlighted within the PCTs Strategic Service Development Plan. This would be directed towards local surgery premises at The Glebe Medical Centre and Len Valley Medical Centre. I consider this request to be justified, compliant with policy CF1 and the three tests as set out above. The Parish Council's desire that additional funding be secured for The Glebe facility over and above this is considered to fail the tests, and to ring fence the funds sought for this facility is unduly restrictive in the context of the need for the funds to be spent within set time frames.

7.38 A contribution of approximately £3,500 per unit (actual sum to be finalised under delegated powers) is sought towards the A20 improvement scheme which would provide traffic calming measures and public realm improvements to the A20 in Harrietsham in accordance with emerging Local Plan policy (including those relating to housing allocations in Harrietsham). Draft emerging Local Plan policy H1(26) refers to appropriate contributions towards a highway improvement scheme for the section of the A20 Ashford Road that passes through Harrietsham. 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 user friendly conditions for pedestrian and other resident users, thereby reducing the detrimental impact of the A20 in forming a physical and psychological barrier between the northern and southern parts of the village, whilst the land freed up by the narrowing and re-alignment of the highway will be available for improvements to the public realm including the enlargement of the village green to the north of the A20. Members will be aware that this is consistent with the recent resolutions to grant planning permission subject to appropriate legal mechanisms in respect of the Mayfield Nursery and Church Road sites.

7.39 Due to the scale of new residential development proposed to both the north and south of the A20 in Harrietsham and resultant increases in vehicular and pedestrian movements which will inevitably result, and the need for the relevant authorities to fully consider the cumulative impact of the major housing schemes coming forward in the round, it is considered that the proposed works to the highway are reasonable, necessary and related to the planning applications in respect of lowering traffic speeds, re-engaging motor vehicle users with the village itself and improving the safety and overall environment of pedestrians and other road users. The sum is yet to be finalised as the precise detail of the highway improvement scheme is still in the process of being determined, however it is likely to be in the region of £3,500 per unit. This request is considered to be justified and compliant with Maidstone Borough-Wide Local Plan 2000 policy CF1, emerging Local Plan policy H1(26) and the draft Harrietsham Neighbourhood Plan, as well as the three tests as set out above.

7.40 The requirements in relation to Parks and Open Spaces are complex, as set out in paragraphs 5.06 to 5.06.09 inclusive above, which assess the four possible "outcomes". To my mind, outcomes 1 and 3 are the realistic options; the inclusion of the land in the south of the site is not to be relied upon as it is proposed to be used for ecological mitigation, and is also subject to extremely restrictive covenants relating to the CTRL. As such, its use for the forms of park and open space which would contribute towards provision (i.e. over and above the semi-wild open space which is currently proposed) and its loss as a landscaping buffer is unacceptable. Outcome 1 is the preferred option as it accords with the objectives of the draft Harrietsham Neighbourhood Plan, would allow for the "extension" of the existing allotments, and would provide on site mitigation well related to the proposed development. This would require the gifting of the land identified on drawing number 061302-WARD-PLAN2 for the

provision of public allotments within a set time frame and the provision of the sum of £102,581.40 (based on 113 residential units) to mitigate the shortfall in on site provision. In the event of the failure to comply with this, the full sum of £177,975.00 (based on 113 residential units) would be sought. I consider that this request is justified, compliant with the Maidstone Borough Council Open Spaces DPD, and emerging Local Plan policy CF1 and the three tests as set out above, and can be satisfactorily safeguarded by way of a legal mechanism.

7.41 The Kent County Council Public Rights of Way Officer has requested a contribution of £200 per dwelling towards the improvement of the KH272, KH272A, KH275, KH276 and KH652, which occupiers of the site would reasonably expect to use, including improvement of the surfaces. I consider that this request is justified, and meets the three tests as set out above. The request is also expressly compliant with policy H1(26) of the emerging Local Plan.

7.42 Members will note that there is uncertainty over the total number of residential units proposed due to the inclusion of an either/or provision in the proposal for the unit on plot 9 to be used either as affordable housing or a community facility; this will inevitably have an impact upon the pro rata contributions sought. As such, I propose that it be written into the legal agreement that, in the event of the use of the unit as a community facility not being taken up or ceasing, prior to first occupation (as a unit of shared ownership affordable housing) for residential purposes, the pro rata contributions in respect of education, libraries, adult education, youth services, adult social care services, A20 improvements and parks and open spaces, be paid to the appropriate party or parties. Contributions towards health care provision are not in respect of affordable housing so would be outside of the scope of this element of the legal agreement.

7.43 The contributions set out above are considered to be necessary to mitigate the impact upon local social and other infrastructure, to be reasonably related to the character and scale of the proposed development, to be fully financially justified, tested against the requirements of S122 of the Community Infrastructure Levy Regulations 2010, and otherwise compliant with existing and emerging Development Plan policy. The provision of these contributions by way of an appropriate legal mechanism is therefore considered to be acceptable.

### **Residential Amenity**

7.44 The key properties that would be affected by the development are those of Taylor Close, in particularly number 1, the garden of which adjoins the KH276, beyond which is the proposed retail unit. This dwellinghouse is a two storey semi-detached dwelling fronting onto the A20, which has no openings to the facing elevation. Whilst there is a side garden between the building and the site, this has a width of approximately 2m, and its main (south facing) garden is to the rear of the property. strip of land proposal site.

7.45 The retail unit is the closest element of the development to this dwellinghouse. It is proposed to be located to the west of the dwelling, and its front elevation to be in line with that of the existing building. The retail unit would be a single storey building with a false hipped roof, with a depth of 14m, projecting rearwards beyond the rear elevation of the dwellinghouse by approximately 5m. To the rear of the building would be the service area of the unit.

7.46 Concerns have been raised in respect of the impact of the development on the occupiers of Taylor Close, and in particular number 1, in relation to noise, loss of light and loss of privacy.

7.47 The MidKent Environmental Health Manager has been consulted, and has recommended conditions requiring the submission and approval of details of all plant to be submitted and the approved details to be implemented. In addition to this, I propose additional conditions restricting the hours of operation of the unit, and the hours during which deliveries can be received, as well as a service yard management plan in order to safeguard the amenity of the occupiers of neighbouring dwellings.

7.48 In respect of the impact of light on the occupiers of the neighbouring dwelling, the adjacent property has no facing windows. In any case, the BRE light test indicates that the proposed building would not result in any loss of light to land within the adjacent plot. Whilst it will introduce built form to what is presently an open field, the scale of the retail unit and its design, together with the associated landscaping, and the separation distance between facing elevations of 5.5m, are such that it is not considered that it would give rise to harm by way of the introduction of a development of unduly overbearing presence.

7.49 No openings are proposed to the side elevation of the retail unit facing the dwelling, and as such it is not considered that this element of the proposal would give rise to loss of privacy, given that the roof of the building and the service area would not be available for public use. Elsewhere, the separation distances between existing and proposed dwellings are of sufficient magnitude for there to be no conflict.

7.50 In terms of the residential amenity of the future occupiers of the proposed dwellings, the scheme has been designed such as to not prejudice privacy or light, either from other properties within the development, or from the surrounding land uses. Concern has been raised by the MidKent Environmental Health Manager in regard to the residential amenity of future occupiers in respect of noise disturbance. An acoustic report has been submitted in support of the application, which indicates that mitigation is possible by way of enhanced glazing and mechanical ventilation although specific details of this have not been provided. The MidKent Environmental Health Manager, however, has suggested a condition to address this area of concern, which would require the submission of a further report including the necessary details of mitigation for dwellings and associated gardens.

7.51 For the reasons set out above, it is not considered that there is any objection to the proposal on the grounds of impact on residential amenity.

### **Highways**

7.52 The proposed access would be located in the approximate position of the existing site access, which is central to the site frontage with the A20.

7.53 The proposed access and associated features have been fed into the draft A20 improvement scheme, which includes alterations to the highway which will serve the proposal site as well as achieving a reduction in the speed limit to 30 mph throughout the village, supported and enforced by way of the introduction of gateway features to the east and west of the village centre, narrowing and realignment of the carriageway, shared pedestrian/cycle paths, adjustments to street lighting, and the works to facilitate pedestrian movement across the highway, including the introduction of additional crossing points, and the repositioning/reworking of existing crossing points, all of which will cumulatively benefit and mitigate the highway impact of this and other developments coming forward in and adjacent to the village. A contribution towards the cost of the implementation of the final scheme is being sought, as set out above in paragraphs 7.31, 7.38 and 7.39, which is likely to be in the region of £3,500 per unit, delegated powers being sought to finalise the exact amount under the scope of the negotiation of the legal agreement.



7.54 The Kent County Council Highway Services Engineer has confirmed that the proposed arrangement of the access and the routes within the site is acceptable, and also that the parking layout and provision is suitable for both the retail and residential elements of the development, and in order to safeguard this, I propose a condition retaining parking and garaging areas for that purpose.

7.55 The Parish Council's request in relation to the improvement of Harrietsham railway station is noted, and further information has been sought in this regard. However, it transpires that the works to introduce a lift exceed £1,000,000, and have not been fully scrutinised, or monies sought in relation to other recently determined proposals for residential development in Harrietsham. As such, it is not considered reasonable to seek a contribution in relation to the current application.

7.56 For the reasons set out above, it is not considered that there is any objection to the proposal on the grounds of impact on highway safety.

### **Public Rights of Way**

7.57 Following initial objections from the Kent County Council Public Rights of way Officer, the scheme has been redesigned to accommodate the route of the KH272, and as such no objection is raised to the scheme, subject to contributions towards the improvement and maintenance of PROWs local to the site, as described in paragraphs 5.08 and 7.29 above. The route of the KH275 has been excluded from the ZBD and as such will remain unchanged, although it will inevitably be more enclosed than previously as a result of the introduction of some built development, as well as parking and landscaped areas which will abut the route of the PROW. The scheme has also been amended, in response to comments from the Kent County Council Public Rights of Way Officer, to include the partial extinguishment of the KH276 where it is adjacent to the proposed retail unit. An alternative, appropriately surfaced and landscaped pedestrian route will extend between the proposed public space at the access to the development, to the rear of the retail unit where the footpath will continue along the site boundary. It is not considered that this would cause detriment to rights of access to the open countryside or be prejudicial to users of the public right of way network hereabouts, and would provide a more pleasant route, the current footpath requiring users to edge around an electricity substation located adjacent to the A20. The proposed extinguishment would also allow for additional screening to be introduced between the service area of the retail unit and the adjacent property. This element of the proposal will be required to be advertised as it is a late amendment to the scheme, and thus I propose to incorporate additional consultation responses into the recommendation accordingly.

7.58 Subject to the conclusion of the advertisement of the extinguishment of the KH276, as discussed above, appropriate contributions and imposition of a condition requiring the provision of an acceptable alternative pedestrian way prior to first occupation of the development, it is not considered that there is any objection to the proposal on the grounds of impact on PROWs.

### **Ecology**

7.59 Concerns have been raised about the detrimental impact of the scheme on biodiversity assets. An Ecological Appraisal and Reptile Survey Report have been supplied in support of the application. These indicated that the ZBD had a low potential for reptiles, although the remainder of the site, particularly the west, had greater potential, and the site as a whole is otherwise of limited ecological value, although some bat activity was record. The reports suggest mitigation including the translocation of specimens to an appropriately managed receptor site in the south of the site, the use of reptile exclusion fencing, the

retention of mature hedges and trees, wildlife planting, the introduction of log piles and hibernacula, and the provision of bat and bird boxes and gaps in fencing to the fabric of the development.

7.60 The Kent County Council Biodiversity Officer raises no objection to the proposal on the basis of the information provided subject to implementation of the recommendations of the Ecological Appraisal and Reptile Survey Report, and the submission of Construction Environmental Management Plan and Ecological Design Strategy in order to safeguard habitat in the margins of the site and adjacent including mature hedgerows and the watercourse and to secure ongoing mitigation of an appropriate quality in the southern part of the site, and implementation of approved details, which are considered to be appropriate and necessary in this case.

7.61 Subject to the imposition of the relevant conditions, it is not considered that there is any objection to the proposal on the grounds of harm to biodiversity assets.

### **Flood Risk, Drainage and Contaminated Land**

7.62 The site is not a location recorded by the Environment Agency as being prone to fluvial flood, and as such no objection is raised to the proposal on the grounds of flood risk. A flood risk assessment has been provided in support of the application, the focus of which is surface water flooding. The report recommends that a surface water management strategy be developed for the scheme, and that SUDS techniques be incorporated into the detailed design of the development. Subsequently, a SUDS Methodology Statement has been provided, however the Environment Agency and Kent County Council Sustainable Drainage Engineer (as the emerging drainage authority) raise concerns over the level of information provided, the detail of the scheme, the reliance on underground storage rather than surface attenuation measures and the absence of a management strategy. However, notwithstanding this, no objection is raised by the Environment Agency in respect of flood risk, subject to the imposition of pre-commencement conditions requiring the submission of details of a sustainable surface water drainage scheme, and implementation of the approved details.

7.63 In respect of foul water, Southern Water have confirmed that there is inadequate capacity in the current local waste water system for the transfer and treatment of additional material, and that therefore improvements to infrastructure including the Harrietsham waste water treatment works will be required to accommodate the proposed development. This would be dealt with by way of a S98 agreement by way of the provisions of the Water Industry act 1991, however in the circumstances of this case it is considered appropriate for a condition preventing occupation of the development until the necessary works required to the accommodate the waste have been implemented.

7.64 The land is not known to be contaminated, however its former use as a CTRL depot is such that there may be contaminants present, and conditions have been requested by the Environment Agency and the MidKent Environmental Health Manager in relation to the investigation and remediation of contaminated land. These are considered, in the circumstances of this case, to be reasonable and necessary.

### **Other Matters**

7.65 The issue of restricting the affordable housing proposed as part of the development has been raised by both the Parish Council and Councillor Sams. As was the case in the consideration of the Church Road and Mayfield Nursery applications at recent Planning Committees, the proposal has been put forward and assessed on the basis of providing affordable housing to address general need in Maidstone Borough. The Maidstone Borough

Council Housing Manager has advised that although there is anecdotal evidence of local need for housing, this is not reflected in the make up of the housing register, or supported by any up to date assessment of housing need in Harrietsham. Given the local needs housing provided by way of the Hollies development (which was arrived at in conjunction with a report on local need provided by the applicant in 2011), it is not considered that a restriction in this respect is justified, particularly in relation to the social rented accommodation to be provided. This is consistent with the decisions taken in respect of the two recent applications referred to above.

7.66 A sustainable travel plan and conditions requiring the provision of electronic car charging points and a parking space for car club use have been requested by the MidKent Environmental Health Manager. The first of this is considered to be reasonable and necessary, however the second is unreasonable given the funding available to Kent County Council for the provision of such infrastructure (who should seek to work with the developers if the incorporation of such infrastructure is sought in the build out of new developments), and in the absence of a local car club scheme which would utilise the requested parking space, the latter is also considered to be unreasonable and unnecessary at the current moment in time, although this is not to say that it will not be in the future.

7.67 Concern has been raised in respect of the impact of the proposed development on designated and non-designated heritage assets, and it is recognised that the northern boundary of the site is located in close proximity to a Grade II listed building. However it is the view of the Council's Conservation Officer that the physical separation of the proposed development from the listed building by distance and the physical barrier of the A20 are factors that limit the impact on the setting of this heritage asset, and I concur with this assessment.

7.68 The site is recorded as being of some archaeological interest, and as such a condition has been requested from the Kent County Council requiring an archaeological watching brief. This is considered appropriate and necessary to safeguard heritage assets in the circumstances of this case.

7.69 Network Rail have requested a condition requiring the developer to contact them in order to assess the impact of the development on HS1 (CTRL). As all built development is outside of the covenanted exclusion zone, and the ecological mitigation and semi-wild open space proposed in this area does not significantly differ in respect to its current use, it is considered that this is a private matter between the landowners to resolve.

7.70 Concern has been raised in respect of the scale of the retail unit provided, and the impact upon local business. It is recognised in the emerging Local and Neighbourhood Plans that Harrietsham, as a RSC, is an appropriate focus for additional retail and other facilities to serve the community. In this case, the proposed retail unit is considered to be of a suitable scale and location to enhance the current retail offering in the village centre, and to serve the retail needs of current and future residents whilst not becoming a destination in its own right, which will further be safeguarded against by the imposition of a condition restricting the sale of goods to convenience, rather than comparison, goods. In terms of the impact upon existing businesses, some degree of competition will inevitably result from the proposal, however this will have an overall benefit for the residents of Harrietsham in enhancing retail choice. Members will be aware that it is not the role of the planning system to protect private commercial interests or to prevent competition, except where it would have a detrimental impact upon the viability or vitality of established retail areas, which is not the case here.

7.71 The proposed development is described in the application documentation as achieving Code for Sustainable Homes Level 4, and as such is compliant with emerging



Local Plan policy. A condition should be imposed safeguarding this standard of sustainable development in any subsequent reserved matters application.

## **8.0 CONCLUSION**

8.01 The proposal is contrary to adopted Maidstone Borough-Wide Local Plan 2000 policy, however for the reasons set out above, being the absence of a five year housing land supply, the age of the Development Plan, the allocation of the site for housing and retail in the emerging Local Plan and for housing, retail and the provision of a community facility in the draft Harrietsham Neighbourhood Plan, and the location of the site adjoining an identified Rural Service Centre in a sustainable location, it is considered to be such that the proposal is acceptable in principle in the context of decision making that accords with the National Planning Policy Framework.

8.02 Whilst the development would be seen in public views, particularly from the A20 and to a more limited degree other public rights of way to the north, it would be seen in the context of the existing built form of Harrietsham. Conditions are suggested that will require the submission of details of landscaping, materials and requiring the retention of existing site boundaries of mature native hedging and trees. As a result it is considered that the overall visual impact of the proposed development is acceptable in the context set out above.

8.03 I have taken into consideration the consultation responses and other representations received in relation to the proposal, and assessed the application in respect of all material considerations. In this case, the limited harm that would result from the development, as mitigated by the proposed legal agreement and conditions, would not outweigh the demonstrable benefits of the provision of 113 dwellings, including affordable housing provision, a retail unit and a community facility in a sustainable location in the context of an inability to demonstrate a five year housing supply. As such compliance with the National Planning Policy Framework 2012 provides sufficient grounds for a departure from the Maidstone Borough-Wide Local Plan 2000. For this reason I recommend that Members grant delegated powers to the Head of Planning and Development to approve the application subject to the receipt of an appropriate S106 legal mechanism and the following conditions.

**11.0 RECOMMENDATION** – That subject to the receipt of any statutory consultee party responses received prior to the expiry of the public advertisement of the partial extinguishment of the KH 276 Public Right of Way as set out above, and the prior completion of a Section 106 legal agreement in such terms as the Head of Legal Services may advise to secure the following:

The provision of 40% affordable residential units within the application site OR the provision of 39% affordable housing within the application site and the provision of a community facility fully fitted out for occupation and use by the Parish Council on plot 9; and

A contribution of £2,360.96 per 'applicable' house and £590.24 per 'applicable' flat towards the build costs of extending Harrietsham Primary School; and

A contribution of £148.68 per dwelling to be used to address the demand from the development towards additional book stock and services at libraries local to Harrietsham; and

A contribution of £30.70 per dwelling 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 application site; and

A contribution of £8.44 per dwelling to be used to address the demand from the development towards youth services through increased centre based youth services local to the application site; and

A contribution of £63.56 per dwelling to address the demand from the development for adult social services to be used towards the provision of new/expanded facilities and services both on site and local to the development, including assistive technology and enhancement of local community facilities to ensure full DDA access; and

A contribution of £71,028 (based on £360 per predicted occupier of market dwellings) to be prioritised firstly towards healthcare facilities at The Glebe Medical Centre, Harrietsham and then The Len Valley Medical Centre, Lenham; and

A contribution towards highway improvements to the A20 in Harrietsham (final amount to be confirmed); and

A contribution of £200 towards the improvement and maintenance of public rights of way in the vicinity of the site; and

The provision of land identified on drawing number 061302-WARD-PLAN2 received 20<sup>th</sup> January 2015 for public allotments and a contribution of £907.80 per dwelling towards the improvement of parks and open spaces within 1km of the proposal site OR a contribution of £1,575 per dwelling towards the improvement of parks and open spaces within 1km of the proposal site.

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:

#### CONDITIONS to include

(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, and in order to encourage the commencement of development and boost the provision of new market and affordable housing supply in accordance with paragraph 47 of the National Planning Policy Framework 2012 and paragraph 027 of the National Planning Policy Guidance 2014.

(2) The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted, which shall include stock brick, plain clay tiles and timber weatherboarding, and incorporate bat boxes and swift bricks into the fabric of the buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved materials unless otherwise agreed in writing by the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development and a high quality of design, and to secure biodiversity enhancements within the development.

(3) No development shall take place until details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority;

- i) Details of the roof overhangs and eaves, which shall include rafter feet to dwellings in prominent locations within the site.
- ii) Details of windows and doors and recesses/reveals (which shall be a minimum of 70mm).
- iii) Details of the junction of the timber boarding and the brickwork.
- iv) Details of the shop front to the retail unit.

The development shall be undertaken in accordance with the approved details and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and a high quality of design.

(4) The development shall not commence until details of all fencing, walling and other boundary treatments, which shall not include closeboarded fencing of a height greater than 1.8m, or closeboarded fencing or solid walling of a height of greater than 1m to the boundary of any public space unless screened by landscaping, and shall include, inter alia, the retention and where necessary reinforcement of boundary hedges to the site, gaps of appropriate width and height at ground level to allow passage of mammalian wildlife (including hedgehogs) and any physical mitigation required in association with the acoustic investigation required in association with condition 16 below, have been submitted to the Local Planning Authority and approved in writing. The development shall be carried out in accordance with the approved details before the first occupation and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development, safeguard the amenity of future occupiers and prevent harm to biodiversity assets.

(5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Class(es) A, B, C, D, E, F and G, Schedule 2, Part 2, Class A, Schedule 2 Part 3 Classes CA, F and IA, and Schedule 2 Part 42 to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development and safeguard the residential amenity of future occupiers.

(6) The approved details of the parking, garaging and turning areas, together with the anti-social parking prevention measures shown on drawing number 061302-WARD-BS-01 received 27th January 2015, shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

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

(7) No development shall take place until details of the cycle storage facilities provided for the retail unit have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable travel.

(8) No development shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

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

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

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

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

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

Reason: to prevent pollution to the environment.

(9) The development shall not be occupied until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented in full as approved;

Reason: To prevent pollution of the environment and protect controlled waters.

(10) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted a revised investigation and remediation strategy to the Local Planning Authority, undertaken in accordance with the requirements of condition 7 above, detailing how this unsuspected contamination will be dealt with and written approval obtained from the Local Planning Authority. The revised remediation strategy shall be implemented in full as approved;

Reasons: To prevent pollution of the environment.



(11) The dwellings shall achieve at least Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 or above has been achieved;

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

(12) The development shall not commence until details of all external lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority, and shall include the following:

- i. A layout plan (showing spillage and luminance levels) with beam orientation and a scheme of equipment in the design (luminaire, type, mounting height, aiming angle and luminaire profiles).
- ii. A schedule of proposed hours of use for the different components of the submitted light scheme
- iii. Details of measures to shield and direct light from the light sources so as to prevent light pollution and in order to minimise any impact upon ecology.

The lighting shall be installed, maintained and operated in accordance with the approved details and maintained thereafter unless the Local Planning Authority gives its written consent to any variation;

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

(13) 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. The archaeological work shall be carried out thereafter in accordance with the approved details;

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

(14) The development permitted by this planning permission shall only be carried out in strict accordance with the approved Flood Risk Assessment prepared by Banners Gate, reference 13179 FRA, received 21st May 2014, and SuDS Methodology Statement prepared by Kirk Saunders Associates, reference 5699-D008 rev A, received 21st November 2014, subject to the details approved in respect of the following:

The development permitted by this planning permission shall not commence until a detailed surface water drainage scheme for the site based on sustainable drainage principles incorporating surface attenuation measures and an assessment of the hydrological and hydrogeological context of the development has been submitted to, and approved by, the Local Planning Authority. Off site discharges should be restricted to greenfield QBAR values for all events up to and including the 1 in 100 year plus climate change event.

The drainage details submitted to the Local Planning Authority shall:

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

Relevant manufacturers details on all SUDS features should be provided within the Flood Risk Management Plan and the Health and Safety Plan Operation and Maintenance manuals.

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.

(15) The development shall not commence until full details of the flood attenuation basins and swales required in association with the SUDS strategy required by condition 13, which shall include details of levels and details of the location and design of all gully pots which, where required, will be off-set from the kerbs by a minimum of 150mm and sloped kerbs will be positioned adjacent, as well as any associated ground works and infrastructure have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained thereafter unless with the agreement in writing of the Local Planning Authority:

Reason: In the interest of flood prevention and safeguarding biodiversity assets.

(16) The development shall not commence until details of foul water drainage, which shall include any necessary off-site improvements to the local network including the Harrietsham Waste Water Treatment Works, 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.

(17) Notwithstanding the recommendations of the Noise Assessment prepared by by Sharps Redmore, reference 1414270, received 21st May 2014, the development shall not commence until an acoustic report providing details of noise mitigation to dwellings (including private garden areas) which attains acoustic protection for future occupiers in accordance with the recommendations of BS8233:2014 "Guidance on sound insulation and noise reduction for buildings" has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details and the mitigation maintained thereafter unless otherwise agreed in writing by the Local Planning Authority;

Reason: In the interest of safeguarding the residential amenity of future occupiers.

(18) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management.

The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines (Harrietsham Vale landscape type) and shall be based on the principles shown on drawing numbers 3094\_DR\_001 and 3094\_DR\_004 received 21st May 2014 and 3094\_DR\_002 rev C



received 21st November 2014, and the Design and Access Statement Addendum received 21st November 2014. The landscape scheme shall include, inter alia, the retention of all trees and hedges identified as such in the Lloyd Bore Arboricultural Impact Assessment reference 3094\_RP\_003 received 21st May 2014; a minimum of three pedestrian access points between the interior of the site and the KH276; full details (including a plan to a scale of 1:200 or 1:500 of a predominantly soft landscaped area featuring native tree planting and pollution tolerant landscaping to the public amenity area to the north of block 1 and the retail unit; the introduction of native hedging to the frontage of dwellings and adjacent to any acoustic fences required as noise mitigation in association with the noise report required by condition 16 above to soften the internal streetscape of the development; a landscaping buffer of a minimum of 25m which shall include native tree planting and a wild flower meadow area in the south of the site; the ecological mitigation identified in the Aspect Ecology Ecological Appraisal reference ECO3367.EcoApp.dv6 received 21st May 2014 and Aspect Ecology Reptile Survey Report reference ECO3367.Rept Survey.dv6 received 21st May 2014; and the use of reed beds in the swales and drainage basins associated with the approved SUDS details required by condition 13 above.

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.

(19) 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 ten 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.

(20) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority an Arboricultural Method Statement, which shall include provision for the protection of areas of new planting during construction, undertaken by an appropriately qualified party in accordance with BS5837:2012 and the recommendations of the Lloyd Bore Arboricultural Impact Assessment reference 3094\_RP\_003 received 21st May 2014. The development shall thereafter be carried out in accordance with the approved details and in compliance with the Lloyd Bore Arboricultural Impact Assessment reference 3094\_RP\_003 received 21st May 2014;

Reason: To ensure retained trees are protected during the course of development and to ensure a satisfactory external appearance to the development.

(21) The development shall be undertaken in strict accordance with the recommendations of the Aspect Ecology Ecological Appraisal reference ECO3367.EcoApp.dv6 and Aspect Ecology Reptile Survey Report reference ECO3367.Rept Survey.dv6 received 21st May 2014, subject to the additional information and mitigation required by conditions 21 and 22 below, and maintained thereafter;

Reason: To secure appropriate management and enhancement within the site in the interests of ecology and biodiversity.

(22) Notwithstanding the details and recommendations set out in Aspect Ecology Ecological Appraisal reference ECO3367.EcoApp.dv6 and Aspect Ecology Reptile Survey Report reference ECO3367.Rept Survey.dv6 received 21st May 2014, the development shall not commence until an construction environmental management plan undertaken by a suitably qualified party has been submitted to and approved in writing by the Local Planning Authority. The content of the construction environmental management plan shall incorporate the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of 'biodiversity protection zones';
- c) Practical measures (both physical measures and sensitive working practises) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs.

The approved construction environmental management plan shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority;

Reason: To secure appropriate management and enhancement within the site in the interests of ecology and biodiversity.

(23) No development shall take place until an ecological design strategy addressing the ecological enhancement of the site has been submitted to and approved in writing by the Local Planning Authority. The ecological design strategy shall include the following:

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

- g) Persons responsible for implementing the works;
- h) Details of initial aftercare and long-term maintenance;
- i) Details for monitoring and remedial measures.

Reason: To secure appropriate management and enhancement within the site in the interests of ecology and biodiversity.

(24) The approved details of the access, as shown in Appendix E of the Transport Assessment undertaken by DHA Transport reference JSL/10140 received 21st May 2014 shall be completed before occupation of the development and maintained thereafter unless with the agreement in writing of the Local Planning Authority;

Reason: In the interests of highway and pedestrian safety and sustainability.

(25) The development shall not commence until, details of satisfactory facilities for the storage of refuse and recycling on the site have been submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be provided before the first occupation of the development and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity.

(26) The development shall not commence until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design, have been submitted to and approved by the Local Planning Authority. The submitted details shall include, inter alia, a minimum of three pedestrian access points between the interior of the site and the KH276 to the south of the proposed retail unit and associated service yard, and the provision of an alternative route to the KH276 to be extinguished, through the northern part of the site, as indicated on drawing number 061302-WARD-01 rev B received 27th January 2015. The development shall be undertaken in accordance with the approved details and maintained thereafter;

Reason: To ensure a high quality external appearance to the development, safeguard pedestrian rights of way and in the interests of ecology and biodiversity.

(27) No works to extinguish the KH276 Public Right of Way will be undertaken prior to the approval of details of, and completion in accordance with the approved details, of the alternative route for pedestrians to the south and west of the retail unit hereby permitted. The development shall be carried out in accordance with the approved details and maintained thereafter;

Reason: to prevent harm to pedestrian access to the open countryside and harm to the public rights of way network.

(28) No part of the development shall be occupied until a Sustainable Travel Measures Action Plan, which shall include a Business Travel Plan for the retail unit (which shall include measures for its implementation, monitoring, review and subsequent enforcement) and Welcome Pack for residents of the proposed dwellings (which shall include maps showing the site in relation to walking, local buses, cycle routes, cycle stands, the nearest bus stops, and rail stations; approximate time it takes to walk or cycle to various local facilities; site specific public transport information including up to date public transport timetables; links to relevant local websites with travel information such as public transport operator information, cycling organisations and the Council; details of local car share and car club schemes,

including links to County & District Council sponsored schemes; information on public transport season tickets and offers; information on specific incentives including "Walk to Work" or "Cycle to Work" initiatives; and information on the health, financial and environmental benefits of sustainable travel) has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full;

Reason: In the interests of sustainable transport use.

(29) No development shall take place until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

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

(30) No external meter cupboards, vents, or flues shall be installed on any external elevation without the prior agreement in writing of the Local Planning Authority;

Reason: To secure a high standard of design.

(31) The building provided for retail use falling within Use Class A1 of the Use Classes Order 1987 (as amended by any order revoking and re-enacting that Order with or without modification) of the unit hereby permitted shall be used for a maximum number of two retail units. Once initially occupied, no change to the number of retail units, including internal subdivision, will be permitted without the agreement in writing of the Local Planning Authority;

Reason: To define the permission and to ensure that any impact upon the village centre is controlled.

(32) The retail use falling within Use Class A1 of the Use Classes Order 1987 (as amended by any order revoking and re-enacting that Order with or without modification) hereby permitted shall be restricted to the sale of convenience goods, and no display or sale of comparison goods will take place on the site;

Reason: To define the permission and to ensure that any impact upon the village centre is controlled.

(33) The retail use hereby permitted shall only open to customers within the following times:

0700 to 2200 Monday to Saturday and 0800 to 2100 on Sundays and Public/Bank Holidays;

Reason: To protect the amenities of the neighbouring occupiers.

(34) No structure, plant, equipment or machinery shall be placed, erected, or installed on or above the roof or on external walls without the prior approval in writing of the Local Planning Authority;

Reason : In order not to prejudice the visual appearance of the building and in the interests of safeguarding the residential amenity of the occupiers of adjacent dwellings.



(35) Prior to the first occupation of the retail unit, details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall ensure that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 as defined by BS8233: 1999 Sound Insulation and Noise Reduction for Building Code of Practice and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. The development shall be carried out in accordance with the approved details and maintained thereafter, and after installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority;

Reason: In the interests of safeguarding the residential amenity of the occupiers of adjacent dwellings.

(36) No commercial vehicle may arrive, depart, be loaded or unloaded in association with the use of the retail unit hereby permitted on the general site; nor shall vehicles equipped with refrigeration units be allowed to remain stationary in the service yard, except between the hours of 0700 hours and 2200 Mondays to Saturdays and 0800 hours and 1200 hours on Sundays and Bank/Public Holidays;

Reason: To safeguard the amenity of the occupiers of neighbouring dwellings and the character of the surrounding area.

(37) Prior to the first occupation of the retail unit, a scheme for the control of noise and vibration of any plant (including ventilation, refrigeration, air conditioning and air handling units) to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. This shall then be so installed prior to the first use of the premises. The equipment shall be maintained and operated in compliance to the approved scheme whenever it is operation. The development shall be carried out in accordance with the approved details and maintained thereafter, and after installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority;

Reason: In the interests of safeguarding the residential amenity of the occupiers of adjacent dwellings.

(38) Prior to occupation of the retail unit hereby permitted, a service yard management plan, which shall include details of noise mitigation behaviours for vehicle operatives and the provision of heavy duty curtains to loading bays, shall be submitted to and approved in writing by the Local Planning Authority. The use shall be carried out in strict accordance with the approved details and maintained thereafter;

Reason: To safeguard the amenity of the occupiers of neighbouring dwellings and the character of the surrounding area.

(39) There shall be no external amplified sound within the service yard of the development hereby permitted;

Reason: in the interests of protecting the amenities of nearby residential property.

(40) The retail unit shall achieve at least a Very Good BREEAM Retail rating. The unit shall not be occupied until a final certificate has been issued for it certifying that at least a Very Good BREEAM Retail rating has been achieved;

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

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

drawing numbers 061302-WARD-06, 061302-WARD-A-E1 rev A, 061302-WARD-A-E2 rev A, 061302-WARD-AA-E1, 061302-WARD-AA-P1 rev A, 061302-WARD-AB-E1, 061302-WARD-AB-P1, 061302-WARD-AC-E1, 061302-WARD-AC-P1, 061302-WARD-AD-E1, 061302-WARD-AD-P1, 061302-WARD-B-P1, 061302-WARD-BCS01, 061302-WARD-BLK4-P1, 061302-WARD-C-E1, 061302-WARD-C-E2, 061302-WARD-C-P1, 061302-WARD-CP01, 061302-WARD-CP02, 061302-WARD-CS01, 061302-WARD-E-E1, 061302-WARD-E-P1, 061302-WARD-G-E1, 061302-WARD-G-P1, 061302-WARDS-GAR01, 061302-WARDS-GAR02, 061302-WARDS-GAR03, 061302-WARDS-GAR04, 061302-WARDS-GAR05, 061302-WARD-J-E1, 061302-WARD-J-P1, 061302-WARD-K-E1, 061302-WARD-K-P1, 061302-WARD-SH01, 061302-WARD-SH02, 061302-WARD-SH03, 3094\_DR\_001 and 3094\_DR\_004 all received 21st May 2014; drawing numbers 061302-WARD-A-E4 rev A, 061302-WARD-A-P2 rev A, 061302-WARD-B-E1 rev A, 061302-WARD-BCS02, 061302-WARD-BCS03, 061302-WARD-BLK1-E1 rev A, 061302-WARD-BLK1-E2 rev A, 061302-WARD-BLK1-E4 rev A, 061302-WARD-BLK1-P3 rev A, 061302-WARD-BLK2-E1 rev A, 061302-WARD-BLK2-E2 rev A, 061302-WARD-BLK2-E4 rev A, 061302-WARD-BLK2-P3 rev A, 061302-WARD-BLK3-E1 rev A, 061302-WARD-BLK3-E2 rev A, 061302-WARD-BLK3-E3 rev A, 061302-WARD-BLK3-P3 rev A, 061302-WARD-BLK4-E1 rev A, 061302-WARD-BLK4-E2 rev A, 061302-WARD-BLK4-P2 rev A, 061302-WARD-BLK4-P3 rev A, 061302-WARD-CP03, 061302-WARD-D-E1 rev A, 061302-WARD-D-P1 rev A, 061302-WARD-L-E1, 061302-WARD-L-P1, 061302-WARD-RET-E1 rev A, 061302-WARD-RET-E2 rev A, 061302-WARD-RET-E3 rev A, 061302-WARD-RET-E4, 061302-WARD-RET-P1 rev A, 061302-WARD-SUB01, and 3094\_DR\_002 rev C received 21st November 2014; drawing numbers 061302-WARD-PLAN1 and 061302-WARD-PLAN2, all received 20th January 2015; and drawing numbers 061302-WARD-00 rev A, 061302-WARD-01 rev B, 061302-WARD-02 rev B, 061302-WARD-03 rev B, 061302-WARD-04 rev B, 061302-WARD-05 rev B, 061302-WARD-A-E3 rev B, 061302-WARD-A-P1 rev C, 061302-WARD-AA-E2 rev B, 061302-WARD-AA-E3 rev B, 061302-WARD-AA-P2 rev C, 061302-WARD-AA-P3 rev C, 061302-WARD-BLK1-E3 rev B, 061302-WARD-BLK1-P1 rev B, 061302-WARD-BLK1-P2 rev B, 061302-WARD-BLK2-E3 rev B, 061302-WARD-BLK2-P1 rev B, 061302-WARD-BLK2-P2 rev A, 061302-WARD-BLK3-E4 rev B, 061302-WARD-BLK3-P1 rev B, 061302-WARD-BLK3-P2 rev A, 061302-WARD-BS-01, 061302-WARD-F-E1 rev A, 061302-WARD-F-P1 rev A, 061302-WARD-H-E1 rev A, 061302-WARD-H-P1 rev A and 061302-WARD-MF-01 rev A, all received 27th January 2015 and

drawing numbers 13179/ATR05, 13179/ATR01 A, 13179/ATR02 A, 13179/ATR03 B, 13179/ATR04 B, 13179-110 and 13179-111, and an Arboricultural Impact Assessment (undertaken by Lloyd Bore, reference 3094\_RP\_003), Archaeological Desk-Based Assessment (undertaken by CgMs Consulting, reference DH/KB/16917), Design And Access Statement, Ecological Appraisal (undertaken by Aspect Ecology, reference ECO3367.EcoApp.dv6), Flood Risk Assessment (undertaken by Banners Gate, reference 13179 FRA), Hard Landscape Materials and Shared Surface Design Guide (undertaken by Lloyd Bore, reference 3094/RP/001), Landscape and Visual Impact Assessment, Noise Assessment (undertaken by Sharps Redmore, reference 1414270), Planning Statement,



Reptile Survey Report (undertaken by Aspect Ecology, reference ECO3367.Rept Survey.dv6), Statement of Community Involvement and Transport Assessment (undertaken by DHA Transport, reference JSL/10140), all received 21st May 2014; and drawing numbers 061302-WARD-PER01 rev A, 061302-WARD-PER02 rev A, 061302-WARD-PER03 rev A, 061302-WARD-SS01 rev A, 061302-WARD-SS02 rev A, 061302-WARD-SS03 rev A, 061302-WARD-SS04 rev A, 061302-WARD-SS05 rev A, and 061302-WARD-SS06 rev A, and a Design and Access Statement Addendum, Planning Statement Addendum, Agricultural Land Assessment (undertaken Tim O'Hare Associates, reference TOHA/RWA), and SuDS Methodology Statement (undertaken by Kirk Saunders Associates, reference 5699-D008 rev A), all received 21st November 2014

Reason: In the interests of clarity and to ensure the quality of the development is maintained.

## INFORMATIVES

(1) The lighting scheme provided in accordance with condition 11 should adhere to the following advice from the Bat Conservation Trust and Institution of Lighting Engineers.

### Bats and Lighting in the UK

#### Summary of requirements

The two most important features of street and security lighting with respect to bats are:

1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.
2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

#### UV characteristics:

##### Low

Low pressure Sodium Lamps (SOX) emit a minimal UV component.

High pressure Sodium Lamps (SON) emit a small UV component.

White SON, though low in UV, emit more than regular SON.

##### High

Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps

Mercury lamps (MBF) emit a high UV component.

Tungsten Halogen, if unfiltered, emit a high UV component

Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

##### Variable

Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output. Glass glazing and UV filtering lenses are recommended to reduce UV output.

#### Street lighting

Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels.

Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided.

If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

#### Security and domestic external lighting

The above recommendations concerning UV output and direction apply. In addition:

Lighting should illuminate only ground floor areas -light should not leak upwards to illuminate first floor and higher levels;

Lamps of greater than 2000 lumens (150 W) must not be used;

Movement or similar sensors must be used -they must be carefully installed and aimed, to reduce the amount of time a light is on each night;

Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;

Light must not be directed at or close to bat roost access points or flight paths from the roost -a shield or hood can be used to control or restrict the area to be lit;

Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;

Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

(2) A formal application for connection to the public sewerage system is required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or [www.southernwater.co.uk](http://www.southernwater.co.uk)).

(3) The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or [www.southernwater.co.uk](http://www.southernwater.co.uk)).

(4) For the purposes of discharge of conditions 33 and 34:

The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142 : 1997 Rating for industrial noise affecting mixed residential and Industrial areas) shall be at least 5dB below the existing measured ambient noise level LA90, T during the night time period. For the purpose of the assessment the Authority will accept 2300 to 0700 hours as covering the night time period.

The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142 : 1997 Rating for industrial noise affecting mixed residential and Industrial areas) shall be at least 5dB below the existing measured ambient noise level LA90, T during the day time period. For the purpose of the assessment the Authority will accept 0700 to 2300 hours as covering the night time period.

(5) Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the EHM regarding noise control requirements.

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.

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

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

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

(6) Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental/unauthorised discharge to ground. The areas for storage should not drain to any surface water system.

Where it is proposed to store more than 200 litres (45 gallon drum = 205litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention, the applicant should refer to Environment Agency guidance PPG1 General guide to prevention of pollution, which is available on online at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk).

Please note that the CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste.

Please also note that contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore its handling, transport, treatment and disposal is subject to waste management legislation which includes:

- i. Duty of Care Regulations 1991
- ii. The Waste (England and Wales) Regulations 2011
- iii. Hazardous Waste (England and Wales) Regulations 2005
- iv. Pollution Prevention and Control Regulations (England and Wales) 2000
- v. Environmental Permitting (England and Wales) Regulations 2010

(7) No new planting should be introduced within 1m of the KH275 public right of way.

Public rights of way shall not be blocked either permanently or temporarily (including "Heras" or other fencing associated with construction works).

Should a Temporary Traffic Regulation Order be required for footpath KH272 whilst works are undertaken, the relevant Authority will need no less than 6 weeks notice for its processing.

(8) 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.considerateconstructorsscheme.org.uk](http://www.considerateconstructorsscheme.org.uk).

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

Plant and machinery used for 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.

As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing by, the local planning authority. Such proposals shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances.

If site clearance works take place during the bird breeding season (March to August), such work should be undertaken in consultation with and under the supervision of a trained ecologist as it is an offence to disturb active nests and nesting birds.

(10) The applicant is advised that the site lies within a Area of Special Control of Adverts.

Case Officer: Catherine Slade

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

Reference number: MA/14/0828

Amendments to conditions:

Conditions 3, 9, 13, 14, 16, 26 and 27 are to be amended in order to make them consistent with previously used conditions as follows:

*"(3) No development shall take place until details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved in writing by the Local Planning Authority;*

- i) Details of the roof overhangs and eaves, which shall include rafter feet to dwellings in prominent locations within the site.*
- ii) Details of windows and doors and recesses/reveals (which shall be a minimum of 70mm).*
- iii) Details of the junction of the timber boarding and the brickwork.*
- iv) Details of the shop front to the retail unit.*

*The development shall be undertaken in accordance with the approved details and maintained thereafter;*

*Reason: To ensure a satisfactory appearance to the development and a high quality of design.*

*(9) The development shall not be occupied until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented in full as approved;*

*Reason: To prevent pollution of the environment and protect controlled waters.*

*(13) 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. The archaeological work shall be carried out thereafter in accordance with the approved details;*

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

*(14) The development permitted by this planning permission shall only be carried out in strict accordance with the approved Flood Risk Assessment prepared by Banners Gate, reference 13179 FRA, received 21st May 2014, and SuDS Methodology Statement prepared by Kirk Saunders Associates, reference 5699-D008 rev A, received 21st November 2014, subject to the details approved in writing in respect of the following:*

*The development permitted by this planning permission shall not commence until a detailed surface water drainage scheme for the site based on sustainable drainage principles*



*incorporating surface attenuation measures and an assessment of the hydrological and hydrogeological context of the development has been submitted to, and approved in writing by, the Local Planning Authority. Off site discharges should be restricted to greenfield QBAR values for all events up to and including the 1 in 100 year plus climate change event.*

*The drainage details submitted to the Local Planning Authority shall:*

*Specify the responsibilities of each party for the implementation of the SUDS scheme;*

*Specify a timetable for implementation;*

*Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime; and*

*Relevant manufacturers' details on all SUDS features should be provided within the Flood Risk Management Plan and the Health and Safety Plan Operation and Maintenance manuals.*

*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.*

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

*Reason: In the interest of pollution and flood prevention.*

*(26) The development shall not commence until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design, have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter alia, a minimum of three pedestrian access points between the interior of the site and the KH276 to the south of the proposed retail unit and associated service yard, and the provision of an alternative route to the KH276 to be extinguished, through the northern part of the site, as indicated on drawing number 061302-WARD-01 rev B received 27th January 2015. The development shall be undertaken in accordance with the approved details and maintained thereafter;*

*Reason: To ensure a high quality external appearance to the development, safeguard pedestrian rights of way and in the interests of ecology and biodiversity.*

*(27) No works to extinguish the KH276 Public Right of Way will be undertaken prior to the approval in writing of details of, and completion in accordance with the approved details, the alternative route for pedestrians to the south and west of the retail unit hereby permitted. The development shall be carried out in accordance with the approved details and maintained thereafter;*

*Reason: to prevent harm to pedestrian access to the open countryside and harm to the public rights of way network."*



In addition condition 11 should be amended to refer solely to Code for Sustainable Homes Level 4 and condition 41 to omit superseded drawings as follows:

*“(11) 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 or above has been achieved;*

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

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

*drawing numbers 061302-WARD-06, 061302-WARD-AB-E1, 061302-WARD-AB-P1, 061302-WARD-AC-E1, 061302-WARD-AC-P1, 061302-WARD-AD-E1, 061302-WARD-AD-P1, 061302-WARD-B-P1, 061302-WARD-BCS01, 061302-WARD-BLK4-P1, 061302-WARD-C-E1, 061302-WARD-C-E2, 061302-WARD-C-P1, 061302-WARD-CP01, 061302-WARD-CP02, 061302-WARD-CS01, 061302-WARD-E-E1, 061302-WARD-E-P1, 061302-WARD-G-E1, 061302-WARD-G-P1, 061302-WARDS-GAR01, 061302-WARDS-GAR02, 061302-WARDS-GAR03, 061302-WARDS-GAR04, 061302-WARDS-GAR05, 061302-WARD-J-E1, 061302-WARD-J-P1, 061302-WARD-K-E1, 061302-WARD-K-P1, 061302-WARD-SH01, 061302-WARD-SH02, 061302-WARD-SH03, 3094\_DR\_001 and 3094\_DR\_004 all received 21st May 2014; drawing numbers 061302-WARD-A-E4 rev A, 061302-WARD-A-P2 rev A, 061302-WARD-B-E1 rev A, 061302-WARD-BCS02, 061302-WARD-BCS03, 061302-WARD-BLK1-E1 rev A, 061302-WARD-BLK1-E2 rev A, 061302-WARD-BLK1-E4 rev A, 061302-WARD-BLK1-P3 rev A, 061302-WARD-BLK2-E1 rev A, 061302-WARD-BLK2-E2 rev A, 061302-WARD-BLK2-E4 rev A, 061302-WARD-BLK2-P3 rev A, 061302-WARD-BLK3-E1 rev A, 061302-WARD-BLK3-E2 rev A, 061302-WARD-BLK3-E3 rev A, 061302-WARD-BLK3-P3 rev A, 061302-WARD-BLK4-E1 rev A, 061302-WARD-BLK4-E2 rev A, 061302-WARD-BLK4-P2 rev A, 061302-WARD-BLK4-P3 rev A, 061302-WARD-CP03, 061302-WARD-D-E1 rev A, 061302-WARD-D-P1 rev A, 061302-WARD-L-E1, 061302-WARD-L-P1, 061302-WARD-RET-E1 rev A, 061302-WARD-RET-E2 rev A, 061302-WARD-RET-E3 rev A, 061302-WARD-RET-E4, 061302-WARD-RET-P1 rev A, 061302-WARD-SUB01, and 3094\_DR\_002 rev C received 21st November 2014; drawing numbers 061302-WARD-PLAN1 and 061302-WARD-PLAN2, all received 20th January 2015; and drawing numbers 061302-WARD-00 rev A, 061302-WARD-01 rev B, 061302-WARD-02 rev B, 061302-WARD-03 rev B, 061302-WARD-04 rev B, 061302-WARD-05 rev B, 061302-WARD-A-E3 rev B, 061302-WARD-A-P1 rev C, 061302-WARD-AA-E2 rev B, 061302-WARD-AA-E3 rev B, 061302-WARD-AA-P2 rev C, 061302-WARD-AA-P3 rev C, 061302-WARD-BLK1-E3 rev B, 061302-WARD-BLK1-P1 rev B, 061302-WARD-BLK1-P2 rev B, 061302-WARD-BLK2-E3 rev B, 061302-WARD-BLK2-P1 rev B, 061302-WARD-BLK2-P2 rev A, 061302-WARD-BLK3-E4 rev B, 061302-WARD-BLK3-P1 rev B, 061302-WARD-BLK3-P2 rev A, 061302-WARD-BS-01, 061302-WARD-F-E1 rev A, 061302-WARD-F-P1 rev A, 061302-WARD-H-E1 rev A, 061302-WARD-H-P1 rev A and 061302-WARD-MF-01 rev A, all received 27th January 2015 and*

*drawing numbers 13179/ATR05, 13179/ATR01 A, 13179/ATR02 A, 13179/ATR03 B, 13179/ATR04 B, 13179-110 and 13179-111, and an Arboricultural Impact Assessment (undertaken by Lloyd Bore, reference 3094\_RP\_003), Archaeological Desk-Based Assessment (undertaken by CgMs Consulting, reference DH/KB/16917), Design And Access Statement, Ecological Appraisal (undertaken by Aspect Ecology, reference ECO3367.EcoApp.dv6), Flood Risk Assessment (undertaken by Banners Gate, reference 13179 FRA), Hard Landscape Materials and Shared Surface Design Guide (undertaken by Lloyd Bore, reference 3094/RP/001), Landscape and Visual Impact Assessment, Noise Assessment (undertaken by Sharps Redmore, reference 1414270), Planning Statement, Reptile Survey Report (undertaken by Aspect Ecology, reference ECO3367.Rept Survey.dv6), Statement of Community Involvement and Transport Assessment (undertaken*

by DHA Transport, reference JSL/10140), all received 21st May 2014; and drawing numbers 061302-WARD-PER01 rev A, 061302-WARD-PER02 rev A, 061302-WARD-PER03 rev A, 061302-WARD-SS01 rev A, 061302-WARD-SS02 rev A, 061302-WARD-SS03 rev A, 061302-WARD-SS04 rev A, 061302-WARD-SS05 rev A, and 061302-WARD-SS06 rev A, and a Design and Access Statement Addendum, Planning Statement Addendum, Agricultural Land Assessment (undertaken Tim O'Hare Associates, reference TOHA/RWA), and SuDS Methodology Statement (undertaken by Kirk Saunders Associates, reference 5699-D008 rev A), all received 21st November 2014

Reason: In the interests of clarity and to ensure the quality of the development is maintained."

#### Amendment to Recommendation:

The recommendation refers to outline planning permission; this is incorrect and the reference should be to full planning permission. As such I wish to amend the recommendation as follows:

*"That subject to the receipt of any statutory consultee party responses received prior to the expiry of the public advertisement of the partial extinguishment of the KH 276 Public Right of Way as set out above, and the prior completion of a Section 106 legal agreement in such terms as the Head of Legal Services may advise to secure the following:*

*The provision of 40% affordable residential units within the application site OR the provision of 39% affordable housing within the application site and the provision of a community facility fully fitted out for occupation and use by the Parish Council on plot 9; and*

*A contribution of £2,360.96 per 'applicable' house and £590.24 per 'applicable' flat towards the build costs of extending Harrietsham Primary School; and*

*A contribution of £148.68 per dwelling to be used to address the demand from the development towards additional book stock and services at libraries local to Harrietsham; and*

*A contribution of £30.70 per dwelling 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 application site; and*

*A contribution of £8.44 per dwelling to be used to address the demand from the development towards youth services through increased centre based youth services local to the application site; and*

*A contribution of £63.56 per dwelling to address the demand from the development for adult social services to be used towards the provision of new/expanded facilities and services both on site and local to the development, including assistive technology and enhancement of local community facilities to ensure full DDA access; and*

*A contribution of £71,028 (based on £360 per predicted occupier of market dwellings) to be prioritised firstly towards healthcare facilities at The Glebe Medical Centre, Harrietsham and then The Len Valley Medical Centre, Lenham; and*

*A contribution towards highway improvements to the A20 in Harrietsham (final amount to be confirmed); and*

*A contribution of £200 towards the improvement and maintenance of public rights of way in the vicinity of the site; and*

*The provision of land identified on drawing number 061302-WARD-PLAN2 received 20<sup>th</sup> January 2015 for public allotments and a contribution of £907.80 per dwelling towards the improvement of parks and open spaces within 1km of the proposal site OR a contribution of £1,575 per dwelling towards the improvement of parks and open spaces within 1km of the proposal site.*

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

Planning Policy Update:

The Council's Overview and Scrutiny Committee have recommended that the extent of the developed area of the proposal site be amended to accord with that of the application before Members, as discussed in paragraph 3.03 of the report on the agenda. This recommendation has subsequently been approved by Cabinet.

Recommendation:

Subject to the amendments set out above, my recommendation remains unchanged.

Amendments to conditions 23 and additional informative:

Concern has been raised in respect of the compatibility of the use of the land in the south of the site as semi-wild public open space and as a receptor site for biodiversity assets. The Kent County Council Biodiversity Officer has confirmed that the uses are not incompatible, and that an appropriately worded condition will safeguard the ecological value of this part of the site. As such, I propose the following amended ecological enhancement condition:

Amended condition 23:

*"No development shall take place until an Landscaping ecological design strategy addressing the ecological enhancement of the site, as outlined in chapter 7 (Biodiversity Action Plan) of the Aspect Ecology Ecological Appraisal reference ECO3367.EcoApp.dv6 received 21<sup>st</sup> May 2014, has been submitted to and approved in writing by the Local Planning Authority. The ecological design strategy shall fully consider the impact of the use of the relevant area(s) of the site as semi-wild public open space, and shall include the following:*

- a) Purpose and conservation objectives for the proposed works;*
- b) Review of site potential and constraints incorporating up-to-date ecological surveys where necessary;*
- c) Detailed design(s) and/or working method(s) to achieve stated objectives;*
- d) Extent and location/area of proposed works on appropriate scale maps and plans;*
- e) Type and source of materials to be used, e.g. native species of local provenance;*
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;*
- g) Persons responsible for implementing the works;*
- h) Details of initial aftercare and long-term maintenance;*
- i) Details for monitoring and remedial measures.*

*Reason: To secure appropriate management and enhancement within the site in the interests of ecology and biodiversity."*

It has also been requested that the SUDS details submitted in connection with condition 14 and 15 include the provision of swales in the south of the site. It is not considered that this is reasonable or deliverable due to the constraints on development in this land by way of the CTRL covenants, and the need for such systems to conform to the ground conditions, which may not favour this location, but the following informative is suggested:

*"Any swales or basins required in association with the details required in connection with conditions 14 and 15 above should, where possible, be located in the south of the site where they can contribute towards the biodiversity enhancement of the semi-wild public open space and receptor site."*

Additional representations:

Harrietsham Parish Council and Kent County Council Public Rights of Way have confirmed that no objection is raised to the changes to the scheme in respect of the partial extinguishment of the KH276.

Southern Water has confirmed by email that there is sufficient treatment capacity in the Harrietsham Waste Water Treatment Works to accommodate the applications for which resolutions to grant have recently been taken, together with the application currently under consideration. However, given the additional sites that are currently under consideration and the time scales for actual issuance of permissions following completion of appropriate legal mechanisms, it is considered appropriate to impose the proposed condition 16, as amended by the urgent update report published on 3<sup>rd</sup> February 2015.

Recommendation:

My recommendation remains unchanged, subject to the amendments set out above and on the urgent update report published on 3<sup>rd</sup> February 2015.





## Harrietsham Scope Reduction

### TECHNICAL NOTE

Report



# Harrietsham Scope Reduction

## TECHNICAL NOTE

Report

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### Report Record

Job No.	Report No.	Issue No.	Prepared	Verified	Approved	Status	Date
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Appendix A	scheme layout drawings
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# 1 Introduction

## Background

- 1.1 JMP has been commissioned by Maidstone Borough Council (MBC) to review previously issued layouts and associated cost estimate, by JMP, for Section 106 works on the A20 at Harrietsham. This follows clarification of available budgets and a phased approach to the Section 106 works.
- 1.2 An initial scheme layout and cost estimate was prepared and issued by JMP in April 2014 and revised following inclusion of development accesses in November 2014.
- 1.3 Richard Timms and Catherine Slade (MBC) confirmed at a meeting on 11<sup>th</sup> February 2015 the constraints of the budget for the Section 106. There are a number of developments at various stages of planning, which will contribute to an overall Section 106 budget of £1,102,500. The budget will be based on a maximum contribution of £3,500 per dwelling (315 dwellings).
- 1.4 However, money from the overall budget will not be available as a lump sum as developments will come on line at different times. The works will be constructed in four phases starting with the CTRL development comprising 114 dwellings. This development is located centrally in Harrietsham and requires that the central section of the scheme is constructed within a budget of £399,000.

## 2 Technical Review

### Scheme Aspirations and Background

- 2.1 The scheme comprises a section of the A20 which passes through Harrietsham in Kent and includes a number of improvements: narrowing of an overly wide road, creation of new footway and pedestrian crossing facilities, and the lowering of the existing 40mph speed limit to 30mph.
- 2.2 A major aspiration of the scheme is to improve permeability in Harrietsham across the A20. Historically, the residential areas of Harrietsham lie to the north of the A20; however, three of the new developments will be sited on the south side and MBC consider the promotion of greater access between the two sides a priority. A reduction in the speed limit to 30mph and additional pedestrian crossing facilities are seen as the most appropriate way of achieving this aim.
- 2.3 Previous iterations of the layout included for narrowing of the A20 over a far longer section than is now being considered but due to the constraints imposed by the phased approach and reduced budget the original scope has been reduced.
- 2.4 The scheme centres around the junctions with West Street and East Street. The existing carriageway is at its widest in this location as there was a major works site for the Channel Tunnel Rail Link (CTRL) accessed from a junction opposite West Street. The purpose of the increased width was to accommodate oversize vehicles delivering to the site.
- 2.5 The proposed scheme narrows the A20 to one lane in each direction with ghost island right turn lanes. The proposed road layout sits within the extents of the carriageway; to the west of East Street it is aligned to the south side of the A20 before a series of curves takes the alignment to the north side. This 'kink' acts as a traffic calming measure, effecting the reduction in speed to 30mph. At the same time, the narrowed carriageway enables the creation of additional green space to the north on either side of West Street.
- 2.6 The proposed reduction in speed limit is located on the east and west approaches to Harrietsham on the A20 and the transition is marked by gateway features.
- 2.7 Three of the developments contributing to the Section 106 budget will be accessed directly from the A20. The CTRL site is likely to be the first of a number of sites in Harrietsham to be developed and reuses the existing access opposite West Street. MBC have made clear that a standalone Phase 1 scheme should be designed which can be paid for with the CTRL site's Section 106 contribution. There are 114 house planned for the site which results in a budget of £399,000.
- 2.8 In addition to the CTRL site, two other sites accessed from the A20 have resolution to grant: Bell Farm, 35 dwellings, and Mayfield Nurseries, 49 dwellings. A further 117 dwellings from a combination of developments within Harrietsham contribute the remainder of the Section 106 budget.

### Phasing

- 2.9 MBC requires that the Section 106 works are constructed in phases governed by the money released when developments come on line. Table 2.1 details a phasing strategy based on the CTRL site being constructed first (Phase 1). It is assumed that the Bell Farm and Mayfields Nurseries sites will be the next developments to be built but it is not clear as to which will be constructed first.
- 2.10 For simplicities sake, it is assumed that Phase 4 will be an amalgam of the Section 106 monies obtained from a number of other developments within Harrietsham.



Table 2.1 Suggested construction phasing

Construction Phase	Budget
Phase 1 CTRL Site	£399,000
Phase 2 Bell Farm	£122,500
Phase 3 Mayfield Nurseries	£171,500
Phase 4 Remaining Sites	£409,500
<b>Total</b>	<b>£1,102,500</b>

## Section 278 Schemes

- 2.11 It is assumed that the accesses to the CTRL, Bell Farm and Mayfield Nurseries developments will fall outside the scope of the Section 106 works and will instead be constructed under Section 278 agreements. Any costs associated with Section 278 agreements are therefore excluded from the Section 106 costs.
- 2.12 The scope of the Section 278 works for the CTRL site will comprise the junction access only: the staggered puffin replaces an existing facility and has a wider benefit to Harrietsham as a whole. For the Bell Farm and Mayfield Nurseries sites, the Section 278 works will include the junction accesses, uncontrolled pedestrian crossings and associated footway links. This is on the basis that the Section 106 delivers highway improvements beneficial to Harrietsham as a whole: these elements have been excluded because they are considered to benefit the development sites only.

## Technical Review

### General

- 2.13 The scheme has been designed on the basis that diversions to Statutory Undertaker's plant will not be required. C2 plant location records have been assessed and the design amended accordingly. There are no highway widening works as part of the Section 106 scheme. It should be noted that the new accesses required into the development sites will likely require diversion works but it is expected this will be paid for under Section 278 agreements.
- 2.14 Ghost island right turns have been designed in accordance with the Design Manual for Roads and Bridges. However, due to the proximity of junctions in this location, no additional capacity for queuing is possible.

### Phase 1

- 2.15 The Phase 1 works are shown on drawing ST16082-01 (Appendix A) and the scope comprises the central section of the scheme between Willow Close and East Street. The essence of the Section 106 scheme is contained in Phase 1 and to reduce its scope too drastically would adversely affect the overall character of the scheme. The main element to be retained is the 'kink' in the alignment of the A20 which provides additional green space to the north. To achieve this requirement, a 'do minimum' approach has been taken with regard to construction and where possible existing carriageway pavement construction is reused.
- 2.16 The budget of the Phase 1 scheme means resurfacing of the carriageway is not allowed for in this phase and proposed drainage will be designed to suit the existing surface in relation to the new channel alignments. A consequence of this approach will be the misalignment of the camber. This could be corrected with surface regulation but for cost reasons, this measure cannot be included in Phase 1.

- 2.17 At present the street lighting should be adequate to light what is a very wide road. The narrower road alignment falls within the extents of the existing road and would therefore be lit by existing lighting. The cost of upgrading the street lighting is included in subsequent phases.

- 2.18 Ghost island right turns have been retained to minimise the extent to which the carriageway is narrowed. It could be argued that removal of ghost island right turns would act as an effective traffic calming measure. However, the presence of the staggered crossing and reduced budget mean this is not practical.

#### **Phase 1A**

- 2.19 Ideally, the gateways marking the proposed transition from 40mph to 30mph on the approaches to Harrietsham would be constructed as part of Phase 1 as the alignment of the A20 in the central section has been designed to for the reduction in speed. The cost of the gateway features is included as a separate item as its inclusion in Phase 1 exceeds the available budget.
- 2.20 Proposed layouts are shown on drawing ST16082-02 (Appendix A) and include build outs effecting a narrowing of the carriageway at the transition in speed limits.
- 2.21 Surface dressing of the carriageway over the section where the central hatched area road markings are to be modified has been included as removal of the road markings is not an entirely effective measure and, in these particular locations, could cause safety issues.

#### **Phases 2 and 3**

- 2.22 The proposed Phase 2 layout is shown on drawing ST16082-03 and Phase 3 is shown on ST16082-04, both can be found in Appendix A.
- 2.23 Phases 2 and 3 derive from the budgets of the Bell Farm and Mayfield Nurseries developments respectively. For both the Bell Farm and Mayfield Nurseries developments, most works adjacent to the site will be constructed under Section 278. It is not known which development will come on line first or indeed if both will be constructed at the same time. To cater for all eventualities, the areas of construction that tie in to the Phase 1 works have been arranged so they can be constructed in self contained blocks.

#### **Phase 4**

- 2.24 The proposed Phase 4 layout is shown on drawing ST16082-04 and can be found in Appendix A.
- 2.25 Phase 4 will enable the installation of new street lighting and for the resurfacing of the A20 in areas where the highway has been modified. During Phase 1, the budget only allows for the removal of road markings; however, it is not possible to remove road markings entirely and a residual image of the markings will remain. Street lighting and resurfacing is left until Phase 4 due to the budget constraints of a phased approach: they are large items and would exceed the budgets of Phases 1 to 3 if included in those phases.
- 2.26 It is considered that the existing street lighting will be adequate to light the new road layout in the short term but ultimately, a new lighting scheme is required and should be installed at the earliest available opportunity.
- 2.27 The resurfacing of the new road layout will result in an element of abortive work in previous phases; for example, the surface layers of the new road construction to replace the traffic islands will be removed during the resurfacing. Despite the abortive works, budget constraints mean resurfacing cannot happen until Phase 4.

#### **Cost Estimate**

- 2.28 The revised cost estimate can be found in Appendix B.



- 2.29 The costs for each phase align with the phased approach described above. Costs are summarised in Table 2.2.

**Table 2.2 Cost Estimate Summary**

Construction Phase	Budget	Cost Estimate
Phase 1	£399,000	£399,569.81
Phase 1A	n/a	£83,065.44
Phase 2	£122,500	£122,252.26
Phase 3	£171,500	£171,282.43
Phase 4	£409,500	£329,018.94
<b>Total</b>	<b>£1,102,500</b>	<b>£1,105,188.87</b>

- 2.30 It can be seen from Table 2.2 that Phases 1, 2 and 3 all hit the prescribed budgets. Phase 1A, ideally, would be constructed at the same time as Phase 1; although, MBC may decide there is a temporary solution which will enable Phase 1 to be constructed without the change in speed limits or with a temporary signing arrangement. Phases 1A and 4 combined broadly meet the budget prescribed for Phase 4.
- 2.31 In addition to construction cost subtotal, the following additions are made:
- 15% preliminaries
  - 5% Additional installation fees (such as power connections)
  - 15% Traffic management
  - 20% Contingency on all of the above
  - 10% Design fee on all of the above
- 2.32 The additional percentage rates outlined above are standard for construction schemes of this nature. Contingencies are set at 20% as until detailed design is undertaken, there are a lot of unknowns which could incur additional cost.
- 2.33 It is assumed that the cost of design will be funded by Section 106 monies and as such, an allowance of 10% is made.

## Appendix A

### SCHEME LAYOUT DRAWINGS

ST16082-01: Phase 1

ST16082-02: Phase 1A

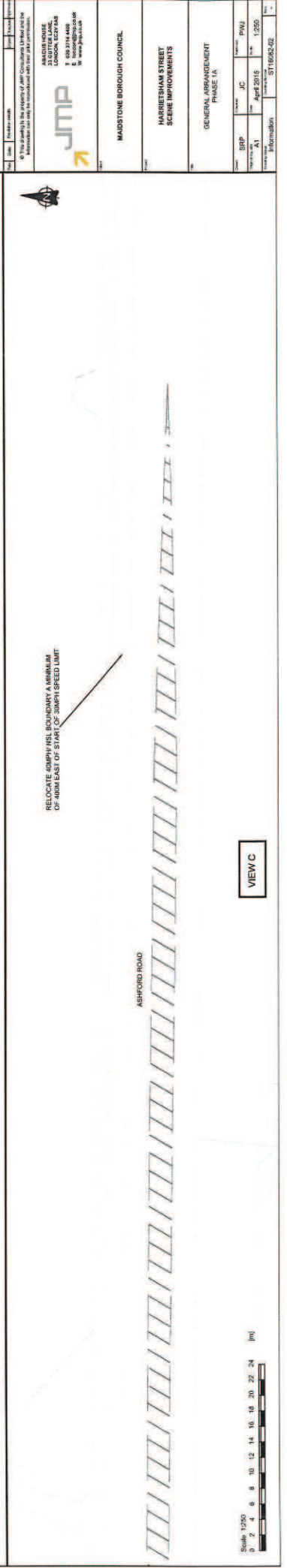
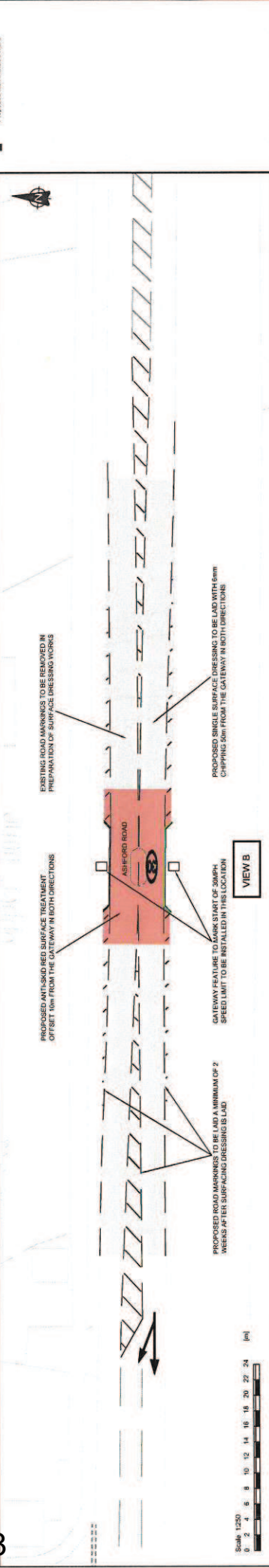
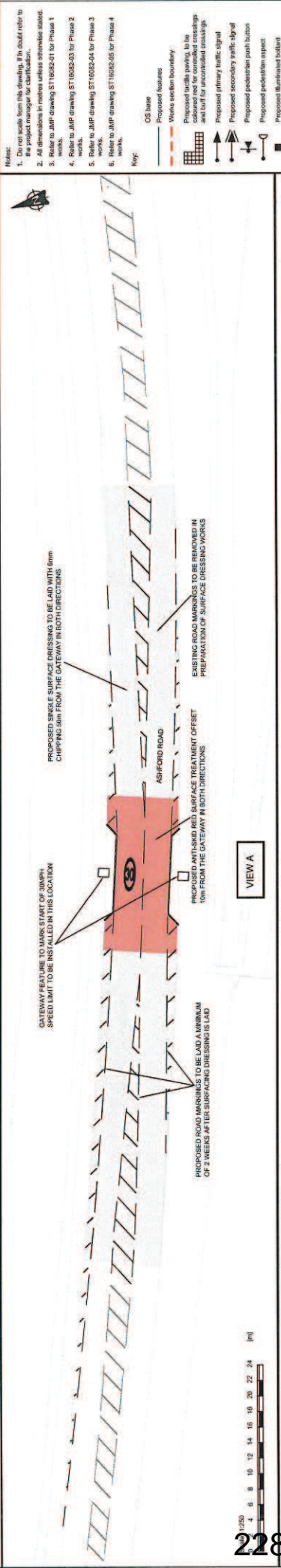
ST16082-03: Phase 2

ST16082-04: Phase 3

ST16082-05: Phase 4







Notes:

1. Do not work from this drawing. It is a guide only to the project manager for clarification.
2. All dimensions in metres unless otherwise stated.
3. Refer to JWP drawing ST1602-01 for Phase 1 works.
4. Refer to JWP drawing ST1602-03 for Phase 2 works.
5. Refer to JWP drawing ST1602-04 for Phase 3 works.
6. Refer to JWP drawing ST1602-05 for Phase 4 works.

Key:

- OS base
- Proposed features
- Proposed works area boundary
- Proposed kerb profile, to be covered red for controlled crossings and buff for uncontrolled crossings
- Proposed primary traffic signal
- Proposed secondary traffic signal
- Proposed pedestrian push button
- Proposed pedestrian aspect
- Proposed bollard bollard

Information

SRP	JC	PAU
12/16	12/16	12/16
12/16	12/16	12/16
12/16	12/16	12/16

Information

ST1602-02

Information

MADSTONE BOROUGH COUNCIL	
HARVESTHAM STREET SCENE IMPROVEMENTS	
GENERAL ARRANGEMENT PHASE 1A	
SRP	JC
12/16	12/16
12/16	12/16
12/16	12/16

Information

ST1602-02

1. Do not scale from this drawing. If it does refer to the project manager for clarification.
2. All dimensions in inches unless otherwise stated.
3. Refer to JWP drawing ST10302-01 for Phase 1 works.
4. Refer to JWP drawing ST10302-02 for Phase 1A works.
5. Refer to JWP drawing ST10302-04 for Phase 3 works.
6. Refer to JWP drawing ST10302-05 for Phase 4 works.



No.	Date	Revelation details	Source	Further	Approved

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THE UNIVERSITY OF CHICAGO

**HARRIETSHAM STREET  
SCENE IMPROVEMENTS**

GENERAL ARRANGEMENT  
PAGE 3

Source:	SRP	Classified:	JC	Approved:	PWJ
Regulating info:	A1	Date:	April 2015	Date:	As shown
Issuing Source Information	Issuing Agency:			S116082-03	
			Rev.:		





**Notes:**

- Do not scale from this drawing. If it should refer to the project manager for clarification.
- All dimensions in metres unless otherwise stated.
- Refer to JAP Drawing ST16052-01 for Phase 1 works.
- Refer to JAP Drawing ST16052-02 for Phase 1A works.
- Refer to JAP Drawing ST16052-03 for Phase 2 works.
- Refer to JAP Drawing ST16052-05 for Phase 4 works.

**Key:**

- OS base
- Proposed features
- Works section boundary
- Proposed traffic signs to be columned not for controlled crossings and but for uncontrolled crossings
- Proposed primary traffic signal
- Proposed secondary traffic signal
- Proposed pedestrian push button
- Proposed pedestrian aspect
- Proposed illuminated bollard

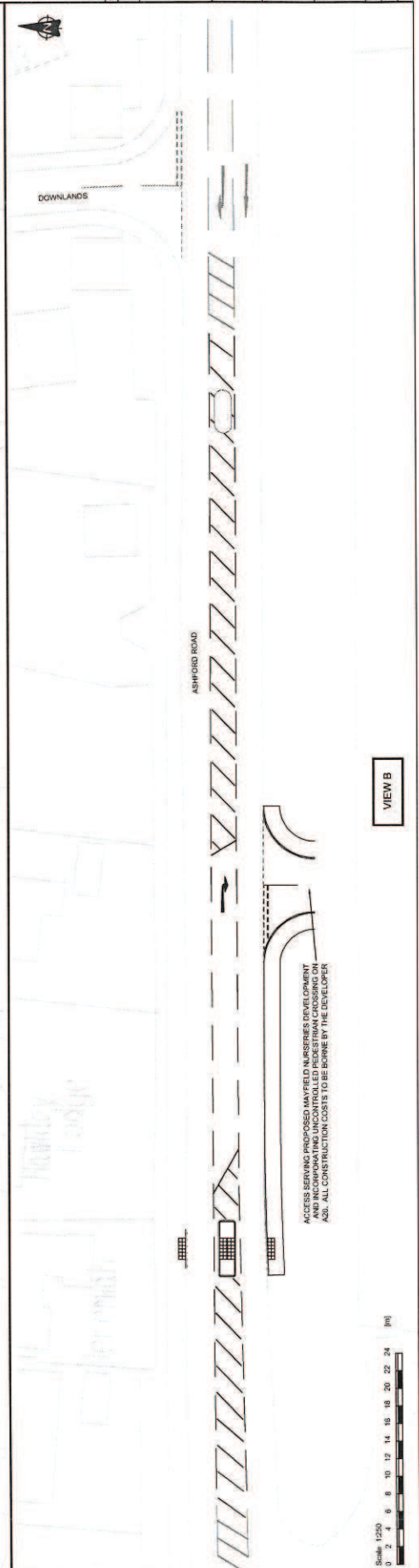
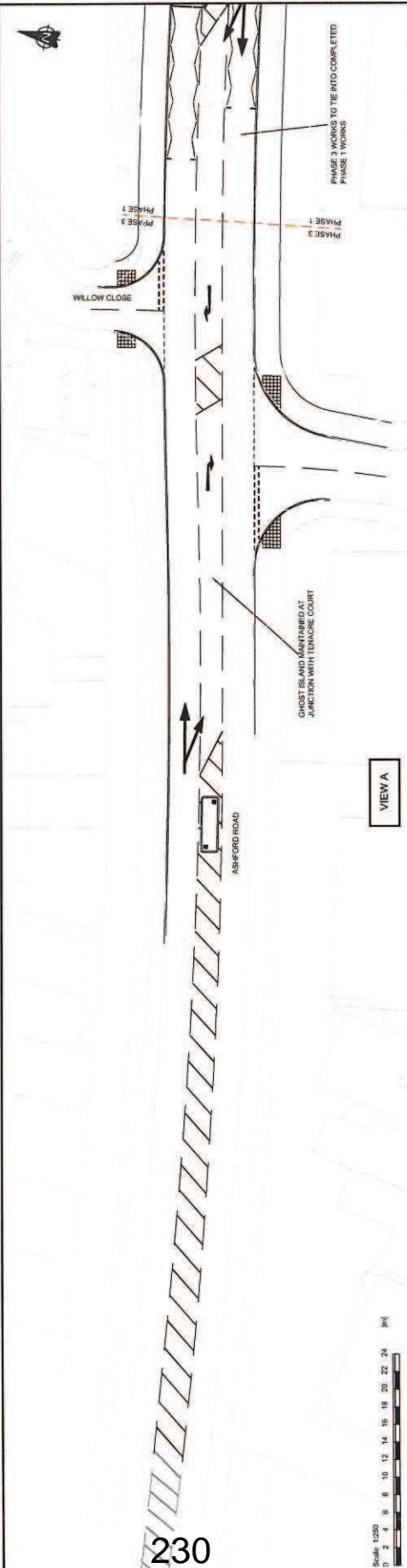
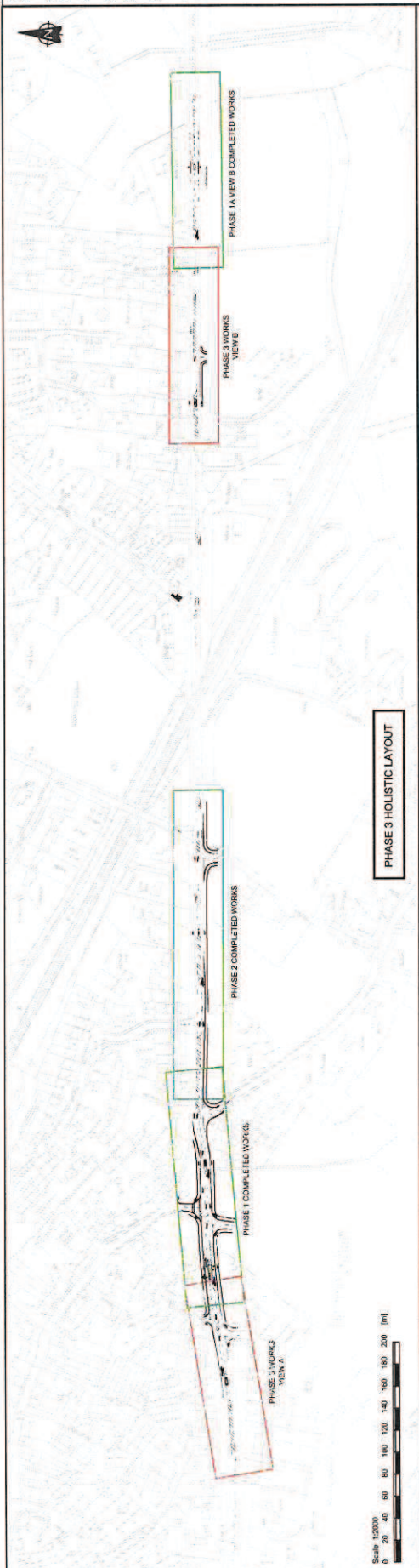
**COMPANY NAME**  
JMP  
21 SUTTON LANE  
LONDON, EC2D 4AG  
T: 020 7461 4000  
E: info@jmap.co.uk  
W: www.jmap.co.uk

**MASTON BOROUGH COUNCIL**

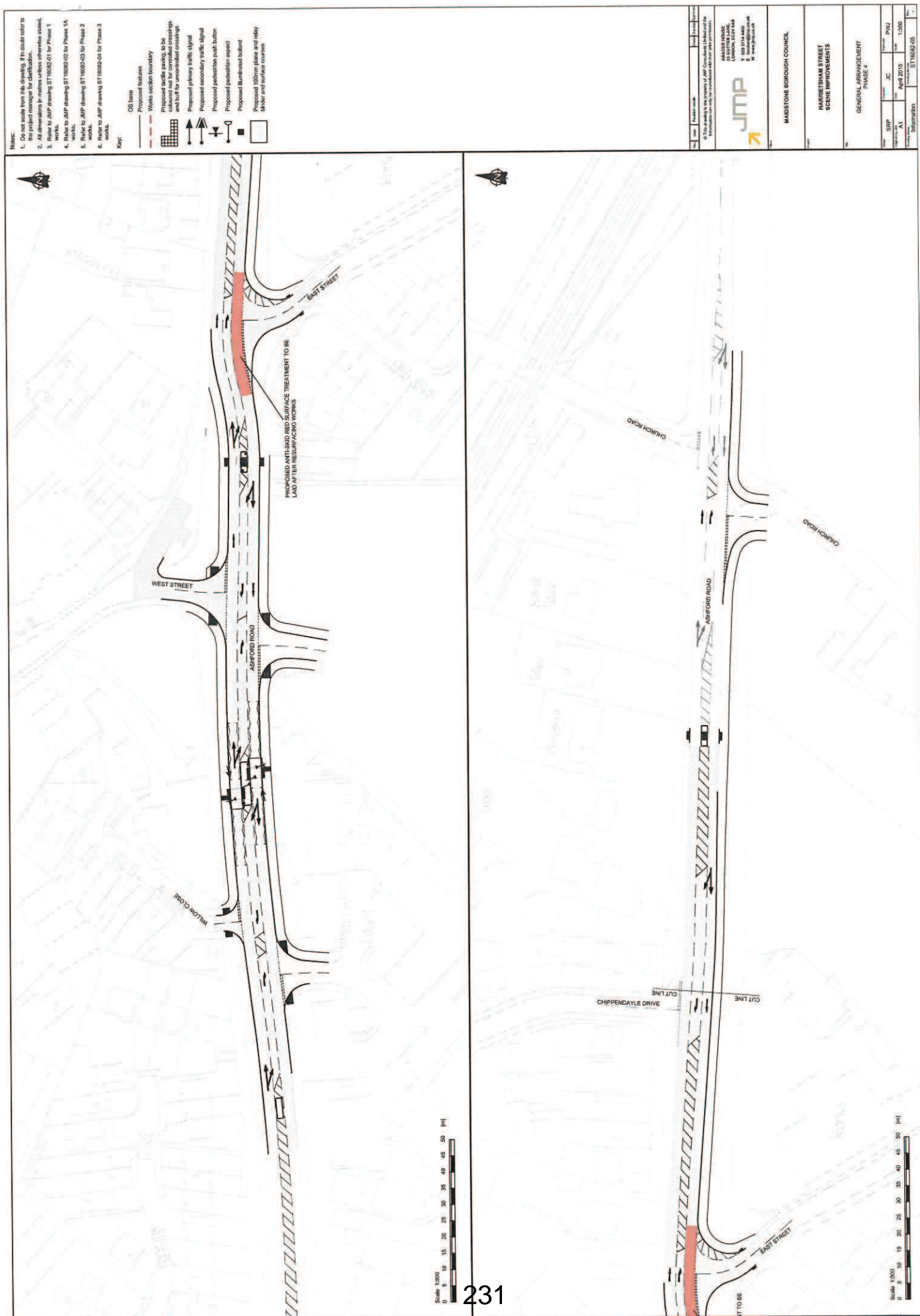
**HARVESTHAM STREET  
SCENE IMPROVEMENTS**

**GENERAL ARRANGEMENT  
PHASE 3**

Drawn by	SRP	Checked by	JC	Project	PMJ
Date	14	Date	14	Date	14
Scale	1:200	Scale	1:200	Scale	1:200
Information	ST16052-04				







## Appendix B

### COST ESTIMATE

Revision D



## CONSTRUCTION COST ESTIMATE

Project:	
Harrietsham Street Scene Improvements	
Title:	
Preliminary Cost Estimate - revision D	
Unit rate source:	
HMW Rates (Vol 4) - increased to 2014 figures	

Job Number:	ST16082
By:	SRP
Date:	Apr-15
Checked:	
Date:	
Approved:	
Date:	

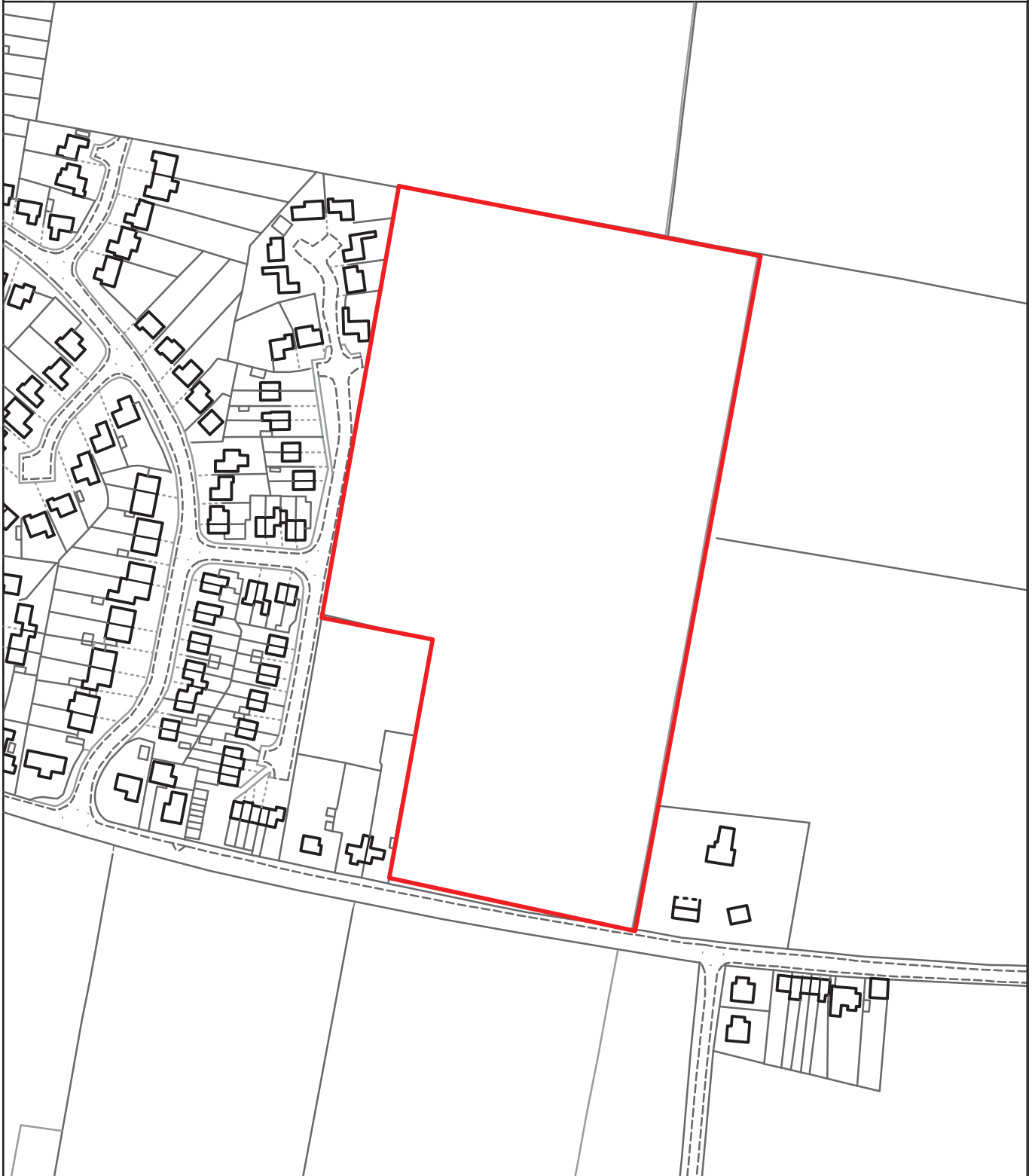
Ref	Description	Unit	PHASE 1			PHASE 1A			PHASE 2			PHASE 3			PHASE 4		
			Rate	QT	Amount	Rate	QT	Amount	Rate	QT	Amount	Rate	QT	Amount	Rate	QT	Amount
02.0050	Series 200 - Site Clearance	m	£1.36	798.62	£1,086.12	£1.36	52	£70.72	£1.36	146.46	£199.19	£1.36	139.31	£189.46	£1.36	0	£0.00
200.0210	Take up and dispose kerbs	No.	£31.16	10	£311.60	£31.16	0	£0.00	£31.16	5	£155.80	£31.16	13	£405.08	£31.16	8	£249.28
1200.2710	Removal of lighting columns (Aprox 1 per 25m)	m	£1.15	677.76	£779.42	£1.15	520	£598.00	£1.15	0	£0.00	£1.15	274	£315.10	£1.15	0	£0.00
1200.3015	Removal of intermittent line markings	No.	£13.72	8	£109.76	£13.72	2	£27.44	£13.72	0	£0.00	£13.72	4	£54.88	£13.72	0	£0.00
	Removal of arrow markings	No.															
500.2251	Series 500 - Drainage	No.	£477.38	12	£5,728.56	£477.38	4	£1,909.52	£477.38	8	£3,819.04	£477.38	4	£1,909.52	£477.38	0	£0.00
500.2192	Install new gully (Aprox 1 per 200m2)	m	£14.07	60	£844.20	£14.07	20	£281.40	£14.07	40	£562.80	£14.07	20	£281.40	£14.07	0	£0.00
	150mm internal diameter	No.	£48.73	12	£584.76	£48.73	4	£194.92	£48.73	8	£389.84	£48.73	4	£194.92	£48.73	0	£0.00
	New gully connection where required	No.	£485.00	12	£5,820.00	£485.00	4	£1,940.00	£485.00	8	£3,880.00	£485.00	4	£1,940.00	£485.00	0	£0.00
	Water authority connection fees	No.															
Est.	Series 600 - Earthworks	m2	£15.00	394.13	£5,912.25	£15.00	0	£0.00	£15.00	0	£0.00	£15.00	1.95	£29.25	£15.00	0	£0.00
Est.	Road realignment excavation	m2	£15.00	371.48	£5,572.20	£15.00	0	£0.00	£15.00	0	£0.00	£15.00	118.96	£1,784.40	£15.00	0	£0.00
600.0970	Footway resurfacing excavation	No.	£30.23	12	£905.76	£30.23	4	£120.92	£30.23	8	£241.84	£30.23	4	£120.92	£30.23	0	£0.00
600.0010	Remove and backfill gully (Aprox 1 per 200m2)	No.	£7.93	10	£79.30	£7.93	0	£0.00	£7.93	0	£0.00	£7.93	0	£0.00	£7.93	0	£0.00
06.0135	Excavation for tree pit	m3	£34.21	150.37	£5,144.07	£34.21	0	£0.00	£34.21	0	£0.00	£34.21	0.8775	£30.02	£34.21	0	£0.00
06.0135	Dispose unacceptable material - carriageway @ 450mm	m3	£34.21	74.296	£2,541.67	£34.21	0	£0.00	£34.21	0	£0.00	£34.21	23.792	£813.92	£34.21	0	£0.00
	Dispose unacceptable material - footway @ 20mm	m3															
700.1265	Series 700 - Pavements	m2	£25.54	554.21	£14,154.52	£25.54	0	£0.00	£25.54	70.79	£1,807.98	£25.54	77.91	£1,989.82	£25.54	4500	£114,930.00
Est.	Carriageway surfacing	m2	£30.00	64.03	£1,920.90	£30.00	0	£0.00	£30.00	209.21	£6,276.30	£30.00	88.98	£2,669.40	£30.00	0	£0.00
07.0930	Full depth footway	m2	£17.20	0	£0.00	£17.20	322	£5,538.40	£11.11	0	£0.00	£11.11	0	£0.00	£17.20	132	£2,270.40
	Buff or Red Skid resistant Surface treatment	m2	£103.75	0	£0.00	£103.75	0	£0.00	£103.75	0	£0.00	£103.75	0	£0.00	£103.75	0	£0.00
	Grass/footway to full depth Carriageway	m2	£5.87	0	£0.00	£5.87	1858	£10,906.46	£5.87	0	£0.00	£5.87	0	£0.00	£5.87	0	£0.00
	Surface dressing Type 1	m2	£30.00	617.82	£18,534.60	£30.00	31.6	£948.00	£30.00	236.77	£7,103.10	£30.00	10	£300.00	£30.00	0	£0.00
	Build up using regulating ex road to footway	m2															
1100.0505	Series 1100 - Kerbs, Footways and Paved Areas	m	£0.71	751.14	£533.31	£0.71	52	£36.92	£0.71	313.28	£222.43	£0.71	196.98	£139.86	£0.71	0	£0.00
1100.0820	Excavation of kerb foundation	m	£19.12	485.12	£9,275.49	£19.12	52	£994.24	£19.12	149.87	£2,865.51	£21.15	165.64	£3,503.29	£21.15	0	£0.00
11.1205	New kerb line	m	£11.23	266.02	£2,987.40	£11.23	0	£0.00	£11.23	163.41	£1,835.09	£11.23	31.34	£351.95	£11.23	0	£0.00
Est.	Precast concrete edging	m2	£11.19	371.48	£4,156.86	£11.19	0	£0.00	£11.19	0	£0.00	£11.19	118.96	£1,331.16	£11.19	0	£0.00
1100.4548	Footway resurfacing - 20mm	m2	£30.00	20	£600.00	£30.00	0	£0.00	£30.00	0	£0.00	£30.00	0	£0.00	£30.00	0	£0.00
	River Path improvement	m2	£60.93	40.48	£2,466.45	£60.93	0	£0.00	£60.93	0	£0.00	£60.93	14.09	£858.50	£60.93	0	£0.00
	New Tactile paving	m3	£38.16	6.072	£231.71	£38.16	0	£0.00	£38.16	0	£0.00	£38.16	2.1135	£80.65	£38.16	0	£0.00
1100.5300	New Tactile paving - Foundation	No.	£730.08	5	£3,650.40	£730.08	0	£0.00	£730.08	0	£0.00	£730.08	0	£0.00	£730.08	0	£0.00
	Benches	No.															
Est.	Series 1200 - Signals, Signs and Ducts	No.	£30,000.00	1	£30,000.00	£30,000.00	0	£0.00	£30,000.00	0	£0.00	£30,000.00	0	£0.00	£30,000.00	0	£0.00
	Traffic signals	No.	£500.00	9	£4,500.00	£500.00	10	£5,000.00	£500.00	4	£2,000.00	£500.00	5	£2,500.00	£500.00	0	£0.00
	Concrete base for signage	m	£56.00	220	£12,320.00	£56.00	100	£5,600.00	£56.00	50	£2,800.00	£56.00	150	£8,400.00	£56.00	400	£22,400.00
Est.	Service duct in trench depth to invert not exceeding 2 metres, average depth to invert 750 mm.	No.	£500.00	0	£0.00	£500.00	4	£2,000.00	£500.00	0	£0.00	£500.00	0	£0.00	£500.00	0	£0.00
	Gateway Feature	No.	£500.00	9	£4,500.00	£500.00	10	£5,000.00	£500.00	4	£2,000.00	£500.00	5	£2,500.00	£500.00	0	£0.00
	Highway Signage	No.	£206.58	4	£826.32	£206.58	0	£0.00	£206.58	0	£0.00	£206.58	2	£413.16	£206.58	0	£0.00
1200.3475	Traffic bollard, internally illuminated, any type.	m	£1.00	898.24	£898.24	£1.00	520	£520.00	£1.00	40	£40.00	£1.00	274	£274.00	£1.00	0	£0.00
1200.3600	Road mark 1004	m	£1.56	20	£31.20	£1.56	0	£0.00	£1.56	0	£0.00	£1.56	10	£15.60	£1.56	0	£0.00
1200.3620	Road mark 1003	m	£1.56	20	£31.20	£1.56	0	£0.00	£1.56	0	£0.00	£1.56	10	£15.60	£1.56	0	£0.00
	Road mark 1009	m	£5.00	253.81	£1,269.05	£5.00	130	£650.00	£5.00	20	£100.00	£5.00	60	£300.00	£5.00	0	£0.00
1200.3780	Road mark 1040	No.	£19.53	19	£371.07	£19.53	2	£39.06	£19.53	4	£78.12	£19.53	6	£117.18	£19.53	0	£0.00
1200.3670	Arrows	m	£1.00	128	£128.00	£1.00	0	£0.00	£1.00	0	£0.00	£1.00	0	£0.00	£1.00	0	£0.00
1200.3385	Zig Zag markings	m	£1.08	7	£7.56	£1.08	0	£0.00	£1.08	0	£0.00	£1.08	0	£0.00	£1.08	0	£0.00
	Rd mark 1001	m															
Est.	Series 1300 - Lighting	No.	£3,500.00	10	£35,000.00	£3,500.00	0	£0.00	£3,500.00	5	£17,500.00	£3,500.00	14	£49,000.00	£3,500.00	8	£28,000.00
	Lighting columns (highways - Aprox 1 per 25m)	No.															
Est.	Series 3000 - Landscaping	m2	£10.04	694.61	£6,973.88	£10.04	0	£0.00	£10.04	131.17	£1,316.95	£10.04	24.61	£247.08	£10.04	0	£0.00
3000.0245	Change hard surfaces to grassed area (perforate & topsoil)	No.	£15.00	20	£300.00	£15.00	0	£0.00	£15.00	5	£75.00	£15.00	3	£45.00	£15.00	0	£0.00
	Willow Bush	No.	£250.00	10	£2,500.00	£250.00	0	£0.00	£250.00	5	£1,250.00	£250.00	3	£750.00	£250.00	0	£0.00
	A20 Trees	No.	£60.65	10	£606.50	£60.65	0	£0.00	£60.65	5	£303.25	£60.65	3	£181.95	£60.65	0	£0.00
	New trees to grass	No.	£1,000.00	10	£10,000.00	£1,000.00	0	£0.00	£1,000.00	5	£5,000.00	£1,000.00	3	£3,000.00	£1,000.00	0	£0.00
Est.	Monoscape tree pit	No.	£109.00	10	£1,090.00	£109.00	0	£0.00	£109.00	5	£545.00	£109.00	3	£327.00	£109.00	0	£0.00
	Tree pit installation	No.															
	Sub-Total				£203,841.35			£42,376.00			£62,367.24			£87,380.08			£167,849.66
	Preliminaries	15.00%			£30,576.20			£6,356.40			£9,355.09			£13,107.01			£25,177.45
	Additional installation fees	5.00%			£10,192.07			£2,118.80			£3,118.36			£4,369.00			£8,392.48
	Traffic Management	15.00%			£30,576.20			£6,356.40			£9,355.09			£13,107.01			£25,177.45
	Sub-Total				£275,185.82			£57,207.60			£84,195.77			£117,963.11			£226,597.07
	Site supervision	10.00%			£27,518.58			£5,720.76			£8,419.58			£11,796.31			£22,659.71
	Sub-Total				£302,704.40			£62,928.36			£92,615.35			£129,759.42			£249,256.77
	Contingencies	20.00%			£60,540.88			£11,585.67			£18,523.07			£25,951.88			£49,851.39
	Sub-total				£363,245.28			£75,514.03			£111,138.42			£155,711.30			£299,108.13
	Design	10.00%			£36,324.53			£7,551.40			£11,113.84			£15,571.13			£29,910.81
	Totals				£399,569.81			£83,065.44			£122,252.26			£171,282.43			£328,018.94
																	£1,105,188.87



# THE MAIDSTONE BOROUGH COUNCIL

Land North Of,  
Heath Road,  
Coxheath,  
Kent

MBC Ref: 14/0836



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**Rob Jarman**  
Head of Planning

## REPORT SUMMARY

<b>REFERENCE NO - 14/0836</b>			
<b>APPLICATION PROPOSAL</b>			
Erection of 110 dwellings together with creation of a new access and landscaping provision.			
<b>ADDRESS</b> Land North Of, Heath Road, Coxheath, Kent			
<b>RECOMMENDATION</b> subject to the prior completion of a suitable legal mechanism planning permission be granted subject to conditions.			
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS</b>			
<p>The development does not comply with policy ENV28 of the Maidstone Local Plan 2000. Also the NPPF has weakened policy ENV28. However the proposed development would provide a mix of dwelling types. It would provide much needed affordable and market homes. The proposal would represent a sustainable form of development and would help to support local infrastructure.</p> <p>For the reasons set out below, it is considered that there are no overriding material considerations to indicate that a refusal of planning permission is justified.</p>			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
<ul style="list-style-type: none"> <li>• Departure from Local Plan,</li> <li>• Contrary to views of the Parish Council.</li> <li>• The application has been the subject of objections from the local residents</li> </ul>			
<b>WARD</b> Coxheath and Hunton Ward	<b>PARISH/TOWN COUNCIL</b> Coxheath	<b>APPLICANT</b> Mr Greg Countryside <b>AGENT</b> Dha Planning	
<b>DECISION DUE DATE</b> 19/12/14	<b>PUBLICITY EXPIRY DATE</b> 24/06/14	<b>OFFICER SITE VISIT DATE</b> 28/05/14	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b> MA/14/0454	<b>Proposal</b> Screening opinion for proposed residential development for 130 dwellings Decision EIA not required.	<b>Decision</b>	<b>Date</b>

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The application site is an arable agricultural land that measures 4.25 hectares in area. It is broadly an inverted 'L' shape with about 110m wide frontage with Heath Road (B2163) to the southern, 150 m wide boundary to the northern and has a depth of 300m from south to north. The site is situated along the eastern boundary of Coxheath village and just under half kilometre west of the settlement of Loose.



- 1.02 There is a farmer's vehicular access from Heath Road into the site and with the exception of the north and north- west boundaries of the site that are open the remaining boundaries are enclosed by tall boundary hedging.
- 1.03 The site is mainly Grade 3b (moderate quality) and therefore outside the "best and most versatile" category, apart from a roughly triangular area of some 0.75 ha fronting the public road to the south that is indicated as Grade 2 (very good) quality.
- 1.04 To the north and east are farm land and orchard. There are couple of detached dwellings along the southeast corner separated from the application site by dense hedge and KM 67 public right of way. This footpath continues to the north beyond the application site.
- 1.05 The south side of Heath Road is enclosed by a tall hedging and beyond this hedge are orchards farm and associated greenhouses/polytunnels.
- 1.06 To the west is Aspian Drive which is a cul-de-sac; Houses in this drive are mainly two storey and on the western side of the road and are set well back from the edge of the road except for four houses to the northern section of the drive that share boundary with the application site.
- 1.07 There is a dense wooded area just to the southwest that separates houses fronting Heath Road from the application site.
- 1.08 The village of Coxheath offers a good range of facilities and services including shops, post office, pharmacy, pubs, restaurants, a primary school, church and doctor surgery as well as good road network and public transport to Maidstone and the surrounding villages.

## **2.0 PROPOSAL**

- 2.01 The application seeks full planning permission for the erection of 110 dwellings with associated vehicular access, car parking spaces landscaping and amenity space.
- 2.02 The proposal comprising 8 one bedroom apartments, 2no two bedrooms apartments, 26no two bedroom houses, 47no three bedroom houses and 27 four bedroom houses. The dwellings would comprise of two storey detached, semi-detached and terraced houses and 3no 2 storey blocks of flatted type accommodation in the south west corner of the site together with provision of 196 associated car parking spaces plus 16 on street visitors car parking spaces together with, landscaping, amenity space and engineering works.
- 2.03 The application is accompanied by a Design and Access statement; Planning Statement; Arboricultural report; Archaeology report, Noise Assessment /acoustic report; flood risk assessment; contamination report; ecological report; transport assessment; sustainability appraisal; landscape assessment and layout plans.
- 2.04 The primary vehicular and pedestrian access to the site would be gained by way of a "T" junction access to Heath Road from the south side of the site with a secondary pedestrian and emergency access provided on to Aspian Drive to the west.
- 2.05 The proposed development would provide substantial landscaped open space amenity areas within the site which gives the appearance of a traditional village green with detached and semi-detached housed positioned around the green.

- 2.06 The development would have a density of about 25.88 dph. However this density is not uniform across the site. The western part of the site close to the existing settlement and Aspian Drive where flatted development and affordable houses are proposed, would have higher density whereas the northern and eastern areas where most of the detached 4 and 3 bedroom houses are proposed, would have a relatively lower density. The layout design provides for verges, swales and public amenity space areas. These landscaping features would deliver a significant degree of softening and visual enhancement to the character of the development and contribute towards sustainable surface water drainage management. This open space to the central part of the northern boundary would at the same time help to provide a substantial landscape buffer with the countryside beyond the site boundary to the north.

Break down of proposed market and affordable dwellings:-

Size	Affordable units	Private market units	total
1 Bedroom flat	8	0	08
2 Bedroom flat	2	0	02
2 Bedroom house	20	6	26
3 Bedroom house	14	33	47
4 bedroom house		27	27
Total	44	66	110

### 3.0 SUMMARY INFORMATION

	Proposed
Site Area (ha)	4.25Ha
Overall Housing Density	25.88dph
No. of Storeys	2 (dwelling houses), 2(apartments)
Parking Spaces	189 +20 on street visitors parking spaces
No. of Residential Units	110 dwellings
No. of Affordable Units	44 = 40%

- 3.01 The development would be built to Level 4 Code for sustainable homes.

### 4.0 PLANNING CONSTRAINTS

- Southern Anti-coalescence Belt
- Public foot path along the eastern boundary of the site
- Flood Zone – 1
- Boundary hedging

-DradtAllocated Site – housing/economic development

## **5.0 POLICY AND OTHER CONSIDERATIONS**

Government Policy: NPPF 2012

Planning Policy Guidance 2014

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV32, ENV49 ENV28, T13 and T23

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

Open Space Development Plan Document (2006)

Regulation 18 Maidstone Borough Council Draft Local Plan: policies SS1, SP4, SP5, H1 (44), H2, DM2, DM4, DM6, DM10, DM13, DM23, DM24, DM30, ID1

Coxheath Draft Neighbourhood Plan. This document is at advance stage and has yet to go through, an independent examination and finally a referendum.

## **6.0 LOCAL REPRESENTATIONS**

6.01 Site notice was displayed on 28/05/2014

### **6.02 Loose Parish Council (Neighbouring Parish)**

Has not made fresh comments regarding the revised proposal for 110 dwellings and a new “T” junction access point to Heath Road.

Below is Loose Parish Council's representation regarding the original proposal for 130 dwellings and roundabout access with Heath Road..

Whilst this application does not relate to a site within our Parish, it is felt the proposals to be of direct consequence given the close proximity to the Loose Parish border.

Loose Parish Council does not view the application favourably, and wish to object in the strongest terms. We see no reason why this proposed application should go ahead for the following reasons:

- The proposed development is close to the Loose Parish boundary and it was felt that this application will erode the Anti Coalescent Belt. This erosion will compromise the space between the Parishes and extirpate the unique identity and individuality of Loose and Coxheath Parishes.
- The traffic calming and modifications to the signals at Linton crossroads have purportedly been a success, local residents see it differently. This development will add to the congestion up to this already busy four way junction, particularly during rush hours.
- The proposed roundabout on the Heath Road to deal with all the traffic entering and exiting the development may well become blocked with traffic backing up from Linton crossroads.

- There has been one fatality in this area in the last twelve months which is not been mentioned in the 'Transport Assessment'. Further proposed development in this area, including the park and ride will only exasperate the potential dangers.
- It is uncertain at the moment as to where the drainage/sewage from the development will go, i.e. direct to the treatment works or to the pumping station in the Loose Valley? LPC are in close contact with Southern Water who provide monthly reports to us, as we have grave concerns on the capacity of the Lower Loose Pumping Station. It has overflowed on at least two occasions in the past year which led to raw sewage entering the watercourse and spilling over private gardens.
- Although it is not a planning consideration it is felt that there has been little consideration given to available places at local schools, doctors, dentists etc.

#### Loose Amenities Association

The proposed development is contrary to the Local Plan and will begin to merge the villages of Coxheath and Loose harmful to the character of these villages.

The proposal would also be contrary to the Coxheath neighbourhood plan. In addition the proposal will require highway capacity improvement at the junction of A229 with Heath Road and would impact on local foul drainage system.

6.04 42 letters of representation have been received from local residents. (A number of these letters are from different members of the same household) making the following comments:-

- To many houses in this part of Coxheath, it is unnecessary to encroach in to rural areas.
- Will add to urban sprawl
- Works already carried out to the junction of A229 and B2163 have been waste of time and no improvement has been noticed.
- The junction of A229 and B2163 is already congested, this development will add to the problem. The other end of Coxheath (Forestal Lane and Linden FM and Older's Field provide better area for housing development due to lack of congestion.
- Emergency access and pedestrian access onto Aspain Drive will lead to parking on Aspain Drive causing harm to the amenities of residents of Aspain Drive.
- Loss of outlook towards the countryside.
- General noise and disturbance.
- Coxheath will become suburb of Maidstone.
- Inadequate infrastructure, school, shops, water and sewerage.
- What contribution this development will make to the improvement of local infrastructure.
- Affordable houses will devalue our houses.

## 7.0 CONSULTATIONS

### 7.1 Coxheath Parish Council:

Coxheath Parish Council notes the changes that have been made to the original application, submitted in May 2014, they appear cosmetic in the overall scheme of things and fall a long way short of convincing the Council that the scheme is needed in Coxheath or will do anything to benefit the community. An essential

element of the Neighbourhood Plan is to protect the rural nature and village identity of Coxheath. This application does nothing to meet those requirements. First and foremost this development is contrary to the Coxheath Neighbourhood Plan, which remains, we contend, a substantial material consideration. The site has been identified in the first draft of the Local Plan, against which our community has raised a very large number of major objections. We must remind you that Coxheath has been designated as a 'Larger Village' in the draft Local Plan rather than a 'Rural Service Centre' and as such, by virtue of Section 3.12 – Spatial Objectives, is only expected to absorb 'Limited Development' and 'where appropriate'. A site of 110 dwellings, outside the existing village envelope hardly meets this definition. In addition, in the context of the Local Plan, this site attracted 270 objections with not one comment in favour of what was being proposed.

There are a whole range of reasons why this proposed development is inappropriate:-

- As we have said before, it is very definitely urbanisation of the countryside, which is a reason applied elsewhere for refusing such applications;
- The proposed site is very close to the boundaries with Linton and Loose and as such contravenes existing anti-coalescence policies, as well as the draft Local Plan Policy SS1 Section 4.18 – Countryside, which states 'settlements should not be compromised by development that results in unacceptable coalescence';
- The application does very little to protect public rights of way, which cross the land in question. The Neighbourhood Plan requires the protection and development of easy access recreational walking routes, the enhancement of green open space around the village and the establishment of a countryside walking route. These plans merely show a path lodged between urban development and the village boundary and are not clear where the northern end of the path will link to existing public rights of way;
- In recent discussions between the Borough Council and the Parish Council, in the context of the Coxheath Neighbourhood Plan, it has been agreed that there should be a green buffer between public rights of way and any development. This application 'rides roughshod' over that agreement;
- The Parish Council is aware of the existence of badger setts on this land and also has evidence of the existence of adders;
- The land to be developed is currently classified in its entirety as Grade 2 agricultural land;
- The proposed development does nothing to improve the environment of the village;
- Each dwelling seems to be designed with two cycle storage units. It is very unsafe to cycle on any of the roads in Coxheath due to the high levels of traffic. There are no existing safe cycle routes, contrary to the claim in the original Sustainability Statement, and so we contend that cycle storage units are irrelevant;
- The Parish Council maintains that the proposed drainage ponds are both a potential health hazard, particularly if they become stagnant, and certainly a safety hazard for young children living on the site;



- Given the number of dwellings that are proposed the total of 209 parking spaces, including 22 visitor spaces, is inadequate and will result in on-street parking conflict;
- Insufficient thought has been given to the layout of the access on to Heath Road. There is already severe congestion resulting from the overloading of Linton Crossroads. Original suggestions of a roundabout seem to have been withdrawn, thereby adding to existing traffic flow problems;
- The Parish Council fails to understand how any decision can be taken on this site until there is at least a consultation on the Integrated Transport Strategy. Maidstone Borough Council must understand that planning decisions which add significantly to the housing stock in a restricted area such as Coxheath, with secondary roads that are already congested, cannot be judged in isolation and must take into account the cumulative affect on the arterial roads such as the B2163;
- There still appear to be no details of Section 106 agreements. The Parish Council would wish to see what is being proposed before any firm decisions are taken by Maidstone Borough Council.

For all of the above reasons, Coxheath Parish Council remains vehemently opposed to this application in principle and strongly recommends refusal.

## 7.2 KCC Economic Development

Having had regard to the 5 Obligation restriction towards a 'project' or 'type of infrastructure', KCC have re-evaluated the previous request which would have been based upon pooling a large number of developments to deliver an infrastructure project which as you appreciate from the Regulations post April 2015 can only be achieved through CIL. Without CIL in place, we are unable to continue with some earlier requests currently.

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

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

- Primary Education @ £2360.96 per applicable house (x100) & £590.24 per applicable flat (x2) = £237,276.48 towards the Coxheath Primary School enhancement
- Secondary education @ £2359.80 per applicable house (x100) & £589.95 per applicable flat (x2) = £237,159.90 towards the expansion of Cornwallis school
- Library bookstock £5281.74 - project: bookstock for the new residents of this development alone (supplied to Coxheath Library)
- Community Learning £3376.63 – project new IT equipment to St Faiths Adult Education Centre in Maidstone
- Youth equipment £933.38 - required for the new residents of this development alone (supplied to Youth Workers and organisations covering Coxheath)

- Social Care £6991.60 – project central Maidstone Changing Places Facility; Social care also request delivery of 3 Wheelchair Accessible Homes within the affordable housing on site.

KCC would request provision of Superfast Fibre Optic Broadband be secured by Condition.

### 7.3 Kent Highways Services

I note the stage 1 safety audit that has been undertaken and confirm on behalf of the highway authority that it is considered that the junction with Heath Road is acceptable for planning approval. Construction of this junction will require the applicant to enter into a Section 278 agreement however with this authority in order to establish appropriate construction and design details. This process will also include further safety auditing.

I note that extension of the speed limit is also proposed together with relocation of a terminal speed limit 'gateway' feature. This will also be subject to a S278 agreement with this authority and it is recommended that these features are completed prior to occupation of the first dwelling. Appropriate visibility from and construction of the proposed access point should be completed to the satisfaction of the planning and highway authorities prior to commencement of the construction of dwellings. I also note the emergency access proposed, on behalf of the highway authority I consider this to be satisfactory. For completeness, should this application be approved, I would recommend that by condition a long section of this access point is provided for approval prior to commencement, to ensure that there will be suitable transition gradients with Aspian Drive.

I consider that the level of parking proposed is acceptable and the layout enables servicing and refuse collection to be undertaken satisfactorily. Subject to appropriate amelioration of the effects of this development on Linton Crossroads I write to confirm therefore on behalf of the highway authority that I have no objection to this application.

- The application proposes the development of 110 new homes on land to the east of Coxheath with a new junction on the B2163 Heath Road. The site is included in the Maidstone Draft Local Plan for 130 houses with highway requirements for improvement to Linton Crossroads/A229 Linton Road.

- Heath Road is subject to a 40mph speed limit at the point of access and the intention is to extend the existing 30mph eastwards to cover the site access.

**An emergency access is proposed with Aspian Drive and this would also allow for pedestrian and cycle use.** This will provide an important link through to Stocketts Lane where there is a school and community facilities.

A future assessment including 5 years growth indicates that the Linton Crossroads, junction currently operates within capacity with some arms close to capacity with significant queue lengths. Taking into account the cumulative impact of development at Coxheath, Linton Crossroads would operate over capacity with congestion and it would add to queue lengths and to the delays.

A contribution of £1000 per dwelling is sought under s106 agreement towards highway works at the junction of the A229 and B2163 (Linton Crossroads) to mitigate the impact of the development.

KCC Highway have no objections subject to the following conditions and informative.

1. Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
2. Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
3. Provision of measures to prevent the discharge of surface water onto the highway.
4. Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
5. 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.
6. 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.
7. Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.
8. The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.
9. Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 0.6 metres above carriageway level within the splays, prior to the use of the site commencing.

#### **7.4 Kent Police Crime Prevention Design Advisor:-**

We suggest that the following condition be added to ensure that this development has the appropriate crime prevention measures :-

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

Reason: In the interest of Security, Crime Prevention and Community Safety in accord with principle of good design and in compliance with NPPF.

#### **7.5 MBC Heritage, Landscape and Design**

There are no protected trees on or adjacent to the development site and there is little in the way of existing native vegetation except for boundary hedgerows.

The applicant's Landscape appraisal produced by Lloyd Bore Ltd is acceptable in principle and considers the Maidstone Landscape Character Assessment for the area, LCA 28, Coxheath Plateau and detailed area, 28-3, Coxheath Orchards; the guideline for which is improve and reinforce.

The relevant summary of actions for this area are as follows:

- Conserve the species rich hedgerow boundaries and promote enhanced species diversity within hedgerows where this has been weakened.
- Encourage the planting of new community orchards around settlements, within large housing development schemes and on land of currently low biodiversity value to form part of the green infrastructure provision for strategic development schemes in the fruit belt. Such orchard planting would provide landscape, biodiversity and cultural benefits in addition to recreation and access opportunities, which would constitute locally relevant examples of the multi-functional green infrastructure that is advised by the South East Green Infrastructure Framework.
- The mature oak trees along Heath Road are important landscape characteristics. Reinforce this landscape characteristic through planting new Oaks.
- Improve and reinforce the locally important agricultural landscape through restricting urban influences along the B2163.

Whilst the proposal does not, in its current form, entirely meet the recommended actions above, particularly in the context of urbanising of Heath Road, the detailed landscape proposals can go some way to address the issues raised. So long as the objectives of the Landscape Masterplan are adopted through the application of pre commencement conditions covering landscape details including the provision of protection details for existing trees/hedges proposed to be retained, implementation and maintenance details together with a long term management plan, there are no objections I can raise on landscape/arboricultural grounds.

## **7.6 KCC Ecological Advice Services**

We are satisfied with the level and extent of survey effort and do not consider it necessary for further survey work to be carried out at this time.

It is concluded in the report that the site is of limited ecological value, with the exception of the hedgerows around the site boundaries which are BAP habitat and have some potential to support protected species; the hedgerow along the western boundary has been assessed as of most potential ecological value.

It is unclear from the plans what extent of the hedgerows will be retained under the proposals; the *Landscape Masterplan* indicates some retained and some proposed hedgerows but we are unable to determine how much of each. In accordance with the mitigation hierarchy, the first consideration should be the avoidance of impacts; therefore where hedgerows can be retained they should be.

Recommendations to avoid and minimise the potential for ecological impacts and particularly harm to protected species are provided in sections 6.3 and 6.4 of the

*Ecological Appraisal* report. We advise that the implementation of these measures should be secured by condition, if planning permission is granted. Suggested condition wording is provided below:

*Construction Environmental Management Plan: Biodiversity – suggested condition wording:-*

*No development shall take place (including, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include the following.*

- a) Risk assessment of potentially damaging construction activities;*
  - b) Identification of “biodiversity protection zones”, including use of protective fences, exclusion barriers and warning signs;*
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);*
  - d) The location and timing of sensitive works to avoid harm to biodiversity features;*
  - e) The times during construction when specialist ecologists need to be present on site to oversee works;*
  - f) Responsible persons and lines of communication;*
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.*

#### **7.7 KCC Archaeological officer**

The site lies within a general area for early prehistoric remains and Iron Age activity associated with the Scheduled Boughton Iron Age Camp to the north east and associated earthworks in the wider area. There is potential for archaeology to survive on this site and 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.

#### **7.8 NHS Property Services** This development is expected to result in a need to invest in a number of local surgery premises:

-Stockett Lane Practice

-Orchard surgery, Coxheath

All of the above surgeries are within a 1 mile radius of the development at Heath Road. This contribution will be directly related to supporting the improvements within



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

NHS Property Services Ltd will continue with the NHS West Kent formulae for calculating s106 contributions which have been used for some time and are calculated as fair and reasonable. NHS Property Services will not apply for contributions if the units are identified for affordable/social housing.

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

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

<b>Predicted Occupancy rates</b>	<b>Number of dwellings</b>	<b>Total occupancy</b>	<b>Contribution sought (Occupancy x £360)</b>
2 bed unit @ 2 persons	6	12	4,320
3 bed unit @ 2.8 persons	44	123.2	44,352
4 bed unit @ 3.5 persons	28	98	35,280
<b>Total</b>			<b>£83,952</b>

NHS Property Services Ltd does not seek contribution for affordable units; therefore NHS Property Services LTD seeks a healthcare contribution of £68,724. This figure has been calculated as the cost per person needed to enhance healthcare needs within the NHS services.

#### **7.9 MBC Park & Leisure**

The Parks and Open Spaces Team have viewed this application and would make the following observations;

For a development of this size, we would expect a minimum of 1.15ha onsite open space provision. Given that the applicant is proposing about 5000sqm on site provision; we would therefore estimate a shortfall of 0.65ha. As such we would request a financial contribution of £890.22 per dwelling. This is calculated by taking the standard request per dwelling of £1575 (where no onsite open space is provided).  $1575/115 (115 = 1.15\text{ha}) = £13.695652 \times 65 (65=0.65\text{ha}) = £890.22$

$£890.22 \times 110 \text{ dwellings} = £97924.20$

We would request that the offsite contribution be directed towards Stockett Lane Recreation Ground, which lies approximately 700m to the North West of the development site. Stockett Lane is owned by the Parish Council and is one of the main focal points for the area of Coxheath. It houses the local village hall and is therefore a focal hub for the community. Coxheath is currently underprovided for in terms of outdoor sports facilities and we would envisage that an off-site contribution be directed here for the improvement, maintenance, repair and renewal of the open space and play facilities at this site.

**7.10 Uk Power Networks:** Has no objection to the proposed works

**7.11 Environmental Agency:-** Has no objection so long as the following conditions and informatives are included in any permission granted:

Condition: The development permitted by this planning permission shall not commence until a surface water drainage scheme for the site based on sustainable drainage principles. Where possible, and an assessment of the hydrological and hydro geological context of the development has been submitted to and approved by the local planning authority. The surface water drainage strategy should seek to implement a SUDS hierarchy that achieves to manage surface water on site in accordance with the submitted flood risk assessment (Ref:AMA358 Rev.0) dated 15 April 2014.

Reason: To reduce the impact of flooding both to and from the proposed development and third parties.

Condition: Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resulting unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approved details.

Reason: To protect groundwater resources and ensure compliance with the NPPF as infiltrating water has the potential to cause remobilisations of contaminants present in shallow soil made ground which could ultimately cause pollution of ground water.

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

Reason: To protect ground water resources and ensure compliance with the NPPF.

## **7.12 Southern Water**

Following initial investigations, there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewer, or improvements to existing sewers will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location.

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

“The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or [www.southernwater.co.uk](http://www.southernwater.co.uk)).”

Our initial investigations indicate that the existing surface water system can accommodate a surface water flow of 17.0l/s. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

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

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

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

We request that should this application receive planning approval, the following condition is attached to the consent:

“Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.”

Southern Water’s current sewerage records do not show any public sewers to be crossing the above site. However, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and the potential means of access before any further works commence on the site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or [www.southernwater.co.uk](http://www.southernwater.co.uk)).

### 7.13 MBC Housing:-

I note that the application seeks full planning permission for the erection of 110 dwellings together with creation of a new access and landscaping provision.

It is being proposed by the developer at 7.2.1 of the planning statement that, ‘...the requirement for affordable housing would be 40% and it is on this basis that this scheme would provide 44 of the 110 dwellings for affordable housing. These properties would be split into 8 one and two bedroom apartments, 20 two bedroom houses, and 14 three bedroom houses.’

It goes on to acknowledge at 7.2.2 that adopted housing DPD requires a tenure split of 60/40 (social rented / shared ownership.)

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 (20%), 4-Beds (15%)*

*Shared Ownership Units (40%)*

*1-Beds (40%), 2-Beds (40%), 3-Beds (20%)*

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

### 7.14 Rural planning advisor Agricultural grade of the land

I refer to planning application submitted on behalf of Countryside Properties for residential development of agricultural land at the above location.

At the National Level, Paragraph 112 of the NPPF states:-

Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

The NPPF does not define (or indeed particularly emphasise) exactly what it means by "significant" development of agricultural land in this context, but there is nothing to suggest anything beyond its ordinary English meaning i.e. sufficiently great or important to be worthy of attention, or noteworthy.

The Government has also reaffirmed the importance of protecting our soils and the services they provide in the Natural Environment White Paper, The Natural Choice: securing the value of nature (June 2011), including the protection of "best and most versatile" agricultural land (paragraph 2.35). "Best and most versatile" (BMV) agricultural land is defined as Grades 1, 2, and 3a.

Natural England also observes that land protection policy "is relevant to all planning applications, including those on smaller areas but it is for the planning authority to decide how significant are agricultural land issues and the need for field information" (Technical Information Note - TIN 49)

The proposed site here comprises some 4.0 ha (9.9 acres) of arable land at the eastern edge of the village, at about 115m above sea level.

DEFRA's 1:250,000 scale mapping is insufficiently detailed to reliably define land quality on an individual field scale, however DEFRA's "Magic" website indicates that a more detailed study of this site has been undertaken as attached. This shows the

land to be mainly Grade 3b (moderate quality) and therefore outside the "best and most versatile" category, apart from a small area of the site that forms part of wider farm land roughly triangular area of some 0.75 ha fronting the public road to the south that is indicated as Grade 2 (very good) quality.

The loss of the Grade 2 land could be considered of some significance, in principle, as land falling into the "best and most versatile" category, but the overall balance of benefits, and adverse impacts, is a matter for a Planning judgement (as indicated in the above-mentioned Natural England advice). One consideration in this regard is the practicality of any alternative scheme that restricted development of this site to the poorer quality land alone, which would leave the Grade 2 land as a rather small, awkwardly shaped, isolated parcel in terms of any future productive agricultural use.

## **8.0 BACKGROUND PAPERS AND PLANS**

- 8.01 Drawing no 2491-01, 2491A-100C, 2491A-101B, 2491A-102B, 2491A-103B, 2491A-200, 2491A-201, 2491A-202, 2491A-203 Rev A, 2491A-204, 2491A-205, 2491A-206 Rev A, 2491A-207 Rev A, 2491A-208, 2491A-209 Rev A, 2491A-210 Rev A, 2491A-211 Rev A, 2491A-212 Rev A, 2491A-213 Rev B, 2491A-214 Rev A, 2491A-215 Rev A, 2491A-216 Rev B, 2491A-217, 2491A-218, 2491A-219, 2491A-220, 2491A-221, 2491A-300, 2491A-301, 2491A-302, 2491A-303, 2491A-350, 2491A-351, 2491A-352, 2491A-353 MRW G4648-1, Planning statement May 2014, Design and access Statement, Design and access Statement Addendum Sustainability statement, Code for sustainable homes produced by Turley Sustainability May 2014, Sustainability per assessment, Ecology Appraisal by Aspect Ecology Ltd March 2014, Parking strategy May 2014, Transport assessment May 2014 and Flood risk assessment dated 15 April 2014, Desk Study and Ground Investigation Report February 2014 received 16<sup>th</sup> May 2014 and 17 March 2015

## **9.0 APPRAISAL**

### **Principle of Development**

- 9.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. In this case the Development Plan comprises the Maidstone Borough-Wide Local Plan 2000, and as such the starting point for consideration of the proposal is policy ENV28 which relates to development within the open countryside. The policy states that:
- "In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to:*
- (1) that which is reasonably necessary for the purposes of agriculture and forestry; or*
  - (2) the winning of minerals; or*
  - (3) open air recreation and ancillary buildings providing operational uses only; or*
  - (4) the provision of public or institutional uses for which a rural location is justified; or*
  - (5) such other exceptions as indicated by policies elsewhere in this plan."*

- 9.02 In this case, none of the exceptions against the general policy of restraint apply, and therefore the proposal represents a departure from the Development Plan. It then falls to be considered firstly whether there are any material considerations which indicate that a decision not in accordance with the Development Plan is justified in the circumstances of this case, and (if so) secondly whether a grant of planning permission would result in unacceptable harm, such that notwithstanding any material justification for a decision contrary to the Development Plan, the proposal is unacceptable.
- 9.03 The key material consideration outside of the Development Plan in the determination of applications for residential development in the open countryside is national planning policy as set out in the National Planning Policy Framework 2012 (NPPF) and the Council's position in respect of a five year housing land supply.
- 9.04 Paragraph 47 of the NPPF states that Councils should identify a 5 year land supply.  
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 & 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 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 2014, 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.
- 9.05 At April 2014, the Council had 2.1 year supply of housing assessed against the revised objectively assessed need figure of 18,600. The Council is unable to demonstrate a 5 year supply of housing land.
- 9.06 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."
- 9.07 In respect of the circumstances of the specifics of this case, the proposal site is located adjacent to the settlement of the Coxheath, identified as a large village in the draft Local Plan under policy SP4, that provide services that meet the day to day needs of their communities including a school, doctor surgery, shops, public house facilities, albeit that these would require improvement or upgrading commensurate with any increase in population, and good public transport links to employment and retail centres.
- 9.08 Large Villages are considered to be sustainable locations in Maidstone's settlement hierarchy outside of the town centre and Rural Service Centres as



set out in the draft Local Plan for limited new housing development provided that it is in keeping with their role, character and scale. It is considered that an appropriate increase in population would help to support village services and facilities, by virtue of their accessibility, potential for growth and role as a service delivery area for the surrounding areas.

- 9.09 Coxheath Parish Council has objected to this application and states that the application site is not a housing land allocation in the Neighbourhood Plan. It is important to note that whilst Coxheath NP is at advanced stage and is awaiting to be assessed by an independent examiner in public and then the community Referendum. Whilst work on the NP is progressing, there are key stages ahead.
- 9.10 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)*
- 9.11 In view of the key stages ahead in the adoption process, the unresolved and continued discussions with the lead authority over key issues such as affordable housing and relationship to emerging Local Plan (Spatial Strategy) to which Maidstone has an Objectively Assessed Need (OAN) and evidence base, it is considered that limited weight can be given to the draft NP in this case. The NP is an important material consideration, but is yet to be examined.
- 9.12 In February 2015 Cabinet considered a number of proposed housing allocations within the Regulation 18 Consultation including Site H1(44) the application site and resolved that this site should be retained as a draft housing allocation and go forward to Regulation 19 consultation.
- 9.13 Coxheath has shops, post office, doctor surgery, primary school, restaurant and other community facilities and in recognition it has been designated as a large village and policy H1 (44) has identified the application site as a potential site for development of 130 houses subject to adherence to the following criteria:

#### **Design and layout**

1. The hedgerow along the western boundary of the site will be retained in order to provide a suitable buffer between new housing and existing housing on Aspian Drive, and to protect the amenity and privacy of residents living in Aspian Drive.
2. The hedgerow along the northern boundary of the site will be retained to form a natural break between housing allocations.

3. The hedgerow along the eastern boundary of the site will be retained in order to soften the landscape views from the east.

4. Development should have regard to the public footpath running along the eastern boundary of the site.

#### **Access**

5. Access will be taken from Heath Road only.

#### **Ecology**

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

#### **Open space**

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

#### **Community infrastructure**

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

#### **Highways**

9. Appropriate contributions towards mitigation measures to improve the crash record at the junction of Heath Road and the A229 Linton Road.

- 9.14 Notwithstanding the recent resolution by Cabinet the current application should be determined on its planning merits on the basis of the adopted policies in the Development Plan and other material considerations.
- 9.15 In this context, it is considered that the location of the site is sustainable in the terms of paragraph 49 of the NPPF which says housing applications should be considered in the context of the presumption in favour of sustainable development.
- 9.16 Given lack of a five year housing land supply and the consistency of the local plan with the Framework's requirements, that policy objection is not determinative if, as here, the spatial application of the policy ENV28 is out of date and needs to be altered in order to meet the objectively assessed development needs of the Borough. Therefore policy ENV28 should be considered out of date and permission should be granted unless any adverse impacts can be demonstrated that would outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.
- 9.17 In terms of the location of the site, The NPPF says, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of the rural communities. Policy SP4 of Maidstone Borough Local Plan Regulation 18 has identified Coxheath as a larger village where limited new housing and population increase would help to support village services and facilities.
- 9.18 In the light of the five year land supply position as set out above, it is considered that bringing forward development in this sustainable location would assist to meet the shortfall in housing supply and this is a significant material consideration in favour of granting permission for the development. Therefore having regard to the above, it is

considered that the proposal would accord with NPPF and there is no in principle objection to the residential development of this land.

- 9.19 I note the objections of the Parish Council. However, in my view, the current situation with regard to the lack of a 5-year housing land supply within the Borough should be given significant weight as a material consideration in this instance.
- 9.20 Reference has been made by the Parish Council to the on-going Local Plan and Neighbourhood Plan and that this application is premature and should not be entertained in advance of the completion of that work.
- 9.21 Whilst the draft Local Plan has been agreed by Cabinet and will shortly be out for public consultation, and work on the Neighbourhood Plan is progressing, both plans would need to be the subject of an examination. Given the stage of these plans and likely timescales for this process, and the current housing supply issue set out above, it is not considered appropriate to delay consideration of this application on that basis.
- 9.22 For the above reasons, it is considered the policy principle of residential development of this site to be 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.

#### **Design, Visual/Landscape Impact**

- 9.23 The site is relatively flat open arable farm land partially enclosed by tall hedging along its eastern, southern and western boundaries. The site is visible from Aspian Drive, through the vehicular access gap in the hedge along its frontage with Heath Road and from the public right of way that runs along the eastern boundary of the site. From north the site is visible from long distance only.
- 9.24 It is considered that there will inevitably be a significant visual impact as the openness of the site will be replaced by two storey houses and will change from agricultural use to a residential one. However, as required by policy H1(44) of Reg 18 Local Plan, the proposed housing estate layout seeks to retain hedges along the boundaries and reinforce the existing screening by additional landscaping along the western and northern boundaries to minimise this visual impact. The proposed layout and vehicular access to the site would result in the loss of the existing hedge along the southern boundary and as a consequence the development would be exposed to views from its frontage with Heath Road, However to limit the views into the site and soften the frontage with the Heath Road, Aspian Drive and from the north a landscaping condition is recommended.
- 9.25 It is envisaged that long distance views from the north would not be significantly affected as with the exception of the two storey flat block that is close to the north eastern boundary, significant parts of the northern boundary would be given over to the amenity area and kept as soften landscaping. In addition the rest of the dwellings along the northern boundary would have their back garden facing northward and this would provide the opportunity for landscaping and soft boundary treatment like native hedge planting to reduce visual impact and complement biodiversity and wildlife in the locality.
- 9.26 It is further considered that the tall hedge and trees along the boundaries with the adjoining fields would help to screen and soften the two storey houses when viewed from places like Forstal Lane, Well Street and Vale Road to the north and a high

quality of landscaping scheme and roofing materials would help to soften the impact of the development.

- 9.27 Moreover, it is considered that the proposed layout and house types along the western boundary would provide large gaps between houses and thus views towards the east for the houses in Aspian Drive. Moreover, the development would leave sufficient space between the flank of the proposed houses along the western boundary of the site with Aspian Drive to allow for landscaping and screening of the development from the west. On balance therefore the proposal would relate well and blend in with its immediate and wider surrounding.
- 9.28 Objections have been received from the residents in Aspian Drive about the loss of countryside outlook and the proposed changes to the streetscape of Aspian Drive. However, the changes proposed are not uncommon in any edge of settlement location development and street scene. It is considered that the proposed siting and orientation of the houses would help to provide substantial gaps between the houses and thus provide a sense of openness and views across the site from west to east and towards the large amenity spaces proposed in this development. It is therefore considered that the visual impact of the proposal along its western boundary would not be significant and would relate well with wider Coxheath streetscape. Moreover, the layout clearly shows that none of the houses or flat blocks along the western boundary of the site will have a frontage with Aspian Drive. To soften the visual impact of the development additional landscaping would be possible along the development frontage with Aspian Drive.
- 9.29 The layout shows some off site highway works involving creation of a bell mouth junction with Heath Road together with removal of existing boundary hedge and erection of houses along the road frontage. It is considered that although these works would open up the site frontage to views from the south the layout of the development shows that the majority of the houses proposed along the frontage with Heath Road would be staggered to replicate the building line of the adjoining properties to the west and east of the application site in acknowledgement of its edge of village location, set behind a generous landscaping buffer that separate the houses from the road, thus minimising visual impact of the development from the south/ Heath Road.
- 9.30 The proposal would also alter the character of the footpath KM67 for the length of the development from an unmade open footpath on the edge of an arable field to a more defined and landscaped ecology corridor on the edge of this rural location..
- 9.31 The proposed layout shows pockets of landscaped amenity areas and green buffer areas between the eastern flank of the development and footpath KM67. It is considered that this aspect of the proposal together with the existing tall hedge along the eastern boundary would bring about a visual enhancement and a more attractive walking environment for the residents and walkers. It is however important to ensure that native plants are used in the landscaping of the garden of the houses along the eastern edge of the site as well as use of log piles in the western edge of the foot path in order to ensure that an ecologically balance and sustainable habitats are created for enjoyment of the residents and users of the footpath and wildlife. Furthermore the works proposed to the PROW would accord with Coxheath Parish Council's aspiration and Neighbourhood Plan to create a circular foot path in the parish.
- 9.32 Given the context of the surrounding area, it is considered that the proposed mixed and varied house types and flat blocks would provide a satisfactory range of dwellings and living environment for a mixed community that would complement

Coxheath. The proposal is considered acceptable subject to a condition requiring the submission of external finished materials to ensure the development be in keeping with its wider surrounding.

- 9.33 The proposal would have a density of just under 26dph which is in keeping with the density of properties to the west. In addition the layout involves a large village green type open amenity area together with a pond towards the centre and northern part of the site. This open amenity area would give the development a sense of space, visual attraction and focal point for the future residents.
- 9.34 With respect to the detailed design of the houses it is considered that the proposed house types and materials are in keeping with the appearance, scale and character of houses in Aspian Drive, Heath Road and the surrounding area. The pallet of materials comprise external cladding material to be brick with complementary mortar and secondary focal elements of tile hanging with limited use of white weather boarding to add visual interest and variety. The pitched roofs will be clad in a high quality slate with a riven finish and plain tiles mixture to provide continuity through-out the development.
- 9.35 Loose Parish Council raised concern that the proposal would result in coalescing of the two villages of Loose and Coxheath. It is considered that although this development would narrow the gap between these two settlements to some extent, it would not result in coalescing as there will still remain a significant gap between the two villages and the proposal would not detract from the open gap and countryside aspect surrounding these villages.
- 9.36 In conclusion, it is considered that the scale and particular location of the proposal are such that its impact is likely to be limited to the immediate surroundings. Furthermore, the impact of the development could be mitigated, to some extent, by the additional planting along the boundaries of the site in the form of native hedgerow with hedgerow trees, which would soften the visual impact of the development and enable it to integrate easier with its adjoining rural surroundings. A landscaping condition and a condition requiring the submission of external finished materials to secure these are recommended.

### **Residential Amenity**

- 9.37 Paragraph 56 of the NPPF sets out that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to make places better for people.
- 9.38 The submitted design and access statement states that the layout, scale and appearance of the development have evolved in a number of ways to take account of the policy requirements and pre-application advice.
- 9.39 The proposed development has been designed to provide high levels of day light, sunlight and privacy for the future occupiers and minimise impact on the amenities of the occupiers of adjoining residential properties. It is considered that the proposal would not cause any adverse impact on the sun light and day light of the properties in Aspian Drive as well as on dwellings proposed inside the development.
- 9.40 Some residents of Aspian Drive expressed concern about loss of outlook into the countryside. In response to this the proposed houses and the estate layout along the western boundary have been re-designed by turning the houses side on to allow filtered views across the site from west to east. Although some residents of Aspian

Drive would lose outlook into the countryside, it is considered that loss of view on its own is not good justification for refusing the application.

- 9.41 Houses and rooms have been designed and orientated to maximise use of sun light and day light. The houses are designed with small front gardens and parking or garaging to the side or rear and satisfactory levels of garden/amenity areas. Moreover the siting and relationship of the houses with one another is well positioned and as a result no overlooking or loss of light would result.
- 9.42 The proposal would have a density of just under 26dph which is in keeping with the density of properties to the west. In addition the layout involves a large village green type open amenity area together with a pond towards the centre and northern part of the site. This open amenity area would give the development a sense of space, visual attraction and focal point for the future residents.
- 9.43 Affordable housing on this site would be 40% (44 dwellings) of the development and these residential units are dispersed across the site to ensure better integration and mixed community.

### **Highways**

- 9.44 Paragraph 29 of NPPF states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that opportunities to maximize sustainable transport solutions will vary from urban to rural areas.
- 9.45 Section 4 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impact of development is severe.
- 9.46 The proposed development would provide a single vehicular access to the site from Heath Road with new pavements on either side. Additional pedestrian and emergency access would also be provided from Aspain Drive to facilitate easy access to the nearby school.
- 9.47 The application is supported by a Transport Assessment Statement which concludes that traffic resulting from the development would have limited effect on the operation of the highway network in the vicinity of the site. Kent Highway Services have raised no objections to the development. It is recommended that the 30mph limit on the B2163 Heath Road is moved westwards beyond the site boundary and that a footway is provided from the point where the existing footway on the north side of Heath Road ceases to the point where the new 30mph limit would start. Such details can be secured by condition
- 9.48 A future assessment including 5 years growth has also been carried out as advised by KCC. This indicates that the Heath Road/Stockett Lane/Westerhill Road junction would not be adversely affected by the introduction of the development traffic. In terms of the Linton Crossroads, the modelling indicates that the junction currently operates within capacity with some arms close to capacity with significant queue lengths. Taking into account the cumulative impact of development at Coxheath, Linton Crossroads would operate over capacity with congestion and it would add to queue lengths and to the delays.
- 9.49 Therefore a financial contribution is being sought to a design and capacity assessment of the existing traffic signals in order to produce a mitigation scheme that would allow the junction to cope with the future demand. KCC Highways have



requested a contribution of £1000 per dwelling, which would be secured from the draft housing sites and any other major sites proposed within the village. This is expected to cover the design and capacity works (£10,000) and the actual improvements and would be secured under the s106

- 9.50 The development is close to the primary school and village essential community facilities so trips to and from these destinations is likely to be made on foot. A bus stop is also nearby; a few meters west of the junction of Park Way with Heath Road. As such future residents would not wholly depend on the car as a means of transportation.
- 9.51 KCC Highways and Transportation has no objection however the proposal would involve some off-site highway works, these would be carried out under section 278 of the Highway Act. Therefore a condition dealing with this issue would be necessary.
- 9.52 The proposal would made provision for 221 on site car parking and garaging spaces. These comprise 137 parking spaces for 66 market houses, 23 parking spaces for visitors and 61 unallocated car parking spaces for 44 affordable dwellings plus four fogs (flat over garage). Cycle storage facilities would also be provided within in the curtilage of each dwelling house. It is considered that the proposed level of car parking provision is satisfactory and the development would not impact on the highway safety or amenities of the surrounding properties.
- 9.53 The proposal is therefore acceptable subject to the conditions and informatives requested to be by the KCC highways Services.

## **Drainage**

- 9.54 The application site has been supported by a flood risk assessment (FRA) which demonstrates that the site lies within Food Zone 1(FZ1) where there is a low risk of flooding from all sources.
- 9.55 The most likely potential source of flooding is from surface water. The FRA concluded that site runoff is to drain into the ground via infiltration systems.
- 9.56 The Environmental Agency has commented that the proposed surface water attenuation system is acceptable. The Environment Agency supports the proposal to deal with surface water drainage by way of a SUDS Sustainable Urban Drainage Systems. The proposed SUDS is designed to restrict 1:100 year storm event. The proposed SUDS measures comprise the incorporation of water attenuation storage by way of basins and swales along the middle northern part of the site.
- 9.57 The proposed surface water attenuation systems utilises an infiltration rate of  $6 \times 10^{-6}$  m/s. The total required attenuation storage volume is  $1605 \text{m}^3$ . This will be provided in a centralised SUDS system for one infiltration basin and 2 underground tanks, in order to work with the steep topography. Whilst no objection has been raised to the development on the grounds of surface water flood risk, conditions have been requested by both the Environment Agency and Southern Water, including the submission of details of the SUDS and the implementation of the approved details. These are considered to be reasonable and necessary in the circumstances of this case. No comments from KCC regarding SUDS were received.
- 9.58 Southern water has stated that there is currently inadequate capacity in the local Network to provide foul sewage disposal to service the proposed development. The

proposed development would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result.

- 9.59 Additional off-site sewer or improvements to existing sewers will be required to provide sufficient capacity to service the development. To ensure that this development does not adversely impact on the off-site sewer system, it is recommended that a condition be imposed requiring that details of foul drainage are submitted for approval prior to commencement and no dwellings are occupied until adequate arrangements are in place.

## **Ecology and Landscaping**

- 9.60 The NPPF sets out, inter alia, that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by encouraging application of biodiversity schemes in and around developments. Furthermore, planning permission should be refused for development resulting in the loss of deterioration of irreplaceable habitats.
- 9.61 The application has been supported by an Ecological appraisal report which has been assessed and accepted by the KCC ecological officer. The report found very limited ecological interests within the site but the boundary hedgerows have the potential to support nesting birds. The eastern boundary hedgerow will be retained and complemented with additional landscaping and new ecological corridor along the eastern boundary.
- 9.62 To mitigate the impact of the development and enhance biodiversity and landscape value of the development it is suggested that the hedgerows be protected during the construction period and also the open space land area in the middle and northern parts of the site to be designed to encourage wild life and biodiversity. It is also considered appropriate to impose a condition requiring the use of swift bricks and bird boxes in the new houses.
- 9.63 It is considered that the proposed mitigation measures would subject to the conditions set out above achieve the required ecological diversity and safeguard the existing well established mature hedgerows around the site, enhance opportunities for a diverse and protect the wildlife, enhance visual amenities of the site, and therefore the scheme is considered to be acceptable in this respect.

## **Code for Sustainable homes**

- 9.64 Following the technical housing standards review, the previous government issued a [written ministerial statement](#) withdrawing the code for sustainable homes in March 2015. The statement (which is a material planning consideration) says "*planning permissions should not be granted requiring, or subject to conditions requiring, compliance with any technical housing standards other than for those areas where authorities have existing policies on access, internal space, or water efficiency*". As such, conditions cannot be attached to planning permission seeking a code level. Instead, the government will be introducing a new set of streamlined national technical standards that will be dealt with under Building Regulations, and it is advised that energy performance requirements in Building Regulations will be set at a level equivalent to the Code for Sustainable Homes Level 4.

## **Other Matters**

- 9.65 KCC Archaeological Officer states that the site lies within early prehistoric remains and Iron Age activity associated with the Scheduled Boughton Iron Age Camp to the

north east and associated earthworks in the wider area. There is potential for archaeology to survive on this site and an archaeological condition is recommended on any forthcoming consent.

## Planning obligations

- 9.66 This development is likely to place additional demands on local services and facilities. To improve and enhance capacity and make the development acceptable in planning terms developer's contributions can be sought.
- 9.67 In terms of the remaining contributions previously agreed, Section 123 of the Community Infrastructure Levy (CIL) Regulations 2010 came into force on 6th April 2015 and means that planning obligations cannot pool more than 5 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010). It is therefore necessary to review all the contributions in light of this.
- 9.68 KCC has reassessed their requests in light of Section 123 of the CIL Regulations (in terms of pooling of 5 obligations) and as a result the following contributions have been sought.
- The provision of 40% affordable housing equates to 44 dwellings within the application site of which 3 dwellings to be Wheelchair Accessible Home.
  - 
  - Primary Education @ £2,360.96 per applicable house (x100) & £590.24 per applicable flat (x2) = £237,276.48 towards the Coxheath Primary School enhancement.
  - Secondary education @ £2,359.80 per applicable house (x100) & £589.95 per applicable flat (x2) = £237,159.90 towards the expansion of Cornwallis school.
  - Library bookstock £5,281.74 - project: bookstock for the new residents of this development alone (supplied to Coxheath Library)
  - Community Learning £3,376.63 – project new IT equipment to St Faiths Adult Education Centre in Maidstone
  - Youth equipment £933.38 - required for the new residents of this development alone (supplied to Youth Workers and organisations covering Coxheath)
  - Social Care £6,991.60 – project central Maidstone Changing Places Facility;
  - A financial contribution of £890.22 per dwelling. £890.22x110 dwellings = £97,924.20 be directed towards Stockett Lane Recreation Ground,
  - NHS Property Services LTD seeks a healthcare contribution of £68,724 to enhance healthcare needs at Stockett Lane Practice and Orchard Surgery Coxheath.
  - Contribution of £1,000 per dwellings towards highway works at the junction of the A229 and B2163 (Linton Crossroads) to mitigate the impact of the development.

- 9.69 The Planning obligations have been considered in accordance with the legal tests set out in Community Infrastructure Levy Regulations 2010 in that they are necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development. These tests have been duly applied in the context of this planning application and give rise to the above mentioned specific requirements

## **10.0 CONCLUSION**

- 10.01 Whilst the proposed development conflicts with Local Plan Policy ENV28, the Council cannot at present demonstrate a 5 years of deliverable housing land supply when measured against the Strategic Housing Market Assessment (SHMA) and Strategic Housing Land Availability Assessment (SHLAA). For the reasons set out above it is considered that the proposal would comply with paragraph 14 of NPPF in that the benefits of the development would significantly and demonstrably outweigh any adverse impact, when assessed against the policies of the NPPF.
- 10.02 The site is situated in a sustainable location adjoining the settlement boundary of Coxheath in the Local Plan, which offers a good range of facilities and services, and public transport links. The proposal site would represent a natural expansion of the village with very limited localised visual protrusion into open countryside.
- 10.03 There are no highway objections and contributions would be secured to mitigate impacts upon the Linton Crossroads. Also appropriate infrastructure would be provided and affordable housing. There are no ecology or amenity issues that cannot be mitigated by planning conditions.
- 10.04 The design of the proposed houses, flat blocks and estate layout is considered to be of a good quality and the landscaping provision together with provision of an ecology corridor along the length of PROW within the development site would create an attractive environment for future occupiers and wider residents of Coxheath.
- 10.05 There are clearly a number of benefits that weigh in favour of the proposed development comprising delivery of both open-market and much-needed affordable housing and being in a sustainable location in terms of access to everyday services and facilities. The development would also assist the local economy through the generation of construction and other jobs.
- 10.06 It is considered that whilst the proposal would be in conflict with Coxheath NP, given that NP has not been through independent examination and referendum it does not carry sufficient weight that provides ground on which to refuse the application.
- 10.07 Having regard to all the above it is considered that this is a balancing test as required by NPPF; as such it is considered that compliance with NPPF policy is sufficient grounds for departure from adopted local Plan and recommend this development for approval.

## **11.0 RECOMMENDATION**

Subject to the prior completion of a Section 106 legal agreement in such terms as the Head of Legal Services may advise to secure the followings:

A: The provision of 40% affordable housing equates to 44 dwellings within the application site of which 3 dwellings to be Wheelchair Accessible Home.

B: Secure the following developer's contributions:

- A contribution towards Primary Education @ £2,360.96 per applicable house (x100) & £590.24 per applicable flat(x2)= 237,276.48 towards the Coxheath Primary School enhancement.
- A contribution towards Secondary education @ £2,359.80 per applicable house (x100) & £589.95 per applicable flat (x2) = £237,159.90 towards the expansion of Cornwallis school.
- A contribution towards Library bookstock £,5281.74 - project: bookstock for the new residents of this development alone (supplied to Coxheath Library)
- A contribution towards Community Learning £3,376.63 – project new IT equipment to St Faiths Adult Education Centre in Maidstone.
- A contribution towards Youth equipment £933.38 - required for the new residents of this development alone (supplied to Youth Workers and organisations covering Coxheath)
- A contribution towards Social Care £6,991.60 – project central Maidstone Changing Places Facility;
- A contribution towards NHS Property Services LTD of £68,724.00 to enhance healthcare needs at Stockett Lane Practice and Orchard Surgery Coxheath.
- A contribution towards of £890.22 per dwelling. £890.22x110 dwellings = £97,924.20 be directed towards Stockett Lane Recreation Ground,
- Contribution of £1,000 per dwellings towards highway works at the junction of the A229 and B2163 (Linton Crossroads) to mitigate the impact of the development.

C: Head of Planning and Development be given delegated powers to grant planning permission subject to the imposition of the conditions set out below:

1) The development hereby permitted shall begin no later than 2 years from the date of this decision.

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no 2491-01, 2491A-100C, 2491A-

101B, 2491A-102B, 2491A-103B, 2491A-200, 2491A-201, 2491A-202, 2491A-203 Rev A, 2491A-204, 2491A-205, 2491A-206 Rev A, 2491A-207 Rev A, 2491A-208, 2491A-209 Rev A, 2491A-210 Rev A, 2491A-211 Rev A, 2491A-212 Rev A, 2491A-213 Rev B, 2491A-214 Rev A, 2491A-215 Rev A, 2491A-216 Rev B, 2491A-217, 2491A-218, 2491A-219, 2491A-220, 2491A-221, 2491A-300, 2491A-301, 2491A-302, 2491A-303, 2491A-350, 2491A-351, 2491A-352, 2491A-353 MRW G4648-1, Planning statement May 2014, Design and access Statement, Design and access Statement Addendum Sustainability statement, Code for sustainable homes produced by Turley Sustainability May 2014, Sustainability per assessment, Ecology Appraisal by Aspect Ecology Ltd March 2014, Parking strategy May 2014, Transport assessment May 2014 and Flood risk assessment dated 15 April 2014, Desk Study and Ground Investigation Report February 2014 received 16<sup>th</sup> May 2014 and 17 March 2015

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

3) No development shall take place until schedule/samples of the materials and finishes to be used in the construction of the external walls, roofs, windows and doors of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development.

4) The development shall not commence until a surface water drainage scheme for the site based on sustainable drainage principles. Where possible, and an assessment of the hydrological and hydro geological context of the development has been submitted to and approved by the local planning authority. The surface water drainage strategy should seek to implement a SUDS hierarchy that achieves to manage surface water on site in accordance with the submitted flood risk assessment (Ref:AMA358 Rev.0) dated 15 April 2014. The submitted details shall incorporate inter-alia wildlife friendly drainage gullies and design feature. The development shall thereafter be carried out in accordance with the approved details.

Reason: To reduce the impact of flooding both to and from the proposed development and third parties and pursuant to the National Planning Policy Framework 2012.

5) Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resulting unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approved details.

Reason: To protect groundwater resources and ensure compliance with the NPPF as infiltrating water has the potential to cause remobilisations of contaminants present in shallow soil made ground which could ultimately cause pollution of ground water.

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no development within Schedule 2, Part1, Classes A, B, C, D, E, F and G shall be carried out without the permission of the Local Planning Authority.



Reason: To safeguard the character and appearance of the development and the amenities of the prospective occupiers and adjoining properties.

7) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping,( the landscaping scheme and SUDS scheme should be integrated to deliver green infrastructure by creating green open space which can encourage biodiversity and habitats) using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and should include consideration of how the boundary hedgerows can be managed and retained in the long term.

Reason: In the interest of ecology enhancement and visual amenity of the area.

8) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following first occupation of any of the dwellings hereby permitted, or completion of development, whichever is the sooner. Any trees or plants, which, within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

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

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

Reason: In the interest of habitat protection and visual amenity of the area.

10) Prior to the commencement of any development, a scheme for the protection of trees and hedges to be retained on site shall as set out in part 6.3 and 6.4 of ecological appraisal report March 2014 be submitted to and approved in writing by the local planning authority. All trees and hedge rows to be retained must be protected by barriers and or ground protection in accordance with BS5837 (2012) "Trees in relation to Construction Recommendations". No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barrier and/or ground protection measures shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed nor fires lit, within any of the area protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground level changed, nor excavations made within these area without the written consent of the Local Planning Authority.

Reason: To Safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development in compliance with National Planning Policy Framework 2012.

11) No tree felling/vegetation clearance works, or other works that may affect nesting birds, shall take place between 1 March and 31 August inclusive. In the event that works are required to be carried out during the nesting period, a prior survey to establish the absence/presence of nesting birds should be undertaken by an appropriately qualified ecologist. A report of the assessment, together with proposals for any required mitigation/ compensation shall be submitted to and approved in writing by the local planning authority prior to any works being undertaken. Thereafter, the works shall be carried out in accordance with any necessary mitigation/ compensation measures.

Reason: In the interest of visual amenity of the surrounding properties.

12) Prior to commencement of the development, details of a scheme that turns PROW KM 67 within the application site to an ecology corridor environment shall have been submitted to and approved in writing by the local planning authority. The details to be submitted shall include a timetable for implementation. The approved scheme shall be completed in accordance with the approved details prior to the occupation of 50% of the dwellings on the site.

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

13) Prior to the occupation of the first dwelling a scheme for management and maintenance of SUDS (if not included in the landscape management scheme condition 11 above) shall be submitted to and approved in writing by the Local Planning Authority. The SUDS system shall be management and maintained in accordance with the approved scheme thereafter.

Reason: In the interests of flood prevention and amenities of the local residents.

14) Prior to the commencement of any development, details shall have been submitted to, and agreed in writing by, the Local Planning Authority showing the existing and proposed site levels and the finished floor /slab levels of the buildings hereby permitted. The development shall be carried out in strict accordance with the details agreed.

Reason: In the interest of visual amenity of the surrounding properties.

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) 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 harm to sensitive local ecology. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: In the interest of residential amenity

17) 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.

18) None of the dwellings hereby permitted shall be occupied until the car parking, garaging, car ports and visitor car parking spaces associated with that particular unit of accommodation have been constructed in accordance with the approved plans. The respective spaces shall thereafter be retained at all times for their designated purpose.

Reason: In the interests of residential amenities and high way safety.

19) None of the dwellings hereby permitted shall be occupied until sustainable surface water drainage works have been implemented in accordance with details that shall have previously been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until all the works necessary have been implemented in accordance with the approved details. The balancing pond, if required, shall be completed and be in operation before the occupation of the first dwelling. The submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site, including any requirement for the provision of a balancing pond and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for its implementation in relation to the development; and,
- iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker, or any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: In the interests of pollution and flood prevention pursuant to the National Planning Policy Framework 2012.

20) None of the dwellings hereby permitted shall be occupied until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.”

Reason: In the interests of pollution and flood prevention pursuant to the National Planning Policy Framework 2012.

21) If, during development, contamination not previously identified, is found to be present on the development hereby permitted, then no further development shall be carried out until remediation works, in accordance with a Method Statement for remediation, including a timetable that has previously been submitted to and approved in writing by the local planning authority, have been completed and a verification report demonstrating completion of the works set out in the Method Statement has been submitted to and approved in writing by the local planning authority. The Method Statement shall detail how the unsuspected contamination shall be dealt with. The verification report demonstrating completion of the works set out in the Method Statement shall include results of any sampling and monitoring. It shall also include any plan for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the local planning authority.

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

22) Construction works including the use of plant and machinery on the site shall not take place other than between 08.00-18.00 hours Monday to Friday and 09.00-13.00 hours on a Saturday, and at no time on Sundays or bank/public holidays.

Reason: In the interests of residential of the adjoining properties.

23) No dwelling shall be occupied until highway works agreed under section 278 of the 1980 Highway Act have been implemented in full to the satisfaction of the Local Planning and Highways Authorities. These works comprise:

- i- Extension of 30mph speed limit to the east of the application site.
- ii- Relocation of a terminal speed limit gateway feature.
- iii- Construction of visibility sightlines on to Heath Road to the satisfaction of highway authority prior to the commencement of the construction of dwellings.
- iv- Removal of the existing dropped kerbs from Heath Road on to the site.
- ii. New dropped kerb crossings and tactile paving provided on Heath Road with the new vehicular access Road.

Reason: In the interests of highway safety.

24) Prior to the commencement of the development details of the emergency pedestrian and vehicle access road from Aspain Drive to the application site shall be submitted for approval to the Local Planning Authority. The approved

emergency access shall be constructed in accordance with the approved details prior to the occupation of the 50<sup>th</sup> dwellings.

Reason: In the interests of highway safety and amenity.

25) Details of bird and bat boxes/bricks to be provided in the development shall be submitted to and approved in writing by the Local Planning Authority within three months from the commencement of the development. The approved bird and bat boxes/bricks shall be installed before any respective dwelling is first occupied. Thereafter the approved bird and bat boxes shall be retained in accordance with approved details.

Reason: To enhance biodiversity in the interests of nature conservation and biodiversity protection in accordance of the NPPF.

26) None of the buildings hereby permitted shall be occupied until underground ducts have installed. The development should make provision for telephone, electricity and communal television services to be connected to any premises within the site without recourse to the erection of distribution poles, satellite dishes and overhead lines and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no distribution pole satellite dish or overhead line shall be erected within the site area.

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

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

Reason: In the interest of Security, Crime Prevention and Community Safety in accord with principle of good design and in compliance with NPPF.

28) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no development within Schedule 2, Part1, Classes A, B, C, D, E, F and G shall be carried out without the permission of the Local Planning Authority.

Reason: To safeguard the character and appearance of the development and the amenities of the prospective occupiers and adjoining properties.

29) No development shall take place (including, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include the following.

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of "biodiversity protection zones", including use of protective fences, exclusion barriers and warning signs;

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of biodiversity and ecology of the area.

#### INFORMATIVES

1) Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained.

It is the responsibility of the applicant to ensure before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

2) The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Applicants should contact Kent County Council - Highways and Transportation (web:

[www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application Pack.

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

4) Prior to the commencement of the development hereby permitted details in respect of the following shall be submitted to and approved in writing by the Local Planning Authority.

- i) the parking of vehicles of site operatives and visitors
- ii) the routing of construction traffic throughout the construction process and the mechanism for securing adherence to approved routes
- iii) loading and unloading of plant and materials
- iv) storage of plant and materials used in constructing the development the erection and maintenance of security fencing
- vi) wheel washing facilities
- vii) measures to control the emission of dust and dirt during construction
- viii) a scheme for recycling/disposing of waste resulting from the construction works



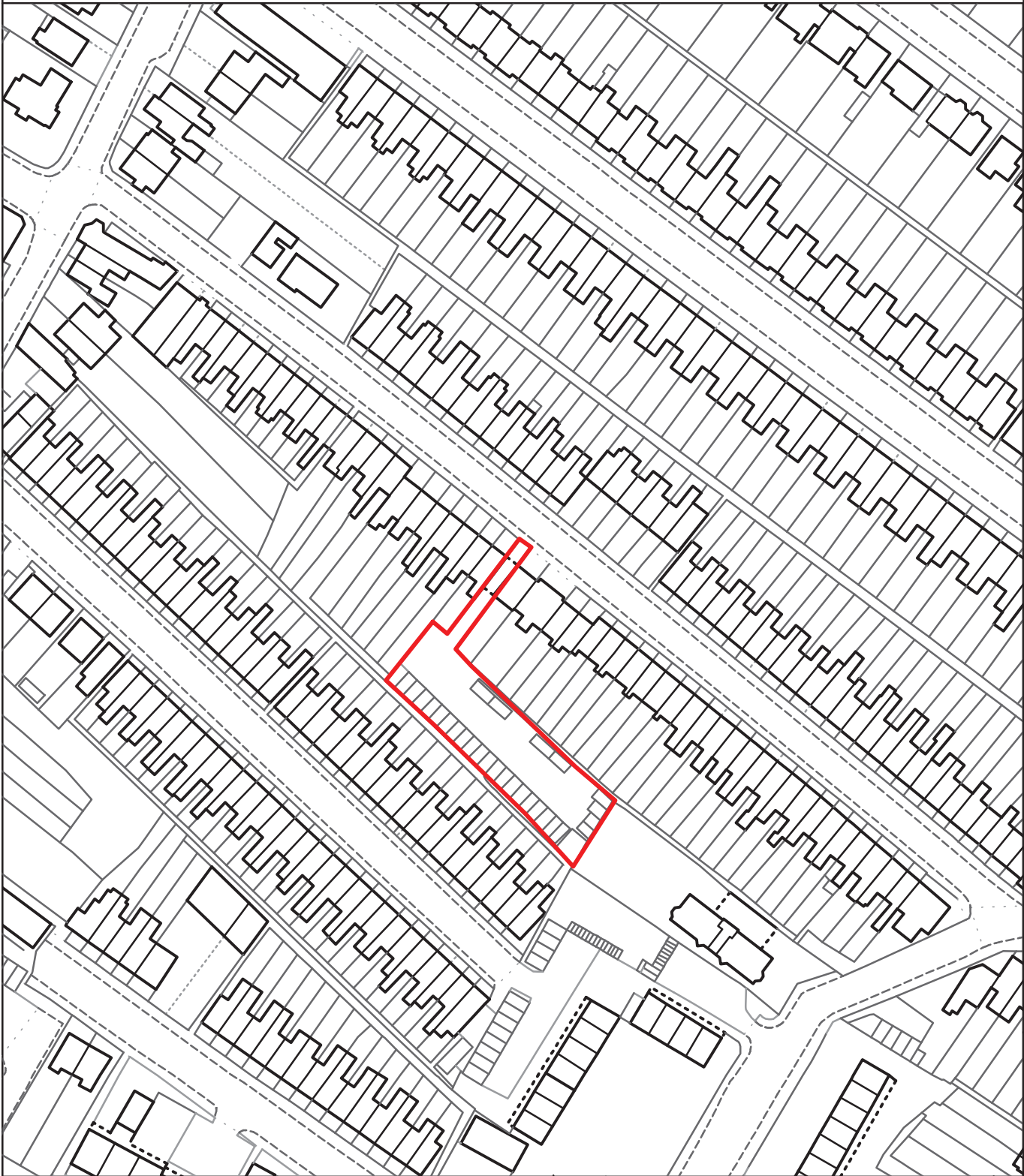
- ix) Precautionary measures to ensure that no badgers become trapped or injured during development period.
- x) Provision of measures to prevent the discharge of surface water onto the highway.
- xi) Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.
- xii) Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 0.6 metres above carriageway level within the splays, prior to the use of the site commencing.

Agenda Item 22

THE MAIDSTONE BOROUGH COUNCIL

48 Grecian Street  
Maidstone  
Kent  
ME14 2TS

MBC Ref: 14/504580



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Rob Jarman  
Head of Planning

## REPORT SUMMARY

<b>REFERENCE NO - 14/504580/FULL</b>			
<b>APPLICATION PROPOSAL</b> Demolition of the existing twenty seven concrete garages and the erection of five houses with 1 delegated car parking space per dwelling			
<b>ADDRESS</b> 48 Grecian Street Maidstone Kent ME14 2TS			
<b>RECOMMENDATION: Approve with Conditions</b>			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>  <p>The application is for the erection of 6 dwellings on previously developed land within the urban area of Maidstone. The principle of the proposal for residential use is therefore considered acceptable in this sustainable location.</p> <p>The proposal has been amended in order to overcome the previous objections to the development, through a change in the proposed design and a reduction in the number of units from six to five. On balance these amendments have ensured that the previous objections in terms of adverse impact upon neighbouring dwellings and future occupiers have been resolved.</p> <p>Whilst it has been acknowledged that concern has been raised through third party objections in relation to the adverse impact the development would have upon parking provision with the locality, the proposed parking arrangements are considered to be satisfactory. Furthermore the Inspector did not refuse the application in relation to access arrangements or the impact of the proposal upon existing parking arrangements. Whilst the Inspector did raise concerns over the siting of the proposed bin storage in relation to the neighbouring Samaritans parking facilities this has now been resolved through their relocation on site.</p>			
<b>REASON FOR REFERRAL TO COMMITTEE</b> <p>Cllr Naghi wishes to see this application taken to committee if the officers recommendation is for approval.</p>			
<b>WARD</b> East Ward	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Mr Rodger Dudding <b>AGENT</b> Mr Christopher Barnes	
<b>DECISION DUE DATE</b> 05/01/15	<b>PUBLICITY EXPIRY DATE</b> 05/01/15	<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/11/1659	Demolition of 27 existing lock-up garages to the rear of 48 Grecian Street and the erection of six three bedroom Mews Houses with associated integral parking and two visitor spaces, on-site fire hydrant, and pergola refuse storage.	Refuse	08/03/12
<p>This application was refused for two reasons firstly on grounds relating to the proposals scale, length of terrace and proximity to boundary resulting in an adverse impact upon the outlook on occupiers of Waterlow Road. The second reason related to the adverse impact of the proposal</p>			

specifically as a result of its layout result in substandard living conditions for future occupiers, in particular the size of the outdoor amenity space.

This decision was appealed and subsequently dismissed. The Inspector concluded that the proposal would not provide for adequate living conditions for neighbouring and future occupiers with regard to outlook and provision of amenity space. The Inspector also considered that due to the location of the proposed refuse storage there would be potential for conflict and inconvenience as a result of the use of the access and the bin collection area which also counted against the proposal.

## **MAIN REPORT**

### **1.0 DESCRIPTION OF SITE**

- 1.01 The site comprises 27 lock-up garages with space for additional parking for non-garaged vehicles. The site is accessed through an archway from Grecian Street which passes under part of no. 48 Grecian Street which is a premises currently used by the Samaritans. The properties to either side of no. 48 are terraced dwellings, as are those on Waterlow Road, which backs on to the appeal site to the rear. Although in both cases rear gardens separate the dwellings from the site, with the gardens serving Grecian Street being significantly larger than those serving Waterlow Road.
- 1.02 Whilst the site itself is relatively flat there is a difference in levels around it. This is most apparent to the south-east where a substantial retaining wall exists on the site boundary. However, there is also a material difference between the appeal site and the lower dwellings and gardens in Waterlow Road. Although less significant, Grecian Street slopes up to the south-east so that there is also some differences in levels.
- 1.03 The site is within the urban area of Maidstone and within an area covered by the Council's residents parking scheme that restricts on street parking to permit holders. The area is predominantly residential with small elements of commercial uses with the Samaritans currently occupying number 48 Grecian Street.

### **2.0 PROPOSAL**

- 2.01 Planning permission is sought for the demolition of 27 garages and erection of five dwellings each with their own parking space. The proposed dwellings would be two storey and comprise two blocks of built form essentially consisting of a pair of semi-detached dwellings and a terrace of three. The dwellings would be orientated within the site so that the front elevations of the two blocks of development would face one another with the side elevations being located opposite rear elevations of properties on Waterlow Road. One parking space would be provided to each dwelling with the existing access which is derived from Grecian Street to be retained.
- 2.02 Planning permission was previously refused at committee for the erection of 6 dwellings on the site. The reasons for refusal related to the adverse impact the proposal would have upon the amenities of properties in Waterlow Road, specifically through a loss of outlook. The proposal was also considered to have an adverse impact upon the amenities of future occupiers as a result of its layout and limited amenity space. This application was subsequently dismissed on appeal for the same reasons as those outlined within the committee decision. The Inspector also stated that she was not satisfied that the use of the access and proposed bin collection area

would be achievable without significant inconvenience to the various users involved. The appeal decision is attached as an **Appendix** to this report.

- 2.03 With this resubmission the applicant has sought to overcome the reasons for refusal and Inspectors decision by reducing the number of units and changing their layout to reduce the impact upon amenities of neighbouring properties on Waterlow Road and to provide adequate amenity space for future occupiers. In addition the proposed bin store has been relocated within the site to reduce conflict between users of the access and Samaritan parking spaces.

### **3.0 PLANNING CONSTRAINTS**

The site is located within the urban area where in principal the redevelopment of the site would be considered acceptable.

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

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

### **5.0 LOCAL REPRESENTATIONS**

A site notice was displayed at the entrance to the site on 01/12/14.  
32 letters of objection were received raising the following (summarised) points:

- Increase in traffic movements along Grecian Street
- Loss of available parking on Grecian Street through loss of existing garages and provision of 5 dwellings.
- Overshadowing and loss of privacy
- Inability to maintain rear access
- Increase in noise and disturbance
- Inability for emergency services to access the site.
- Site has an existing restricted access under the Samaritans building
- Inconvenience to parking of vehicles within the site
- Obstruction of right of way
- Notice not served on all owners
- Insufficient confirmation that the proposal would comprise with fire regulations
- Insufficient provision for refuse storage within the site, placement of any refuse would obstruct access to the site and parking facilities for 48 Grecian Street
- Plans drawn incorrectly
- Proposal would not lead to 'enhanced views'
- Unacceptable increase in density
- Adverse impact on views from surrounding properties
- Out of keeping with the character of the locality
- Insufficient turning circles within the site restricting the safe manoeuvring of vehicles
- Loss of light
- Loss of privacy

### **6.0 CONSULTATIONS**

- 6.01 **KCC Highways** – Response received on 15/04/15 and raise no objections when taking into account the previous reasons for refusal and Inspectors decision subject to a condition requiring the submission of a construction management plan.

## **7.0 APPRAISAL**

### **Principle of Development**

- 7.01 The site is located within the urban area of Maidstone and in close proximity to the town centre. As such the site is sustainably located and in reasonable proximity to bus and rail services and would be well served by local facilities and amenities. The site comprises garages and therefore would fall within the definition of previously developed land. For these reasons the principle of residential use in this location is considered to be acceptable.
- 7.02 Development Plan Policy and guidance within the National Planning Policy Framework (NPPF) does encourage new housing in sustainable urban locations as an alternative to residential development in more remote countryside situations, especially where the wider character of the area is predominantly residential. According to the NPPF 'Housing applications should be considered in the context of the presumption in favour of sustainable development'. The NPPF sets out a presumption in favour of sustainable development which in the context of decision making is defined as approving development proposals that accord with the Development Plan without delay, and where the Development Plan is silent granting planning permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits.
- 7.03 For the reasons set out above it is considered that the principle of the redevelopment of the site is acceptable in the context of local, regional and national planning policy and guidance, subject to all other material considerations. The key considerations therefore are in relation to impact upon character of the street scene, impact upon amenities of neighbouring properties and future occupiers, highways safety and capacity, parking provision, biodiversity, landscaping and refuse collections.
- 7.04 The lack of a five year supply is a relevant factor but does not, of itself, direct that this application should be approved. Indeed, this proposal would only make a fairly moderate contribution to the boroughs housing land supply position and it is the details of this proposal that need to be examined in order to assess whether or not it is acceptable.

### **Visual Impact**

- 7.05 The proposal would be located to the rear of existing properties on Grecian Street, with access being gained through an existing archway. The development would be set back approximately 30m from the public highway such that views of the proposal from the street scene would be fairly limited.
- 7.06 Although the development would not be visible from any public vantage point there would be a number of residents from existing dwellings in Grecian Street, Waterlow Road and Wheeler Street that would have views of the property. This number of private views is reasonably significant (in excess of 30 dwellings) and should be given consideration. The proposed dwellings would be modern in terms of their design. The previous proposal whilst different to that now put forward, the design of this scheme was also modern although this incorporated flat roofs as opposed to pitched as is now proposed. No objections were previously raised to the proposed design and this scheme was not refused in terms of its visual impact nor was this deemed a reason for refusal within the appeal. The drawings have been amended during the life of the application to amend the flank elevation of the plot which would



face users as they would enter the site. Previously a blank flank elevation was provided to this property and when combined with a 2m high rear boundary fence would have resulted in an enclosed feel to the development. The proposed drawings have been amended to improve this flank elevation and windows have now been inserted within this flank elevation and additional landscaping is proposed. Taking the above into account it is considered that the proposal would not have an adverse impact upon the character of the streetscene or locality more generally.

### **Residential Amenity**

- 7.07 Within the Inspectors decision of the previous application in regard to amenities of existing neighbouring occupiers, the Inspector stated that *'even at their furthest points, the separation distance would be very limited, with the proposal only being some 9 metres from the rear elevation of the neighbouring dwellings. At such close proximity, notwithstanding their articulated form, or the incorporation of landscaping to the boundary or a 'living wall' element, I consider that the height and scale of the proposal would give its dwellings an overbearing appearance to the neighbouring occupiers and would result in an unacceptable loss of outlook for them. This would be exacerbated by the difference in levels involved.'*
- 7.08 The previous application was therefore refused for two reasons firstly that the proposal would have an adverse impact upon the amenities of existing and future occupiers. These reasons for refusal were upheld by the Inspector with regard to the appeal concluding that 'the proposal would not provide for adequate living conditions for neighbouring and future occupiers with regard to outlook and the provision of amenity space.
- 7.09 The applicant has sought to overcome this reason for refusal through fairly substantial alterations to the proposed design. Firstly the number of units proposed has reduced from six to five. Secondly the proposed layout has been altered significantly such that the dwellings would form two blocks of built form through a terrace of three units and a pair of semi-detached dwellings as opposed to a linear development of six units. The proposed development would now effectively be inwardly facing.
- 7.10 The most sensitive relationship is that with the neighbouring properties on Waterlow Road. Currently 27 garages exist on the site, the majority of which run parallel to the rear boundary with the properties on Waterlow Road. The garages themselves are located approximately 1.8m above the fence line of the properties on Waterlow Road due to changes in land levels and therefore these properties already have some form of enclosing effect. As stated above the proposal has been amended to reduce the impact upon the amenities of those properties on Waterlow Road. These amendments include the two storey element of the development being set back approximately 2m from the boundary with properties on Waterlow Road with the eaves height of the single storey element being the same height of the existing garages. Furthermore the roof would slope away from these properties thus reducing any adverse impact. Taking the proposed design into account some properties particularly those who would face the communal parking area would have their outlook improved following the removal of the existing garaging. Although it is acknowledged that 2m high fence panels would be erected along the boundaries to the rear gardens of the proposed dwellings and the communal parking area such that any improvement would be fairly limited.
- 7.11 In terms of the proposed window arrangement no windows would be located within the flank elevation of the proposal which would face the properties on Waterlow

Road. The windows on the front elevation of the property have been designed to reduce any adverse impact in terms of overlooking by providing a combination of obscure glazed and clear glazed windows. The proposal would not therefore have an adverse impact upon the amenities of future or existing occupiers in terms of loss of privacy.

- 7.12 By increasing the proximity between the two storey element of the proposal and the neighbouring properties on Waterlow and by pitching the roofs away from these dwellings it is considered that the development would not have a significant adverse impact upon the amenities of neighbouring properties in terms of loss of light, outlook or overbearing impact when compared to the provision of the existing garages.
- 7.13 On balance and when taking into account the proposed alterations it is considered that the proposal has overcome the previous reasons for refusal in relation to impact upon amenities of neighbouring properties.
- 7.14 With regard to impact upon future occupiers the Inspector considered that the previous amenity spaces were awkward in terms of the shape, limiting their ability to be used for a range of different purposes, limited in size, enclosed, and with the potential for overshadowing and overlooking. The proposed layout has been amended in order to address these concerns. More substantial rear gardens have been provided in a practical rectangular shape and they would not be overshadowed or unduly enclosed. Whilst some overlooking may occur from the properties on Waterlow Road into the rear gardens of the closet dwellings, this could be reduced through the provision of tree planting within the proposed buffer zones which would lie between the new properties and those on Waterlow Road. Overall, it is considered that the changes would now provide sufficient amenity spaces for the dwellings.

### **Highways and Parking**

- 7.15 Consideration to the highways and parking implications of the development were considered as part of the previous application and appeal. Within the Inspectors decision with regards to the parking implications of the proposal she stated that:
- 7.16 *'Considerable concern has been expressed locally about the implications of the proposal on access and parking arrangements on and around the site, including representations from a constituent submitted by Helen Grant MP. I have had full regard to these concerns, although it appears to me that some of the matters raised would potentially need to be addressed through other legislation or regulations. Nonetheless, from my visit to the site and the area around it, it was clear that there is a significant amount of local parking demand, which the appeal site currently appears to contribute towards meeting. However, regardless of the outcome of this appeal, I recognise that the use of the garages may cease or may no longer be made available to meet local needs.'*
- 7.17 The Inspector went on to say in relation to the proposed access that:
- 7.18 *'The access to the appeal site also serves 5 parking spaces adjacent to it, used by the Samaritans, together with other parking areas access via the appeal site but within a number of neighbouring properties. In addition to vehicular access, there are also pedestrian access provided between the garages and the boundaries of the site to the north-east and south-west and also through the north-west corner of the site to a pathway beyond...Based on the current use of the access and the site it appears to me that in addition to its use by the future occupiers of the proposal and visitors or*

*servicing vehicles connected to them, the access also has the potential to continue to be used by a number of other people.'*

- 7.19 No objections were therefore raised by the previous Inspector with regard to the parking implications of the proposal, which included consideration of the loss of the existing garaging. Therefore whilst the concerns of local residents with regard to the increased pressure of parking on neighbouring local roads is acknowledged it is not reasonable to introduce this as a new reason for refusal when the previous application was not refused on these grounds. However it is acknowledged that concern was raised by the previous Inspector in relation to the access arrangements to the site and the proposed bin store stating that:
- 7.20 *'I am not satisfied that the use of the access and the proposed bin collection area would be achievable in conjunction with the continued use of the parking spaces adjacent to it, without significant inconvenience to the various users involved. Whilst alternative bin storage and collection provision may be possible with the site, it is not clear to me how this could be achieved without detriment to the appearance of the development. Whilst this does not alter my conclusions on the main issue, I consider that the potential for conflict and inconvenience likely to result from the use of the access and bin collection area also counts against the proposal.'*
- 7.21 In order to address this issue the applicant has moved the proposed bin store adjacent to the fencing of one of the proposed plots. Whilst it is acknowledged that this would be located beyond the desired 25m from the carriageway, at approximately 32m, this requirement is a recommended distance. Given the previous objections raised by the Inspector in relation to the proposed bin store and the impact upon the access arrangements, the proposed location would be the most appropriate given the constraints of the site. Furthermore it is noted that the all other objections raised by the Inspector in terms of impact on neighbouring residents and future occupiers have been resolved. Whilst the location of the bin store at approximately 32m from the carriageway is not ideal, its location is not considered to be so severe to warrant the refusal of the application in its entirety.
- 7.22 The dwellings would each have a single parking space provided which was previously considered acceptable under the original scheme. The provision of parking at 1:1 ratio is still considered adequate for a site close to the town centre, which is within easy walking distance.
- 7.23 The site was previously considered accessible for both ambulance and police vehicles and a fire hydrant dry-riser is to be positioned within the site to compensate for the fact that a fire engine could not enter the site. The refuse collection point is close enough to Grecian Street for refuse and recycling to be collected and whilst I note objectors concerns about the size of collection point in relation to the number of bins for each property, with the fortnightly collections there would only be one large bin per property in the collection point each week (in addition to the small food waste bin).

### **Landscaping**

- 7.24 The site is fairly constrained and therefore opportunities for landscaping will be fairly limited. However some form of landscaping will be essential to provide ensure the impact of the proposal would be softened in order to improve the setting and character of the proposal and safeguard amenities of future occupiers. Full details in relation to a landscaping scheme could be secured by condition.

### **Other Matters**

- 7.25 An ecological appraisal has been carried out by the applicant and it was concluded that the site was of low ecological value. Recommendations have been proposed within the assessment such as planting native species and provide bird boxes within the site, in order to enhance the sites biodiversity. These recommendations could be secured by condition.
- 7.26 Third party concern was raised in relation to whether all the land was owned by the applicant and that existing rights of way were being adversely affected by the development. This issue was raised with regard to the previous application. The applicant has signed certificate B stating that they have served notice on number 46 and 48 Grecian Street. Any issues concerning existing or future private rights of way would be a private matter between the relevant parties.

### **8.0 CONCLUSION**

- 8.01 The application is for the erection of 5 dwellings on previously developed land within the urban area of Maidstone. The principle of the proposal for residential use is therefore considered acceptable in this sustainable location.
- 8.02 The proposal has been amended in order to overcome the previous objections to the development, through a change in the proposed design and a reduction in the number of units from six to five. On balance these amendments have ensured that the previous objections in terms of adverse impact upon neighbouring dwellings and future occupiers have been resolved.
- 8.03 Whilst it has been acknowledged that concern has been raised through third party objections in relation to the adverse impact the development would have upon parking provision with the locality, the proposed parking arrangements are considered to be satisfactory. Furthermore the Inspector did not refuse the application in relation to access arrangements or the impact of the proposal upon existing parking arrangements. Whilst the Inspector did raise concerns over the siting of the proposed bin storage in relation to the neighbouring Samaritans parking facilities this has now been resolved through their relocation on site.

### **9.0 RECOMMENDATION – GRANT Subject to the following conditions**

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: (11) 01 Rev D, (11)02 Rev D, (11)03 Rev D, (11)04 Rev D, 11(05) Rev D, 11(06) Rev D, 11(07) Rev D and 11(08) Rev D scanned on 09/04/15 and Site Location Plan scanned on 16/12/14.

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

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 buildings

hereby permitted have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance and a high quality of design

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

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

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved schemes implementation and long term management. The landscaping scheme will need to provide full details of native tree planting within the buffer zone. The scheme shall be designed using the principles established in the Councils adopted Landscape Character Assessment and Landscape Guidelines.

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

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

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

7. No development shall commence until:
  1. The application site has been subjected to a detailed scheme for the investigation and recording of site contamination and a report has been submitted to and approved by the Local Planning Authority. The investigation strategy shall be based upon relevant information discovered by a desk study. The report shall include a risk assessment and detail how site monitoring during decontamination shall be carried out. The site investigation shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology and these details recorded.
  2. Detailed proposals in line with current best practice for removal, containment or otherwise rendering harmless such contamination (the Contamination Proposals') have been submitted to and approved by the Local Planning Authority. The Contamination Proposals shall detail sources of best practice employed.

3. Approved remediation works shall be carried out in full on site under a Quality Assurance scheme to demonstrate compliance with the proposed methodology. If during any works, contamination is identified which has not previously been identified additional Contamination Proposals shall be submitted to and approved by the Local Planning Authority.
4. Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include full details of the works and certification that the works have been carried out in accordance with the approved methodology. The closure report shall include details of any post remediation sampling and analysis together with documentation certifying quantities and source/destination of any material brought onto or take from the site. Any material brought onto the site shall be certified clean.

Reason: To prevent harm to human health and pollution of the environment.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Classes A-E shall be carried out without the permission of the Local Planning Authority.

Reason: To safeguard the character and appearance of the development and amenities of existing and future occupiers.

9. The development hereby permitted shall be undertaken strictly in accordance with the recommendations outline within Section for of the 'Code for Sustainable Homes Ecology Component Appraisal' carried out by J Taylor Ecology Consulting dated 11<sup>th</sup> February 2015.

Reason: To enhance the sites biodiversity assets.

10. Before the development hereby permitted is first occupied, the proposed windows as identified on shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall be subsequently maintained as such.

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

11. The development shall not commence until details of all fencing, walling and other boundary treatments have been submitted to the Local Planning Authority and approved in writing.

Reason: To ensure a satisfactory appearance to the development.

## INFORMATIVES

Should any works be required in the highway applicants should contact Kent County Council Highways and Transportation ([web:www.kent.gov.uk/roads\\_and\\_transport.aspx](http://web:www.kent.gov.uk/roads_and_transport.aspx) or telephone 03000 418181) in order to obtain the necessary Application pack for a statutory licence to be obtained.



## Planning Committee Report

Case Officer: Morwenna Taylor

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



The Planning  
Inspectorate

Quality Assurance Unit  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

Direct Line: 0117 372 8252  
Customer Services: 0117 372 6372

Case Officer  
Maidstone Borough Council  
Maidstone House  
King Street  
Maidstone  
Kent  
ME15 6JQ

Your Ref: MA/11/1659  
Our Ref: APP/U2235/A/12/2178637/NWF  
Date: 11 January 2013

Dear Sir/Madam

**Town and Country Planning Act 1990  
Appeal by Mr RODGER DUDDING  
Site at Garages R/o 48 Grecian Street, Maidstone, ME14 2TS**

I enclose a copy of our Inspector's decision on the above appeal.

If you have queries or complaints about the decision or the way we handled the appeal, you should submit them using our "Feedback" webpage at [www.planningportal.gov.uk/planning/appeals/planninginspectorate/feedback](http://www.planningportal.gov.uk/planning/appeals/planninginspectorate/feedback). This page also contains information on our complaints procedures and the right of challenge to the High Court, the only method by which the decision can be reconsidered.

If you do not have internet access, or would prefer hard copies of our information on the right to challenge and our complaints procedure, please contact our Quality Assurance Unit on 0117 372 8252 or in writing to the address above.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

Yours sincerely

Simon Maguire

COVERDL1



You can use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is -  
<http://www.pcs.planningportal.gov.uk/pcsportal/caserearch.asp>  
You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button



## Appeal Decision

Site visit made on 17 December 2012

by **Anne Napier-Derere BA(Hons) MRTPI AIEMA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 January 2013

**Appeal Ref: APP/U2235/A/12/2178637**

**Garages to the rear of 48 Grecian Street, Maidstone, Kent ME14 2TS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Rodger Dudding against the decision of Maidstone Borough Council.
- The application Ref MA/11/1659, dated 09 January 2012, was refused by notice dated 8 March 2012.
- The development proposed is described as 'the demolition of 27 existing lock-up garages to the rear of 48 Grecian Street and the erection of six three bedroom Mews Houses with associated integral parking and two visitor spaces, on-site fire hydrant, pergola refuse storage'.

### Decision

1. This appeal is dismissed.

### Procedural Matters

2. The original date of the planning application is 9 September 2011. However, a new certificate was signed and notice served on others with an interest in the application site; this was received by the local planning authority on 9 January 2012. It is this later date that is used in respect of the date of the application on the decision notice and that I have used in the heading above.
3. The site address used on the application form is 49 Grecian Street, ME14 2TT. However, both the decision notice and the appeal form refer to the site as 'Garages to the rear of 48 Grecian Street' and the postcode as ME14 2TS. This appears to be an accurate address for the appeal site and I have therefore referred to it in this way above.
4. Comparing the submitted elevations Ref (11)04 with the other plans and drawings, it appears that the annotations referring to south and west have been transposed. Furthermore, the annotations do not fully reflect the orientation of the site. Based on the location and site plans submitted, it appears to me that the front elevation would face north-east, the rear elevation south-west and the side elevations north-west and south-east. I have therefore considered the appeal on that basis.
5. Although an accompanied site visit was arranged, the appellant failed to attend. Given the nature of the site and following the departure of the Council, I proceeded to carry out the visit on an unaccompanied basis. I am satisfied

that I was able to see everything necessary to enable me to determine this appeal.

### **Main Issue**

6. The main issue in this appeal whether the proposal would provide for adequate living conditions for neighbouring and future occupiers, with regard to outlook and the provision of amenity space.

### **Reasons**

7. The appeal site is in a backland location, enclosed by existing development. It currently comprises 27 lock-up garages, with space for additional parking for non-garaged vehicles, accessed through an archway from Grecian Street. This archway passes under part of No 48 Grecian Street, which is a premises currently used by the Samaritans. The properties to either side of No 48 are terraced dwellings, as are those on Waterlow Road, which backs on to the appeal site to the rear. Although in both cases rear gardens separate the dwellings from the appeal site, those for the properties on Grecian Street are significantly larger than those serving the Waterlow Road houses.
8. Whilst the site itself is relatively flat, there is a difference in levels around it. This is most apparent to the south-east, where a substantial retaining wall exists on the site boundary. However, there is also a material difference between the appeal site and the lower dwellings and gardens in Waterlow Road. Although less significant, Grecian Street slopes up to the south-east so that there is also some difference in levels here.
9. Notwithstanding the current appearance of the garages, which is not aesthetically pleasing, the small scale of their built form does not significantly constrain views into or across the site from the rear of properties on Grecian Street and Waterlow Road. In contrast, the proposal would introduce a two-storey form of development along almost the full length of the site. Whilst the height of the development has been minimised by the use of a flat-roof design, this would still result in a significant change to the outlook of the site's neighbouring occupiers.
10. Although they would be some distance from the rear of the dwellings on Grecian Street, the proposed dwellings would be close to rear boundary of the site with Waterlow Road. Whilst I have not been provided with a copy of the document, I understand that the Kent Design Guide 2005 does not include a minimum 'back-to-back' separation distance between properties. In this case, due to the layout and articulated form proposed, their proximity to the boundary would vary. But, even at their furthest points, the separation distance would be very limited, with the proposal only being some 9 metres from the rear elevation of the neighbouring dwellings. At such close proximity, notwithstanding their articulated form, or the incorporation of landscaping to the boundary or a 'living wall' element, I consider that the height and scale of the proposal would give its dwellings an overbearing appearance to the neighbouring occupiers and would result in an unacceptable loss of outlook for them. This would be exacerbated by the difference in levels involved.
11. The proposal would provide an enclosed area of amenity space for the future occupiers of each dwelling. These dwellings would have three double bedrooms, which is a size likely to be attractive to families. Whilst the articulated form of the buildings would enable more space to be provided than

might otherwise be the case, these spaces would be of an irregular shape, limiting their ability to be used for a range of different purposes.

12. Each area would also be enclosed by the walls of its own house and, with the exception of plot 1, those of its neighbouring one. Screening to the rear boundary by 1.8 metres high close boarded fencing is also proposed. Trees also exist on or close to the site boundary which are shown to be retained. Although the siting of the proposal is such that the gardens would receive some sunlight, most of their limited area would be in close proximity to the site boundary and the trees, which is likely to result in some degree of overshadowing. In addition, whilst the boundary fence would prevent overlooking of this space at ground level, I consider that a fence of this height would be unlikely to prevent neighbouring occupiers looking into the amenity space from first floor level, despite the difference in levels. Given the proximity of the neighbouring dwellings to the proposal, the impact of this could be significant.
13. I consider that their limited size, irregular shape and degree of enclosure, together with the potential for overshadowing and overlooking, would be likely to severely restrict the ability of future occupiers to enjoy these outdoor spaces or make use of them to meet their likely needs. The area to the front of the proposed dwellings would provide access and turning facilities for them and for visitors to the site. Whilst some limited use of it may be possible for amenity purposes, given its primary role, it would not adequately compensate for the deficiencies in the space to the rear.
14. I conclude, therefore, that the proposal would not provide for adequate living conditions for neighbouring and future occupiers, with regard to outlook and the provision of amenity space. As such, it would not meet the aims of the *South East Plan 2009* policies H5, to raise the quality of new homes and policy BE1, to provide significant improvements in the built environment and enhance the quality of life in urban areas. It would also not be in accordance with the aims of paragraph 17 of the National Planning Policy Framework (the Framework), to achieve a good standard of amenity for all existing and future occupants of land and buildings.

#### *Other Matters*

15. Considerable concern has been expressed locally about the implications of the proposal on access and parking arrangements on and around the site, including representations from a constituent submitted by Helen Grant MP. I have had full regard to these concerns, although it appears to me that some of the matters raised would potentially need to be addressed through other legislation or regulations. Nonetheless, from my visit to the site and the area around it, it was clear that there is a significant amount of local parking demand, which the appeal site currently appears to contribute towards meeting. However, regardless of the outcome of this appeal, I recognise that the use of the garages may cease or may no longer be made available to meet local needs.
16. The access to the appeal site also serves 5 parking spaces adjacent to it, used by the Samaritans, together with other parking areas accessed via the appeal site but within a number of neighbouring properties. In addition to vehicular access, there are also pedestrian accesses provided between the garages and the boundaries of the site to north-east and south-west and also through the north-west corner of the site to a pathway beyond. I do not have full details of



the landownership or rights of way regarding the access into and from the appeal site. However, based on the current use of the access and the site, it appears to me that, in addition to its use by the future occupiers of the proposal and visitors or servicing vehicles connected to them, the access also has the potential to continue to be used by a number of other people.

17. From the information before me, I am not satisfied that the use of the access and proposed bin collection area would be achievable in conjunction with the continued use of the parking spaces adjacent to it, without significant inconvenience to the various users involved. Whilst alternative bin storage and collection provision may be possible within the site, it is not clear to me how this could be achieved without detriment to the appearance of the development. Whilst this does not alter my conclusions on the main issue, I consider that the potential for conflict and inconvenience likely to result from the use of the access and the bin collection area also counts against the proposal.
18. I acknowledge that the site is previously developed land, within an urban area, close to local services and facilities and would contribute to the local housing stock. In these respects it would meet the aims of the Framework to provide sustainable development that increases the supply and choice of housing. I have also had regard to: the orientation, contemporary design and accommodation standards of the proposed dwellings; the intention to meet code level 3 of the Code for Sustainable Homes; the landscaping proposed and the enhancement of the area that would result from the development; and the development's effective partial screening of the retaining wall on the site boundary. Whilst these are matters with positive benefits that weigh in favour of the development, none of them is sufficient, individually or cumulatively, to outweigh the harm identified.
19. Although the current occupancy rate of the garages is disputed, I also acknowledge the current condition of the site and understand that vandalism and fly-tipping can result from this. I have noted the context of the site, surrounded by rear gardens and the general paraphernalia associated with this setting. I am mindful that the proposal would not cause overshadowing or loss of light to neighbouring occupiers and that the use of an oblique angle and obscure glazing for the rear first floor windows would minimise the potential for overlooking from the appeal dwellings. I am also aware of the offer to relocate the existing tenants of the garages and understand that the developer has previously completed developments elsewhere. However, none of these aspects alter my conclusions on the proposal.
20. My attention has also been drawn to another site where a similar development has been built. Whilst I do not have the full details of this case, there appear to be sufficient differences between the two sites such that a direct comparison would not be appropriate. In any event, the existence of a similar development elsewhere is not sufficient justification to allow a development that would cause harm.
21. I am also aware that the proposal received pre-application advice and an officer's recommendation of approval. I understand the appellant's frustration with the outcome of the application in these circumstances. Government advice suggests that, although planning authorities are not bound to accept the recommendations of their officers, they will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal

to support that decision. I consider that the Council has met both of these requirements and share its view that the proposal is unacceptable.

**Conclusions**

22. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

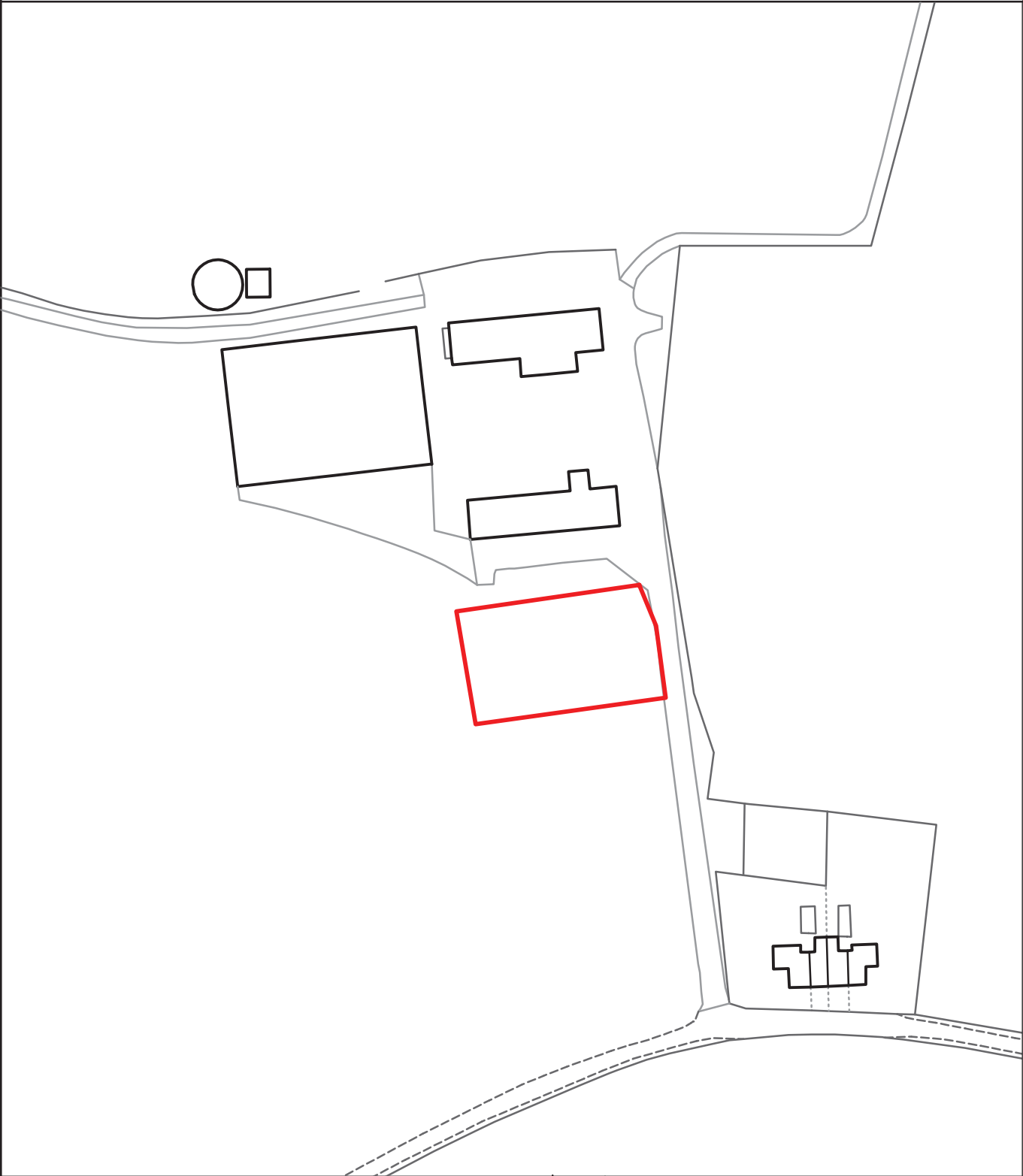
*Anne Napier-Derere*

INSPECTOR

**THE MAIDSTONE BOROUGH COUNCIL**

Warnhams Farm  
Hunt Street  
West Farleigh, Kent  
ME15 0ND

**MBC Ref: 14/504905**



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**Rob Jarman**  
**Head of Planning**

## REPORT SUMMARY

<b>REFERENCE NO - 14/504905/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of 1 no. detached house and garage for farm owner/manager as shown on drawing nos. WF/6/1, 2, 9, 10 received 21/10/14; 3A, 4A, 6A, 7A, 8A, 11A received 29/11/14; 5B received 5/12/14.		
<b>ADDRESS</b> Warnhams Farm Hunt Street West Farleigh Kent ME15 0ND		
<b>RECOMMENDATION</b> Refuse		
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b> Development in the countryside is strictly controlled and the case for a new farm dwelling has not been demonstrated in this case.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> The Parish Council has requested committee consideration.		
<b>WARD</b> Coxheath And Hunton Ward	<b>PARISH/TOWN COUNCIL</b> West Farleigh	<b>APPLICANT</b> Mr Thomas Sewell <b>AGENT</b> Mr David Thompson
<b>DECISION DUE DATE</b> 30/01/15	<b>PUBLICITY EXPIRY DATE</b> 30/01/15	<b>OFFICER SITE VISIT DATE</b> 30/12/14
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>  MA/13/1473 - Erection of one detached dwelling and garage for an agricultural worker - Refused  MA/10/1130 - Erection of an extension to an agricultural building - Permitted  MA/08/0536 - Extension to existing barn to provide crop storage - Permitted  MA/07/2345 - 500 tonne grain silo (not implemented) - Permitted  MA/02/2281 - Erection of an agricultural building for general purpose/grain storage - Permitted		

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.1 This application relates to an area of farmland, which is located in the open countryside, in the parish of West Farleigh. The site, which is part of an arable field, lies in the Medway Valley Area of Local Landscape Importance and is highly visible in the landscape.
- 1.2 To the north of the site lies the farmyard for Warnhams Farm. This includes two large enclosed structures, formerly hop-picking sheds, sited parallel to each other on either side of an open yard and a general purpose agricultural building/ grain store.

- 1.3 The field, where the development would take place, is generally open, with only low banking to the road edge and no field hedge. An access track from Hunt Street leads up to the farmyard and a row of terraced cottages lie to the east of the track.

## **2.0 PROPOSAL**

- 2.1 Permission is sought for the erection of a single dwelling and garage for an agricultural worker. It would have two storeys, with an eaves height of approximately 5.2m and a ridge height of approximately 9m. The maximum dimensions of its 'footprint' would be approx. 14.3m by 13.6m.
- 2.2 Accommodation would comprise; on the ground floor - lounge, dining room, kitchen, dayroom, utility room, hall, two wc's and farm office. On the first floor - four bedrooms (including two en-suites) and a bathroom. A detached double garage would also be provided.
- 2.3 The buildings would be located to the south of the existing farmyard and accessed via the existing farm-track.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Development Plan: ENV6, ENV28, ENV35, ENV43

## **4.0 LOCAL REPRESENTATIONS**

West Farleigh Parish Council wishes to see the application approved and reported to planning committee if the Planning Officer recommends refusal

13 letters of support have been received: the general point being made that the Sewell family are genuine farmers and a dwelling is needed here to support the farm.

## **5.0 CONSULTATIONS**

KCC Highways and Transportation has no objection.

In its initial response to this application Rural Planning Ltd. states:

"I refer to your letter of 12 December 2014 regarding the further application submitted on behalf of Mr Thomas Sewell for the erection of a detached house and garage for the farm owner/manager at the above site.

As you will be aware, a similar proposal was considered under MA/13/1473 and was the subject of my letter of 12 September 2013 and emails dated 24 February and 16 June 2014. The application was refused, on two counts; namely its scale and mass harming the open character and appearance of the countryside, and lack of essential agricultural need for a rural worker to live on site and lack of affordability and sustainability as an agricultural dwelling as part of the general housing stock.

The second issue (alone) falls within my advisory remit and in this regard I must advise, as before, that in my view, having regard to para. 55 of the NPPF, no essential need for the proposed dwelling for a rural worker, amounting to special circumstances, has been demonstrated in this case, for all the reasons set out in my previous letter and emails.

The only material change in circumstances, as far as I can see, is a redesigned dwelling which would provide a slight reduction (some 5%) in floor area; the dwelling would be some 256m<sup>2</sup> gross external floor area, with 4 bedrooms, rather than 270m<sup>2</sup>

with five bedrooms. Whilst the dwelling would appear to be affordable for the applicant, it would remain, in my view, of a size and cost beyond that which would be reasonably regarded as suitable to contribute to the general stock of agricultural dwellings in the area (the issue which formed part of the second reason for refusal previously).

My last letter included the following paragraph:

“The Planning Statement indicates that Mr Tom Sewell and family (the intended occupants of the proposed dwelling) currently reside in the area by arrangement with a local landowner for whom Sewell Farms carries out work. This is understood to be at Watlington, about 2 miles by road from Warnhams Farm. The arrangement is said to be temporary, but there is no specific indication that the arrangement could not continue for the foreseeable future”.

In this regard the applicant's agent states that I said “there was no reason why the current living arrangements could not continue” without making further investigations. That is not correct; what I stated was that there was no specific indication (i.e. from the Planning Statement) that the arrangement could not continue for the foreseeable future. That still appears to be the position under the current application; nothing has been put forward, as far as I can see, to show that the current arrangements (albeit described as “temporary”) could not continue for the foreseeable future. I would suggest it is for the applicant to explain and verify the circumstances alluded to in this regard, rather than for me to investigate them.

Be that as it may, it remains the case that an essential functional need for residence at the particular site has not been demonstrated; nor has it been demonstrated, in my view (and having regard to the profits gained from the farm business) that affordable existing property in the area could not be purchased or rented.”

Rural Planning Ltd. has since stated:

“I have the following further comments, as requested, regarding Mr Thompson's letter of 13 January 2015.

Much of Mr Thompson's letter is a repeat of what he submitted in his letter of 03 January 2014 regarding the last application, which I received 20 February 2014, and responded to in my email of 24 February 2014. My response was to agree that my letter of 12 September 2013 should have referred to the 11m grain silo as “permitted” rather than “erected”, but that this detail hardly called into question the validity of the whole report, as Mr Thompson claimed. Otherwise I said that I considered I had provided a fair and objective assessment of the (lack of) case for an essential need for a rural worker to live at the site, for all the reasons set out in my letter.

Those issues were all before the Council when it refused the first application.

Regarding the size of the dwelling: in my letter of 02 January 2015, on the current application, I commented on the (slightly reduced) size of the currently proposed dwelling, as this was a specific matter raised by the previous Planning Officer in her email of 16 June 2014, to which I replied in my email of the same date; this issue was also part of the second reason for the refusal of the first application. Mr Thompson refers to the personal family reasons for wanting 4 bedrooms, and the need for a farm office, but he fails to address the issue that was the Council's concern previously, that the overall size of the dwelling was such that it would not be “affordable or sustainable as an agricultural worker's dwelling as part of the general



stock". It is difficult to imagine that this particular issue would be resolved simply by a redesign from 5 to 4 bedrooms and only a 5% overall reduction in size.

Otherwise (beyond again misquoting what I said about the current living arrangements) Mr Thompson largely appears concerned with two matters which he suggests I should not be taking into account in advising the Council on this application. These are 1) the use of Annex A of the former PPS7 as a means for judging "essential need", and 2) the specific issue (included as part of the Annex A criteria) of whether or not other suitable and affordable dwellings exist in the area.

You have pointed out the role that Annex A continues to play in Planning decisions, and various other similar Appeal examples can be referred to, if need be.

Furthermore I would observe that both these matters formed significant parts of the Planning Statement that Mr Thompson himself submitted in support of the application. He placed considerable reliance on the various aspects of Annex A in his para 5.10 onwards. He raised the specific issue of affordability of other local dwellings in his paras 5.20 and 5.21, and included various house particulars.

I consider it is entirely appropriate for me to comment on issues which form part of the Annex A criteria and which Mr Thompson, on behalf of the applicant, has himself commented (and relied) upon."

MIDKENT EHSS has no objection subject to a condition to cover potential contamination.

## **6.0 APPRAISAL**

### **Background**

- 6.01 This application is effectively a re-submission of application MA/13/1473 (Erection of one detached dwelling and garage for an agricultural worker) which was refused by Planning Committee on 3<sup>rd</sup> July 2014. I attach a copy of the report for that case, the general content of which is still relevant here. The key question here is whether there has been any significant change in circumstances to warrant a change in the Council's position.
- 6.02 The latest application shows a similar dwelling to that previously refused albeit the agents contend that the dwelling has been reduced in terms of 'footprint' and floorspace; has been reduced from five to four bedrooms; and the dwelling would be cut down into the land to reduce impact.
- 6.03 In terms of the need for the dwelling this latest application maintains that the 'functional and financial tests' are satisfied but also seeks to emphasise a number of points. A dwelling is said to be needed in connection with the monitoring and irrigation of fruit plants. The condition of grain and other crops needs to be continuously monitored, whilst a residential presence is needed for security purposes with regard to machinery, fertiliser, etc. The location of the dwelling has been chosen to allow a manager to view the site. The relevant farm worker currently lives close by in a temporary arrangement and this cannot be relied upon: a permanent on-site solution is needed.

### **Principle of Development**

- 6.04 As stated with the last application, new dwellings in the countryside for agricultural workers may be permissible but need to be specially justified. Annex A to the now superseded PPS7 is regularly used as a tried and trusted methodology to assess

such applications and I am satisfied that it is appropriate to have close regard to it in this case. The Inspectorate continues to use it in the determination of appeals.

- 6.05 As can be seen from the comments of Rural Planning Ltd. (reproduced above for the current application and in the Appendix for the previous refused application) our advisors have examined the content of this latest application and maintain their view that the proposals (albeit in amended form) continue to fail the 'functional test': this is both in terms of the principle of a residential unit here; but also in terms of the scale and cost of the accommodation proposed. In the absence of a proper justification, the principle of a dwelling (and a dwelling of this scale) must fail. I therefore recommend that the previous first reason for refusal be used again for this current application.

#### **Visual Impact**

- 6.06 I do not consider that the changes to the design of the house and its setting down into the land make a significant difference as far as impact on the countryside is concerned. I remain of the view that the site is highly prominent in the landscape, due to the openness of the surrounding land. There are long range views for a considerable distance when approaching from the west. Due to its substantial scale and mass, the proposal is considered to result in significant harm to the open character and appearance of the countryside in the Medway Valley Area of Local Landscape Importance. I therefore recommend that the previous second reason for refusal be re-used here.

#### **Residential Amenity**

- 6.07 As previously, there would be no significant impact on neighbours.

#### **Highways**

- 6.08 There is no objection from the Highways Engineer and I remain of the view that the scheme does not present any significant highways problems.

#### **Landscaping**

- 6.09 The site is part of an open field and there are no important landscaping features here. Any landscaping to soften the proposal could be dealt with by condition should Members decide to grant permission.

#### **Other Matters**

- 6.10 The site remains part of an intensively managed field and there are no significant ecological issues in this case.

### **7.0 CONCLUSION**

- 7.01 As previously, it is concluded that there is no essential need for this dwelling and it would therefore constitute unjustified and unsustainable development in the countryside. It would also be of a scale and mass which would harm the open character and appearance of the countryside in the Medway Valley Area of Local Landscape Importance. Refusal is recommended.

### **8.0 RECOMMENDATION – REFUSE for the following reasons:**

- (1) In the opinion of the local planning authority, it has not been demonstrated that there is an essential need for a rural worker to live permanently on or near the site, nor would the dwelling be affordable or sustainable as an agricultural worker's dwelling as part of the general stock, due to its overall size and the extent of accommodation proposed. The proposal would therefore result in an unsustainable, isolated dwelling

in the countryside, contrary to paragraphs 14 and 55 of the National Planning Policy Framework.

- (2) Due to its scale and mass, the proposal would harm the open character and appearance of the countryside in the Medway Valley Area of Local Landscape Importance, contrary to policies ENV28 and ENV35 of the Maidstone Borough Wide Local Plan 2000 and paragraphs 17 and 109 of the National Planning Policy Framework.

#### Note to applicant

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

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

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

In this instance:

The application was considered to be fundamentally contrary to the provisions of the Development Plan and the NPPF, and there were not considered to be any solutions to resolve this conflict.

Case Officer: Geoff Brown

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

14/504905

The appendix referred to in my report (ie the report for previous application MA/13/1473) was unfortunately omitted from the papers: I enclose it here.

**MY RECOMMENDATION REMAINS UNCHANGED**

## REPORT SUMMARY

REFERENCE NO - 13/1473		
APPLICATION PROPOSAL Erection of one detached dwelling and garage for an agricultural worker		
ADDRESS Warnhams Farm, Hunt Street, West Farleigh, Kent		
RECOMMENDATION REFUSE		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL  See report below		
REASON FOR REFERRAL TO COMMITTEE  See report below		
WARD Coxheath And Hunton Ward	PARISH/TOWN COUNCIL West Farleigh	APPLICANT Mr Thomas Sewell Farms Ltd AGENT Legacy Homes
DECISION DUE DATE 17/10/13	PUBLICITY EXPIRY DATE 17/10/13	OFFICER SITE VISIT DATE 03/09/13
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): see below		

The recommendation for this application is being reported to Committee for decision because:

- it is contrary to views expressed by the Parish Council

1.0 POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV28, ENV35, ENV43  
Maidstone Borough-Wide Draft Local Plan: SP5, DM4, DM30, DM35  
Government Policy: National Planning Policy Framework, National Planning Practice Guidance

2.0 HISTORY

2.1 The following applications relate to the farm holding:-

MA/10/1130	Erection of an extension to an agricultural building
MA/08/0536	Extension to existing barn to provide crop storage
MA/07/2345	500 tonne grain silo (not implemented)
MA/02/2281	Erection of an agricultural building for general purpose/grain storage

3.0 CONSULTATIONS

- 3.1 West Farleigh Parish Council: wishes to see the application approved and reported to Planning Committee if officer view differs.

Rural Planning Ltd:

"Planning criteria

Following the withdrawal of PPS7, and its Annex A criteria for agricultural dwellings, the 2012 NPPF simply states (para. 55) that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as "the essential need for a rural worker to live permanently at or near their place of work in the countryside". There is, as yet, no further clarification nationally, or at the local level, to assist in deciding upon "essential need" in individual cases. However there is nothing to suggest that para. 55, albeit in summarised form, promotes any significant departure from the sort of functional and financial considerations that were set out in detail in Annex A, and there appears to be a general consensus amongst decision makers and advisors, and indeed the Planning Inspectorate, that the principles set out in Annex A continue to be a useful tool in judging applications for new isolated agricultural dwellings in the countryside.

The Annex A guidelines on functional need, in relation to permanent new agricultural dwellings, require inter alia that it is essential for the proper functioning of the enterprise that one or more workers is readily available at most times, for example if the worker is needed to be on hand day and night to care for animals or agricultural processes at short

notice or deal quickly with emergencies that could otherwise cause serious loss of crops or products.

Farm Business

Sewell Farms is a well established family farming business operated by the applicant Tom Sewell in partnership with his father J J Sewell, Mrs A J Sewell, and Mrs S Sewell.

Warnhams Farm comprises an owned arable holding of some 28.68 ha (70.86 acres); Sewell Farms also farm, on a rented or share-farmed basis, a further 808 acres (327 ha).

Other agricultural management and farm contracting work is also undertaken locally. The farm buildings adjoining the application site include two "Tyler " built enclosed concrete/asbestos structures, formerly hop-picking sheds, parallel to each other either side of an open yard, and each about 33.5m x 9.14m, and 5.5/6.0 m to eaves. One includes 3 round grain bins used for storage of about 400 tons of oil seed rape, with two free bays for general storage of machinery and fertiliser. The second has a clear floor area and is principally used for farm machinery storage.

Under MA/02/2281 consent was granted (and later implemented) for a general purpose agricultural building /1000 tonne grain store, 24.38m x 14.48m, 6.1m to eaves and 8.6m to ridge, with pre-cast concrete grain retaining walling to about 3.6m high and steel sheeting above. In the event it appears that the building, as erected, is 18m wide. An 18m square extension\*at the west end was added under MA/08/0536. A 500-tonne 11m radius, 11m tall grain silo was also erected under



MA/07/2345. Finally a 12m wide grain storage extension was erected on the north side of the building under MA/10/1130, to form an overall structure about 42m x 30m.

*Appraisal of claimed essential agricultural need*

Regarding the reference to the need to tend fruit on the farm, it is understood that this is not fruit that belongs to Sewell Farms. No fruit sales appear in the submitted accounts.

Rather, under MA/10/0449 planning consent was granted to allow the applicants Clock House Farm Ltd. (Coxheath) to crop raspberries under polytunnels on some 9.7 ha land north of the Warnhams Farm buildings, albeit part of this area is owned by Sewell Farms.

The other adjoining area of tunnels is on land belonging to Ferns Property Development. Clock House Farm Ltd. also have up to 15 ha polytunnels nearby (consented under ref. MA/09/1061) for strawberries and cane fruit on land on the south side of Hunt Street, land which is also understood to be owned by Ferns Property Development, albeit the north-western part (only) of this land is indicated on the submitted land occupation plan as land tenanted by Sewell Farms. Thus the references in the Planning Statement that suggest this fruit forms part of the applicant's business and responsibility (thus adding weight to a claimed need for someone to reside here to monitor irrigation etc.) would appear to be misplaced.

In any event the actual growers concerned, Clock House Farm Ltd., and other similar specialist growers, commonly have intensive fruit under tunnels on scattered parcels of owned or rented land, without requiring anyone to reside nearby: whilst regular crop monitoring is required, this does not essentially require day and night attendance.

The other main claimed functional reason for needing a new residence here is to monitor stored grain. However, again, many sites are used for storing grain successfully without anyone living next to them: grain in store, whilst needing regular checking, is not something which requires essential day and night attendance at most times.

Nor is the provision of security, at a farm yard such as this, normally regarded as a sufficient reason for a new permanent agricultural dwelling. The Planning Statement indicates that Mr Tom Sewell and family (the intended occupants of the proposed dwelling) currently reside in the area by arrangement with a local landowner for whom Sewell Farms carries out work. This is understood to be at Wateringbury, about 2 miles by road from Warnhams Farm. The arrangement is said to be temporary, but there is no specific indication that the arrangement could not continue for the foreseeable future. The Planning Statement affirms that there are no other residential farm properties which could be used to accommodate this farm worker, (my underlining). Be that as it may, it is understood that for many years the principal ownership partners of the business, J J and A J Sewell, have lived at Bowhill Farm House, just 0.5 miles from Warnhams Farm.

The Planning Statement suggests that other existing accommodation in the area would be too expensive. However... I do not consider it has been shown, therefore, that affordable existing property in the area could not be purchased or rented. It appears that this business has operated successfully to date notwithstanding the lack of any accommodation at the Warnhams Farm buildings. In summary, taking all the above into account, and applying the Annex A guidelines to para. 55 of the NPPF, in my view no essential need for the proposed dwelling, amounting to special circumstances, has been demonstrated in this case."

Environmental Health Manager: No response.

Kent Highways: No objections

**4.0 REPRESENTATIONS**

4.1 None received to date

**5.0 CONSIDERATIONS**

**5.1 Site Description**

5.1.1 This application relates to an area of farmland, which is located in the open countryside, in the parish of West Farleigh. The site, which is part of an arable field, lies in the Medway Valley Area of Local Landscape Importance and is highly visible in the landscape.

5.1.2 To the north of the site lies the farmyard for Warnham's Farm. This includes two 'Tyler' built enclosed structures, formerly hop-picking sheds, sited parallel to each other on either side of an open yard and a general purpose agricultural building/1,000 tonne grain store. This building has been erected as detailed in the planning history above.

5.1.3 The field, where the development would take place, is generally open, with only low banking to the road edge and no field hedge. An access track from Hunt Street leads up to the farmyard and a row of terraced cottages lie to the east of the track.

**5.2 Proposal**

5.2.1 Planning Permission is sought for the erection of a single dwelling and garage for an agricultural worker. It would have two storeys, with an eaves height of approximately 5.2m and a ridge height of approximately 8.2m. Its maximum width would be 16m and its depth approximately 15m.

5.2.2 Accommodation would comprise; on the ground floor - lounge, dining room, kitchen, breakfast area, dayroom, utility room, hall, two wc's and farm office. On the first floor - five bedrooms (including 2 en-suites) and bathroom. A detached double garage would also be provided.

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- 5.2.3 The buildings would be located to the south of the existing farmyard and accessed via the existing farm-track.

### 5.3 Principle of Development

- 5.3.1 Policy ENV28 of the Local Plan does allow for buildings which are reasonably necessary for the purpose of agriculture, providing that there is no harm to the character and appearance of the area and amenities of surrounding occupiers.
- 5.3.2 The National Planning Policy Framework states that "Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances..."

The only circumstances given which is of any relevance to this proposal is whether it constitutes "the essential need for a rural worker to live permanently at or near their place of work in the countryside."

The National Planning Policy Framework does not define "essential need" or clarify how it should be assessed.

- 5.3.3 Annex A of the now defunct PPS7 did set out criterion for assessing essential need. Whilst PPS7 is now not in force, there does not appear to be anything to suggest that any significant departure from the sort of functional and financial considerations detailed in Annex A should now be made. Indeed, the Council's agricultural advisor, Rural Planning Ltd, has stated "... there appears to be a general consensus amongst decision makers and advisors, and indeed the Planning Inspectorate, that the principles set out in Annex A continue to be a useful tool in judging applications for new isolated agricultural dwellings in the countryside." In the absence of any other specifically relevant guidance, it is considered reasonable to explore the application against the guidelines of Annex A.
- 5.3.4 Annex A requires a functional test (i.e. whether it is essential for a full time worker to live permanently on site for the functioning of the enterprise and a financial test (as to whether it is a financially sound enterprise, with a reasonable prospect of sustaining the dwelling). It is considered that these two tests are in line with the National Planning Policy Framework because they would aid the assessment of whether the development constitutes sustainable development and that is a key principle of the National Planning Policy Framework. Clearly if the enterprise cannot support the dwelling proposed or the dwelling is so large that the retention of the agricultural occupancy condition is threatened, then there is the real risk that it would no longer be able to serve its original purpose, with the result being an unsustainable isolated dwelling in the countryside.
- 5.3.5 The Annex A guidelines on functional need, in relation to permanent new agricultural dwellings, require inter alia that it is essential for the proper functioning of the enterprise that one or more workers is readily available at most times, for example if the worker is needed to be on

hand day and night to care for animals or agricultural processes at short notice or deal quickly with emergencies that could otherwise cause serious loss of crops or products.

- 5.3.6 Firstly, it is understood that fruit farmed on the land does not belong to the applicant and indeed, no fruit sales appear in the submitted accounts. The Council's agricultural advisor has stated that, in any event, "the actual growers concerned, Clock House Farm Ltd, and other similar specialist growers, commonly have intensive fruit under tunnels on scattered parcels of owned or rented land, without requiring anyone to reside nearby: whilst regular crop monitoring is required, this does not essentially require day and night attendance."

He goes on to state:

"The other main claimed functional reason for needing a new residence here is to monitor stored grain. However, again, many sites are used for storing grain successfully without anyone living next to them: grain in store, whilst needing regular checking, is not something which requires essential day and night attendance at most times.

Nor is the provision of security, at a farm yard such as this, normally regarded as a sufficient reason for a new permanent agricultural dwelling."

- 5.3.7 The application appears to cite security as a key reason why a dwelling is needed. However, it is not considered to show any reason why this specific site has a significantly greater security need than any other (chemicals and farm machinery are likely to be stored upon many farms). No information has been submitted stating why, for example, security issues could not be dealt with in a different way, such as through the installation of CCTV, nor is there any supporting information from the Kent Police to indicate that there are overriding security issues which can only be dealt with in this way.
- 5.3.8 Considering all of these points, including the advice of Rural Planning Ltd, it is concluded that there is no essential functional need for a farm worker or manager to live permanently on site.
- 5.3.9 Notwithstanding this, it has not been conclusively shown that there is no other available property in the vicinity of the site which could accommodate the applicant. Indeed, paragraph 5.20 of the Planning Statement advises that "many of the available nearby dwellings ... are completely outside of the price range of an agricultural worker." This does not show that there are no suitable properties and in any event, no comparison is made between the cost of available properties and the cost of constructing the proposed dwelling, which is not expected to be low, given its very substantial scale.
- 5.3.10 There is also no specific indication as to why the applicant's current living arrangements (stated to be temporary) could not continue for the foreseeable future. It is also noted that, whilst the Planning Statement

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advises that there are no other suitable properties available; the agricultural advisor has stated that he understands that the principal ownership partners of the business live just 0.5 miles from Warnham's Farm.

- 5.3.11 In terms of the financial test, it is accepted that the enterprise could sustain the proposed dwelling, based upon the financial information submitted.
- 5.3.12 However in order to remain sustainable, it is considered that agricultural dwellings should be suitable for general use by agricultural workers, rather than exclusively supportable by the applicant. In this case, this is a five bedroomed dwelling, with three reception rooms, and the agricultural advisor has stated that, in his opinion, the size and cost of the dwelling goes well beyond what could reasonably be regarded as suitable to contribute generally to the stock of agricultural dwellings. The development is therefore considered unacceptable and unsustainable for this reason also.
- 5.3.13 I note that emerging policy DM35 seeks to apply functional and financial tests and to limit the scale of the dwelling to the needs of the enterprise.

### 5.4 Visual Impact

- 5.4.1 The site occupies a very rural location, with sparse development along Hunt Street. There is no hedging alongside the road and in consequence, there are long range views for a considerable distance along Hunt Street in which the site is highly prominent.
- 5.4.2 It is noted that an attempt has been made to group the development with the existing farm buildings, as the site chosen is to the corner of the field, adjacent to the farmyard. However, as stated, this is a highly prominent and open site, rendered more prominent by the fact that it lies upon the slope of the Medway Valley, with the land rising in a southward direction. Development in this location will be highly visible in long range views especially from the west.
- 5.4.3 The proposed dwelling is of a substantial, rather than a modest, scale. Indeed it would provide accommodation well beyond the basic requirements of a dwelling with 5 bedrooms (2 being en-suite), large lounge, separate dining and breakfast areas and dayroom. This results in a very substantial footprint with maximum width and depth of approximately 16m and 15m. The dwelling also has a typical two storey eaves height and a roof pitch of around 35 degrees. These factors combined result in a dwelling of very substantial bulk, which, in this prominent location, would unacceptably erode the openness of the Medway Valley Area of Local Landscape Importance and harm its character and appearance.
- 5.4.4 The proposed double garage with pitched roof would further add to the bulk on site. It is also noted that in general, the design of the proposal

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does not attempt to reduce the bulk. It does not utilise differing roofslopes or a reduced eaves height to reduce mass and although a catslide roof is proposed, this would face away from the road, with the full two storey eaves and solid section of brickwork facing the road. Indeed, the side elevation of the house, facing the road, generally lacks fenestration and would provide a bland appearance in views of the countryside.

- 5.4.5 As stated, the site is highly prominent in the landscape, due to the openness of the surrounding land. There are long range views for a considerable distance when approaching from the west. Due to its substantial scale and mass, the proposal is considered to result in significant harm to the open character and appearance of the countryside in the Medway Valley Area of Local Landscape Importance. The application is therefore considered unacceptable in this regard.

- 5.4.6 I note that emerging policy SP5 of the draft local plan similarly seeks to preserve the quality of the Medway Valley Area of Local Landscape Importance.

### 5.5 Residential Amenity

- 5.5.1 The nearest residential properties are Warnhams Cottages, to the southeast of the farm yard. These dwellings would be located too far from the proposed dwelling (around 60m between the site and nearby dwellings) to experience any significant loss of light, outlook or privacy. There would be no significant noise and disturbance issues because only one dwelling is proposed and it would utilise the existing access track to the farm.

### 5.6 Highways

- 5.6.1 The proposal would utilise the existing farm access track, which is considered acceptable for this single dwelling. The Kent Highways Engineer raises no objection to the application.

### 5.7 Landscaping

- 5.7.1 There is no important landscaping which would be lost (the site is simply part of a field containing crops). Any landscaping to soften the proposal could have been dealt with by a condition.

### 5.8 Other Matters

- 5.8.1 There are no significant ecological issues due to the site's use as an arable field where I understand that crop spraying has taken place.

## 6.0 CONCLUSION

- 6.1 It is concluded that there is no essential need for this dwelling and it would therefore constitute unjustified and unsustainable development in the countryside. It would also be of a scale and mass which would



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harm the open character and appearance of the countryside in the Medway Valley Area of Local Landscape Importance. Refusal is recommended.

### 7.0 RECOMMENDATION

REFUSE PLANNING PERMISSION for the following reasons:

1. In the opinion of the local planning authority, it has not been demonstrated that there is an essential need for a rural worker to live permanently on or near the site, nor would the dwelling be affordable or sustainable as an agricultural worker's dwelling as part of the general stock, due to its overall size and the extent of accommodation proposed. The proposal would therefore result in an unsustainable, isolated dwelling in the countryside, contrary to paragraphs 14 and 55 of the National Planning Policy Framework.
2. Due to its scale and mass, the proposal would harm the open character and appearance of the countryside in the Medway Valley Area of Local Landscape Importance, contrary to policies ENV28 and ENV35 of the Maidstone Borough Wide Local Plan 2000 and paragraphs 17 and 109 of the National Planning Policy Framework.

## REPORT SUMMARY

<b>REFERENCE NO - 14/504905/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of 1 no. detached house and garage for farm owner/manager as shown on drawing nos. WF/6/1, 2, 9, 10 received 21/10/14; 3A, 4A, 6A, 7A, 8A, 11A received 29/11/14; 5B received 5/12/14.		
<b>ADDRESS</b> Warnhams Farm Hunt Street West Farleigh Kent ME15 0ND		
<b>RECOMMENDATION</b> Refuse		
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b> Development in the countryside is strictly controlled and the case for a new farm dwelling has not been demonstrated in this case.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> The Parish Council has requested committee consideration.		
<b>WARD</b> Coxheath And Hunton Ward	<b>PARISH/TOWN COUNCIL</b> West Farleigh	<b>APPLICANT</b> Mr Thomas Sewell <b>AGENT</b> Mr David Thompson
<b>DECISION DUE DATE</b> 30/01/15	<b>PUBLICITY EXPIRY DATE</b> 30/01/15	<b>OFFICER SITE VISIT DATE</b> 30/12/14
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>  MA/13/1473 - Erection of one detached dwelling and garage for an agricultural worker - Refused  MA/10/1130 - Erection of an extension to an agricultural building - Permitted  MA/08/0536 - Extension to existing barn to provide crop storage - Permitted  MA/07/2345 - 500 tonne grain silo (not implemented) - Permitted  MA/02/2281 - Erection of an agricultural building for general purpose/grain storage - Permitted		

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.1 This application relates to an area of farmland, which is located in the open countryside, in the parish of West Farleigh. The site, which is part of an arable field, lies in the Medway Valley Area of Local Landscape Importance and is highly visible in the landscape.
- 1.2 To the north of the site lies the farmyard for Warnhams Farm. This includes two large enclosed structures, formerly hop-picking sheds, sited parallel to each other on either side of an open yard and a general purpose agricultural building/ grain store.

- 1.3 The field, where the development would take place, is generally open, with only low banking to the road edge and no field hedge. An access track from Hunt Street leads up to the farmyard and a row of terraced cottages lie to the east of the track.

## **2.0 PROPOSAL**

- 2.1 Permission is sought for the erection of a single dwelling and garage for an agricultural worker. It would have two storeys, with an eaves height of approximately 5.2m and a ridge height of approximately 9m. The maximum dimensions of its 'footprint' would be approx. 14.3m by 13.6m.
- 2.2 Accommodation would comprise; on the ground floor - lounge, dining room, kitchen, dayroom, utility room, hall, two wc's and farm office. On the first floor - four bedrooms (including two en-suites) and a bathroom. A detached double garage would also be provided.
- 2.3 The buildings would be located to the south of the existing farmyard and accessed via the existing farm-track.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Development Plan: ENV6, ENV28, ENV35, ENV43

## **4.0 LOCAL REPRESENTATIONS**

West Farleigh Parish Council wishes to see the application approved and reported to planning committee if the Planning Officer recommends refusal

13 letters of support have been received: the general point being made that the Sewell family are genuine farmers and a dwelling is needed here to support the farm.

## **5.0 CONSULTATIONS**

KCC Highways and Transportation has no objection.

In its initial response to this application Rural Planning Ltd. states:

"I refer to your letter of 12 December 2014 regarding the further application submitted on behalf of Mr Thomas Sewell for the erection of a detached house and garage for the farm owner/manager at the above site.

As you will be aware, a similar proposal was considered under MA/13/1473 and was the subject of my letter of 12 September 2013 and emails dated 24 February and 16 June 2014. The application was refused, on two counts; namely its scale and mass harming the open character and appearance of the countryside, and lack of essential agricultural need for a rural worker to live on site and lack of affordability and sustainability as an agricultural dwelling as part of the general housing stock.

The second issue (alone) falls within my advisory remit and in this regard I must advise, as before, that in my view, having regard to para. 55 of the NPPF, no essential need for the proposed dwelling for a rural worker, amounting to special circumstances, has been demonstrated in this case, for all the reasons set out in my previous letter and emails.

The only material change in circumstances, as far as I can see, is a redesigned dwelling which would provide a slight reduction (some 5%) in floor area; the dwelling would be some 256m<sup>2</sup> gross external floor area, with 4 bedrooms, rather than 270m<sup>2</sup>

with five bedrooms. Whilst the dwelling would appear to be affordable for the applicant, it would remain, in my view, of a size and cost beyond that which would be reasonably regarded as suitable to contribute to the general stock of agricultural dwellings in the area (the issue which formed part of the second reason for refusal previously).

My last letter included the following paragraph:

“The Planning Statement indicates that Mr Tom Sewell and family (the intended occupants of the proposed dwelling) currently reside in the area by arrangement with a local landowner for whom Sewell Farms carries out work. This is understood to be at Watringbury, about 2 miles by road from Warnhams Farm. The arrangement is said to be temporary, but there is no specific indication that the arrangement could not continue for the foreseeable future”.

In this regard the applicant’s agent states that I said “there was no reason why the current living arrangements could not continue” without making further investigations. That is not correct; what I stated was that there was no specific indication (i.e. from the Planning Statement) that the arrangement could not continue for the foreseeable future. That still appears to be the position under the current application; nothing has been put forward, as far as I can see, to show that the current arrangements (albeit described as “temporary”) could not continue for the foreseeable future. I would suggest it is for the applicant to explain and verify the circumstances alluded to in this regard, rather than for me to investigate them.

Be that as it may, it remains the case that an essential functional need for residence at the particular site has not been demonstrated; nor has it been demonstrated, in my view (and having regard to the profits gained from the farm business) that affordable existing property in the area could not be purchased or rented.”

Rural Planning Ltd. has since stated:

“I have the following further comments, as requested, regarding Mr Thompson’s letter of 13 January 2015.

Much of Mr Thompson's letter is a repeat of what he submitted in his letter of 03 January 2014 regarding the last application, which I received 20 February 2014, and responded to in my email of 24 February 2014. My response was to agree that my letter of 12 September 2013 should have referred to the 11m grain silo as “permitted” rather than “erected”, but that this detail hardly called into question the validity of the whole report, as Mr Thompson claimed. Otherwise I said that I considered I had provided a fair and objective assessment of the (lack of) case for an essential need for a rural worker to live at the site, for all the reasons set out in my letter.

Those issues were all before the Council when it refused the first application.

Regarding the size of the dwelling: in my letter of 02 January 2015, on the current application, I commented on the (slightly reduced) size of the currently proposed dwelling, as this was a specific matter raised by the previous Planning Officer in her email of 16 June 2014, to which I replied in my email of the same date; this issue was also part of the second reason for the refusal of the first application. Mr Thompson refers to the personal family reasons for wanting 4 bedrooms, and the need for a farm office, but he fails to address the issue that was the Council's concern previously, that the overall size of the dwelling was such that it would not be “affordable or sustainable as an agricultural worker's dwelling as part of the general

stock". It is difficult to imagine that this particular issue would be resolved simply by a redesign from 5 to 4 bedrooms and only a 5% overall reduction in size.

Otherwise (beyond again misquoting what I said about the current living arrangements) Mr Thompson largely appears concerned with two matters which he suggests I should not be taking into account in advising the Council on this application. These are 1) the use of Annex A of the former PPS7 as a means for judging "essential need", and 2) the specific issue (included as part of the Annex A criteria) of whether or not other suitable and affordable dwellings exist in the area.

You have pointed out the role that Annex A continues to play in Planning decisions, and various other similar Appeal examples can be referred to, if need be.

Furthermore I would observe that both these matters formed significant parts of the Planning Statement that Mr Thompson himself submitted in support of the application. He placed considerable reliance on the various aspects of Annex A in his para 5.10 onwards. He raised the specific issue of affordability of other local dwellings in his paras 5.20 and 5.21, and included various house particulars.

I consider it is entirely appropriate for me to comment on issues which form part of the Annex A criteria and which Mr Thompson, on behalf of the applicant, has himself commented (and relied) upon."

MIDKENT EHSS has no objection subject to a condition to cover potential contamination.

## **6.0 APPRAISAL**

### **Background**

- 6.01 This application is effectively a re-submission of application MA/13/1473 (Erection of one detached dwelling and garage for an agricultural worker) which was refused by Planning Committee on 3<sup>rd</sup> July 2014. I attach a copy of the report for that case, the general content of which is still relevant here. The key question here is whether there has been any significant change in circumstances to warrant a change in the Council's position.
- 6.02 The latest application shows a similar dwelling to that previously refused albeit the agents contend that the dwelling has been reduced in terms of 'footprint' and floorspace; has been reduced from five to four bedrooms; and the dwelling would be cut down into the land to reduce impact.
- 6.03 In terms of the need for the dwelling this latest application maintains that the 'functional and financial tests' are satisfied but also seeks to emphasise a number of points. A dwelling is said to be needed in connection with the monitoring and irrigation of fruit plants. The condition of grain and other crops needs to be continuously monitored, whilst a residential presence is needed for security purposes with regard to machinery, fertiliser, etc. The location of the dwelling has been chosen to allow a manager to view the site. The relevant farm worker currently lives close by in a temporary arrangement and this cannot be relied upon: a permanent on-site solution is needed.

### **Principle of Development**

- 6.04 As stated with the last application, new dwellings in the countryside for agricultural workers may be permissible but need to be specially justified. Annex A to the now superseded PPS7 is regularly used as a tried and trusted methodology to assess

such applications and I am satisfied that it is appropriate to have close regard to it in this case. The Inspectorate continues to use it in the determination of appeals.

- 6.05 As can be seen from the comments of Rural Planning Ltd. (reproduced above for the current application and in the Appendix for the previous refused application) our advisors have examined the content of this latest application and maintain their view that the proposals (albeit in amended form) continue to fail the 'functional test': this is both in terms of the principle of a residential unit here; but also in terms of the scale and cost of the accommodation proposed. In the absence of a proper justification, the principle of a dwelling (and a dwelling of this scale) must fail. I therefore recommend that the previous first reason for refusal be used again for this current application.

#### **Visual Impact**

- 6.06 I do not consider that the changes to the design of the house and its setting down into the land make a significant difference as far as impact on the countryside is concerned. I remain of the view that the site is highly prominent in the landscape, due to the openness of the surrounding land. There are long range views for a considerable distance when approaching from the west. Due to its substantial scale and mass, the proposal is considered to result in significant harm to the open character and appearance of the countryside in the Medway Valley Area of Local Landscape Importance. I therefore recommend that the previous second reason for refusal be re-used here.

#### **Residential Amenity**

- 6.07 As previously, there would be no significant impact on neighbours.

#### **Highways**

- 6.08 There is no objection from the Highways Engineer and I remain of the view that the scheme does not present any significant highways problems.

#### **Landscaping**

- 6.09 The site is part of an open field and there are no important landscaping features here. Any landscaping to soften the proposal could be dealt with by condition should Members decide to grant permission.

#### **Other Matters**

- 6.10 The site remains part of an intensively managed field and there are no significant ecological issues in this case.

### **7.0 CONCLUSION**

- 7.01 As previously, it is concluded that there is no essential need for this dwelling and it would therefore constitute unjustified and unsustainable development in the countryside. It would also be of a scale and mass which would harm the open character and appearance of the countryside in the Medway Valley Area of Local Landscape Importance. Refusal is recommended.

### **8.0 RECOMMENDATION – REFUSE for the following reasons:**

- (1) In the opinion of the local planning authority, it has not been demonstrated that there is an essential need for a rural worker to live permanently on or near the site, nor would the dwelling be affordable or sustainable as an agricultural worker's dwelling as part of the general stock, due to its overall size and the extent of accommodation proposed. The proposal would therefore result in an unsustainable, isolated dwelling



in the countryside, contrary to paragraphs 14 and 55 of the National Planning Policy Framework.

- (2) Due to its scale and mass, the proposal would harm the open character and appearance of the countryside in the Medway Valley Area of Local Landscape Importance, contrary to policies ENV28 and ENV35 of the Maidstone Borough Wide Local Plan 2000 and paragraphs 17 and 109 of the National Planning Policy Framework.

#### Note to applicant

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

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

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

In this instance:

The application was considered to be fundamentally contrary to the provisions of the Development Plan and the NPPF, and there were not considered to be any solutions to resolve this conflict.

Case Officer: Geoff Brown

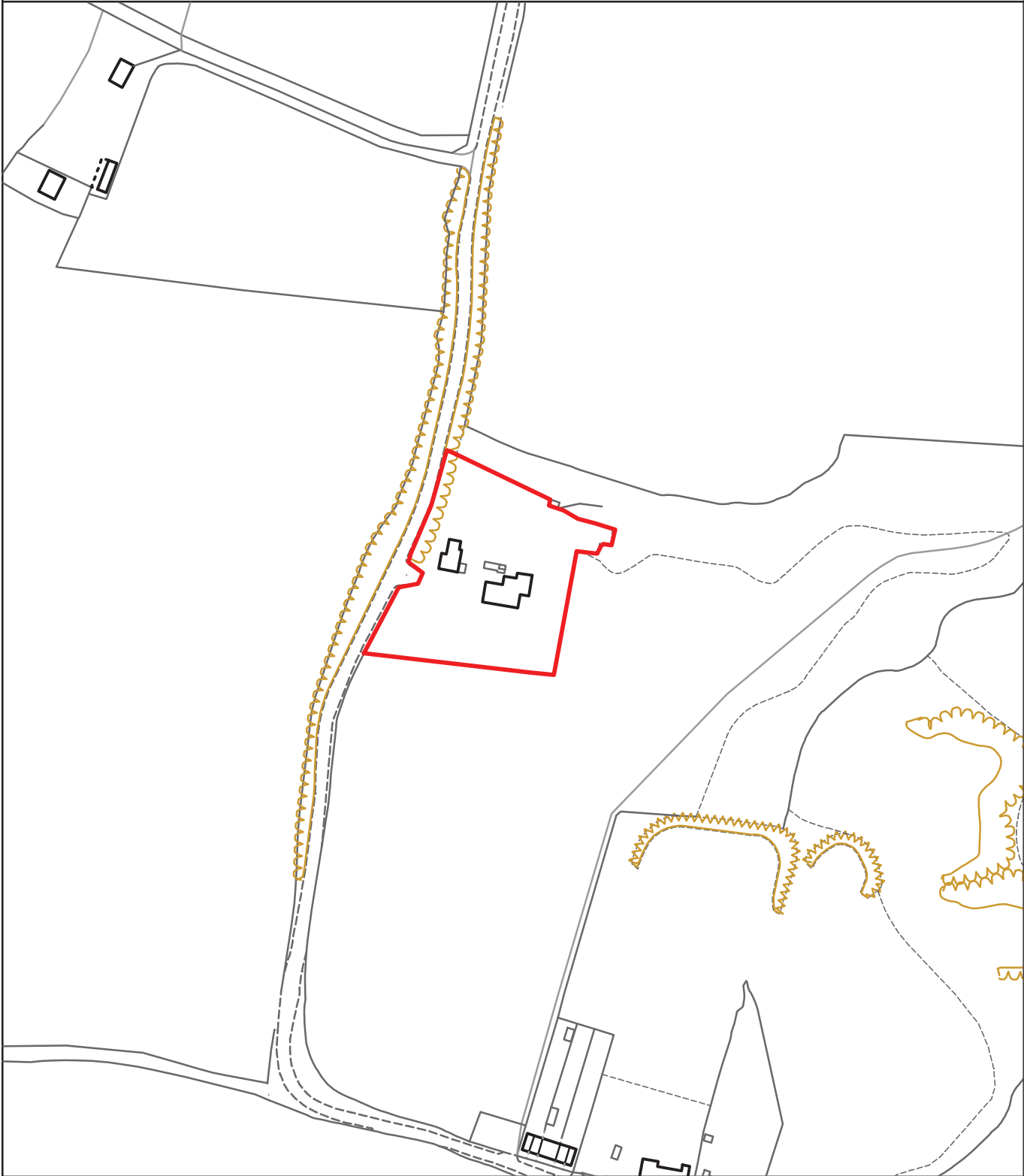
- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.  
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

# Agenda Item 24

## THE MAIDSTONE BOROUGH COUNCIL

Highfield  
Faversham Road  
Lenham  
Kent  
ME17 2EX

MBC Ref: 14/504944



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**Rob Jarman**  
Head of Planning

## REPORT SUMMARY

<b>REFERENCE NO -</b> 14/504944/FULL		
<b>APPLICATION PROPOSAL</b> Demolition of existing property 'Highfield' and replacing with a sustainable contemporary dwelling,		
<b>ADDRESS</b> Highfield Faversham Road Lenham Kent ME17 2EX		
<b>RECOMMENDATION -</b> GRANT WITH CONDITIONS		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and there are no overriding material considerations to indicate a refusal of advert consent.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Lenham Parish Council wish to see the application refused and reported to Planning Committee.		
<b>WARD</b> Harrietsham And Lenham Ward	<b>PARISH COUNCIL</b> Lenham	<b>APPLICANT</b> Mr Chapman <b>AGENT</b> Mr Breese
<b>DECISION DUE DATE</b> 12/01/15	<b>PUBLICITY EXPIRY DATE</b> 12/01/15	<b>OFFICER SITE VISIT DATE</b> 05/12/14
<b>RELEVANT PLANNING HISTORY:</b>		

None relevant.

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.1 'Highfield' is a detached chalet-style bungalow that is set within a relatively large plot of land (approx. 0.6ha). The proposal site is within the Lenham Scarp, and the topography of the site is such that the land noticeably rises from south to north, particularly to the north of the existing house where there is a grass bank up to a more level area. The site also generally rises from east to west up towards Faversham Road.
- 1.2 The property itself is in disrepair and there are existing out buildings that are in a dilapidated state. The site does benefit from mature planting/trees around its boundaries; and there are also a number of trees/shrubs within the site. Low level post fencing encloses the site.
- 1.3 The property is located some 900m to the north of the junction with Ashford Road and Faversham Road, and it does benefit from an existing vehicle access. The proposal site's western boundary runs alongside Faversham Road, with the other boundaries enclosed by agricultural/grazing land. Views of the site are possible from Faversham Road and the public footpath (KH436) to the east of the site. The land to the east and south of the property is owned by the applicant.
- 1.4 The application site is sited within the countryside that falls within the North Downs Special Landscape Area (SLA) and the Kent Downs Area of Outstanding Natural Beauty (AONB) as shown by the Maidstone Borough-Wide Local Plan 2000 (MBWLP).

## **2.0 PROPOSAL**

2.1 The proposal is for the demolition of the existing property known as 'Highfield', which is a chalet-style bungalow with pitched roof, and for the erection of a replacement dwelling. The proposed dwelling would largely be sited in the same position as the existing property, with the main building being set back more than 25m from the proposal site's southern boundary; and the existing access would remain from Faversham Road.

2.2 Here are a number of bullet points to assist the comparison of the existing and proposed dwellings;

- Existing property and associated outbuildings covers an area of some 348m<sup>2</sup>;
- Proposed dwelling would have a floor plan of some 410m<sup>2</sup> resulting in an area increase of 18%;
- The proposed dwelling would have a ridge height to the main living area being the same as the existing ridge height;
- The remainder of the new building would sit below the existing ridge height by some 600mm.
- The existing property's finished floor level is 161.750m above ordnance datum (AOD) Newlyn.
- The proposed property's basement finished floor level would be 160.000m AOD Newlyn.

2.3 The proposed dwelling would be on 3 levels;

- The basement level would be set into the slope at the northern wall, resulting in the southern terrace being partly sunk into landscape. The basement level would have a home cinema, pool, gym/sauna and sunken outdoor area;
- The intermediate floor would again be partly set into the landscape and would comprise the main private areas, including 6 bedrooms, family room, annex (entrance to which is at this level), and a terraced area (facing south);
- The upper floor is where the main entrance would be, from the north side of the building, and it is this side of the building where there would be the flat roofed garage/workshop building and parking/turning area. This outbuilding would also be cut-in to the existing slope to the north of the site. This level would comprise of the main communal areas such as the kitchen/dining area, and the main bedroom is also at this level. There would also be a second, south facing, terrace area.

2.4 In terms of materials, the proposal would make use of;

- Silvered timber cladding
- Non-reflective triple glazed windows
- Sedum roofs (over the main house, the annex and garage building)
- Living green walls fixed to timber louvres (number of sections mostly to south elevation)
- Powder coated exposed steel columns

- 2.5 The proposal would retain the established mature landscaping along all four boundaries of the site, with a number of Category U and C (poor condition/low value) trees and 3 Category B (moderate value) trees being removed.

#### **4.0 BACKGROUND INFORMATION**

- 4.1 The applicant has engaged in extensive pre-application discussions and through these negotiations, and whilst not an exhaustive list, the floor area of the building has been reduced by 10%; the bedroom wing has been reduced in width; the living space has been reduced in depth; the roof overhang has been reduced; and the level of glazing has been reduced.

#### **5.0 POLICY AND OTHER CONSIDERATIONS**

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV33, ENV34, H32, T13
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Supplementary Planning Guidance (SPG) 4 – Kent Vehicle Parking Standards (July 2006)
- Kent Design Guide Review: Interim Guidance Note 3 (November 2008) – Residential Parking

#### **6.0 LOCAL REPRESENTATIONS**

- 6.1 **Lenham Parish Council:** Wish to see the application refused and reported to planning committee;

*"We have concerns that the development is a significantly larger development in comparison to the present property and will impact on the surrounding area. Neighbours have expressed concerns relating to the preservation of the mature trees on the boundary of the site and the possible significant loss of vegetation. Steps should be taken to protect the ecology of the site. The light visibility above the natural screening will be a beacon on the downs, in an area of outstanding natural beauty. The rationale for controlled development is paramount in such an area. LPC are developing a neighbourhood plan and have grave concerns regarding the policies regulating the protection of the downs. Protection of the area from unsuitable, oversized development must be taken into consideration at both borough and parish level."*

- 6.2 **Local Residents:**

6 local residents have objected to the proposal for the following reasons:

- Not in keeping with its countryside/AONB setting
- Visual harm
- Excessive in scale
- Light pollution
- Setting a precedent

3 local residents support the proposal for the following reasons:

- Modern approach to design is welcomed
- Sustainable development
- Existing building is in a deteriorated condition and costly to renovate
- Nature of cut-in construction and use of 'living walls'/green roofs would allow building to blend into its countryside setting
- Designed to not cause unacceptable light pollution
- Positive landscape approach/retaining existing trees

## **7.0 CONSULTATIONS**

- 7.1 **KCC Highways Officer:** Raises no objection.
- 7.2 **KCC Biodiversity Officer:** Raises no objection.
- 7.3 **Landscape Officer:** Raises no objection.
- 7.4 **Public Rights of Way Officer:** Raises no objection.
- 7.5 **Natural England:** Raises no objection.
- 7.6 **UK Power Networks:** Raise no objection.
- 7.7 **Southern Gas Networks:** Raise no objection.
- 7.8 **Building Control:** Raise no objections.
- 7.9 **Environment Agency:** Raise no objection.
- 7.10 **Southern Water:** Raise no objection.
- 7.11 **Kent Downs AONB Unit:** Gave no response.

## **APPRAISAL**

### **8.0 Principle of development**

- 8.1 The most relevant policy under the Maidstone Borough-Wide Local Plan 2000 (MBWLP) relating to replacement dwellings in the countryside is saved policy H32. I will largely consider the proposal against the criteria set out in this policy. It states;

*OUTSIDE THE BUILT-UP AREA OF SETTLEMENTS, PLANNING PERMISSION WILL BE GRANTED FOR THE REPLACEMENT OF A DWELLING IF:*

- (1) PRESENT DWELLING HAS LAWFUL RESIDENTIAL USE; AND*
- (2) PRESENT DWELLING IS NOT RESULT OF TEMPORARY PLANNING PERMISSION; AND*
- (3) NEW DWELLING IS NO MORE VISUALLY INTRUSIVE THAN ORIGINAL DWELLING; AND*
- (4) NEW DWELLING IS SITED TO PRECLUDE RETENTION OF THE DWELLING IT IS INTENDED TO REPLACE, OR THERE IS A CONDITION OR PLANNING OBLIGATION TO ENSURE DEMOLITION OF LATTER ON COMPLETION OF NEW DWELLING; AND*
- (5) NEW DWELLING HAS SAFE ACCESS; AND*
- (6) EXISTING DWELLING IS NOT A LISTED BUILDING; AND*
- (7) PROPOSAL DOES NOT RESULT IN UNACCEPTABLE LOSS OF AMENITY OR PRIVACY FOR ADJOINING RESIDENTIAL PROPERTIES.*



- 8.2 With regards to the criteria set out under (1), (2), (4), (5) and (6) of policy H32 of the MBWLP, I can confirm that the present dwelling does have a lawful residential use and is not the result of a temporary planning permission. Furthermore, the dwelling is not listed and it does have an existing vehicle access. The remaining criteria set out under points (3) and (7) of policy H32 of the MBWLP will be considered further on in the report.
- 8.3 The proposal is also subject to the normal constraints of development in the open countryside within an AONB and SLA under policies ENV28, ENV33 and ENV34 of the MBWLP.
- 8.4 At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development. The NPPF also recognises the intrinsic character and beauty of the countryside, and gives great weight to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty.
- 8.5 This application is for the erection of a replacement dwellinghouse in the countryside and there is policy support for this type of development, subject to all other material planning considerations. I consider the principle of the proposed development to be acceptable and will go on to discuss the detail of the application, in terms of visual impact, residential amenity, highway safety, and biodiversity to name the key issues.

## **9.0 Visual impact**

- 9.1 The key criterion of saved policy H32 is that the proposed dwelling should be no more visually intrusive than the property it would replace.
- 9.2 It is accepted that there would be views of the proposal from short to medium distances, from Faversham Road and the public footpath to the east. This said, these views would be limited to the north and west of the site, given the topography of the land and the mature planting all along Faversham Road, with glimpses through this planting and through the existing access point. From the south, Faversham Road is some 200m away from the site, and again views would only be glimpsed through the mature hedging and car park area that serves Limetree Terrace. From this car park, there is the start of a public footpath (KH436) which continues northwards, skirting the open field to the east of the site. At its nearest point, this footpath is some 60m from the site. Again, views of the replacement dwelling would be possible, but this would be from some distance away and through the mature retained boundary planting. It is also worth noting that the western elevation would be seen as 1 and a half storey; the northern elevation would appear single storey; and any views of the proposal would be read with the backdrop of the land and the existing trees within and outside the site.
- 9.3 As previously explained the proposal would be built into the landscape, what with it being set down further and cut-in to the northern bank of the site. This would result in a ridge height no higher than the existing property; and it has been calculated that in utilising the topography of the

land, the replacement dwelling would have approximately 40% of its mass screened by the ground. Also, to emphasise again, the proposal would result in a modest 18% increase in floor area from the existing property and the run-down outbuildings on site; and the replacement dwelling would sit comfortably within the plot, with good space between it and the existing boundaries.

- 9.4 Careful consideration has also been given to the mass of the building, and in my view its scale and design ensures that it would not appear excessively bulky in appearance. Indeed, the main building has been rotated to a south-west to north-west axis, turning the building away from the road; the building has been stepped, giving a terraced aspect to the first floor which responds to the gradient and contours of the site; the roof form has also been pulled back; and the glazed elements, irregular shape and projections and recesses of the building does give suitable relief to its form. In addition, the integration of timber louvres (where the green walls will take) and the sedum roof would break up the appearance of the building; and this vertical emphasis would also allow the building to blend into the landscape.
- 9.5 I have no objection to the contemporary design of the proposal, and in my view its use of timber cladding and the living roof/wall elements would allow the building to appropriately sit well within the context of the surrounding countryside and its AONB setting. To further ensure a satisfactory appearance to the development, appropriate pre-commencement conditions will be imposed regarding materials, surfacing, boundary treatments, external lighting and landscaping.
- 9.6 The proposal has considered potential light pollution and will mitigate against potential significant harm by utilising the topography of the site, with the basement and parts of the intermediate floor being screened by the natural ground level; by retaining the existing mature landscaping along the boundaries of the site that will also provide a dense foreground and background to the proposal; by installing non-reflective glazing which helps to minimise the effects of internal lighting; by not having excessive levels of glazing overall; and by installing fixed timber louvres (that cannot be removed) which sit in front of the glazing, particularly the southern elevation. It is accepted that a dwelling will emit a certain amount of light, which would be more noticeable during winter, however with the above considered I am satisfied that this proposal would not generate excessive amounts of light pollution that would cause unacceptable harm to the countryside and the AONB hereabouts.
- 9.7 This site sits within the Chalk Scarp landscape character type of the Maidstone Landscape Character Assessment 2012 (amended 2013). Through a detailed landscape scheme, which will be ensured by way of condition, I am satisfied that this development would be in line with this assessment, as it would conserve and enhance species diversity of the site as well as retaining the overall character of the scarp.
- 9.8 Whilst the proposed dwelling would be larger than what it replaces, I am satisfied that it's design, siting, and use of the topography of the land,

together with the retention of the existing mature boundary landscaping and further landscaping enhancements would ensure an appropriately sized replacement dwelling. Therefore, in my view the proposal would not significantly affect the character and appearance of the area or result in a development that would appear any more visually intrusive or incongruous in the countryside that falls within an AONB and SLA than the existing dwelling it would replace.

## **10.0 Arboricultural implications**

- 10.1 The proposal would retain the established mature landscaping along all four boundaries of the site, with a number of Category U and C (poor condition/low value) trees and 3 Category B (moderate value) trees being removed. There are no protected trees or Category A (high value) trees within or adjacent the site, and the Landscape Officer considers the submitted Arboricultural report produced by Sylvan Arb to be acceptable in principle. Subject to the relevant conditions, I therefore have no reason to refuse this application on arboricultural grounds.

## **11.0 Residential amenity**

- 11.1 No other residential property would be within 100m of the replacement dwelling and so I am satisfied that the proposed development would not have a significant detrimental impact upon the residential amenity of any neighbour. I am also satisfied that the replacement dwelling would provide acceptable living conditions (internally and externally) for future occupants.

## **12.0 Highway safety implications**

- 12.1 Vehicle access into the site already exists and would not be moved as a result of this application; I am satisfied that the proposal would not lead to a significant increase in traffic (given it will still be a single dwellinghouse); and the site would continue to have sufficient off road parking provision and turning facilities for a property of this size. I therefore take the view that this proposal would not have an unacceptable impact on highway safety. The KCC Highways Officer also raises no objections to this development.

## **13.0 Biodiversity implications**

- 13.1 The applicant has submitted an Ecological Survey for Protected Species report. In summary, the report has led to the conclusion that the building is not used as a bat roost, and that the other buildings to be demolished within the site have also been assessed as unsuitable for roosting bats. The gardens are described as having "*no obvious management in recent years*" but it is concluded that these areas are unsuitable for reptiles, amphibians and other protected species. The Biodiversity Officer is of the view that there is suitable, although fairly limited, habitat for active reptiles and given the presence of suitable habitat close to the site, advises that a precautionary approach to vegetation removal should be implemented. Due to the extent of potential impact, it is not considered it necessary for further surveys to be carried out.

- 13.2 One of the principles of the National Planning Policy Framework is that *"opportunities to incorporate biodiversity in and around developments should be encouraged"*. In response to this, it is welcomed that the proposed development will incorporate a sedum roof and living walls, which will provide biodiversity benefits; and further ecological enhancements will be ensured by condition for native species planting and the provision of bat and bird boxes.

#### **14.0 Other considerations**

- 14.1 The site is not within a Flood Zone, as designated by the Environment Agency and the increase of built development on the site is not over excessive. I therefore take the view that this development would not be any more prejudicial to flood flow when compared to what exists on site already.
- 14.2 The development would make use of package treatment plant disposal for foul sewage, which disposes of effluent to sub-soil irrigation; rainwater harvesting; and surface water would be disposed of by a sustainable drainage system and soakaway. The Environment Agency raises no objection and the recommended condition to protect groundwater drinking supplies in the event of unsuspected contamination has been duly imposed. Building Control is satisfied that there has been no historic issue with water disposal in this area and the use of soakaways and rainwater harvesting is acceptable. I am satisfied that there is no risk of flooding at this site.
- 14.3 To protect the countryside and to control further development on this site, I feel it is justified to impose a condition that removes its permitted development rights for further extensions, outbuildings, hard boundary treatments and for the laying of hardstanding.
- 14.4 This development does not directly affect any public footpath, and the Public Rights of Way Officer raises no objection to the application.
- 14.5 The issues raised by Lenham Parish Council and the local residents have been addressed in the main body of this report. However, I would like to add that each planning application is considered on its own merits and it does not set a precedent for other development elsewhere.

#### **15.0 CONCLUSION**

- 15.1 For the reasons outlined above, I consider the development would not cause any demonstrable harm to the character of the countryside or the AONB, it would not harm the amenities of existing residents and it would provide sufficient parking and have no adverse impact on highway safety. It is considered overall that the proposal is acceptable with regard to the relevant provisions of the Development Plan, the National Planning Policy Framework and all other material considerations such as are relevant. I therefore recommend conditional approval of the application on this basis.

**RECOMMENDATION – APPROVE** subject to 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 shall not commence until, written details and samples of the materials, to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials and maintained thereafter;

Reason: To safeguard the character and appearance of the development and the countryside hereabouts that falls within a Special Landscape Area and Area of Outstanding Natural Beauty.

- (3) 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 safeguard the character and appearance of the development and the countryside hereabouts that falls within a Special Landscape Area and Area of Outstanding Natural Beauty.

- (4) The development shall not commence until details of the proposed materials (not loose stone or gravel for the first 5m, as measured from the back of the highway) to be used in the surfacing of the access road and parking areas within the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the subsequently approved details;

Reason: To safeguard the character and appearance of the development and the countryside hereabouts that falls within a Special Landscape Area and Area of Outstanding Natural Beauty and to ensure highway safety.

- (5) No development shall take place until details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the local planning authority;

- (i) Details of windows and doors and recesses/reveals which shall be a minimum of 70mm;
- (ii) Details of treatment of eaves/parapet finishing;
- (iii) Rain water goods;

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

Reason: To safeguard the character and appearance of the development and the countryside hereabouts that falls within a Special Landscape Area and Area of Outstanding Natural Beauty.

- (6) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall include;
- i) Details of the specification and species mix of the sedum roof and living walls;
  - ii) Details of the species, size, density and location of all new planting within the site;

Reason: To safeguard the character and appearance of the development and the countryside hereabouts that falls within a Special Landscape Area and Area of Outstanding Natural Beauty.

- (7) The development hereby permitted shall be carried out in accordance with the Arboricultural Report with Tree Survey, Arboricultural Impact Assessment and Tree Protection Specification undertaken by Sylvan Arb (dated 01/12/14), and all trees shown to be retained (drawing no. HV/RR/965-04) must be protected in accordance with this report before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority;

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

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

Reason: To safeguard the character and appearance of the development and the countryside hereabouts that falls within a Special Landscape Area and Area of Outstanding Natural Beauty.



- (9) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a Biodiversity Method Statement for the precautionary removal of vegetation with potential for reptiles, and nesting birds considered. This method statement shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter;

Reason: In the interest of ecology and biodiversity.

- (10) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of the following have been submitted to and approved in writing by the local planning authority and maintained thereafter;

- i) Details of the provision of bat/bird boxes within the development.

Reason: In the interest of ecology and biodiversity.

- (11) The development shall not commence until details of the external lighting (permanent or temporary) to be installed in relation to the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the subsequently approved details;

Reason: To safeguard the character and appearance of the development and the countryside hereabouts that falls within a Special Landscape Area and Area of Outstanding Natural Beauty.

- (12) The development hereby approved shall be built in accordance with the proposed slab levels of the buildings as shown on drawings PL-100 and PL-130 received 24th October 2014 unless otherwise agreed in writing by the local planning authority.

Reason: In order to secure a satisfactory form of development having regard to the topography of the site.

- (13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Class(es) A, B, C, E, F and G and Part 2, Class A shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character and appearance of the development and the countryside hereabouts that falls within a Special Landscape Area and Area of Outstanding Natural Beauty.

- (14) The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

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

- (15) Any entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum distance of 5m from the carriageway edge;

Reason: In the interests of highway safety.

- (16) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved;

Reason: To protect the Source Protection Zone 3 and to protect groundwater drinking supplies in the event of unsuspected contamination.

- (17) The development hereby permitted shall be carried out in accordance with the following approved plans: PL-100, 101, 102, 103, 104, PL-120 and PL-121 received 24th October 2014;

Reason: To safeguard the character and appearance of the development and the countryside hereabouts that falls within a Special Landscape Area and Area of Outstanding Natural Beauty and to prevent harm to the residential amenity of neighbouring occupiers.

## INFORMATIVES

- (1) Lighting can be detrimental to roosting, foraging and commuting bats. The following recommendations (from the Bat Conservation Trust) should be incorporated (where applicable) when designing the lighting scheme:

a) Low-pressure sodium lamps or high-pressure sodium must be used instead of mercury OR metal halide lamps where glass glazing is preferred due to its UV filtration characteristics.

- b) Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each light to direct the light and reduce spillage.
- c) The times during which the lighting is on must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to the minimum to reduce the amount of 'lit time'.
- d) Lamps of greater than 2000 lumens (150 W) must not be used.
- e) Movement sensors must be used. They must be well installed and well aimed to reduce the amount of time a light is on each night.
- f) The light must be aimed to illuminate only the immediate area required by using as sharp a downward angle as possible. This lit area must avoid being directed at, or close to, any bats' roost access points or flight paths from the roost. A shield or hood can be used to control or restrict the area to be lit. Avoid illuminating at a wider angle as this will be more disturbing to foraging and commuting bats as well as people and other wildlife.
- g) The lights on any upper levels must be directed downwards to avoid light spill and ecological impact.
- h) The lighting must not illuminate any bat bricks and boxes placed on the buildings or the trees in the grounds.

As single bats can never be ruled out, it is recommended that a safe working methodology should be employed to proceed with any felling or tree surgery works;

- Trees should be cut in such a way to avoid cutting through cavities
- If at any time during works, bats or signs of bats are found, then all works should stop and a bat ecologist or Natural England should be contacted for their advice before any further works proceed.
- No works should take place during the hibernation season (taken to be November to March included)

As single bats can never be ruled out, it is recommended that a safe working methodology should be employed to proceed with the demolition of the buildings, by dismantling by hand the soffits and barge boards first. If bats are found, works should stop and Natural England should be contacted for advice.

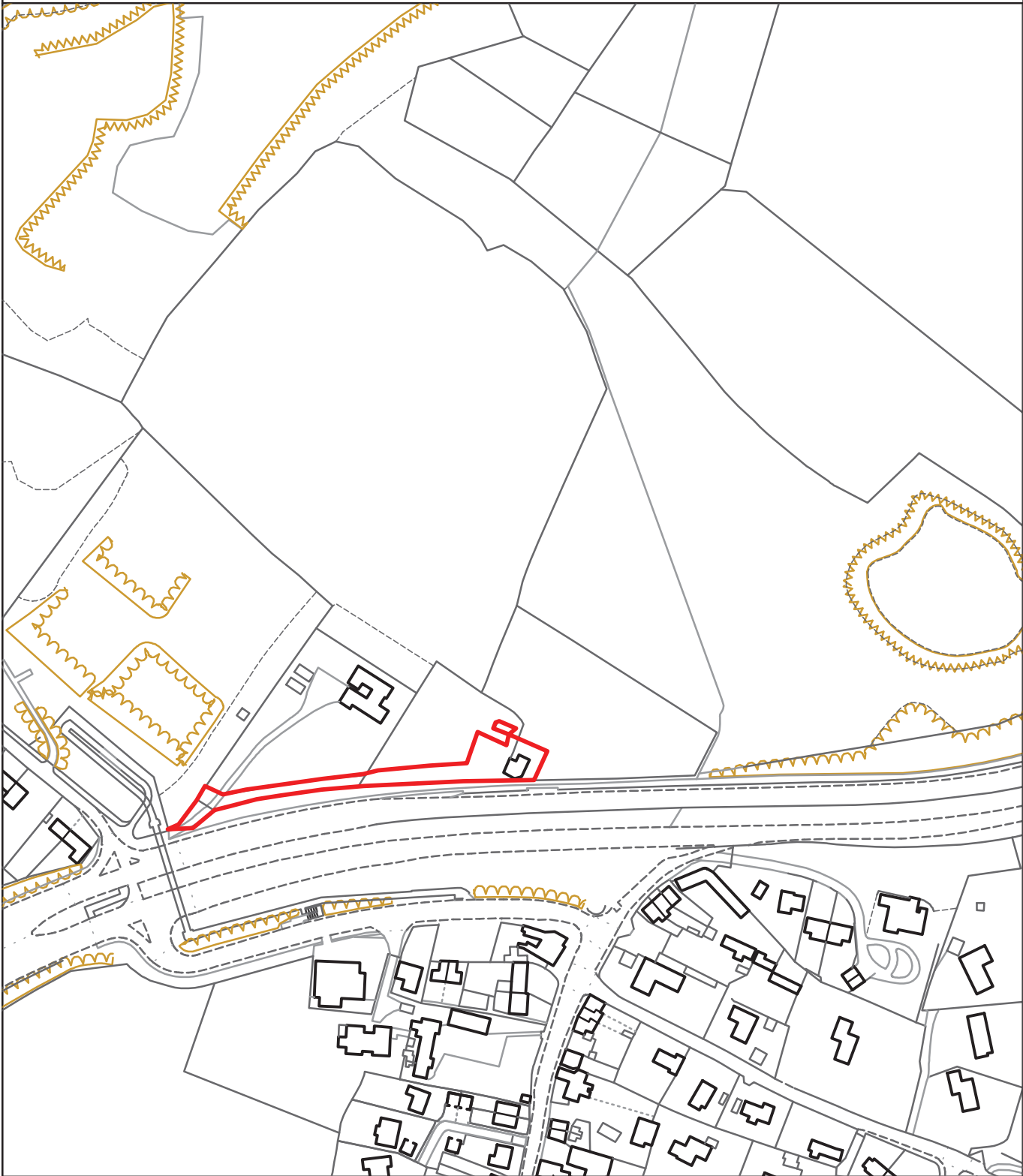
Case Officer: Kathryn Altieri

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.

THE MAIDSTONE BOROUGH COUNCIL

Lynch Bank Farm Barn  
Detling Hill  
Detling  
Kent  
ME14 3EX

MBC Ref: 14/505920



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Rob Jarman  
Head of Planning

## REPORT SUMMARY

<b>REFERENCE NO - 14/505920/FULL</b>		
<b>APPLICATION PROPOSAL</b> Partial demolition of existing barn and demolition of other outbuilding, conversion and extension of barn to a B1 (a) office use, with ancillary works for access, turning and parking.		
<b>ADDRESS</b> Lynch Bank Farm Barn Detling Hill Detling Kent ME14 3EX		
<b>RECOMMENDATION</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposal is recommended for approval for the following reasons: <ul style="list-style-type: none"> <li>- There is considered to be no objection in principle to conversion of the barn to office use nor to its partial demolition and replacement.</li> <li>- Enables retention of the Non Designated Heritage Asset.</li> <li>- Will bring material improvements to the character and setting of the AONB, rural character of the area while safeguarding the setting of the SSSI.</li> <li>- Will not result in any material harm to the outlook and amenity of nearby houses.</li> <li>- Will secure wildlife and habitat improvements in accordance with the NPPF.</li> <li>- Is acceptable on highway and parking grounds</li> <li>- Unsustainable siting of the development now substantially outweighed by the benefits derived from the proposal.</li> <li>- Proposal is considered to materially address the reasons for refusing the previous proposal to demolish the existing barn, outbuilding and concrete bunker and erection of an office building.</li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE</b>  Recommendation is contrary to the views of the Parish Council		
<b>WARD</b> Detling And Thurnham Ward	<b>PARISH/TOWN COUNCIL</b> Detling	<b>APPLICANT</b> Mr J Breeds <b>AGENT</b> Mr John Collins
<b>DECISION DUE DATE</b> 04/02/15	<b>PUBLICITY EXPIRY DATE</b> 04/02/15	<b>OFFICER SITE VISIT DATE</b> 18 <sup>th</sup> December 2014

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The site abuts the north side of Detling Hill (A249) with a roadside verge separating it from the A249. It is sited a short distance to the east of the

junction with Pilgrims Way. There is an access directly from the site onto the A249 which is not used. The main access is via a long narrow track off Pilgrims Way to the south which also serves Lynch Place, a detached property to the west of the site.

- 1.02 The site is occupied by a dilapidated timber barn fronting directly onto the A249 to the north of which is an underground concrete bunker. There is a single storey detached timber outbuilding set some distance to the north of the main barn. Apart from areas of level hard standing to the west of the barn much of the site is now heavily overgrown.
- 1.03 In a wider context the site lies within an AONB abutting a SSSI and forming part of a strategic gap.

## **2.0 HISTORY:**

- 2.01 76/0463- Outline application for single storey agricultural dwelling-REFUSED- 2<sup>nd</sup> July 1976
- 2.02 87/2046- Outline consent for change of use at industrial premises to studio/office use and the erection of a farmhouse- - WITHDRAWN
- 2.03 91/1352- Change of use to car repairs and paint spraying service – WITHDRAWN
- 2.04 10/1165- Demolition of existing barn, outbuilding and concrete bunker and erection of an office building- WITHDRAWN
- 2.05 11/0799- Demolition of existing barn, outbuilding and concrete bunker and erection of an office building- REFUSED- 5 September 2013 on the grounds that (a) loss of the barn as a non designated heritage asset not sufficiently justified (b) the increased height, mass and developed footprint would harm character and setting of the North Downs Area of Outstanding Natural Beauty(c) failure to address wildlife and habitat concerns and (d) unsustainable location of site for office use.
- 2.06 There is also enforcement history for this site. In December 2000 the building was being used for car repairs but this use ceased in May 2001.
- 2.07 Notwithstanding the above, it is considered, on the balance of probability, that the lawful use of the premises is for agricultural purposes as the original agricultural use does not appear to have been superseded by an implemented planning permission or evolution of an alternative lawful use.

## **3.0 PROPOSAL**

- 3.01 The proposal involves partial demolition of the existing barn with the end abutting Detling Hill (already truncated to enable construction of the A249 back in 1960's) being removed along with barn extensions abutting the north east side of the central bay. It is also intended to remove an underground concrete bunker sited a short distance to the north east of the existing building and a detached timber outbuilding sited some distance to the north of the existing barn.



- 3.02 The existing barn will then be extended and converted into B1 (office) use comprising two main office areas, reception, waiting/meeting area, kitchen and wc's.
- 3.03 The existing barn has an irregular footprint, a floor area of just under 74 sqm metres with a depth of just over 9 metres and a maximum height of just under 6 metres. The combined width of all its elements is just over 11 metres with the barn at its closest point coming to within 1 metre of the site boundary with Detling Hill.
- 3.04 It is intended to retain the central part of the barn with the extended barn having a floor area of just over 80 sqm metres, a maximum height of just over 6 metres, a width of just over 12 metres a depth of just over 7 metres and be set just over 2 metres back from the site boundary with Detling Hill.
- 3.05 The proposed building will have a rectangular footprint and comprise a pitched roof building clad in timber weatherboarding with a slate roof. In response to heritage objections the external appearance has been amended with the front elevation comprising an inset entrance feature flanked by 8 no. narrow section windows. The rear elevation shows a full depth clerestory window again flanked by 8 no. narrow section windows.
- 3.06 On site parking and turning will be provided for 6 vehicles immediately in front of the main façade of the building. On a day to day basis access will be via the existing track onto Pilgrims Way to the west though the access to the site from the A249 will remain to provide an emergency access and for use by farm vehicles.
- 3.07 The site perimeter and much of the length of the access track will be defined by a native species hedgerow with the chalk grassland to the north of the site to be maintained as a semi improved chalk grassland habitat.

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

The National Planning Policy Framework (NPPF) 2012  
National Planning Practice Guidance (NPPG) 2014  
Maidstone Borough Wide Local Plan:  
ENV28 – Development in the countryside  
ENV31- Strategic gap  
ENV33- Kent Downs AONB  
ENV44- Conversion of rural building to commercial use

Supplementary Planning Documents:

Kent Downs AONB: Management Plan 2009-2014

#### **5.0 LOCAL REPRESENTATIONS**

- 5.01 **Neighbours:** 1 property notified. 1 objection received which is summarised below:
- Visual intrusion due to possible advert clutter.

- Concerns regarding waste, surface water disposal and storage of waste or rubbish.
- Proximity of site to A249 will mean that employees will be exposed to unacceptable levels of road traffic noise.
- In order to meet provisions of the NPPF relating to impact on the AONB and wildlife all buildings should be demolished and site returned to its natural state. In addition have noted adders, grass snakes, frog and toads on site which have not been mentioned in ecology survey.
- Harm to free flow of traffic and highway safety due to conflicting vehicle movements at the junction of Pilgrims Way/A249 while narrow rutted track to site of insufficient width to enable service vehicles to gain access.
- Site has been vacant for more than 20 years

## **6.0 CONSULTATIONS**

### **6.01 Detling Parish Council:** Objects on the following grounds:

- site does not appear to have existing commercial use and it lies in an AONB and SSSI.
- planning application lacks detail with regards to the provision of utilities such as water and waste water and these matters should be fully considered.
- Concerned regarding the access onto the A249 which is unacceptable and should be closed as if used this would increase the risk of accidents on this already dangerous road.

### **6.02 KCC Ecology:**

- An 'exceptional' population of slow-worms and a 'low' population of viviparous lizards were recorded on the site. Mitigation measures proposed within the Reptile Survey report indicating that all habitat will initially be lost. Principles of the proposed mitigation are nevertheless acceptable.
- Regarding the proposed receptor site though the applicants advise that it is highly likely that reptiles will be recorded on it as this would be a temporary holding area until on site landscaping becomes established no requirement for a survey of the receptor site.
- The bat survey did not record any bats roosting within the buildings on site and only foraging animals were recorded using the site. With the buildings assessed as having low and negligible potential to support roosting bats satisfied that no further surveys or mitigation for bats is required at this time.
- The badger sett identified during the previous survey work is no longer present. However as the more recent survey identified no signs of badgers accept that the previous survey may have wrongly identified the earth works as a badger sett. As such an advisory approach on the potential impact on the development on badgers is acceptable.
- In line with the provisions of the NPPF to secure both habitat conservation and improvements there will be a need to secure the ecological mitigation for

reptiles, nesting birds and badgers by condition. In addition, to ensure there is suitable habitat available post-development habitat creation and long-term habitat management (both on-site and off-site) for reptiles should also be secured by condition,

**6.03 Natural England:**

- The Site is in close proximity to the Wouldham to Detling Escarpment Site of Special Scientific Interest (SSSI). If proposal undertaken in strict accordance with the submitted details it is not likely to have a significant effect on the North Downs Woodlands or damage or destroy the interest features contained in the Wouldham to Detling Escarpment SSSI.

- Advise consultation with Kent Downs AONB unit to confirm whether or not the development accords with the aims and policies set out in the AONB management plan. - Regarding protected species its standing advice should be taken into account in determining the application.

- The NPPF states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'

**6.04 Kent Downs AONB unit:** Do not wish to make any comment.

**6.05 Environment Agency:** Have assessed this application as having a low environmental risk and therefore have no comments to make.

**6.06 EHO:** No objection subject to impositions of conditions to address site contamination.

**6.07 Kent Archaeology:** No objection

**6.08 MBC Heritage:** The existing barn is a truncated structure with 2 or more bays of the original having been removed in the early 1960s when the Detling Bypass was built. The remaining structure contains some re-used timbers from an earlier building but essentially appears to be an early 19th Century barn with later alterations. There is just about enough historic fabric remaining to justify consideration of the building as a non-designated heritage asset.

The proposal is to remove the partially-extant southernmost bay and extend the remaining structure by three bays to the north. Demolition of the southern bay will result in some loss of historic fabric, but much of the structure post-dates the demolition of the original southern end of the barn in the 1960s and no objection is identified to this.

The addition of three bays to the north would return the barn to its original size though not in its original location.

In conclusion no objection to the proposal in design or siting terms subject to conditions to secure joinery details, samples of materials, details of external finishes and a detailed repairs schedule.

- 6.09 **Kent Highways:** No objection - The proposal offers sufficient parking and turning facilities and make use of an existing access. Furthermore, it is not expected that this change of use will significantly increase traffic movements. Recommend imposition of conditions to secure no access direct onto Detling Hill, provision of on site parking and turning both in the course of implementing the development and at all times thereafter.

## 7.0 APPRAISAL

- 7.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 7.02 The key issues are considered to be whether the proposal materially addresses the reasons for refusal set out in connection with application ref: MA/11/0799 in terms of a) Principle (b) Impact on non designated heritage asset (NDHA) (c) Impact on the character setting and function of the AONB, rural character of the area and the strategic gap (d) Impact on the outlook and amenity of houses overlooking and abutting the site (e) wildlife and habitat protection including impact on SSSI (f) highway and parking considerations and (g) sustainability.

### **Principle:**

- 7.03 While the barn could be repaired and reused in its current form and layout, this has to be balanced against whether this would bring about a demonstrable improvement to the appearance of the site. The barn is in a dilapidated condition and apart from a small central core having some historic merit, the truncated appearance of the building has further compromised its character and appearance. As such it is considered that the barn currently lends little to the character and appearance of the area. Subject therefore to retention of those parts of the building having historic merit, it is considered that the proposal has the potential to bring a potential package of visual and habitat benefits better responding to the sensitive landscape quality and wildlife concerns.
- 7.04 The proposal needs to be considered against the specific provisions of policy ENV44 of the adopted local plan (conversion of rural building to commercial use) which states, amongst other things, that (a) the reuse of rural buildings, such as those existing on the application site, will be permitted amongst other things where the buildings are sound and capable of conversion without major reconstruction and (b) will not lead to a dispersal of activity on a scale to prejudice town and village vitality.
- 7.05 **Response to point (a):** For the reasons already amplified above it is considered that though the barn building could be capable of conversion, the potential visual benefits of allowing its partial demolition and rebuild (subject to strict size and siting limits) justify a more flexible approach
- 7.06 **Response to point (b):** Given the small scale of the likely enterprise it is considered that objections based on dispersal of activity on a scale likely to prejudice town and village vitality cannot be sustained.

7.07 In addition the NPPF at para 28 requires planning policies to support growth in rural areas to create jobs and prosperity by taking a positive approach to sustainable new development by amongst other things through the conversion of existing buildings and well designed new buildings.

7.08 As such there is considered to be no objection in principle to conversion of the barn to business use nor to its partial demolition and replacement.

**Impact on non designated heritage asset:**

7.09 Though the barn is not Listed, given the heritage status of part of the building it demonstrably qualifies as a non designated heritage asset (NDHA).

7.10 The NPPF at para 135 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining an application. In weighing applications affecting directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

7.11 As it is no longer the intention to wholly demolish the barn but to integrate those parts of it having historic merit into the proposed scheme and in the absence of objection from the MBC Heritage Advisor, it is considered that there is no sustainable objection to the proposal on heritage grounds. In the circumstances as loss of the barn is no longer involved thereby enabling retention of its key heritage elements, this materially addresses the previous heritage reason for refusal in connection with application ref:MA/11/0799.

**Impact on the character setting and function of the AONB rural character of the area and strategic gap:**

7.12 The site occupies an extremely prominent and sensitive location in the North Downs AONB on the scarp slope. In such circumstances landscape considerations must be given great weight in determining the application.

7.13 In design terms the proposed buildings represents a pastiche of a Kentish barn/agricultural building and is therefore considered to be appropriate in this rural setting. However design is not the only test of acceptability and in areas of great landscape sensitivity the size and siting of buildings are also key considerations.

7.14 The total ground floor area of the barn is 74 sqm while the combined total of all buildings currently occupying the site is 107.2 sqm. This compares to 80 sqm for the proposal, increasing the area covered by the existing barn by just under 7%. When removal of the concrete bunker and outbuilding is taken into account, this brings about a 34% reduction in built footprint.

7.15 Turning to height comparisons, the maximum height of the existing barn is just under 6 metres while the proposal increases this to just over 6 metres. This is not considered significant particularly when taking into account the enhanced visual appearance of the building along with the greater setback and improved screening when viewed from the Detling Hill.

7.16 In the circumstance taking into account the proposed reductions in the developed footprint over the whole site and design, size and siting of the proposal particularly when viewed from Detling Hill, it is considered that overall

there will be a positive impact on the character and setting of the AONB and rural character of the area.

- 7.17 Regarding erosion in the function of the strategic gap the scale of development is too small to have any material impact on this.
- 7.18 Turning to the remaining elements of the proposal, the proposed parking and turning area reflects the existing situation such that there will be no material change. To safeguard the night-time rural character of the area controls over external lighting should be imposed.
- 7.19 As such the previous objections to development of this site based on increased built mass harming the character and setting of the North Downs AONB are considered to be addressed.

**Impact houses overlooking and abutting the site:**

- 7.20 The nearest affected property is Lynch Place to the west. Taking into account the separation distance between the western boundary of the site and eastern boundary of Lynch Place (just over 30 metres) and design and siting of the proposal, it is not considered that this property will experience any material loss of visual amenity or outlook. In terms of harming aural amenity, given the separation distance and proposed site enclosure no harm is identified on these grounds though it should also be taken into account that B1 uses, by definition, can be carried out in any residential area without detriment to the amenity of that area.

**Wildlife and habitat protection including impact on SSSI**

- 7.21 The application was accompanied by an extended phase 1 Habitat and bat scoping survey, bat re-entrant and reptile surveys.
- 7.22 Populations of both slow worm and lizards were identified and which will need to be relocated to a receptor site while the development takes place. The subsequent use of the much of the rest of the site as a semi improved south facing grassland will result in improvement in reptile habitat subject to conditions to secure this.
- 7.23 The bat survey did not record any bats roosting within the buildings while only foraging animals were recorded using the site.
- 7.24 Regarding previous concerns relating to the presence of badgers, as the sett identified in the previous survey is no longer present and may have been wrongly identified as a badger sett in any event no specific response to badgers is required as part of this application.
- 7.25 Turning to the impact of the proposal on the Wouldham to Detling Escarpment Site of Special Scientific Interest (SSSI) given the comments of Natural England it is not considered that the proposal will result in any harm to the SSSI.
- 7.26 As such in the absence of any objections from KCC ecology and Natural England and subject to conditions to secure habitat mitigation for reptiles, nesting birds and badgers along with suitable habitat provision and management, the proposal is considered to meet the provisions of the NPPF relating to wildlife concerns.



- 7.27 As such the previous objections to development of this site based on the failure to address wildlife and habitat concerns are considered to be addressed.

**Highway and parking considerations:**

- 7.28 Kent Highways advise that the proposal provides sufficient on site parking and turning facilities while making use of an existing access. Furthermore that it does not expect that the proposal will significantly increase traffic movements. As such in the absence of objection from Kent Highways it is considered that the proposal is acceptable in its highway and parking impacts.
- 7.29 The intention to retain use of the existing access onto Detling Hill as an emergency access and to allow access for agricultural vehicles is acknowledged. Though the applicants desire to maintain his access options are acknowledged this application should be seen as an opportunity to secure permanent closure of this dangerous access onto Detling Hill.

**Sustainability:**

- 7.30 One of the reasons for refusing application ref: MA/11/0799 (Demolition of existing barn, outbuilding and concrete bunker and erection of an office building) was that the site represented an unsustainable location for office use.
- 7.31 Given (a) the reduced size of the proposal (b) since this decision was made it is now possible under prior approval procedures for buildings having lawful use for agricultural use to be converted to commercial purposes ( which includes offices) as permitted development and (c) improvements to the visual appearance of the site, retention of the NDHA and habitat and wildlife improvements, on balance, it is considered the adverse effects of an unsustainable location are now outweighed by the benefits of the proposed development.

**Other matters:**

- 7.32 The majority of the objectors concerns have already been addressed but a response is required to the following:
- 7.33 Concerns relating to possible advert clutter is noted but this is a matter that can be controlled by condition.
- 7.34 In response to concerns regarding the storage of waste and disposal of rubbish this can be dealt with by condition as can the disposal of waste and surface water.
- 7.35 It is acknowledged that the site is close to the A249 and therefore exposed to road traffic noise. However in the absence of objection from the EHO on aural amenity grounds and that the building will be insulated and double glazed there is considered to be no sustainable objection to the proposal on aural amenity grounds
- 7.36 The reference to adders, grass snakes, frog and toads being present on site is noted. It is acknowledged that these were not identified in the ecology survey. This is not to say that that these species have not visited the site at some time but given their transient nature and that surveys, by their very nature represent a snapshot of a situation, it is not considered that this brings into doubt the

veracity of the survey undertaken. It must also be acknowledged that once the habitat improvements have been carried out this will improve site conditions for all reptiles.

## **8.0 Conclusions:**

8.01 These are considered to be as follows:

- No objection in principle to conversion of the barn to office use nor to its partial demolition and replacement.
- Enables retention of the NDHA.
- Will bring material improvements to the character and setting of the AONB, rural character of the area while safeguarding the setting of the SSSI.
- Will not result in any material harm to the outlook and amenity of nearby houses.
- Will secure wildlife and habitat improvements in accordance with the NPPF.
- Is acceptable on highway and parking grounds
- Unsustainable siting of the development now substantially outweighed by the benefits derived from the proposal.
- As such the proposal is also considered to materially address the reasons for refusing the proposal submitted under ref:MA/11/0799 (Demolition of existing barn, outbuilding and concrete bunker and erection of an office building).

8.02 In the circumstances it is considered that the balance of issues now fall significantly in favour of the proposal and planning permission should be granted as a consequence.

## **9.0 RECOMMENDATION – GRANT Subject to the following conditions**

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

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

(2) Before the development hereby approved commences joinery details of the proposed windows and doors shall be submitted for prior approval in writing by the Local Planning Authority. The details shall specify materials and finishes and include large scale plans at a scale of 1:20 showing long and cross sections of the mullions, transoms and cills. Work shall only be carried out in accordance with the approved details and retained as such at all times thereafter.

Reason: In the interests of visual amenity.

(3) Prior to the development hereby approved commencing details of all external materials and finishes including those specified for the wearing surfaces of the access track, turning and

parking area shall be submitted for prior approval in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

(4) Prior to the development hereby approved commencing a detailed repairs schedule showing how it is intended to retain and incorporate the acknowledged heritage elements of the existing barn into the proposed development shall be submitted for prior approval in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: To safeguard the fabric of the heritage asset.

(5) The building shall only be used for office purposes falling within Class B1(a) of the Town and Country Planning (Use Classes) Order 1995 (as amended) and for no other purpose irrespective of whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015.

Reason: To retain control over the use of the site in the interests of amenity.

(6) Prior to the development commencing details of on site parking and turning for all vehicles likely to be associated with the construction phase of the development shall be submitted for prior approval in writing by the Local Planning Authority. The approved details shall be in place before construction work commences and retained until completion of the construction phase.

Reason: In the interests of highway safety and the free flow of traffic.

(7) The development hereby approved shall not be occupied until the parking and turning areas shown on the approved plans have first been provided. They shall be retained at all times thereafter with no impediment to their intended use.

Reason: In the interests of highway safety and the free flow of traffic.

(8) No external lights shall be installed anywhere on site without first obtaining the approval of the Local Planning Authority. Lighting shall only be installed in accordance with the approved details and retained as such at all times thereafter.

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

(9) Both during the course of and post the development construction phase the reptile safeguarding measures set out in paragraphs 5.4 and 5.5 of the Greenspace Ecological Solutions Reptile Survey dated October 2014 and mitigation/enhancement measures set out in paragraphs 5.1-6.1 (inc) of the Update Extended Phase 1 Habitat and Bat Scoping Survey shall be implemented in accordance with the approved details.

Reason: To ensure that adequate provision is made for wildlife in accordance with the provisions of the NPPF.

(10) Prior to commencement of the development hereby approved the 3 ft high native species hedgerow sited as shown on drawing no:13/1247 shall be planted in accordance with the submitted details. Any part of the approved hedgerow becoming dead, dying or diseased within 5 years of planting shall be replaced with a similar species of a size to be agreed in writing beforehand with the Local Planning Authority.

Reason: In the interests of visual amenity.

(11) The development hereby permitted shall not commence until a scheme for (a) the disposal surface water (which shall in the form of a SUDS scheme) and (b) waste water has been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To prevent pollution of the water environment and to ensure satisfactory drainage in the interests of flood prevention.

(12) Prior to commencement of the development hereby approved details of the storage and disposal of waste shall be submitted for prior approval in writing by the Local Planning Authority. The approved details shall in place before first use of the development and retained as such at all times thereafter.

Reason: In the interests of visual amenity and the free flow of traffic and highway safety.

(13) If during construction/demolition works contamination not previously identified is found to be present on site work shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: In the interests of amenity and public safety.

(14) No signs (irrespective of whether they can be displayed with deemed consent under the Advert Regulations) shall be displayed on site without first obtaining the prior consent in writing of the Local Planning Authority. Any signs shall only be displayed in accordance with the approved details.

Reason: In the interests of visual amenity.

(15) Prior to first occupation of the development hereby permitted the existing site access onto Detling Hill (A249) shall be permanently closed off in a manner to be agreed beforehand in writing with the Local Planning Authority. Thereafter access to the site shall only be gained via the existing track onto the Pilgrims Way.

Reason: In the interests of highway safety and the free flow of traffic,

(16) The development hereby permitted shall be carried out in accordance with the following approved plans being drawing nos: 10/5001, site plan 1:1250 and plan showing construction details h received 24th November 2014, 13/1240, 1247, 1248 (but not approving the roof), 1250 and 1256.

Reason: To ensure the quality of the development is maintained in the interests of visual amenity.

## INFORMATIVES

1. You are reminded of the legal protection afforded to nesting birds and to ensure that no development is carried out which might affect these.
2. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
3. In submitting details to discharge condition 12 you should take into account the following. With regards to waste collection, the applicant should communicate with the local waste authority to ensure they are satisfied with the proposals. The applicant should also be aware that Manual for Streets guidance states that: Residents should not be required to carry waste more than 30 m (excluding any vertical distance) to the storage point; and waste collection vehicles should be able to get to within 25 m of the storage point and the gradient between the two should not exceed 1:12. If the applicant decides that refuse vehicles will be required to access the site, then tracking diagrams should be provided to show that refuse vehicles can enter, turn and exit the site in a forward gear.
4. The applicant may be required to apply to the Environment Agency for other consents directly from it. The term 'consent' covers consents, permissions or licenses for different activities (such as water abstraction or discharging to a stream), and it has a regulatory role in issuing and monitoring them. The applicant should contact 03708 506 506 or consult its website to establish whether a consent will be required.  
<https://www.gov.uk/environmental-permit-check-if-you-need-one>
5. Any facilities used for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume of the tanks.

## Note to Applicant

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

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

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

In this instance:

Following clarification and amendment of the submitted details the application was acceptable

Case Officer: Graham Parkinson

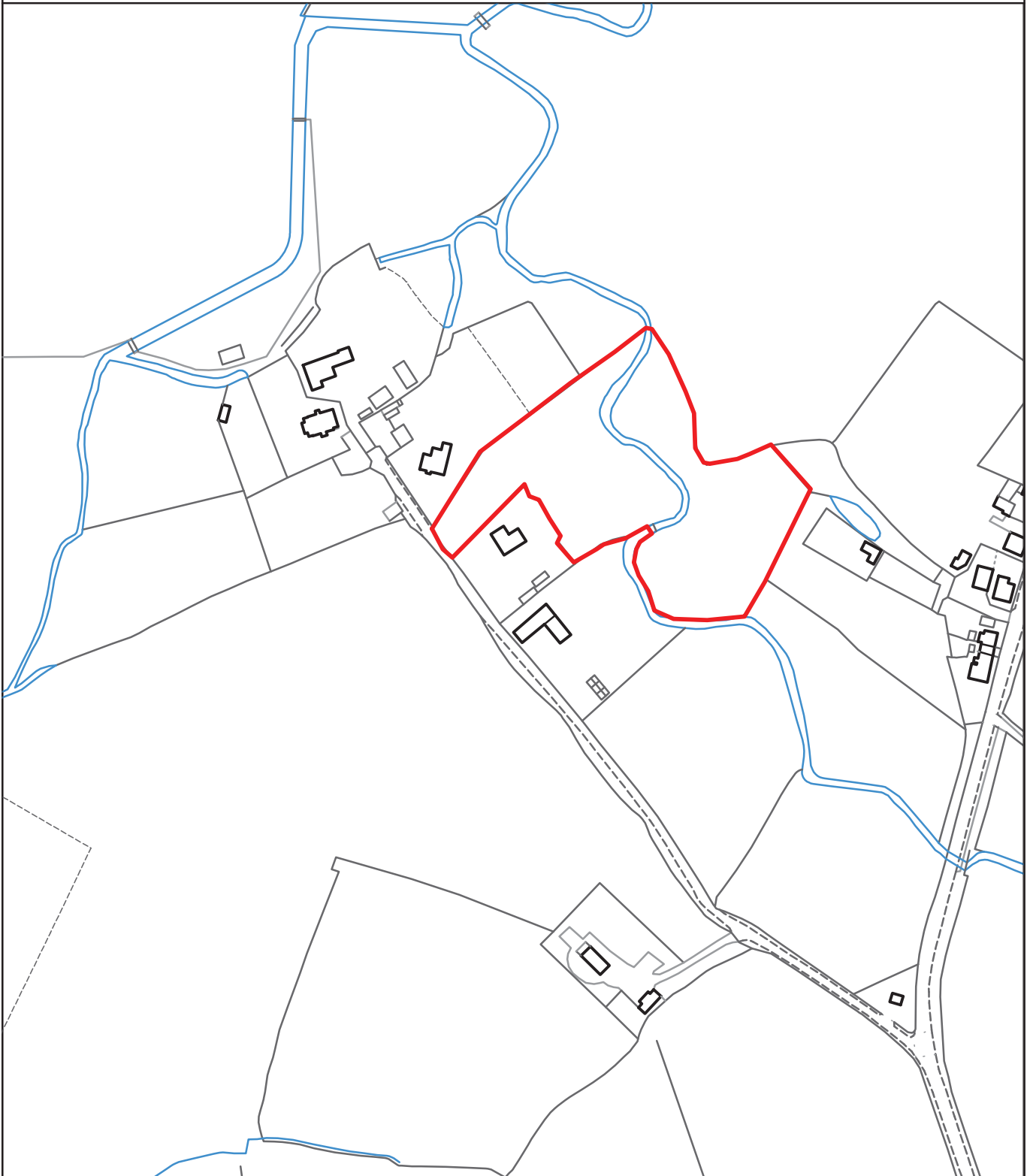
NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.  
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.



# THE MAIDSTONE BOROUGH COUNCIL

Roughlands  
Goudhurst Road  
Marden  
Kent  
TN12 9NH

MBC Ref: 14/506180



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**Rob Jarman**  
Head of Planning

## REPORT SUMMARY

<b>REFERENCE NO - 14/506180/FULL</b>			
<b>APPLICATION PROPOSAL</b> Retrospective - Change of use of land from agricultural land residential garden (used as garden since approx. 1980s) - Reduced site area			
<b>ADDRESS</b> Roughlands Goudhurst Road Marden Kent TN12 9NH			
<b>RECOMMENDATION</b> Approve with conditions			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>  <ul style="list-style-type: none"> <li>- No objection to the continued use of this land for residential garden purposes based on any material harm to rural character of the area or loss of high quality farmland.</li> <li>- Considered to accord with the provisions of policy H13 of the adopted local plan</li> </ul>			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Contrary to the views of Marden Parish Council			
<b>WARD</b> Marden And Yalding Ward	<b>PARISH/TOWN COUNCIL</b> Marden	<b>APPLICANT</b> Mr Nigel Bowles <b>AGENT</b> Kent Design Studio	
<b>DECISION DUE DATE</b> 09/02/15	<b>PUBLICITY EXPIRY DATE</b> 09/02/15	<b>OFFICER SITE VISIT DATE</b> 8 <sup>th</sup> January 2015	

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The application site is partly occupied by a detached house fronting an unmade track and one of a loose scatter of dwellings fronting the track on this side.

- 1.02 The main part of the application site lies to the east of the house and comprises an irregular shaped area of grassland traversed by a wide stream running in a broadly north to south direction.

- 1.03 The wider area is rural in character.

## **2.0 PROPOSAL**

- 2.01 Retrospective planning permission is sought to continue to use of the area for garden purposes in connection with the existing house.
- 2.02 The applicants advise that the land has not been used for agriculture for many years and have submitted aerial photographs dating from 2006 – 2011 to show the use of the land.
- 2.03 The application has since been amended to include only the area to the west of the stream.

## **2.0 RELEVANT SITE HISTORY:**

- 2.1 None

## **3.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF 2012)  
National Planning Practice Guidance (NPPG 2014)  
Development Plan: ENV28, H31

## **4.0 LOCAL REPRESENTATIONS**

- 4.01 **Marden Parish Council: Object :** While noting amendments to the site area could not see any evidence for this change of use and queried why a full planning application had been received rather than applying for a lawful development certificate. It was noted that PROW KM252 was not acknowledged on the plan nor on any accompanying documentation. If the application is to be judged on its own merits recommend refusal by virtue of harm to the open countryside
- 4.02 Two neighbouring properties notified of the proposal. No representations received

## **5.0 CONSULTATIONS**

- 5.01 **Rural Advisor:** The site lies in the Low Weald where soils locally are naturally wet lying loams/clays with a high ground water level. Does not consider it likely that this land would be graded higher than 3b (moderate quality) , i.e. not in the best and most versatile category.
- 5.02 **EA:** No objection

- 5.03 **KCC PROW:** The proposed development site is in the vicinity of several Public Rights of Way including KM250 and KM252. The development does not directly affect any rights of way . As such **no objection** is raised.

## **6.0 APPRAISAL**

- 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 site falls within open countryside and therefore subject to policy ENV28 and the specific provisions of policy H31.

- 6.03 Policy H31 states that planning permission will not be granted for the change of use of agricultural land to a domestic garden if it would harm the character or appearance of the countryside and/or result in loss of high quality farmland.

### **Lawful Use:**

- 6.04 Regarding whether the use of the land for garden purposes is lawful the submitted aerial photographs are inconclusive while the Council's own aerial photographs dating from 2003 are equally inconclusive. On the available evidence it is therefore not considered that the site benefits from a lawful use for garden purposes.

### **Impact on rural character:**

- 6.05 Following amendments to the site area, the outer (east) line is now defined by the stream. Though this still results in a spacious plot the stream clearly differentiates the domestic use running along its western bank from the open land to the east. As such the stream represents a clear, defensible and well defined transition between domestic and other open/agricultural land.

- 6.06 In addition as the area is (a) still reasonably close to the existing dwelling and (b) its boundaries either well enclosed by planting or defined by the stream, it does not appear as an intrusion into adjoining open countryside from any key vantage point.

- 6.07 Subject therefore to the removal of permitted development rights for outbuildings in order to maintain the open character of the site, it is considered that the impact on the rural character of the area is limited. As such there is considered to be no sustainable objection to the continued use of the land on visual amenity grounds.

### **Loss of agricultural land:**

- 6.08 The comments of the agricultural advisor make clear that the land does not constitute the best and most versatile farmland. As such there is considered to be no sustainable objection to the continued use of the site on these grounds.

## **7.0 CONCLUSION**

- 7.01 Notwithstanding the concerns of the Parish Council, it is considered that there are no sustainable grounds for objecting to the continued use of this land for garden based on harm to rural character of the area or loss of high quality farmland. The proposal is therefore considered to accord with the provisions of policy H13 of the adopted local plan and it is recommended that planning permission be granted accordingly.

**8.0 RECOMMENDATION – GRANT** Subject to the following conditions:

- (1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Class E to that Order shall be carried out without first obtaining the permission of the Local Planning Authority.

Reason: In the interests of visual amenity.

**INFORMATIVES**

(1) You are reminded that this planning permission only relates to the redline area shown on drawing no:208-100B.

(2) The applicant may need to apply to the Environment Agency for other consents . The term 'consent' covers consents, permissions or licenses for different activities (such as water abstraction or discharging to a stream), and it has a regulatory role in issuing and monitoring them.

The applicant should contact 03708 506 506 or consult its website to establish whether a consent will be required.

<https://www.gov.uk/environmental-permit-check-if-you-need-one>

**Note to Applicant**

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

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

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

In this instance:

The application was acceptable as submitted.

Case Officer: Graham Parkinson

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

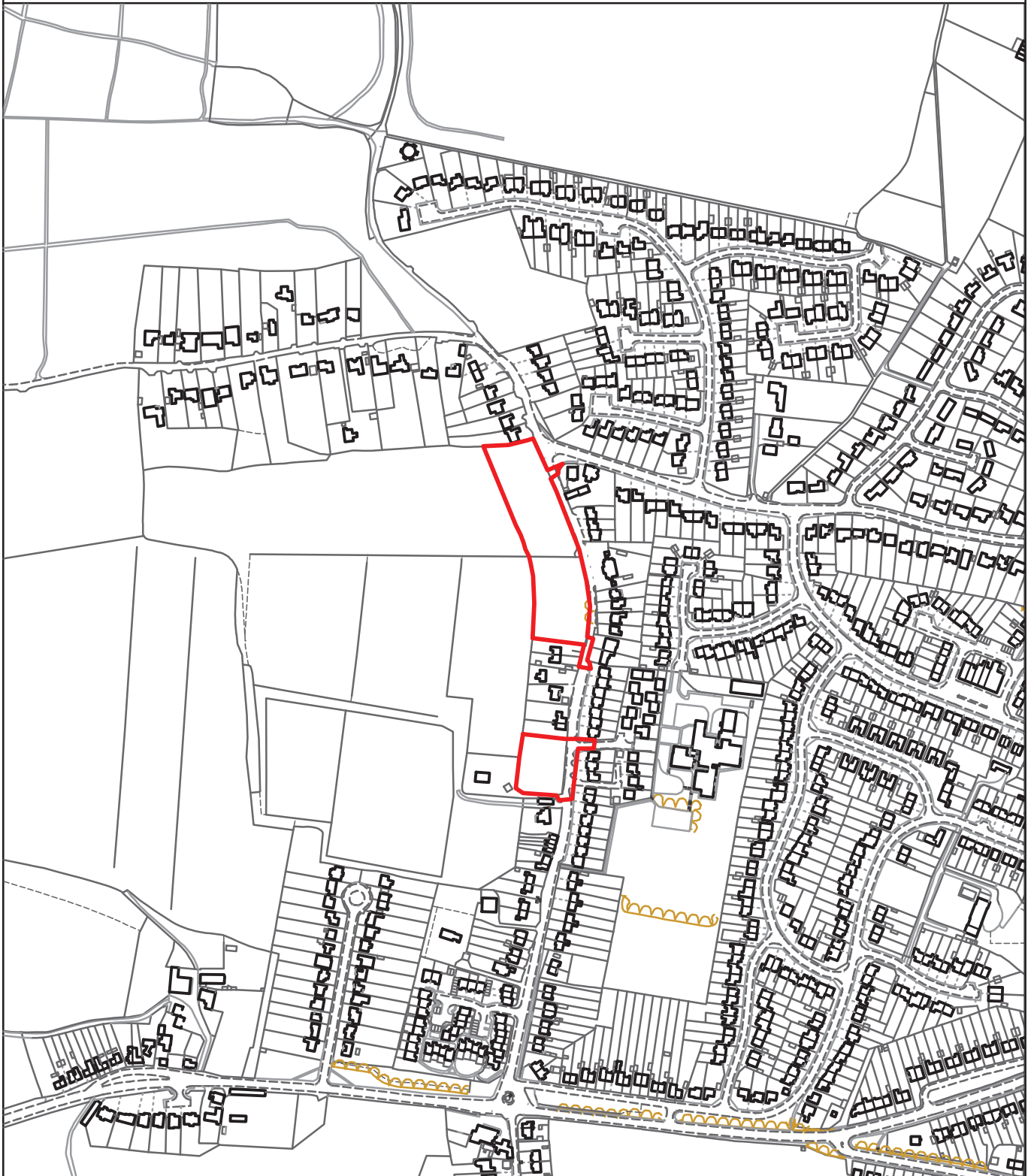
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.



# THE MAIDSTONE BOROUGH COUNCIL

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> <p>The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development is at a sustainable location, immediately adjoins the existing 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.</p> <p>The site is include the draft Local Plan as site allocation H1(19) and has been approved by Cabinet as being appropriate for 35 residential units.</p> <p>The applicant is prepared to enter into a legal agreement to ensure that justified contributions are met.</p>		
<b>REASON FOR REFERRAL TO COMMITTEE</b> <p>Barming Parish Council wish to see the application refused and have requested the application be reported to Committee for the reasons set out below.</p> <p>Teston Parish Council wish to see the application refused and have requested the application be reported to Committee for the reasons set out below.</p> <p>Councillor Fay Gooch objects and has requested the application be reported to Committee for the reasons set out below.</p>		
<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		

### 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 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 and will now move forward to the Reg. 19 stage of the Local Plan adoption.

**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 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 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 16 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 and 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.

## **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 have 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

## **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
- 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 Following re-consultation 17.03.2015 some 17 local residents object to the development. All of the objectors had previously objected and reiterated their original objections. Teston and Barming Parish Council also reiterated their original objections. 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.

**7.4 KCC Highways:** No objections

7.5 *'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.*

7.6 *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.*

7.7 *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).*

7.8 *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.*

7.9 *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'.*

**7.10 Environment Agency:** No objections

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

**7.12 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:*

7.13 *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.*

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

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

**7.16 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'.*

7.17 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*

7.18 *'The proposal gives rise to 10 additional primary school pupils during occupation of this development. This need, cumulatively with other new developments in the vicinity, can only be met through the provision of new Primary Schools in Hermitage Lane, as identified in the Maidstone Borough Interim Local Plan Policies, as the forecast primary pupil product in the locality results in the maximum capacity of local primary schools being exceeded.*

7.19 *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'.*

- 7.20 Secondary Education Provision: A contribution of £2359.80 (x35) = £82,593 towards the enhancement of teaching space at Maplesden Oaks School.
- 7.21 *'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'.*
- 7.22 Youth Services: A contribution of £295.48 is sought for the new residents of this development alone (supplied to Infozone Youth Hub).
- 7.23 *'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.'*
- 7.24 Libraries Contribution: A contribution of £1680.55 towards new book stock supplied to Mobile Library service covering Barming.
- 7.25 *'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.'*
- 7.26 **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)
- 7.27 *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.*
- 7.28 *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'*

**7.29 MBC Housing: Objects**

- 7.30 *'The development is for a total of 35 units with the applicant proposing 30% affordable housing which equate to 11 units.*
- 7.31 *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.*
- 7.32 *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.*
- 7.33 *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.*
- 7.34 *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:*
- 7.35 *'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.'*
- 7.36 *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.*

- 7.37 *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%

- 7.38 *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.*

- 7.39 *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

- 7.40 *However, we acknowledge that to amend the site plans at this stage of the planning process may not be an option.*
- 7.41 *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'.*

- 7.42 Conservation Officer:** Objects

- 7.43 *'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.*
- 7.44 *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.*
- 7.45 *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:-*
- 7.46 *"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..."*
- 7.47 *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.*
- 7.48 *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'.*
- 7.49 Park and Open Space:**
- 7.50 *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.*

**7.51 MBC Environmental Health: No objections**

7.52 *'The applicant should be aware of the possibility of land contamination being discovered during development works in areas of farmland. Should any contamination be discovered the applicant should cease works and carry out a site investigation with the report submitted, along with any remediation measures, to the Council for consideration and approval.'*

7.53 *Part of the application site is located adjacent to a source of road traffic noise that may result in significant disturbance to future occupants. The nature of the noise is such that it cannot be dealt with as a noise nuisance complaint. The application does not contain information in the form of an acoustic assessment detailing the impact of external noise on the proposed residences and any mitigation that might be required. A noise assessment should be carried out with the report and recommendations being submitted to the Council for consideration and approval.*

7.54 *The Transport Assessment, produced by C&A Consulting Engineers, Project No: 14-021 and dated December 2014 has been passed to Giuliano Gianforte for consideration and approval.*

7.55 *Although there is no indication of land contamination based on information from the Maidstone Borough Council's contaminated land database and historic maps databases, the area around Barming is known to experience elevated radon levels in some places. A radon survey should be carried out in order to establish if this location is susceptible and if levels are elevated the proposed mitigation measures are to be submitted to the Council for consideration and approval.*

**7.56 Requested Conditions:**

**7.57 Contaminated Land**

7.58 *You are recommended to take full account of the advice given by the Department of the Environment, Transport and the Regions in PPG 23 Planning and Pollution Control. This advice (in Paragraph 14 of Annex 10) indicates that "the responsibility for safe development and secure occupancy of the site rests with the developer". You should note that this Council, acting as Local Planning Authority, has determined the application on the basis of the information available to it – this does not mean that the land is free from contamination.*

**7.59 Internal sound levels – residential**

7.60 *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.*

**7.61 Radon (In a Radon suspected area)**

7.62 *The applicant should be aware that the site is in a radon affected area with a 3-5% probability of elevated radon concentrations. If the probability of exceeding the Action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE 1999, 2001, AND 2007). If the probability rises to 10% or more, provision for further preventative*



*measures are required in new houses. Test(s) for the presence of radon gas are recommended to be carried out. Further information can be obtained from Public Health England.*

**7.63 Informative**

*As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected'.*

**7.64 KCC Ecology: No objections**

*7.65 '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.*

*7.66 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.*

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

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

*7.69 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.*

*7.70 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.*

*7.71 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.*

7.72 *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.*

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

**7.74 MBC Landscape:** No objections

7.75 *‘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.*

7.76 *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*

7.77 *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.*

7.78 *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’.*

**7.79 KCC Heritage:** No objections

7.80 *'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.'*

7.81 *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:*

7.82 *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'.*

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

**7.84 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. .

**7.85 MBC Environmental Steetscene:** No objections

7.86 *'The application site is within an area undergoing significant development (in particular in the vicinity of Maidstone Hospital), and adjacent Maidstone Urban AQMA). Although the vehicular traffic generated by the new development is not likely to be significant, cumulative impacts from other nearby committed developments should have been considered. Some residential properties will be built close to the main road. Measures to mitigate emissions from generated traffic and reduce exposure of new residents to poor air quality must therefore be implemented.'*

**REQUESTED CONDITIONS:**

7.87 No Objection subject to the following condition:

7.88 Residential Travel Pack (RTP)

7.89 *A RTP shall be provided to each new residential unit as part of the Welcome Pack. It will contain information and incentives to encourage the use of sustainable transport modes from new occupiers, including as a minimum:*

- *Maps showing the site in relation to walking, cycle routes local buses, , nearest bus stops, and rail stations*
- *Links to relevant local websites with travel information such as public transport operator information, cycling organisations and the Council*
- *Free tasters tickets for local buses, vouchers for bike maintenance/parts at local shops, and other contributions towards low emission transport. Details of local 'Car Share' and 'Car Club' schemes, including links to County & District Councils sponsored schemes*
- *Incentives for new residents to join a local Car Club (£30 free driving credit per dwelling)*

7.90 Plug-in and low emission charging infrastructure

*Domestic: Dwellings with dedicated off-street parking to be provided with charging points (sockets) for low-emission plug-in vehicles.*

**7.91 Building Design**

*Design of those residential properties along North Street should consider the appropriate stand-off distance from the road; landscaping and vegetation boundary between the dwellings and road.*

*A sample RTP will be submitted to and approved by the Local Planning Authority prior to the occupation of any residential unit'.*

**7.92 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 Paragraph 47 of the NPPF states that Councils should;

8.7 *"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;'*

- 8.8 Relevant to this, the NPPF requires that local authorities have a clear understanding of housing needs in their area, and as such they should prepare a Strategic Housing Market Assessment (SHMA) to assess their full needs; working with neighbouring authorities where housing market areas cross administrative boundaries. Maidstone has carried this out with Ashford Borough Council and Tonbridge and Malling Borough Council. The SHMA (2014) confirms the objectively assessed housing need for the borough over the plan period 2011 to 2031 as 19,600 dwellings (980 dwellings per annum). Subsequent to this, the objectively assessed housing need was revised downwards to 18,600. This figure, which is based on central government population projections based on 2011 census data, was reported to, and accepted by, Cabinet on 10th September 2014.
- 8.9 At April 2014, the Council had a 2.1 year supply of housing assessed against the revised objectively assessed need figure of 18,600. The Council is unable to demonstrate a 5 year supply of housing land.
- 8.10 This lack of a 5 year supply is a significant factor and at paragraph 49 of the NPPF it is stated that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a 5 year supply cannot be demonstrated. The presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.
- 8.11 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.
- 8.12 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.
- 8.13 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 and South / 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.
- 8.14 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.

- 8.15 Furthermore, the bringing forward of 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.
- 8.16 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 and will now move forward to the Regulation 19 stage of the Local Plan adoption.
- 8.17 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. To the east of the site on the opposite side of North Street is the built up urban area of Maidstone and is characterised predominately by residential properties and the proposed development would not be significant incongruous to this existing residential development on the opposite side of the street. 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. 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 development. Short range views are to be expected when developing a greenfield site for housing and in this instance application site is 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.

- 9.5 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 facilitate in screening 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.
- 9.6 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.
- 9.7 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.
- 9.8 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.
- 9.9 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 Broumfield the architect has sought to soften the impact on this grade II listed building by setting the houses back from the street frontage (the houses would be approximately 12m 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 15m 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 and the public benefits arising from the additional 35 residential units is considered, on balance, to weigh in favour of the proposed development and would outweigh harm 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 this regard the proposed development would face toward North Street in a similar fashion to the neighbouring residential properties in the street. In addition properties would be set back from the road with landscaped front gardens in accordance with policy H1 (19). 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 to 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 north 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 a 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 was 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 design 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 both sides of the carriageway. 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.

- 13.6 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 discussion 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.
- 13.7 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.
- 13.8 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.

**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 being 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.
- 14.9 It is important to note that the Peter Brett Viability Report makes the assumption that new housing would be built to Code for Sustainable Homes Level 4. Achieving code level for has a greater cost implication that code level 3 therefore all the proposed new units would be required to meet code level 4 in order that a 30% affordable housing provision can be considered viable.
- 14.10 The proposed development is described as achieving level 4 of the Code for Sustainable Homes in the Pre-Assessment report and as such is compliant with the emerging local plan policy and the Peter Brett viability report. A condition is recommended to safeguard this to be achieved.

#### **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.
- 15.2 The loss of the hedgerow along the west side of North Street is regrettable but necessary to achieve the best design approach. 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 north site would be enhanced as part of the landscape proposals.
- 15.3 Few trees would be removed from the application site. The councils Arborist has not raised any objections to the removal of these trees subject to the additional tree planting proposed in the 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 and has been endorsed by KCC Ecology following the submission of additional information / improved landscaping. This reveals that there are no identified protected species on the site and overall no significant ecological constraints found on 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;

15.5 Natural England and KCC Ecology have raised no objections to the development of the site advising that no protected species would be affected.

#### **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 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.

## **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 Cabinet 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 a regular bus route, and the development of this site for residential purposes would represent an example 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. Therefore, the development of this site for residential purposes would conform with the Council's approach to the location of development.
- 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 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.
- 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) Residential Travel Pack (RTP)

A RTP shall be provided to each new residential unit as part of the Welcome Pack. It will contain information and incentives to encourage the use of sustainable transport modes from new occupiers, including as a minimum:

- o Maps showing the site in relation to walking, cycle routes local buses, , nearest bus stops, and rail stations
- o Links to relevant local websites with travel information such as public transport operator information, cycling organisations and the Council
- o Free tasters tickets for local buses, vouchers for bike maintenance/parts at local shops, and other
- o contributions towards low emission transport. Details of local 'Car Share' and 'Car Club' schemes, including links to County & District Councils sponsored schemes
- o Incentives for new residents to join a local Car Club (£30 free driving credit per dwelling)

Plug-in and low emission charging infrastructure

Domestic: Dwellings with dedicated off-street parking to be provided with charging points (sockets) for low-emission plug-in vehicles.

A sample RTP will be submitted to and approved by the Local Planning Authority prior to the occupation of any residential unit.

Reasons: In the interest of air quality and sustainable travel.

(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 principle's established in the Council's adopted Landscape Character Assessment 2012 and shall include details of the repair and retention of existing hedgerows and tree lines within the site; 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\_02G 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 Design and Access Statement (T.0278\_05B); dated February 2015 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 Flood Risk Assessment & Preliminary Surface Water Drainage Strategy by C & A Consulting Engineers Ltd; dated November 2015 and Landscape and Visual Appraisal by CSa (CSa/1683/04a); dated December 2014 and Transport Assessment by C & A Consulting Engineers; dated December 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

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](http://southernwater.co.uk).

{bNote to Applicant: APPROVAL}

The Council's approach to this application:

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

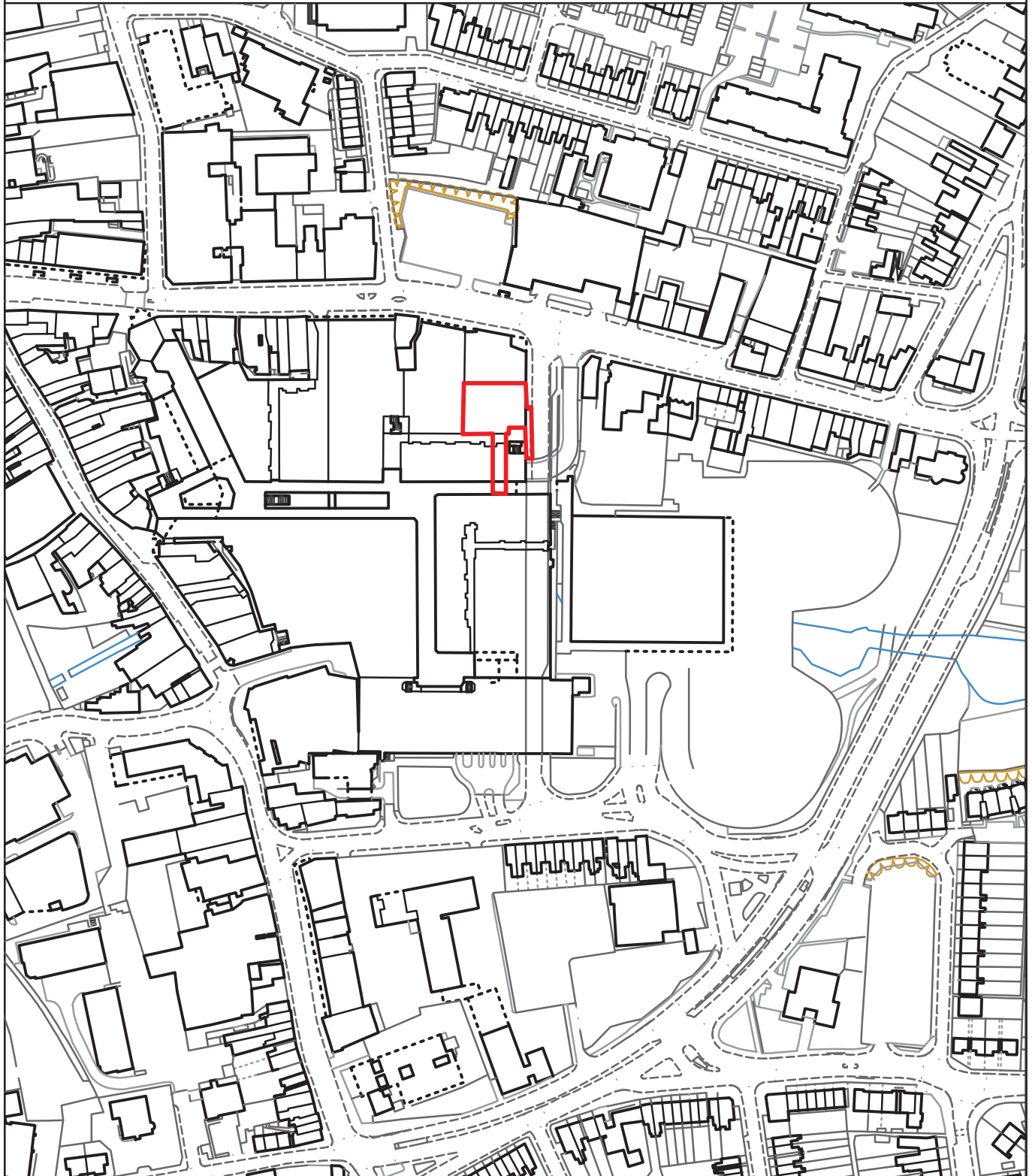
NPPF Approval – standard informative

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

# THE MAIDSTONE BOROUGH COUNCIL

Maidstone Borough Council  
Maidstone House  
King Street  
Maidstone, Kent  
ME15 6JQ

MBC Ref: 15/503305



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**Rob Jarman**  
Head of Planning



## REPORT SUMMARY

<b>REFERENCE NO - 15/503305/ADV</b>			
<b>APPLICATION PROPOSAL</b> An application for advertisement consent for 3 No. vinyl fascia signs			
<b>ADDRESS</b> Maidstone Borough Council Maidstone House King Street Maidstone Kent ME15 6JQ			
<b>RECOMMENDATION: APPROVAL</b>			
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b>  The proposed development presents no adverse impacts upon the host building area and is in accordance with policy ENV8 of the local plan and paragraph 67 of the NPPF.			
<b>REASON FOR REFERRAL TO COMMITTEE</b>  The applicant is Maidstone Borough Council.			
<b>WARD</b> High Street Ward		<b>PARISH/TOWN COUNCIL</b> N/A	<b>APPLICANT</b> Mrs Karen Franek <b>AGENT</b> N/A
<b>DECISION DUE DATE</b> 23/06/15	<b>PUBLICITY EXPIRY DATE</b> 23/06/15	<b>OFFICER SITE VISIT DATE</b> 06/05/15	
<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>
08/1723	An application for Advertisement consent for the erection of non-illuminated fascia sign, displaying occupier's logo as shown on drawing numbers 0319-8475 Rev 02 and 0319-8454 Rev 01 received on 22/08/08 and drawing no.s 0319-1103 Rev 07 and 0616-060406-	Withdrawn	

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The proposal site comprises of a relatively large glass building known as the Maidstone Gateway, a council owned building in which a variety services, meeting rooms and other facilities the council use and provide to the public are based. The building is located on the south side of King Street in the High Street Ward of the Borough and is attached to the Chequers Centre where it is also accessible from within the shopping centre. It is situated on the corner where King Street meets Pad's Hill, which is the road that provides access for buses to the bus stops of the Chequers Shopping Centre. The proposal site faces towards the north and onto King

Street where opposite lays a car park at road level and a site currently a demolition site. To the east of the site lies Pads Hill and beyond that lies the ramp up to roof top car park of The Mall. To the east and other side of the ramp lies a relatively small two storey detached property that is currently being used as a business and small office. To the west lies the Chequers Shopping Centre and to the south lies the roof top car park of The Mall and also Maidstone House which is accessible from the Gateway via a link bridge. The site is located within an Area of Archaeological Potential and a small part to the south of the building falls within Flood Zones 2 and 3. King Street also hosts a number of Grade II listed buildings, the nearest being 70 King Street 35km to the east.

## **2.0 PROPOSAL**

- 2.01 The proposed development is for advertisement consent for three vinyl fascia signs. The proposed advertisements would be of blue and purple colour with white text and none are proposed to be illuminated. The signage would advertise a new enterprise that will support entrepreneurs and micro-businesses and is planned to be opened in August of this year.
- 2.02 Two of the proposed signs (nos 1 and 2) would be positioned on the east elevation of the gateway building facing towards Pads Hill. These proposed signs would cover parts of the two large scale windows on this elevation. Proposed sign 1 (Main Business Terrace Graphic) would have a total height of 9.6m and a width of 5.5m and would include the text of 'The Business Terrace'. The letters of the text of 'The Business' would have a height of approximately 30cm and the word 'Terrace' would have an approximate height of 70cm. This sign would be the full length of the window, but the sign is designed so that the colour and text is most prominent at the top of the sign and fades away toward the bottom of the sign. This proposed base of this sign would be 1.4m from ground level.
- 2.03 Sign no. 2, Aim High Graphic, would also positioned on the east elevation of this building, but would be positioned further south than sign no.1 and would be situated on the higher window located on this elevation. This proposed sign would have a height of 5.52m, a width of 3.22m and would be positioned 10.76m from ground level. This proposed sign is also designed so that the colour and text is most prominent at the highest point of the sign and fades towards the lower end. The advertisement would include the text 'Aim High' where the height of the letters would be around 60cm. Both of these proposed signs would also include smaller less prominent text that would be perpendicular to the main text of each sign.
- 2.04 The final sign would be situated across the link bridge that joins the Gateway building and Maidstone House and runs across the entrance way to The Mall roof top car park. This sign would also face towards the East. The proposed advertisement would cover the majority of the bridge, but is proposed to leave an gap in the middle which effectively splits this proposed sign in to two which are of a similar size to each other positioned either end of the bridge. The signs would be the full height of the bridge of around 3m and would cover a total width of approximately 22m. The sign is proposed to have the text of 'The Business Terrace' which would have the same size letters as those in sign no. 1.
- 2.05 Advertisement consent is sought for a period from 01/07/2015 – 23/10/2023.

## **3.0 PLANNING CONSTRAINTS**

The proposal site is situated within an 'Area of Archaeological Potential' and partially falls within areas designated and Flood Zones 2 and 3. There are also a small number of Grade II listed buildings situated along King Street.

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

The National Planning Policy Framework (NPPF):  
National Planning Practice Guidance (NPPG)  
Development Plan: ENV8

#### **5.0 LOCAL REPRESENTATIONS**

The consultation period ends on the 27/05/15 and the application has currently received no comments. Any comments received will be reported under an urgent update report.

#### **6.0 CONSULTATIONS**

MBC Conservation Officer – The proposed adverts will have no adverse impact on the setting of adjacent listed buildings. Raises no objection to the application on heritage grounds.

#### **7.0 BACKGROUND PAPERS AND PLANS**

1. Main Business Terrace Graphic  
2. Aim High Graphic  
3. Link Bridge Graphic(s)  
Business Terrace External Graphics  
Location Plan

#### **8.0 APPRAISAL**

##### **Principle of Development**

- 8.01 ENV8 of the Maidstone Borough Wide Local Plan is the relevant policy for advert consent applications and the proposed development has been assessed against this policy. Adverts and signage are acceptable subject to meeting the criteria set out in ENV8 of the local plan. I would consider the main issues to consider with this application to be the visual impacts of the development upon the character of the area the setting of the nearby Grade II listed buildings. Public safety is also a consideration.

##### **Visual Impact**

- 8.02 I would consider the proposed signs to be positioned on the east elevation of the building to be highly visible from King Street and Pads Hill. The area and street of King Street comprises of a variety of retail and businesses which have a range of signage and advertisement. Although the two signs are of a larger scale than the majority of signs existing along the street they would in my mind not appear out of character or scale as they would be placed on a large building which has a large

glass frontage which already features some signage. I would consider them to not be of an excessive scale in relation to the size of the building and in my mind would relate well to it. These proposed signs would only partially cover the east elevation and I would therefore consider them to be of an appropriate scale, design and colour to not be detrimental to the host building or the surrounding area. The proposed design and colour scheme would also soften the impact of the signs on the area with the colour and text being most prominent at the top and fading towards the lower end of the proposed signage. These proposed signs are also not proposed to be illuminated and I would therefore consider them not to have a detrimental impact upon the surrounding area or raise any light issues. I would consider the design to be of a good quality that has taken into account both the proposal site and the neighbouring properties and that these two proposed signs would not appear visually intrusive.

I would consider that these two proposed signs positioned on the east elevation of the Gateway building would not cause harm to the street scene or area, nor are they considered to harm the character or setting of the nearby Grade II listed buildings, a view also held by the conservation officer.

The other proposed sign is proposed to be positioned on the link bridge that joins Maidstone House and the Gateway building. I would consider that this sign would be significantly less visible from the surrounding areas compared to the other proposed signs and would be most visible to vehicles and pedestrians using the roof top car park entrance ramp and from certain parts of the nearby Sainsbury's car park. This proposed signage would not be illuminated and would be of a similar style design and matching colours as the other two proposed signs. This proposed signage is of a smaller scale in comparison to the other proposed signs and would also not cover the entire link bridge. I would therefore consider that this proposed sign is also not of an excessive scale that would have a harmful effect upon the host building. I would consider the proposed design, positioning and colour of this proposed sign to be acceptable and that it presents no adverse effects upon the area.

Overall I would consider the proposed adverts to have a minimal visual impact, not causing significant harm to the street scene or area, nor would they harm the character or setting of the nearby Grade II listed buildings and would not be contrary to policy ENV8 of the local plan or paragraph 67 of the NPPF and therefore be acceptable.

### **Residential Amenity**

- 8.03 The proposal would have no harmful impact on residential amenity.

### **Highways and Public Safety**

- 8.04 It is considered that the proposed signage would not have a detrimental impact upon highway or public safety as the signage is not proposed to be illuminated and would not result in a distraction to drivers. This view is also shared by KCC Highways and Transportation.

### **Other Matters**

- 8.06 Consent is sought for a period of 8 years (the standard being 5 years). Given that the proposed signage would not have an adverse impact upon the surrounding area or street scene I would consider a period of 8 years to be acceptable.

## **9.0 CONCLUSION**

9.01 For the above reasons it is recommended that advertisement consent is granted subject to the following conditions.

## **10.0 RECOMMENDATION – GRANT** Subject to the following conditions

**CONDITIONS** to include

1.

(i) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

(ii) No advertisement shall be sited or displayed so as to-

(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

(iii) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

(iv) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

(v) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: In accordance with the provisions of Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: 1. Main Business Terrace Graphic, 2. Aim High Graphic, 3. Link Bridge Graphic(s), Business Terrace External Graphics and Location Plan all received 28<sup>th</sup> April 2015.

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers in accordance with policy ENV8 of the Maidstone Borough Wide Local Plan 2000 and the guidance contained within the National Planning Policy Framework 2012.

3.

The advertisement(s) for which consent is hereby granted must be removed in accordance with condition 1 (v) within eight years of the date of this consent;

Reason: In accordance with the provisions of Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

#### INFORMATIVES

Case Officer: James Moysey

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

# Agenda Item 29

## **THE MAIDSTONE BOROUGH COUNCIL** **PLANNING COMMITTEE – 28<sup>th</sup> May 2015**

### **APPEAL DECISIONS:**

**1. 14/502955**

Erection of fencing comprising 1.2m high close boarded fencing with 600mm on top to front/side boundary.

**APPEAL:** Dismissed

23A Cayser Drive  
Kingswood  
Kent  
ME17 3QD

(Delegated)

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**2. 14/505101**

Two storey side extension and single storey rear extension and erection of two metre high fence on boundary

**APPEAL:** Dismissed

23 Shelley Road  
Maidstone  
Kent  
ME16 8NS

(Delegated)

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**3. 14/502990**

Demolition of existing attached out building with proposed two storey rear extension and front porch.

**APPEAL:** Part Allowed and Part Dismissed

25 Cross Keys  
Bearsted  
Kent  
ME14 4HU

(Delegated)

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**4. 14/0830**

Demolition of existing dwelling and the construction of 10 new dwellings including associated garaging.



**APPEAL:** Allowed with conditions

The Oaks  
Maidstone Road  
Sutton Valence  
Maidstone  
Kent  
ME17 3LR

(Delegated)

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**5. 14/500927**

Erection of detached house and associated works

**APPEAL:** Allowed with Conditions

Land Adjacent To Fancy Cottages And Claymore  
Thurnham Lane  
Thurnham  
Kent  
ME14 4PL

(Delegated)

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